

BEYOND INEQUALITIES 2005

Women
in Malawi

WOMEN AND LAW IN SOUTHERN AFRICA
RESEARCH AND EDUCATION TRUST (WLSA Malawi)
Private Bag 534, Limbe, Malawi
Tel 265-1-641534 Fax 265-1-641538
Email wlsamalawi@sdpn.org.mw wlsamalawi@hotmail.com

SOUTHERN AFRICAN RESEARCH AND DOCUMENTATION CENTRE (SARDC)
Women In Development Southern Africa Awareness (WIDSAA) Programme
P.O. Box 5690, Harare, Zimbabwe
Tel 263-4-791141/3 Fax: 263-4-791271
Email widsaa@sardc.net sardc@sardc.net sardc@maputo.sardc.net
Website <http://www.sardc.net>

© WLSA Malawi, SARDC, 2005
© Boxes, Tables, Figures, Maps as specified

ISBN 1-77910-024-8

This profile may be reproduced, used and shared, with full acknowledgement of the co-publishers and authors.

Citation: WLSA Malawi and SARDC WIDSAA, *Beyond Inequalities 2005: Women in Malawi*, WLSA/SARDC, Limbe and Harare, 2005.

Available in Book form in English and at SARDC website Virtual Library www.sardc.net

Cover Design	Paul Wade and Tonely Ngwenya
Text Design	Tonely Ngwenya
Layout/DTP	Tonely Ngwenya, Arnoldina Chironda
Origination/Print	

BEYOND INEQUALITIES 2005

Women in Malawi

A profile of Women in Malawi
produced by
Women and Law in Southern Africa Research and Education Trust (WLSA Malawi)
and the
Women in Development Southern Africa Awareness (WIDSAA) Programme
of the
Southern African Research and Documentation Centre (SARDC)

Written by
Seodi White, Tinyade Kachika and Maggie Chipasula Banda

With a contribution by
Naomi Ngwira

WIDSAA is a southern African partnership initiative with national partners in member countries of the Southern African Development Community (SADC). Production of this profile was funded by the Southern Africa Regional Office of the Humanist Institute for Co-operation with Developing Countries (HIVOS).

Women in Development Southern Africa Awareness (WIDSAA)
a programme of the
Southern African Research and Documentation Centre (SARDC)

WIDSAA Programme Staff

Pamela Mhlanga, Head of Programme
Barbara Lopi, Project Manager/Editor and Deputy Head of Programme
Priscilla Mng'anya, Senior Researcher/Writer
Petronella Mugoni, Programme Assistant/Researcher
Washington Midzi, Research Assistant
Chenai Mufanawejingo, Documentalist
Tendai Gandanzara, Project Accountant

WIDSAA Reviewers

Pamela Mhlanga
Barbara Lopi
Priscilla Mng'anya

Series Editor

Alice Kwaramba

Gender Reference Group

Elsie Alexander, Sociology Lecturer, University of Botswana
Bookie M Kethusegile-Juru, Gender Technical Advisor at the SADC Secretariat,
Botswana
Susan Nkomo, Chief Executive Officer, Office on the Status of Women,
South Africa
Nomboniso Gasa, Researcher/Consultant, South Africa
Thembayena Dlamini, Consultant/Gender Specialist, Swaziland
Terezinha da Silva, Gender Consultant and Chairperson of Forum Mulher,
Mozambique
Professor Ruth Meena, Gender Consultant, Tanzania
Pamela Mhlanga, WIDSAA Head of Programme
Barbara Lopi, WIDSAA Deputy Head of Programme
Suzanna Gemo, Projects Manager, SARDC Mozambique

PREFACE

Beyond Inequalities, a series of publications profiling the status of women in southern Africa, has played a significant role in contributing to knowledge on the role of men and women in development in the region, and the efforts being made at mainstreaming gender equality concerns at all levels. The first set of profiles, presenting the situation of men and women in 12 SADC countries, were published between 1998 and 2000. This new *Beyond Inequalities* series is an update on the status of women, in the context of the dynamic changes, new challenges, setbacks and opportunities that have occurred in the last few years, particularly since publication of the first series.

The analysis of the status of women in SADC is located within some important frameworks, chief amongst them being the Beijing Declaration and Platform for Action (BDPFA), resulting from the United Nations Fourth World Conference on Women held in Beijing, China, and the 1997 SADC Declaration on Gender and Development, including the 1998 Addendum on the Prevention and Eradication of Violence Against Women and Children. The region has experienced rapid socio-economic and political shifts, and the focus is increasingly geared towards ensuring that the region accelerates efforts towards economic emancipation. Thus, key developments such as the New Partnership for Africa's Development (NEPAD), and the Millennium Development Goals (MDGs) in particular, identify new benchmarks and targets for governments to achieve in order to realise human development and, by extension, equality of opportunities and outcomes for all.

This is a significant time in southern Africa and beyond, in that it is the end of the decade for achieving women's full equality in line with the BDPFA. The milestones can be identified in the region's response to the challenges of policy, institutional and legislative developments. Twelve SADC member states now have gender/women's empowerment policies in place; Swaziland and Mozambique's policy development processes are at an advanced stage. All countries identified critical areas of concern from the BDPFA, and it is significant that a majority identified issues of women's health (later including HIV and AIDS), economic empowerment and education as key areas for targeted action. In the political arena, there is a slow but upward trend of women occupying seats of power in SADC, particularly in politics, where representation in the legislatures rose from an average of 17 percent to almost 20 percent in the last five years and continues to rise toward SADC's 30 percent target. This target has been surpassed in some countries, notably South Africa where 43 percent of the cabinet are women.

There have been advances in legislation, particularly on issues of sexual and domestic violence, with some countries widening the definition of rape to include marital rape, and tightening remedies for survivors of domestic violence to include removal of the abuser from the home. All SADC countries have now ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and all have adopted, but few have ratified, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Institutional structures such as gender/women's ministries, departments, units, and gender desks, were put in place or their mandates



WLSA

Women and Law in Southern Africa Research and Education Trust (WLSA) is an action-oriented research organisation founded by women lawyers and social scientists in 1987. WLSA has offices in seven countries of southern Africa: Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe, with a regional office in Lusaka, Zambia. The main objective of WLSA is to conduct research that supports action to improve the socio-legal position of women by educating women about their legal and human rights; providing legal advice; questioning and challenging the law as well as instigating campaigning for changes in law. WLSA Malawi was established as part of the WLSA regional family in 1998, and has engaged in various programmes to improve the socio-legal status of women in Malawi.

SARDC

The Southern African Research and Documentation Centre (SARDC) is an independent regional information resource centre which seeks to enhance the effectiveness of key development processes in the SADC region through the collection, production and dissemination of information, and enabling the capacity to generate and use information. SARDC has five main areas of focus which are pursued by specialist departments for environment and water resources, gender, democracy and governance, regional economic development, and human development. SARDC has offices in Harare and Maputo and partners in all SADC member states. Founding Patron was the late Mwalimu Julius Nyerere.

expanded to take on the challenge of implementing the ambitious plans to achieve full equality between men and women, and in particular women's empowerment. The SADC Gender Unit, by virtue of the restructuring exercise of the institution, has also been integrated into the Department of Strategic Planning, Gender and Policy Harmonisation to ensure that it continues to play a pivotal role in facilitating gender mainstreaming. Most of these structures, however, are inadequately resourced and skilled, and thus remain relatively weak and unable to implement gender policies and plans adequately; this has largely limited the effectiveness of post-Beijing plans and initiatives. Gender and/or women's empowerment groups continue to play a role in bridging this implementation divide, and are influential in the policy and programmatic arenas, although they face their own challenges.

Whilst milestones have been achieved, there have been setbacks, and new issues have emerged. Some of the greatest threats to human, and in particular women's development, are HIV and AIDS and other communicable diseases such as malaria and tuberculosis. There are an estimated 14 million HIV-infected people in the SADC region, representing approximately 37 percent of the global total; women and girls being the hardest hit as both the infected and affected. The pandemic has placed a heavy toll on women's labour through increased unpaid care work, as well as further compromising their sexuality rights by virtue of the imbalance of power intersecting with negative cultural beliefs and practices socially, and in intimate relationships. The current *Beyond Inequalities* series seeks to highlight some of these issues, and women's coping mechanisms, as well as government and other stakeholder responses.

Although there is now an acknowledgment that HIV and AIDS is a development challenge, the gender dimension and links to human rights remain a challenge. The SADC Declaration on HIV and AIDS adopted in July 2003, places a premium on increasing access to treatment and awareness, and, to some extent recognises gender as a key variable. Resource allocation to address the multi-dimensional nature of the pandemic remains weak in most countries and very few countries in SADC are close to reaching the target of universal access to treatment, though some have targeted programmes for pregnant women to prevent parent-to-child transmission.

Poverty remains high, with 40 percent of the population in SADC living in extreme poverty. The SADC Executive Secretary recently observed that poverty reduction strategies employed by governments in the region are trailing behind in terms of meeting the benchmarks set by the MDGs to halve poverty by 2015. In fact, SADC economies have generally experienced slow growth in recent years, with few exceptions. The average growth rate of 3.23 percent in 2002 falls below half of the seven percent target growth rate set in the MDGs, if poverty and other development indicators are to be effectively addressed in the next few years. A compromised economic outlook and high poverty hits the most vulnerable hardest, in this case women and children, with a corresponding negative impact on their ability to meet their most basic needs. Ten years after the Beijing Conference, poverty remains one of the biggest challenges in the region.

The *Beyond Inequalities* series has been updated based on the conviction (highlighted in the last series) that information is a strategic resource for socio-economic development. Information can catalyse

development, and unless the players have access to reliable information on the complexities and nature of gender relations and how they intersect with development, effective response and the process of positive change will remain slow, and ineffective. The profiles thus identify issues, challenges, limitations and opportunities for accelerating the pace to achieve gender equality in SADC, through identifying the roles of men and women and their relationship to economic, political and social resources to achieve the highest level of human development.

The series, including this update, was conceptualised and has been implemented by SARDC WIDSAA, in collaboration with partners at national level. WIDSAA aims to contribute to the improvement of the status of women in the SADC region, through awareness-building and collecting, documenting and disseminating relevant, timely, quality and current information to a range of strategic stakeholders. In particular, the information is targeted for policy makers, researchers, media, co-operating partners, development agencies, and the non-governmental sector.

To update this set of *Beyond Inequalities* profiles, a concept paper was developed and shared with partners in SADC countries for comments and critique. The concept paper outlined the rationale and methodology for approaching the updating exercise. This was followed by terms of reference for partner organisations to co-ordinate the research and writing of the profiles, which also included guidelines on style and presentation of the drafts by the researchers.

Each partner organisation identified a multi-disciplinary team of researchers to conduct the work on the profiles. This was coupled with a survey of the previous *Beyond Inequalities* series to determine the nature and extent of access and utilisation, in order to enrich the updating exercise and provide pointers towards a more effective dissemination strategy. The drafts were reviewed by individuals and at annual partners meetings where the researchers presented their initial or working drafts to a group of 25-30 people for critique. This was preceded by a Gender Reference Group meeting to review the drafts and provide guidance on content, methodology and management of the updating exercise.

Partner organisations and researchers held validation workshops with national stakeholders, and some constituted working committees that provided input at various stages of development of the drafts. The methodology for production of the profiles was thus a participatory one, to ensure wide ownership and participation in the process of development and production.

The profiles are all similarly presented in four parts, preceded by an introduction. Part I gives a situational analysis, Part II provides information on achievements and constraints in the context of policies and programmes, and Part III discusses the way forward. Part IV provides references and a bibliography of materials used.

Many challenges lie ahead. Ten years of working on achieving gender equality after Beijing has produced mixed results, with a rollback of some gains made. This *Beyond Inequalities* series gives current insights and perspectives on achievements, gaps and the way forward, as well as areas where opportunities can be found for revitalising processes or finding new direction. The focus of the next decade is on delivery of policies and programmes, and the *Beyond Inequalities* series provides information on what has worked and what has not, and what can be strengthened or abandoned as gender activists in SADC shape an agenda for the future.

WIDSAA

Women In Development Southern Africa Awareness (WIDSAA) is the gender programme of SARDC. The programme was established in 1994 to serve as a catalyst and information service to the SADC region's governments, parliaments, NGOs and agencies, the media and the public in the formulation of policy affecting women. WIDSAA's objective is that SADC women are empowered and advanced, and that all structures are engendered to facilitate gender equality and equity.

HIVOS

The Humanist Institute for Co-operation with Developing Countries (HIVOS) is a Dutch non-governmental organisation, which operates on the basis of humanistic values. Hivos aims to contribute towards a free, just, and sustainable world. The organisation is committed to the poor and marginalised and to organisations with similar interests in countries in the South, including Africa, central Asia and southeast Europe. Sustainable improvement of their situation is the ultimate benchmark for Hivos work. An important cornerstone is strengthening of the position of women in society.

Malawi National Gender Policy 2000-2005

Box 1

Principle

Sustainable economic and social development of the country requires full and equal participation of women, men, girls and boys.

Goal

To mainstream gender in the national development process so as to enhance the participation of women and men, girls and boys for sustainable development and poverty eradication.

Objectives

- To review and revise development policies, programmes and laws to make them gender-responsive.
- To ensure, the participation of both women and men at all stages of the development process.
- To promote and facilitate equal access to and control over productive resources, services and opportunities.
- To redress imbalances that arise from existing gender inequalities including traditional, cultural and social attitudes that hinder equal participation of women and men in development and put women in subordinate positions.

Priority areas

Education and training To lobby for the provision of equal access and quality education to all school age children.

Poverty eradication and economic empowerment To advocate for the creation of a favourable environment for equal employment opportunities and benefits for women, men, boys and girls.

Reproductive health To advocate for equal access to reproductive health and other health education programmes by women and men, girls and boys.

Good governance and human rights To lobby for the creation of a conducive policy and legal environment for men and women of Malawi to enjoy their human and legal rights.

Natural resources and environmental management To lobby for provision of safe, sufficient and portable water.

Food and nutrition security To advocate for increased food and nutrient intake by women and children to reduce the major nutritional disorders prevalent in the country.

Gender budgeting The government of Malawi promotes mainstreaming of gender into national budgetary process and makes adequate budgetary allocations for all aspects of the National Gender Policy within the available national resources. National budgets shall be examined for gender sensitivity and for estimating budgetary expenditures going towards priority areas as they affect women and men.

Implementation

Coordinating body Ministry of Gender, Child Welfare and Community Services

Other stakeholders Government ministries and agencies, including NGO community, community based organisations (CBOs), civil society, private sector, and donors communities.

SOURCE Government of Malawi, *The National Gender Policy, 2000-2005*

CONTENTS

PREFACE	v
CONTENTS	ix
List of Tables, Figures and Boxes	xi
ACKNOWLEDGEMENTS	xii
ACRONYMS	xiii
MALAWI DEVELOPMENT INDICATORS	xv
MAP of MALAWI	xvi
INTRODUCTION	1
Objectives	1
Methodology	1
Theoretical perspectives	1
Data collection	2
Outline	2
PART 1 SITUATION ANALYSIS	3
Introduction	3
Gender milestones	3
International instruments	4
Regional agreements	5
National approach	5
Macroeconomic Structure	6
Structural Adjustment Programmes (SAPs)	6
Malawi Poverty Reduction Strategy Paper	7
Malawi Economic Growth Strategies	9
Women in the informal sector/unemployment	10
International economic policies and instruments	11
Corruption	11
Taxation	12
Priority Areas for Malawi	12
Malawi National Platform for Action	12
National Gender Policy	12
Malawi Poverty Reduction Strategy	13
Political and Decision-making Power	13
Representation of women in elections	13
Gender representation in Parliament in 2004	14
Representation of women in cabinet	16
Women in other key decision-making positions	17
Social Cultural Context	18
Kinship structures	18
Socialisation processes	19
Marriage relations	19
Sexuality and social control	20
Education and Technology	20
Dropouts and teenage pregnancies	20
Access to education by rural residents	21
Science and technology	22
Vocational training	23
Teacher training	23
Education for the disabled	24
Adult education	24
Gender and the Media	25
Access to and control over the media	25
Women's image in the media	25
Food Security and Nutrition	26
Nutrition, micronutrients and food security	26
Gender and Health	27



Reproductive health	28
HIV and AIDS	29
Environment	30
Housing	30
Water and sanitation	32
Electricity and other sources of energy	33
Laws and Legal Reform	33
Marriage and the Constitution	34
Types of marriage	35
Divorce	36
Property rights in marriage	36
Citizenship laws	36
Maintenance	37
Inheritance and succession	38
Employment laws	39
Sexual offences	40
PART II POLICIES AND PROGRAMMES	43
National Gender Policy	43
Gender Policy goal, objectives and guiding principles	44
Challenges faced by the Policy	45
The Politics of a state institution formulating Gender Equity Policy	45
Conceptualisations of gender within the Policy	45
National HIV and AIDS Policy	46
Promotion of HIV and AIDS prevention, treatment, care and support	47
Protection, participation and empowerment of vulnerable populations	48
Traditional and religious practices and services	48
Proposals for legislative reform	49
National Land Policy	49
Housing Policy	49
Violence Against Women	50
National strategy to combat gender-based violence	50
Programmes to implement the strategy	50
Malawi Poverty Reduction Strategy	51
National Gender Programme	52
Other National Programmes	53
Gender training	53
Gender research	53
Gender units/Focal points	53
Co-ordination mechanisms	54
Development Assistance Group on Gender	54
CEDAW Working Group 2001	55
Legal Reform Programme	55
Special Law Commission on Gender-related Laws	55
Women and the Administration of Justice	55
Legal Aid services	55
Access to courts and justice	56
PART III The Way Forward	59
Macroeconomic Structure	59
Politics and Decision-making	60
Education and Training	61
Health Care, HIV and AIDS	61
Legal Reform	61
Gender Mainstreaming	62
PART IV REFERENCES AND BIBLIOGRAPHY	63
Endnotes	63
Bibliography	64
APPENDIX	
1 SADC Declaration on Gender and Development	67
2 List of partners and contacts in 12 SADC member states	68
3 List of participants in the stakeholder workshop 11-12 May 2004	69



List of Tables, Figures and Boxes

Tables

1	Gender Representation in Parliament by Region in 2002	14
2	Gender Representation in Parliament by Political Parties, 2004	14
3	Gender Composition in Parliamentary Committees, 2002	15
4	Composition of Political Leadership Positions in 1997, 2002 and 2004	17
5	Total Employees in Government from Grade P5/S5 to P1 in relation to Female Employees at Each Grade, June 2002	17
6	Women in Other Key Decision-making Positions, 2002	17
7	Teacher Enrolment in the Six Colleges, 2000	23
8	Recruitment in Secondary School Teacher Education Project by Gender, 2001	23
9	Nutrition Indicators for Adult Women and Men	27

Figures

1	Women's Representation in Parliament in 1994, 1999, 2004	13
2	Women Councillors Elected in 2000	13
3	Adult Literacy Education	24
4	Representation of Women in Media	25
5	Media Sources of Information	26

Boxes

1	Malawi National Gender Policy 2000-2005	viii
2	Section 24 of the Malawi Constitution	4
3	Millennium Development Goals	8
4	Six critical areas of concern for SADC	12
5	Twelve critical areas under Beijing Declaration and Platform for Action	12
6	Challenges to accessing parliamentary positions	16
7	Malawi's youngest female MP urges youths to take up leadership in politics	18
8	Thirty percent women representation flops	18
9	The benefits of involving women in water management projects	32
10	Joyce Z Mpando vs William Mpando	34
11	Florence Ganert Nanyanga vs Arthur Nanyanga and Ellen Nampinga	35
12	CEDAW provisions	42

ACKNOWLEDGEMENTS

SARDC WIDSAA would like to thank all of our national partners and members of the Gender Reference Group (GRG) for their active participation in a continuing process to provide accessible and current information on gender equality, and the challenges and opportunities in realising women's empowerment in southern Africa. We also want to thank readers and reviewers at national and regional levels, who gave constructive comments on the content and production of the profile. Names of partner organisations in each country are listed in Appendix 1. In all, approximately 25 researchers participated in the production of the updated profiles for Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. More than 30 people reviewed the drafts.

We are grateful to the Humanist Institute for Co-operation with Developing Countries (HIVOS) for its financial contribution towards this project's realisation. Particular recognition goes to Corina Straatsma, the Director of the Southern Africa Regional Office of HIVOS for accepting to fund the proposal to produce national gender profiles under the *Beyond Inequalities* series. Special thanks go to the SARDC Executive Director, Phyllis Johnson, and the Deputy Director, Munetsi Madakufamba, who supported the process throughout. To our colleagues in other SARDC departments, Tafadzwa Ngoro, Clever Mafuta, Charles Hakata, Chipu Muvezwa, Dambuzo Jambwa, Suzanna Gemo and their staff who assisted in so many ways, we are grateful that you contributed to ensure that the job undertaken to produce this profile was well done.

Most of all, recognition goes to our partner organisation in Malawi, Women and Law in Southern Africa Research and Education Trust (WLSA Malawi); without them this enormous task would not have been accomplished. All those who have not been named, but were involved in the process in any way, at any time, are gratefully acknowledged.

SARDC WIDSAA Team, Harare

WLSA Malawi would like to thank all those who provided critical information, which formed the basis of this study. In particular, we would like to thank Dr Naomi Ngwira for her valuable input regarding the macro-economic section. We would also like to thank all those who attended the consultative workshop held in May 2004, and made valuable input into the second draft of this report. Their names are in the annex to this document.

We would like to acknowledge the UK Department for International Development (DFID) for supporting this workshop.

We would also like to thank our sisters in the SADC region for their valuable support during the regional workshops held to direct the process of this study.

Thanks also to SARDC WIDSAA for giving us the opportunity to be part of this important process which we believe will help in the goal of making women's realities in southern Africa visible, and addressing that reality. Finally, we continue to get valuable support from the love of our families, who encourage us despite our many days away from home. Thank you.

Seodi White, Tinyade Kachika and Maggie Chipasula Banda
August 2004

ACRONYMS

ACHPR	African Charter on Human and Peoples Rights
ADMARC	Agricultural Development and Marketing Corporation
AFEWO	Association For the Empowerment of Women
AFORD	Alliance for Democracy
AGOA	Africa Growth and Opportunities Act
AIDS	Acquired Immune Deficiency Syndrome
ART	Antiretroviral Treatment
ALDSAP	Agriculture and Livestock Development Strategy and Action Plan
ASDR	Age Specific Death Rates
AOA	Agreement on Agriculture
AU	African Union
BDPFA	Beijing Declaration and Platform For Action
BLM	Banja La Mtsogolo Clinic
CARD	Convention Against Racial Discrimination
CARER	Centre for Advice, Research and Education on Rights
CBI	Cross Border Initiatives
CBO	Community Based Organisation
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CHRR	Centre for Human Rights and Rehabilitation
CIDA	Canadian International Development Agency
CILIC	Civil Liberties Committee
COMESA	Common Market for Eastern and Southern Africa
CONU	Congress for National Unity
CRC	Convention on the Rights of the Child
DANIDA	Danish International Development Agency
DCHR	Danish Centre for Human Rights
DFID	Department For International Development
DRC	Democratic Republic of Congo
eHIPIC	Enhanced Highly Indebted Poor Countries
EPA	European Union Cotonou Economic Partnership Agreements
EU	European Union
FEDOMA	Federation of Disability Organisations in Malawi
GABLE	Girls Attainment of Basic Literacy Education
GAD	Gender and Development
GATS	General Agreement on Trade in Services (GATS)
GDP	Gross Domestic Product
GTZ	German Technical Co-operation
GoM	Government of Malawi
HIV	Human Immunodeficiency Virus
HIVOs	Humanist Institute for Co-operation with Developing Countries
ICESCR	International Covenant on Economic, Social and Cultural Rights
IEC	Information, Education and Communication
IHS	Integrated Household Survey
ICCPR	International Covenant on Civil and Political Rights
IPRAD	Institute for Policy, Research and Dialogue
MACOHA	Malawi Council for the Handicapped
MAFUNDE	Malawi Forum for Unity and Development
MASAF	Malawi Social Action Fund
MBC	Malawi Broadcasting Corporation
MCP	Malawi Congress Party
MDGs	Millennium Development Goals
MDHS	Malawi Demographic and Health Survey
MDP	Malawi Democratic Party
MEGS	Malawi Economic Growth Strategies



MGTT	Malawi Gender Training Team
MGODE	Movement for Genuine Democracy
MHC	Malawi Housing Corporation
MHRRRC	Malawi Human Rights Resource Centre
MISA	Media Institute for Southern Africa
MMR	Maternal Mortality Rate
MNPFA	Malawi National Platform for Action
MOESC	Ministry of Education, Science and Technology
MOF	Ministry of Finance
MOGCCS	Ministry of Gender, Child Welfare and Community Services
MOGCS	Ministry of Gender and Community Services
MOH	Ministry of Housing
MP	Member of Parliament
MPRS	Malawi Poverty Reduction Strategy
MPRSP	Malawi Poverty Reduction Strategy Paper
MRFC	Malawi Rural Finance Company
NABW	National Association of Business Women
NABV	Network Against Gender-based Violence
NAC	National AIDS Commission
NAMISA	National Media Institute of Southern Africa (Malawi Chapter)
NCD	New Congress for Democracy
NDA	National Democratic Alliance
NDI	National Democratic Institute
NEC	National Economic Council
NEPAD	New Partnership for Africa's Development
NGP	National Gender Policy
NGO	Non-Governmental Organisation
NORAD	Norwegian Agency for Development Co-operation
NSM	National Solidarity Movement
NSO	National Statistical Office
NU	National Unity Party
PACENET	Pan African Civic Education Network
PETRA	Peoples Transformation Party
PFP	Pamodzi Freedom Party
PPEs	Pro Poor Expenditures
PPM	Peoples Progressive Movement
PMTCT	Prevention of Mother To Child Transmission
PRGF	Poverty Reduction and Growth Facility
RP	Republican Party
SADC	Southern African Development Community
SAPs	Structural Adjustment Programmes
SARDC	Southern African Research and Documentation Centre
SAW	Society for the Advancement of Women
SCGA	Strategic Country Gender Assessment
SSTEP	Secondary School Teacher Education Project
STI's	Sexual Transmitted Infections
UDF	United Democratic Front
DHR	Universal Declaration on Human Rights
UNAIDS	Joint United Nations Programme on HIV and AIDS
UNDAF	United Nations Development Framework
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNGCU	United Nations Gender Coordinating Unit
UNIMA	University of Malawi
WCI	Women Campaign International
WID	Women in Development
WIDSAA	Women In Development Southern Africa Awareness Programme
WIPAM	Women in Partnership Against HIV/AIDS in Malawi
WLSA	Women and Law in Southern Africa Research and Education Trust
WTO	World Trade Organisation

MALAWI DEVELOPMENT INDICATORS

Official Name	Republic of Malawi
Capital city	Lilongwe
Independence Date	6 July 1964
Head of State and Government	Dr Bingu wa Mutharika
Last Election Held	20 May 2004
Ruling party	United Democratic Front
Government type	Multi-party Parliamentary Democracy
Legislature	National Assembly
Languages	English, chiChewa, chiNyanja
Land Area	Total 118,480 sq km Water 24,400 sq km Land 94,080 sq km
POPULATION (2003)	
Total	11.5 million Women 52% Men 48%
Density	97 people/sq km
Population growth rate	2.21%
Birth rate	44.7 births/1,000 population
Death rate	22.64 deaths/1,000 population
Urbanisation	15% (2002)
HEALTH (2003)	
Life expectancy at birth	Total population 39 years (2002) Women 39.8 years Men 39.2 years
Crude death rate	21.1
Crude birth rate	50.13
Total fertility rate	6.1 children born/woman
Infant mortality rate	104 per 1000 births (2002)
Maternal Mortality Rate	1120/100,000 births (2002)
Population with access to clean water	48%
EDUCATION	
Literacy rate	58% (2002)
Adult literacy rate	(rural areas) Women 47%, Men 61% (2002) (urban areas) Women 75%, Men 83% (2002)
Primary and Secondary enrolments ratio	50:50 (2002)
ECONOMY (2003)	
Gross National Product	US\$1.78 billion
per capita	US\$170
Gross Domestic Product	\$2.277 billion
GDP – composition by sector	Agriculture 40% (2004) Industry 16% (2004) Services 47% (2004)
Average annual rate of inflation	12.8%
Foreign debt	2.47 billion (2002)
Currency (1 kwacha= 100 tambala)	K87.3= US\$1 (2002)

Note: All statistics are for 2003 unless otherwise specified.

SOURCES Government of Malawi, MGCS, *Progress on the Beijing +10 Report*, Lilongwe, 2004
Government of Malawi, National Statistics Office (NSO), 1998
www.sadc.int



INTRODUCTION

The first profile on the status of women in Malawi was produced in 1997 by the University of Malawi (UNIMA) and SARDC WID-SAA, as part of the first series of *Beyond Inequalities*, which documented the status of women in southern Africa and the initiatives being made to mainstream gender and development processes in the region. That profile took stock of the developments in Malawi regarding the status of women prior to 1997. This current profile updates the first book on *Beyond Inequalities: Women in Malawi*. It profiles the status of women in Malawi from 1997 to 2004 and records the extent to which practical and adequate steps are being taken in all development sectors. The profile examines how Malawi is fulfilling its commitments under the Beijing + 5 framework, the SADC Declaration on Gender and Development signed by SADC Heads of State and Government in 1997, and its Addendum on the Prevention and Eradication of Violence Against Women and Children signed in 1998, as well as the UN Millennium Development Goals (MDGs) adopted in 2000.

Objectives

The broader aim of this profile is to contribute to the improvement of the status and position of women in the SADC region. The specific objectives include:

- ◆ To review any progress and retrogression in the status of women in Malawi between 1997 and 2004.
- ◆ To document qualitative and quantitative current data on women's empowerment in Malawi.
- ◆ To analyse the impact of various initiatives, programmes and policies aimed at improving the status of women in Malawi.
- ◆ To raise awareness of current gender and women's empowerment concerns and issues in Malawi.
- ◆ To create dependable information resource on the status of women in Malawi for all development sectors in the country.

The profile analyses gender mainstreaming efforts in Malawi through relevant initiatives, programmes, and policies from 1997 to 2004. This is achieved by examining all contexts within which women operate – including social, economic, legal and political. The profile provides an omnibus review of the status of women, making it relevant to all development sectors in the country.

Methodology

The updating exercise was conducted between September 2003 and June 2004, and adopted specific theoretical perspectives and data collection methods.

Theoretical perspectives

The researchers were mainly guided by the theoretical tool of Gender and Development (GAD). This approach deals with the power relations between men and women, and how these affect social realities. The approach was adopted in order to understand the responsiveness of various development agendas in the country to the improvement of the status of women, in comparison to that of men. Using this perspec-



tive ensured a consistent and systematic use of gender-disaggregated information across all sections in the profile.

Further, the GAD approach is applied from the women's empowerment perspective; where the experiences and situation of women is the centre of analysis. This helped in reflecting on women's own life situations and values, as documented in various research documents, reports and media publications.

Data collection

Data in this profile was collected through a desk study and a workshop for stakeholders across all sectors. The workshop was organised to provide stakeholders with an opportunity to make an input into the second draft, and take ownership of the ultimate product.

Outline

This profile is divided into three main parts that analyse the progress that has been made in improving the status of women in Malawi.

Part I gives the background to the study, the historical context of the country and situational analysis, from a gendered perspective, of the following issues: macroeconomic structure; politics and decision-making; laws and legal reform; education and technology; socio-cultural context; health and gender; media and gender and corruption.

Part II analyses the gendered impact of various policies and programmes, which have been introduced in Malawi between 1998 and 2004. In particular, at policy level, this part analyses the National Platform for Action; the National Gender Policy; the Poverty Reduction Strategy; and the National AIDS Policy. At programme level, Part II analyses various programmes that are being implemented on violence against women, including The National Strategy to Combat Gender-based Violence in the country. The profile also discusses the National Gender Programme and other gender programmes carried out by the government, development partners and the NGO sector.

Part III contains recommendations on how the various gaps identified can be addressed.

PART I

SITUATION ANALYSIS

INTRODUCTION

Malawi is a small landlocked country just south of the Equator in Africa, bordered by Zambia, Mozambique, and Tanzania. The country is 901 kms long and varies in width from 80 to 161 kms. The total area is 118,484 sq kms, of which 79.6 percent is land mass. Lake Malawi occupies almost 20 percent of the country's total area. Malawi has three administrative regions (Southern, Central and Northern), and 28 administrative districts. In 2003, the population of Malawi was estimated at 11.5 million, with 52 percent being women. Population estimates may not be quite accurate due to the mortality rate of the Acquired Immune Deficiency Syndrome (AIDS), which is among the highest in the world.

Malawi gained independence in 1964 under the leadership of Dr Hastings Kamuzu Banda, after several decades of British colonial administration. Malawians voted for a multi-party system of government in a referendum in 1993, and became a democracy in 1994, when the first multi-party elections were held. The second multi-party elections were held in 1999. The leader of the United Democratic Front (UDF), Dr Bakili Muluzi, was elected President in both elections and served two terms. In the third multi-party elections held in May 2004, Dr Bingu wa Mutharika, was elected president, also on a UDF ticket. The first local government elections under the multi-party system were held in 2000. As indicated in Section 5 of this Part, all elections bore stark testimony to the gender inequalities

that exist at all levels of Malawian society.

Following the introduction of multi-party politics in 1994, a new Constitution was approved in 1995, which, for the first time in Malawi's history, enshrines an operational Bill of Rights. The Bill of Rights in the 1995 Constitution guarantees rights for women, providing them with the much needed legal framework. However, at the same time, it is noted that the Constitution does not adequately protect women in respect of inheritance matters, and the distribution of property upon divorce.

Gender milestones

Among the gender milestones reached since 1997 are the formulation and passing of the National Gender Policy (2000-2005); the development of the Malawi National Strategy to Combat Gender-based Violence (2001); the formulation of the Special Law Commission on Gender-related Laws (2001); and the establishment of the NGO Gender Co-ordinating Network (1998).

There have also been pronounced efforts to enact gender-responsive legislation. Examples include the ongoing processes to review the Wills and Inheritance Act and to enact the Prevention of Domestic Violence legislation. Further, since 1999, the country has witnessed the engendering of the police system through the establishment of Victim Support Units throughout Malawi. At NGO level, the establishment of Women and Law in Southern Africa Research and Education



Section 24 of the Malawi Constitution

Box 2

- 1) Women have the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status, which includes the right:
 - a) to be accorded the same rights as men in civil law, including the capacity:
 - ♦ to enter into contracts;
 - ♦ to acquire and maintain rights in property, independently, or in association with others, regardless of their marital status;
 - ♦ to acquire and retain custody, guardianship and care of children and to have an equal right in the making of decisions that affect their upbringing; and
 - ♦ to acquire and retain citizenship and nationality.
 - b) on the dissolution of marriage:
 - ♦ to a fair disposition of property that is held jointly with a husband;
 - ♦ to fair maintenance, taking into consideration all the circumstances and, in particular, the means of the former husband and the needs of any children.
- 2) Any law that discriminates against women on the basis of gender or marital status shall be invalid, and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as:
 - a) sexual abuse, harassment and violence;
 - b) discrimination in work, business, and public affairs;
 - c) deprivation of property, including property obtained by inheritance.

SOURCE Government of Malawi, *The Constitution of The Republic of Malawi*, 1995

Trust (WLSA-Malawi) in 1998 has added value to the various interventions aimed at the protection of women's rights in the country, supporting already existing women's organisations such as The Society for the Advancement of Women (SAW) and Women's Voice.

However, despite this remarkable progress, a recent Strategic Country Gender Assessment¹ indicates that the government has, largely, failed to respond to the needs of women and children. Indicators include high infant and maternal mortality rates and the low literacy and educational attainment rates for women. The high illiteracy rate for women aged 15 years and

over adds to the political and economic malaise of women in Malawi.²

The inadequate response to the needs of women is also reflected through experiences of WLSA-Malawi and other human rights NGOs. These indicate that over the years, the responsiveness of various structures of government to issues that largely affect women has not improved much. Such gaps are identifiable through the lack of an effective legal framework to redress prevalent issues such as domestic violence, including property dispossession of widows. Though there are initiatives towards the creation of such frameworks, the bureaucratic bottlenecks involved make it uncertain if the legislation will become operational. Further, since 1998, there has been negligible efforts to improve the status as regards the low representation of women in politics and decision-making structures.

International instruments

With regard to international human rights and development instruments, Malawi has maintained a commendable ratification record. This record can be traced back to the pre-democracy era. Malawi has ratified:

- ♦ Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1987;
- ♦ Convention on the Rights of the Child (CRC) in 1989;
- ♦ African Charter on Human and People's Rights (ACHPR) in 1990;
- ♦ International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1993; and,
- ♦ International Covenant on Civil and Political Rights (ICCPR) in 1993.³

Little effort has been made to implement or abide by the various commitments under these instruments, in principle or in practice, and the instruments are of little relevance to Malawians. CEDAW, considered to be the Bill of Rights for women, was initially ratified with a strong reservation against the principle of equality between men and women in matters of culture. However, this was later withdrawn after condemnation from other states, and after the government felt that mechanisms had been put in place to effectively deal with the reservation.

Worth noting also is the fact that the then government neglected to ratify such conventions and instruments that were perceived to be directly against its interests. These instruments, which were speedily acceded to in the post-Banda era, all in 1996, include:

- ♦ Convention Against Torture and Other Cruel or Degrading Treatment or Punishment;
- ♦ Convention on Political Rights of Women;
- ♦ Convention on the Nationality of Married Women;
- ♦ Optional Protocol to the UN International Covenant on Civil and Political Rights; and,
- ♦ UN International Covenant Against all forms of Discrimination (CARD).

However, there has as yet been no effort by the incumbent government to domesticate these international and regional instruments, leading to negligible application of the instruments by the courts.

Despite this, some progress towards protection of rights can be noted in the adoption of the new Constitution, the establishment of human rights institutions, and

efforts to review/enact laws relevant to the current democratic framework and respect for human rights. These include ongoing efforts to review the Wills and Inheritance Act (through the Gender Commission), and to enact a law against domestic violence (through WLSA and the Ministry of Gender and Community Services).

Regional agreements

Malawi has endorsed the Cairo and the Beijing Platform for Action, and signed the SADC Declaration on Gender and Development (1997) and its Addendum on the Prevention and Eradication of Violence Against Women and Children (1998). Malawi is a member state of a number of international and regional organisations, including the African Union (AU), Southern African Development Community (SADC), Common Market for Eastern and Southern Africa (COMESA), Commonwealth and the United Nations.

National Approach

In terms of its approach to development, in 1997, the government of Malawi moved away from the Women in Development (WID) to the Gender and Development (GAD) approach. This led to the then Ministry of Women, Youth and Community Services being renamed as the Ministry of Gender, Youth and Community Services in 1999.⁴ In 2002, the Ministry was again renamed the Ministry of Gender and Community Services and mandated to spearhead the formulation, implementation, co-ordination, lobbying and advocacy for the mainstreaming of gender into all development policies, programmes, projects and activities.⁵

The economy is largely agrarian...

The government adopted the National Gender Policy in 2000, and has continued to spearhead the implementation of various programmes, including:

- ♦ advancement of women and gender equality;
- ♦ gender, population and development;
- ♦ economic activities;
- ♦ community nutrition; and,
- ♦ girls' attainment in basic literacy and education.⁶

This profile reflects on the benefits, if any, that women in Malawi have derived from these various historical progressions.

MACROECONOMIC STRUCTURE

This section examines the structure, policies and performance of the economy and how these have impacted on women in Malawi since 1997. It reviews the primary modes through which impact is made. These include the economic sectors and production activities that women are involved in, the level of returns they get from those activities (wages, prices and profits), and the range and quality of goods and services provided by the government and the private sector.

The economy is largely agrarian, contributing about 40 percent of the gross domestic product (GDP). More than 80 percent of the population depends on agriculture for its livelihood, located in the smallholder sector. The majority of women are found in the smallholder agriculture sector that is characterised by low incomes due to low productivity and unfavourable input/output price ratios. The result is that 65.3 percent of the population lives on less than 20 US cents per day and of these, more than 70 percent are women. The major foreign exchange earner is tobacco, followed by tea and sugar. There

has been a shift in the economy away from the production sector to a growing distribution sector. This has been due mainly to the incentives that have been created by interest rates and inflation, and hence investment opportunities.

Between 1998 and 2003, Malawi's macroeconomic variables have not been stable, largely owing to fiscal indiscipline. There has been increasing inflation and rising interest rates. The latter has now fallen to about 25 percent from an all time high of 75.56 percent in 2001.⁷ Due to the high interest rates and inflation, plus the policy of liberalization of trade and the foreign exchange market, people have found it more rewarding to engage in trading activities, causing a shift in the economy from production to distribution.

Structural Adjustment Programmes

Structural Adjustment Programmes (SAPs) refers to institutional reform, which encompass both stabilisation and adjustment measures. Adjustment includes efforts to promote export production and the reform of price policies to increase efficiency and output. The policies were based on the broad principles of the neo-classical economics orthodoxy called the Washington Consensus, referring to the World Bank and International Monetary Fund (IMF). Under this framework, "rolling back the state" and "unleashing the markets" were the key phrases of the reform agenda. A central principle of SAPs is to restructure the economy according to market principles by allowing production and trade to proceed with as little government regulation and interference as possible. One component of SAPs is privatisation, which

entails the transfer of state-owned enterprises and assets from the state to the private sector and this is the key policy of structural adjustment.

Between 1997 and 2002, the Malawi government undertook various policy reforms under the framework of SAPs that began in 1981. Among the reforms that have been implemented are macroeconomic stabilisation programmes aimed at reducing fiscal deficits and instituting a treasury bill market (which was later scaled down). Private sector development policies included the reduction of import tariff rates, establishment of export processing zones, floating the exchange rate, initiating the stock exchange, and liberalisation of the banking sector.

There have also been attempts at civil service reform. In the agriculture sector, restrictions on smallholder farmers on growing burley tobacco were removed, input and commodity markets were liberalised, the supply of agricultural credit was commercialised, subsidies on agricultural inputs were removed, and a maize price band replaced a rigid price control. Other reforms were aimed at implementing privatisation of public companies. In the social sector, primary education was made free, the budgetary allocation for education was increased, a social action fund was set up and is being implemented, and a poverty monitoring system was introduced.

Privatisation

Privatisation as implied by SAPs entails the transfer of state-owned enterprises and assets from the state to the private sector. Thus part of the structural adjustment is the privatisation of government-owned companies. A law

was passed in 1996 and a privatisation commission established to carry out the work. Cumulatively, about 100 public enterprises have been privatised through outright sale, concessions and management buyouts, with the aim of raising funds for the treasury, increasing efficiency of the enterprises, increasing competition and reducing monopoly in the economy, and enabling Malawians to participate in private enterprise. However, most Malawians could not raise the capital to buy outright or the shares and there were no specific objectives to help target women to become owners. Among the first group of eight privatisation commissioners, there was only one woman.

The evaluation of the impact of these policies on general economic performance and on women and the poor is negative. The impact includes deepened poverty, especially among women. This is mostly due to the removal of subsidies on production inputs, liberalised marketing of agricultural produce that left the poor in jeopardy, and the initial reduction in social sector spending. It is also due to ineffective public expenditure caused by fraud and corruption, and the recourse by people to costly private-sector provision of health and education services.

Malawi Poverty Reduction Strategy Paper

The IMF and the World Bank in 1999 approved the Poverty Reduction and Growth Facility (PRGF), designed to provide debt relief, and in line with this, Malawi launched the Poverty Reduction Strategy Paper (MPRSP) in April 2002. This is an overarching statement providing a basis for all future activities by the government and provides a guiding tool



for government development partners. Its major goal is to achieve sustainable poverty reduction through socio-economic and political empowerment of the poor. The policy moves away from seeing the poor as helpless victims in need of handouts to brokers of their own destiny.

The programmes and activities of the MPRSP were formulated based ostensibly on the country's poverty profile which shows that 65.3 percent of the population lives below the poverty datum line. The poverty profile uses the head count method and is based on the poverty datum line of a consumption expenditure of Malawi kwacha 10.47 (MK62=1US\$) per day per capita on food and non-food items. Inequality, indexed by a gini coefficient⁸ of 0.40 is a characteristic feature of the poverty situation in Malawi. The richest 20 percent consumes 46.3 percent of goods and services, and the poorest 20 percent consumes only 6.3 percent. There is more inequality in urban areas, measured by the gini coefficient of 0.52 for urban people and 0.37 for rural areas. According to the gini coefficient, the poor are described as land-constrained smallholder farmers, labour-constrained female-headed households, estate workers or tenants, *ganyu* (piecework labourers) and casual labourers, resource-constrained households, people with disabilities, destitute and disadvantaged children.

The targets of the MPRSP are to reduce the country's poverty profile from 65.3 percent in 2002 to 59.3 percent in 2005. The extreme poverty head count, measured by a consumption-based ultra-poverty line, which was estimated at 28.8 percent in 2002, is hoped to be reduced to 20 percent by 2005. It is clear that even if these objectives are met by

Millennium Development Goals

There are eight Millennium Development Goals (MDGs) most for 2015, using 1990 as a benchmark.

♦ Eradicate extreme poverty and hunger

Targets 2015 Halve the proportion of people who live on less than one dollar a day
Halve the proportion of people who suffer from

♦ Achieve universal primary education

Target 2015 Ensure that all girls and boys will be

♦ Promote gender equality and empower women

Targets 2005, 2015 Eliminate gender disparity in primary and secondary education, and at all levels of education no later than

♦ Reduce child mortality

Target 2015 Reduce by two-thirds the mortality rate of children under five

♦ Improve maternal health

Target 2015 Reduce by three-quarters the ratio of

♦ Combat HIV and AIDS, malaria and other diseases

Target 2015 Halt and begin to reverse the spread of malaria and other major diseases.

♦ Ensure environmental sustainability

Integrate the principles of sustainable development into national policies and reverse the loss of environmental resources

Target 2015 Reduce by half the proportion of people without access to basic sanitation
Target 2020 Achieve significant improvement in

♦ Develop a global partnership for development

Develop an open, rule-based, predictable, non-discriminatory trading and financial system. This includes a commitment to good governance, development and sustainable economic growth, international trade facilitation and the elimination of trade barriers.

Address the special needs of the least developed countries, landlocked developing states and small island developing states.

Deal comprehensively with the debt problems of developing countries through coordinated and mutually agreed approaches.

Develop decent and productive work for youth.

In cooperation with pharmaceutical companies, promote access to affordable essential medicines in developing countries.

In cooperation with the private sector, make available and improve access to information and communications technologies, especially information and communications technologies for small and medium-sized enterprises.

SOURCE www.undp.org

2005, and similar targets are set for the next 2 to 3 year periods, the country will be far from meeting the Millennium Development Goals (MDGs). A mid-term review of the MPRSP showed that even the funding of the activities was inadequate.

Malawi qualified for the IMF's Highly Indebted Poor Countries (HIPC) initiative and the PRGF funding. The funds have been released in spurts due to failure by government to meet

Box 3

OGs). For each goal one or more targets have been set,

se income is less than one dollar a day, and
m hunger.

able to complete primary school.

primary and secondary education preferably by 2005,
r than 2015.

ate of children under five.

f women dying in childbirth.

of HIV and AIDS, and the incidence

ment into country policies and programmes
es.

ople without access to safe drinking water.
the lives of at least 100 million slum dwellers.

minatory trading and financial system that
ment and poverty reduction – nationally and

untries, and landlocked and small island

veloping countries.

vide access to affordable essential drugs

e the benefits of new technologies –
gies.

conditional ties, some of which are prudent fiscal policy and privatising the Agricultural Development and Marketing Corporation (ADMARC), an agriculture marketing state company. The low levels of funding coupled with corruption have led to deterioration in the quality of services provided by the government. Most notable is the shortage of drugs and supplies in hospitals, and poor quality education, especially at primary level.

Malawi Economic Growth Strategies

The poverty reduction strategy papers aimed to correct the view that SAPs were negatively affecting the poor countries and could not lead to long-term growth, as they were based on 3-year rolling plans. The current economic policy has not fundamentally shifted from this approach. Neither the SAPs nor the MPRSP were sound long-term economic growth strategies; thus the Malawi Economic Growth Strategies (MEGS) was formulated in 2002 by stakeholders in big industries. This strategy identified 10 sub-sectors to form the basis for concerted action, and these included tobacco, tea, sugar, cotton, agro-processing, tourism industries, and institution building. This document does not target or mention the poor. It assumes a balanced trickledown theory of economic growth and poverty reduction, which is not the case.

To analyse the incidence of government expenditure on men and women, three categories of expenditures are examined:

- ♦ expenditure on government employees' salaries and training;
- ♦ expenditure on mainstream programmes and activities; and
- ♦ expenditure on special programmes targeted at men and women for their gender roles or because of their special needs.

An analysis of government expenditure shows that women do not get what is needed to perform their gender roles and to cater for their specific disadvantaged positions. Further, of the little funds for mainstreaming programmes and activities, women access a small fraction, the largest proportion being consumed by the civil service who are mainly

men, except in the education sector. A large proportion of government consumption is at the central government level, where men predominate. As a result, women, especially poor women in the rural areas, have benefited the least from national resources allocations. This has further impacted on the literacy levels of women. Women's literacy levels are much lower than men's and therefore access to jobs eludes them.

From the mid-1990s, government monetary allocation favoured the social sectors including education and health, leading to a reduction in the allocation towards the agriculture sector. This, coupled with the devastating impact of HIV and AIDS on its human resources, and changes in policies that withdrew subsidies, resulted in farmers not accessing the training, extension and inputs to enable them to produce adequate food and cash crops. Women, who are the majority in this sector, who already had limited access to credit, extension services, and training, were further marginalized.

The impact of this on production and food security is well documented. The Malawi Rural Finance Company (MRFC) that was supposed to replace group-based agricultural credit tends to exclude women and the poor. Because of this negative impact of policies, programmes such as Starter pack, and Malawi Social Action Fund (MASAF) safety nets are being implemented. However, their impact on female-headed households, which are among the poorest, is negative. This is exacerbated by corruption, where the grain reserves were run down, and many people were exposed to famine in 2001 and 2002. Women, who have the primary role of day-to-day provision of food for families, were the worst affected.

Women in the informal sector/ unemployment

Women have been involved in cross border trade, albeit at a smaller scale than men, due to easily accessible foreign currency. Most of the women have been trading in groceries from South Africa and Zimbabwe, or clothes from countries such as Thailand. On one level, it can be said that women have benefited from cross border trade, although there is only anecdotal evidence to this effect. The women who benefit tend to be those with good levels of education and access to credit from either formal or informal/family sources. The very poor in villages have not benefited.

On the downside, this policy nexus has led to the neglect of productive activities and shrinking of the economy. Other factors contributing to this include the withholding of donor support and acute food shortages, resulting in high expenditure on food imports. This creates a vicious cycle, emanating from government over-expenditure and borrowing, and also monetary deficits, leading to high inflation and interest rates. In 2002, the economy shrank by 1.8 percent and in 2001 by 1.5 percent.

Consequently, jobs have not been created at a rate that keeps up with labour supply, as the manufacturing sector has not grown. With high competition for alternative resources, women are starved of resources resulting in physical and psychological harm to the women who are duty bearers. In most cases, they are driven into the petty informal sectors as evidenced by the explosion of women selling snacks in the cities and by the roadside, competing with jobless men. This sector generates limited income and has high opportunity costs in terms of what is done or not done well at

the household level, including childcare, as the women spend long days by the roadside or in marketplaces.

International economic policies and instruments

Some of Malawi's international commitments add to the burden of women in the country. Malawi is party to COMESA, SADC, the World Trade Organisation (WTO), European Union, Economic Partnership Agreements (EPA), African Growth and Opportunities Act (AGO), and other bilateral agreements with countries such as Zimbabwe and South Africa.

The agreements of the WTO have potentially damaging impacts on women and the poor. Among the agreements of the WTO is the Agreement on Agriculture (AOA) that affects Malawi most and has three areas of commitment: market access, domestic support, and subsidies that are contrived to benefit rich countries. Such subsidies prevent the poor countries from exporting what they have comparative advantage in, such as agricultural produce, a sector where women are predominant.

The General Agreement on Trade in Services (GATS) was set up to facilitate multi-nationals in the service sector to enter poor countries and take over service provision from governments. This is in tandem with the Singapore issues of the WTO, one of which is government procurement. The spinoff from implementing this protocol would be that women might benefit, as they are the main workers in the service sector. But this depends on good worker organisation and decent pay. Additionally, women are now able to migrate to work elsewhere. This may be good for the families in terms of income,

but there must be costs in terms of child development if women leave young children to work abroad.

To summarise, the interpretation of and reasoning on trade issues does not really link them well to poverty reduction and women's issues. The philosophy guiding trade issues seems to be that when large corporations and international capital make profits and grow their wealth, this will trickle down to the poor. Often women are at the lower end of this gradient, get very little, and get it last.

There is often failure by government to conceive and plan trade activities to effectively help the poor. Some fundamental economic growth strategies and policies are made and implemented in ways that hurt or do not benefit the poor. The poor are seen as beneficiaries to whom benefits will trickle, or labour which capital can tap to expropriate surplus value through low wages. Women are not seen as participants in the process of creating a growing robust economy from which they benefit directly.

Corruption

Corruption is difficult to expose but has been reported in a number of areas. It affects women first, through its negative impact on economic growth and the effects this has on women as outlined already. But more telling is what happens to the resources that support the gender roles of women in reference to health and water, to cite a few examples. Failure to drill boreholes and maintain other water sources, for instance, lead to women having to walk longer distances to water sources. Women have to provide nursing care if there is an outbreak of waterborne diseases.

Six critical areas of concern for SADC Box 4

- ◆ Insufficient mechanisms at all levels to promote the advancement of women
- ◆ Inequalities between men and women in sharing power and decision-making at all levels
- ◆ Inequalities in economic structures and policies in all forms of productive activities at all levels
- ◆ Lack of respect for, and inadequate promotion and protection of the human rights of, women and the girl-child
- ◆ The situation of women in the context of armed conflict
- ◆ Gender capacity building, training and networking, and information dissemination.

SOURCE SADC/SARDC, *SADC Gender Monitor*, Gaborone/Harare, 2001

Twelve critical areas under the Beijing Declaration and Platform for Action Box 5

- ◆ Poverty eradication
- ◆ Health care
- ◆ Violence against women
- ◆ Women and armed conflict
- ◆ Women and the economy
- ◆ Women in power and decision-making
- ◆ Institutional mechanisms for the advancement of women
- ◆ Human rights of women
- ◆ Women and the media
- ◆ Education and training
- ◆ Women and the environment
- ◆ The girl-child.

SOURCE SADC/SARDC, *SADC Gender Monitor*, Gaborone/Harare, 2001

Taxation

Most analysis of government budgets and their impact on men and women tends to focus on the expenditure side of budgets. The assumption is that expenditure has a greater impact on poverty and inequality. However, the revenue generation mechanisms, especially tax policy, can have redistributive effects, both negative and positive, through their impact on disposable income, with differential outcomes for women and men.

In the period under review, Malawi increased taxes and introduced a special surtax, the Value Added Tax (VAT) of 17.5 percent. Although some goods are exempt, many goods that are not exempt are also basic necessities. The surtax is an indirect tax, and is regressive since low income and high-income people pay the same amount for the same value of goods. It has also constricted demand so much that some production activities have either gone underground or closed. This means that employment is affected. The imposition of this surtax has meant that women are affected most since they engage in smallscale income-generating activities. Further, despite studies undertaken on possibilities of gender budgeting in Malawi, there has been no attempt to engender budgets.

PRIORITY AREAS FOR MALAWI

The first profile (*Beyond Inequalities*, 1997) highlighted the four priority areas for Malawi under the Malawi National Platform For Action (MNPFA). Further, the 12 critical areas of concern under the Beijing Declaration and Platform for Action were also highlighted. This section in the Update (*Beyond Inequalities*, 2005) analyses the four national priority

areas and the critical areas of concern for SADC member states. It also introduces several policies supporting and guiding the MNPFA, and these will be discussed more fully in Part II.

Malawi National Platform for Action

The MNPFA (1997-2002) was developed within the general framework of the priority areas under the Beijing Declaration and Platform for Action. Thus, as a follow-up document to the Fourth World Conference on Women, it is a declaration of commitment by the government of Malawi to improve the status of women, with the long-term objective of achieving equality and equity between men and women in the twenty-first century. The MNPFA was developed as one of the strategies for poverty reduction, and addresses four priority areas:

- ◆ Poverty alleviation and empowerment
- ◆ The girl-child
- ◆ Violence against women
- ◆ Peace.

The MNPFA expired in 2002. The various thematic areas are now supported by the National Gender Policy.

National Gender Policy

The National Gender Policy (NGP) was approved in 2000. It is a short-term policy that forms an integral part of Malawi's development objectives to strengthen the overall government strategy of growth through poverty eradication.⁹ The policy is developed around six thematic areas that embrace the government's priority development concerns:

- ◆ Education and training
- ◆ Poverty eradication and empowerment
- ◆ Reproductive health
- ◆ Governance and human rights

- ◆ Natural resources and environmental management, and
 - ◆ Food and nutritional security.
- The policy is a framework for the implementation of gender mainstreaming activities in Malawi.

Malawi Poverty Reduction Strategy

In 2002, the government adopted the Malawi Poverty Reduction Strategy (MPRS), which now forms the bedrock of all development and poverty reduction strategies for the country. The MPRS has four strategic components:

- ◆ Sustainable pro-poor growth and structural transformation economically empowering the poor by ensuring macro-economic stability, access to credit and markets, skills development and employment generation.
- ◆ Human capital development ensuring that the poor have the health status and education to lift them out of poverty.
- ◆ Improving the quality of life of the most vulnerable providing sustainable safety nets for those who are unable to benefit from the first two pillars.
- ◆ Promotion of good governance ensuring that the public and civil society institutions and systems protect and benefit the poor. A critical analysis of the strategy will be discussed under the section on policy.¹⁰

The MPRS has a gender empowerment strategy, which is co-ordinated by the Ministry of Gender and Community Services. The strategy is aimed at creating a national response to reduction of gender inequalities for the achievement of poverty reduction.

Part II of this profile examines the MNPFA, the NGP, and the MPRSP in more detail, in order to analyse the extent to which they are responsive to the general situation of women in Malawi.

POLITICAL AND DECISION-MAKING POWER

The first profile (1997) on the status of women in Malawi examined the issue of politics and power within the context of gender equality in the areas of legal status and rights. This current update examines the issue from the perspective of women's participation in politics and decision-making. It takes stock of Malawi's progress towards achieving its commitments under the 1997 SADC Declaration on Gender and Development. One of the targets of the Declaration is at least 30 percent representation of women in political and decision-making structures by 2005. This section assesses, among other things, women's representation in Parliament, including in parliamentary constituencies and parliamentary committees, women's representation in politics and decision-making positions.

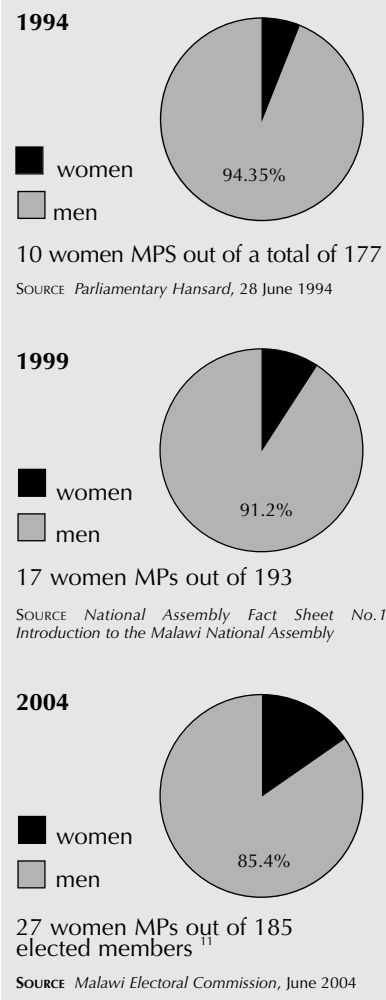
Representation of women in elections

In all the three national elections held in the history of multi-party politics in Malawi (1994, 1999, 2004), women were negligibly represented, as illustrated in Figure 1. The 1999 figures showed a modest improvement and 2004 shows a slightly higher representation of women in Parliament.

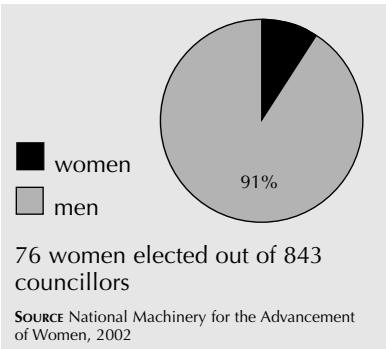
In 2000, Malawi conducted its first local government elections under the multi-party system of government. Seventy-six women councillors were elected, out of 843 councillors. (Figure 2)

With its composition of women in Parliament before the

Representation of Women in Parliament Figure 1



Women Councillors Elected in 2000 Figure 2



Gender Representation in Parliament by Region in 2002

Table 1

Region	Constituencies	Women	Men
Northern	33	1	32
Central	73	5	67
Southern	87	10	77

SOURCE *Beyond Numbers: Malawian Women in Parliament, 2002***Gender Representation in Parliament by Political Parties, 2004**

Table 2

Party	Men	Women	Total	% Women
AFORD	5	1	6	16.6
CONU	1	0	1	0
MCP	53	4	57	7
PPM	6	0	6	0
MGOODE	2	1	3	33.3
NDA	6	2	8	25
PETRA	0	1	1	100
RP	13	2	15	13.3
UDF	37	11	48	22.9
Independent Candidates	35	5	40	12.5
NATIONAL TOTAL	158	27	185	14.5

SOURCE Malawi Electoral Commission, June 2004

general elections in 2004, Malawi ranked third from the bottom amongst SADC countries with the lowest female representation.¹² A statistical diagnosis of the representation of women MPs in the three regions of Malawi, in Table 1, demonstrates the serious gender gap that exists between male and female representation in Parliament, within each region.

The figures in Table 1 show that by March 2004, when Parliament was dissolved just before the general elections in May 2004, none of the three regions in Malawi had met the minimum quota target of female representation in Parliament, with the highest representation being 11.5 percent in the southern region.

Gender representation in Parliament in 2004

Although there was an increase in the representation of women in Parliament by 10 in 2004, the figures in Table 2 show that at party level, except for two political parties, the minimum quota target of 30 percent representation of women was not met. This has affected the percentage of women's representation in

national Parliament, standing at 14.5 percent, which falls way behind the 30 percent SADC minimum target.

A study conducted by the Centre for Human Rights and Rehabilitation in 2001 indicates that this low participation of women is due to the political system, its structures, and the electoral systems that are inhibitive to women seeking national political positions. The political system in Malawi confines women to the local branch and district levels. Women's role is largely perceived as casting votes during election time, and providing entertainment at political rallies to mainly male political leaders. A study conducted by Women's Voice in 2004 also identifies as another factor, the inability to effectively campaign in their respective constituencies due to lack of finances resulting from discrimination by political parties in favour of male aspiring candidates. Despite signing the SADC Declaration on Gender and Development in 1997, the government has shown little serious movement towards achieving the 30 percent target.

The disproportionate representation of female MPs gravely affects their representation in the 13 parliamentary committees, as Table 3 illustrates.

The general representation of women in the parliamentary committees means that women are thinly spread, making it very difficult for them to successfully lobby their male counterparts for the advancement of women's agendas, as they are outnumbered by a large margin. Further, the low representation of women affects the gender responsiveness of decisions taken by strategic committees such as Public Accounts, Public Appointments, Budget and Finance, Defence and Security, and Commerce and Industry. There are

ongoing efforts to engender MPs, including in issues of gender budgeting, would be very meaningful if there was a critical mass of women MPs to ensure that there is a reliable lobbying force on matters affecting women.

Various initiatives have been undertaken to attract more women to enter politics. In 1999, NGOs and the Ministry of Gender and Community Services drew up a petition calling for an increase in the number of women in politics, and presented it to the president and government on International Women's Day. There was also a series of training programmes for aspiring women candidates. The momentum increased towards the May 2004 general elections. Since 2003, there has been a co-ordinated effort by a network of NGOs, called the Gender Electoral Support Network, to promote the participation of women in politics, targeting the 30 percent mark.

Further, the Society for the Advancement of Women (SAW), which until April 2004 chaired the NGO Gender Co-ordinating Network Taskforce on Women in Politics, spearheaded many initiatives, including public debates, to promote the representation of women in political structures. These also included lobbying for the realisation of the 30 percent quota target through the petitioning of the State President, to ensure that Malawi's commitments under the SADC Declaration are honoured.

In September 2003, the taskforce planned to lobby for the introduction of a quota provision into the electoral laws. However, by the time Parliament was sitting in November 2003, the sub-committee had not yet prepared, and lost an opportunity. One reason was probably that discussions on this initiative were left too late for the parliamentary

Gender Composition in Parliamentary Committees, 2002

Table 3

Committee	Total	Men	Women	% Women
Agriculture and Natural Resources	17	15	2	11.8
Budget and Finance	12	12	0	0
Commerce and Industry	13	13	0	0
Defence and Security	13	12	1	7.7
Education, Science and Human Resources	19	17	2	10.5
Health and Population	14	12	2	14.3
International Relations	16	14	2	12.5
Legal Affairs	13	12	1	7.7
Media and Communication	13	12	1	7.7
Public Appointments and Declaration of Assets	17	15	2	11.8
Public Accounts	20	19	1	5
Social and Community Affairs	13	11	1*	7.7
Transport and Public Works	13	13	0	0

SOURCE The National Assembly, 2002

*By 2003, the representation of women on this committee had changed to two.

schedule targeted for the amendment of the electoral laws.

However, if the government had the intention to domesticate the Declaration, it could have done so when it proposed unrelated amendments to the electoral laws. Preparations for the May 2004 elections should have warranted urgency to meet the Declaration's deadline of 2005. This lost opportunity raises questions as to the commitment to both SADC and the women of Malawi.

The active part played by NGOs paid some dividends, especially towards the 2004 elections, assisting and encouraging 154 women candidates to contest for election into Parliament. The Pan African Civic Education Network (PACENET) trained a total of 116 aspiring women MPs in March 2004, while Women Campaign International (WCI) embarked on a training programme for aspiring women MPs on effective campaign strategies and skills, and knowledge on campaign and electoral processes. The governments of Sweden and Norway donated an unprecedented

Challenges to accessing parliamentary positions Box 6

Some independent candidates, notably those belonging to the ruling UDF, faced political pressure from the party's chairperson, former President Dr Bakili Muluzi, that they should withdraw their candidature for the 2004 elections. Such pressure, particularly on women, became evident in one incident when the former President announced at a party campaign rally in one constituency where there was an aspiring woman candidate, a former deputy mayor, that she had decided to withdraw from the contest. However, media reports later indicated that the former deputy mayor was still in the race, and had never indicated to the party that she was withdrawing. Despite the immense pressure, she ultimately won the parliamentary seat in her constituency and has since been appointed a deputy minister in the new government of Dr Bingu Wa Mutharika in the same UDF government that castigated her. Hon. Anna Kachikho's tenacity and eventual victory is an unprecedented case in Malawi's political history, and should be used as an inspiration to many women in future who wish to go for political leadership.

ed grant of MK8 million (a little over US\$73,000) to support 154 aspiring women MPs. Each candidate was allocated K50,000 from the grant (about US\$455) to support their campaign. The British Council supported an inter-party programme, called "Changing the Face of Politics", comprising of all female MPs, to complement the "Peer Shadowing Programme" between Malawian women MPs and British women MPs, also supported by the British Council. Other players included the NGO Gender Co-ordinating Network. The National Media Institute of Southern Africa (NAMISA) Malawi chapter co-ordinated the electronic and print profiling of the various women aspiring candidates in the media with support from UNDP and NORAD. The National Democratic Institute (NDI) also funded the Citizen Advocacy Programme, through which aspiring female MPs were able to outline their development plans through the media.

With such interventions, the outcome of the 2004 general election with regard to women's representation was quite a disappointment for many Malawians who wished to see a marked improvement in the gender representation in Parliament. However, the various interventions contributed to putting women in Malawi on the political map. The figure of 154 was a landmark achievement for Malawi. A number of these women were contesting the elections as independent candidates, who had lost in the primary elections of their political parties, often due to intimidation by party leaders, male contestants and sitting MPs. This followed an announcement and media campaigns by the NGO Gender Coordinating Network encouraging all women who had lost in the

party primaries to go and present their nomination papers as independent candidates.

Only one party, the then National Democratic Alliance (NDA), currently deregistered, displayed a measure of commitment to advancing the status of women by fielding a woman, Mary Clara Makungwa, for the vice-presidency in the May 2004 elections.

Representation of women in cabinet

Gender discrepancies are also apparent in other political positions, including cabinet ministers, and positions of speakers and mayors respectively. Table 4 below reflects the trend in the representation of women in cabinet, parliamentary and local government positions in 1997, 2002, and 2004. In 1997, Malawi's first multi-party local government elections had not yet been held, and therefore the offices of Mayors were not yet occupied.

The figures show that, over the years, there has been some progress in the representation of women at cabinet level. However, the figures remain below the SADC minimum target. In respect of the position of first Deputy Speaker, there has also been a positive development, since the current female Deputy Speaker has replaced another woman, who had been elected to the position in 2003. The position of Deputy Mayors witnessed some retrogression in 2004.

Overall, there has not been much pronounced effort to meet the minimum 30 percent in cabinet and other decision-making positions. In a major cabinet reshuffle in April 2004, the number of female cabinet ministers was not increased, notwithstanding that nine new appointments were made. After the 2004 elec-

tions, the cabinet appointed by the new president, Dr Bingu wa Mutharika did not improve the representation of women much, with only six women as opposed to 22 men. This advanced female representation in cabinet to 21.4 percent, a slight improvement from the 17.3 percent in 2002.

Women in other key decision-making positions

In 1994, of the 40 Principal Secretaries in government ministries and departments, only four were women. By 2002, the figures had slightly improved although the women still remained under-represented.

Only the position of Senior Assistant Finance Officer was occupied by a woman. And in the five University of Malawi constituent colleges, only one college had a female principal. Only two colleges had a female Vice Principal, Registrar or Finance Officers. There was only one female Dean out of 11; 10 female department heads out of 48; and no research coordinator out of the existing four.¹³ In other decision-making positions such as ambassadors, district commissioners, judges, and chairpersons of various Boards, the minimum 30 percent target remains a dream, as the figures in Table 6 demonstrate.

In 2003, two more female judges were appointed, putting the figure at four. The High Court of Malawi also appointed a female Registrar. In the same year, for the first time, a woman was appointed as Deputy Governor for the Reserve Bank of Malawi. However, the number of female ambassadors dropped to two, when one was appointed a judge.

In 2004, President Bingu wa Mutharika appointed the first female Inspector-General of Police.

Composition of Political Leadership Positions in 1997, 2002 and 2004 Table 4

Position	1997				2002				2004 (Post election)			
	Total	M	W	W%	Total	M	W	W%	Total	M	W	W %
Cabinet Ministers	33	30	3	9.09	46	39	8	17.3	28	22	6	21.4
Speaker	1	1	-	0	1	1	-	0	1	1	-	0
First Deputy Speaker	1	1	-	0	1	1	-	0	1	-	1	100
Second Deputy Speaker	1	-	1	100	1	-	1	100	1	1	-	0
Mayors	4	-	-	0	4	4	0	0	4	4	0	0
Deputy Mayors	4	-	-	0	4	1	3	75	4	2	2	50

SOURCE: Ministry of Gender, Youth, and Community Services, 2002; The National Assembly, and Malawi Electoral Commission, June 2004
M = Men W = Women

Total Employees in Government from Grade P5/S5 to P1 in relation to Female Employees at each Grade, June 2002 Table 5

Grade	Total Employees in Grade	Female Employees in Grade	% Women in each Grade
SPC (P1)	1	0	0
Deputy SPC (S2)	1	0	0
Principal Secretaries (S2)	84	11	13.1
Heads of Department (P2)	52	5	9.6
Senior Deputy Secretaries (S3)	26	3	11.5
Senior Deputy Heads Depts (P3)	54	6	11.1
Deputy Secretaries (S4)	86	16	18.6
Deputy Heads of Departments (P4)	116	15	12.9
Administrator (S5)	63	5	7.94
Administrator (P5)	199	26	13.07

SOURCE: Department of Human Resources, June 2002; University Registrar, and the University Finance Officer

Women in Other Key Decision-making Positions, 2002 Table 6

Position	Total	Men	Women	% Women
Ambassadors	20	17	3	15
District Commissioners	27	25	2	7.4
Judges	20	18	2	10
Chairpersons				
Board of Directors	53	49	4	7.5

SOURCE: Ministry of Gender, Youth and Community Services, 2002

Women's participation in the political sphere, even after the introduction of multi-party democracy, is limited. Men still dominate at most levels of society.

SOCIAL CULTURAL CONTEXT

This section discusses the kinship structures that exist in Malawi, the socialisation process that women

undergo in relation to men, the *status quo* of marriage relations as well as issues surrounding sexuality and social control.

Kinship structures

There are no major differences in the structures as highlighted in the first profile and the current update, since the lineage system has not changed over the years. However, this discussion adds value by dispelling the myth about the social cultural construction of women's position in matrilineal societies as superior to men.

In Malawi, family is first and foremost a kinship group. The concept of family includes both the nuclear and extended family. The nuclear family comprises a father and mother and any offspring. The extended family is dynamic as it includes blood relatives and those joined by marriage. All people of the same descent group constitute a lineage and can broadly be identified as patrilineal and matrilineal. Matrilineal kinship groups predominate within the Central and Southern regions while the patrilineal groups are in the northern region of Malawi. These two systems revolve and differ on issues of marriage and property/inheritance rights. In the past, ethnic groups from these two systems were not allowed to intermarry but due to migration and urbanisation there appears to be a shift in this trend that has allowed integration. However, in all this integration, matrilineal and patrilineal practices are still adhered to.

In both matrilineal and patrilineal societies the position that women assume is inferior to the male members within the systems as decisions are mostly made by the men with women on the receiving end. It has also been argued that in terms of social

Malawi's youngest female MP urges youths to take up leadership in politics Box 7

Angela Zachepa has made history in Malawi and the entire southern African region by becoming the youngest elected female parliamentarian at 22 years of age.

Zachepa is one of the 27 female parliamentarians in Malawi's current parliament of 193 members following presidential and parliamentary elections held on 20 May 2004. A total of 153 women contested the elections.

The number of female parliamentarians elected in May 2004 is an improvement over previous elections in 1994 and 1999, when women respectively won 10 and 17 seats in parliament. Malawi still falls far short of achieving the SADC target of 30 percent representation by women in decision-making positions.

Zachepa, who contested on the ruling United Democratic Front (UDF) ticket, defeated four other candidates. Her victory was a triumph over intimidation, harassment, and abuse that most women candidates were subjected to. The Malawi Gender Electoral Support Network, a group of activists fighting for more representation of women in politics said it was discontented with how the primary elections were run at the level of political parties.

"It is unfortunate that Malawi being a signatory to the SADC protocol is experiencing such resistance from the male politicians to get women into political power positions. The problems that we have seen are that the elections haven't been free and fair in as far as gender justice is concerned. Women have been intimidated left, right and centre and they have been going through a lot of threats," said Makoko Chirwa, a member of the network.

SOURCE Extract from an article by Pilirani Semu-Banda, adapted from SARDC WIDSAA, *The GAD Exchange, A Gender and Development Newsletter for Southern Africa, Issue 34, 2004.*

Thirty percent women representation flops Box 8

The May 20 elections have swelled the number of women in parliament from 17 to 28 of the 193 MPs, representing 14.7 percent. Frank Zoto, Civic Officer for Civil Liberties Committee (CILIC), said most women were ignored by their parties during presentation of nomination certificates to the Electoral Commission, forcing them to contest as independent candidates.

Makoko Chirwa from Women's Voice said the stand taken by political parties not to vote for independents made the campaign tough for women aspirants.

Zoto cited examples of Anna Kachikho in Phalombe and Marjorie Ngaunje in Bwanje South as some women who survived the violent campaign from opponents. Civil society groups have pledged to continue advocating and lobbying for fair representation in decision-making positions.

SOURCE McLean Kanyang'wa, *The Nation* (Malawi), 27 May 2004

security, the patrilineal system may provide such security to women and children as men feel they have an obligation to take care of their families and even upon their death, the extended family members are obliged to assume that role.

Contrary to popular belief, in the matrilineal system, due to the matrilineal residence, men do not feel obliged to make any investments as they feel that they will not live in that village forever. Furthermore they do not feel they have an obligation to take care of their children since tradition dictates that the maternal uncle is the one that is supposed to assume that responsibility. This therefore puts women at a disadvantage, and they are usually overburdened to care for their families single-handedly after divorce or the death of husbands.

Socialisation processes

The first profile outlined some of the ways through which boys and girls are socialised in Malawi. This Update further discusses some of the effects of these socialisation processes in Malawi, which perpetuate beliefs, attitudes, and values that permit the subordination of women. From the moment a child is born, it is treated on the basis of its sex, and responsibilities as adults are thus shaped. The girl-child is expected to be submissive, polite, put herself last and is subjected to motherhood roles at an early age, thus limiting her creativity and indulgence in more challenging roles and activities. On the other hand, boys are expected to learn all the “manly tasks” of providing and are thus encouraged insofar as schooling is concerned.

Furthermore, from as young as seven years, the girl-child is subjected to various initiation ceremonies, most of which have haz-

ardous effects, as a traditional way of socialisation. These act as institutions where initiates are taught about sexuality and how to act and present themselves in society. During such initiation ceremonies, a girl learns how to respect her “elders” and how to please her future husband. These teachings only reinforce the submissive nature of females and assertiveness is seen as deviant behaviour. After the initiation ceremonies, most girls perceive themselves as grown-ups and are therefore ready for marriage. The status of women in Malawi is directly related to these gender-based socio-cultural and economic barriers that hinder girls from exploring their potential as active participants in the society.

Marriage relations

The first profile gave an overview of the types of marriages that exist in Malawi. This Update discusses issues of power and control in these marriage regimes. Unequal power relations characterise most marriages in Malawi, and this is often manifested through marital violence including marital rape, unfaithfulness and the inequitable access to benefits from property in the family. This is often culturally condoned, leading to women accepting this abuse as normal. Research in Malawi indicates that gender-based violence is widely accepted, with 35.7 percent of all women (38.2 percent rural and 22.4 percent urban) indicating that it is acceptable to be beaten by their husbands.¹⁴ Hence, domestic violence is rampant and rose from 3,900 reported cases in 1995 to 8,000 cases reported in 1999.

Married women are subjected to the lingering threat or the reality of their husbands marrying more women. Seventeen percent

*The girl-child is
expected to be
submissive, polite, put
herself last...*

The perception and construction of sex and sexuality has often robbed women of their bodily autonomy.

of all women in Malawi are in polygamous unions. The basic and underlying causes of such disparities are rooted in the gender inequalities that underline the superior status of the husband that makes women dependent.

In addition to the physical abuse, women in marriages are compromised in their ability to participate in decision-making processes. The MDHS 2000 indicates that 70.6 percent of married women are not able to participate in decisions about critical issues concerning their own lives, including how their own income is to be used.

Sexuality and social control

This section discusses how sex and masculinity are socially constructed to influence control over women's sexuality. The section focuses on one social and one cultural practice which have not been well documented in Malawi although they negatively affect women.

The perception and construction of sex and sexuality has often robbed women of their bodily autonomy. The interconnected factors of masculinity, women's economic dependency and the prevalence of unequal gender power relations in society means that women are often left powerless to negotiate for safer sex or leave high risk sexual relationships. Masculinity is, in most cases, a determining factor in matters of sexual relations.

Further masculinity is constructed by different social-cultural practices which all follow the discourse of sexuality. Some such practices include "fish for sex" and "kuika mwana kumalo" (putting a child in its place – so that the child grows strong and healthy). This practice involves the belief that in order for a child to grow strong and healthy the

mother needs to sleep with a man after 40 days when the baby is born. She may either sleep with her husband, who is preferable, who is supposed to ejaculate into the woman. During the act, the mother holds the child with one hand. The woman is expected to be still until the man ejaculates. If the man fails, family members are supposed to look for a "strong man" to perform. The challenge is changing people's mindsets on such beliefs and practices.

EDUCATION AND TECHNOLOGY

This section discusses several aspects of the education of girls and women in Malawi. It analyses dropout rates and teenage pregnancies, access to schooling by rural residents, female participation in vocational training, teacher training, science and technology, access to education by women with disabilities and adult education.

Dropouts and teenage pregnancies

In Malawi, the dropout rates for both boys and girls are persistently high and almost the same in the lower standards of their primary education because of inherent problems within the school system. These include relevance of the curriculum, high repetition rates, lack of resources and poverty that affect both boys and girls. However, from mid-primary level, the trend changes and the dropout rates for girls increase consistently, pointing to gender specific challenges that girls face. On average, the males' dropout rate is estimated at 9.5 percent while that for females is 14.1 percent. The high dropout rates for girls in primary education continue to affect secondary and university enrolment. The student ratio in secondary school is esti-

mated at 72 percent for boys and 28 percent for girls, while for the university it is 74.4 percent for boys and 25.6 percent for girls. Studies conducted in Malawi indicate that girls drop out of school due to reasons such as early marriages, pregnancy, and productive responsibilities in the home, poor clothing, sexual harassment by teachers, as well as lack of role models.

A study by Kadzamira in 2003 revealed that cases of girls being impregnated by teachers are common in Malawi. Most of these are however handled at the school level and not by formal procedures involving educational authorities. According to the study, this may be attributed to lack of clear guidelines on how to handle teachers' misconduct or weak enforcement of regulations regarding teacher conduct.

Pregnancy among schoolgirls is often related to poverty as girls seek material support from boyfriends or teachers which their parents are unable to provide. Some reports indicate that fear of early pregnancy pushes some parents to withdraw their girls prematurely from school and encourage them to marry early to avoid shame.

Malawi has a policy on re-entry into school after pregnancy, after one academic year. Re-admittance is dependent upon assurance of safe custody of the child. The boy responsible is also withdrawn for one academic year and can be re-admitted upon application. The policy has over the years been characterized by lack of detailed implementation guidelines, lack of publicity, opposition to timing of re-admission as well as negative attitudes towards returning mothers. Some parents fear that their daughters will be impregnated again and stop them from going back to school.

Access to education by rural residents

A number of reforms in the education sector have been implemented over the years in order to improve access. These include abolition of school fees and uniforms, construction of new schools, construction of community schools and a university, as well as increasing teacher capacity. Studies have shown that, despite this, the rural population still faces a challenge in trying to access education at all levels and this is directly linked to their socio-economic status.

Children from a lower socio-economic status are more likely to drop out of school than those from a higher socio-economic status. Since most pupils from urban areas are relatively of higher socio-economic status, this exacerbates inequality between rural and urban areas due to poverty. Children from poor families are often withdrawn from school because the household needs their labour. Studies have shown, for example, that child labour is an important aspect of a poor household's coping strategy, particularly in relation to *ganyu* (piece jobs) in rural areas.

In this scenario girls are more affected than boys, as they substitute for the domestic work of adults in the household to allow them to undertake income-generating activities. This has become more severe in the context of HIV and AIDS, where girls are required to look after the sick and take on roles of child care following the death of a parent. Coupled with this is food insecurity, which the rural poor experience, keeping children out of school because they are hungry.

Studies by GABLE-SMC¹⁵ have shown that long distance is another reason frequently noted as prohibiting girls in the rural

Fear of early pregnancy pushes some parents to withdraw girls from school ...

...not many women are motivated to study science and technology...

areas to be enrolled in schools. The study by Kadzamira (2003) revealed that pupils felt unsafe in areas outside the school and for those in the rural areas, the journey to and from school exposes them, especially girls, to various dangers, including men and boys who often harass them. The official policy is to have a school within a 5km walking distance, but this is far from the reality in most rural areas in Malawi.

At secondary level, the situation is not very different for rural populations. Low-income families, the majority of whom are in the rural areas, account for only 37 percent of gross enrolment at this level. Policy changes have tried to increase access by turning some distance education centres into community day secondary schools, with the aim of reducing the distance that children travel to the nearest school. In many rural communities, the nearest secondary school is estimated to range from 5 to 15km. Lack of boarding facilities for girls at the community day secondary schools disadvantages them, often forcing them into unwanted relationships, as they share rooms with boys or men.

The above challenges persist even at tertiary level and consequently into the job market. Despite the free primary education, many households still find the costs associated with schooling prohibitive, as the children go up the education ladder. These costs increase at higher levels when more stationary and better quality clothing is required, increasing the likelihood of dropout for poorer students.

Science and technology

Sciences tend to remain the domain for boys in Malawi. Girls still concentrate in stereotypical fields of study such as nursing,

teaching, secretarial training and home economics. They are not adequately prepared for enrolment in science programmes, since their performance at primary and secondary levels is generally poor. The social construction of gender and the socialisation processes which girls are subjected to in the home and other institutions tend to influence girls' opinions or choices of the subjects they pursue in school.

The science and technology policy for Malawi acknowledges that although 52 percent of the population is female, the participation in and utilisation of science and technology by women has not received the attention it deserves. However, not many women are motivated to study science and technology, and the development and transfer of technology does not focus on women.

Recent statistics compiled by the Polytechnic, one of the constituent colleges of the University of Malawi, indicates that enrolment of girls in some of the non-traditional areas has been improving over the years. Statistics indicate that between 1999 and 2003 enrolment of girls into non-traditional fields has on average increased from 19 percent to 28 percent. Measures need to be put in place to encourage more female students in science and technology. One way of encouraging more girls into the non-traditional fields would be provision of scholarships or awards so that more girls can get motivated to go into such areas of study. Another way would be the provision of career counselling services so that those who are already in the traditional fields would be encouraged to work hard and excel, and those not yet in the field would be motivated to join, knowing the kind of support system they will have. However,

the existence of such career counselling services would have to be popularised so that the poorest and most needy women should know that they exist.

Vocational training

Vocational training is offered in a number of post-secondary institutions run by both government and private institutions. The current annual capacity is 1441 and 18,000 in the public and private colleges respectively, and these are dominated by men. The enrolment ratios are 67 percent men and 33 percent women. The trend usually follows the pass rate during the School Certificate of Education Examinations.

A number of courses are offered by these institutions ranging from technical education, secretarial and office practice, forestry, fisheries and agriculture, computing, accountancy, nursing and other health-related professions. There is some evidence of gender discrimination in terms of the type of courses offered at these institutions. The subjects and the career choices of men and women tend to reinforce the gender stereotypes commonly held by society about what women and men are capable of doing. Girls are concentrated in secretarial courses with very few enrolling in the technical courses such as bricklaying, carpentry and motor mechanics.

Some efforts are being made to improve participation of women in vocational training, especially in non-traditional fields. The government of Malawi through the Ministry of Labour and Vocational Training established a Technical, Entrepreneurial, Vocational Education and Training Authority (TEVETA) in 1999, which introduced a quota system of 30 percent women both in formal and informal apprenticeship.

Teacher training

Teacher training in Malawi is divided into two distinct categories: Primary teacher training which is controlled by the Ministry of Education and is provided in six training colleges, and Secondary school teacher education offered by the University of Malawi, Domasi College of Education and Mzuzu University. The numbers of female students in the primary-teacher training colleges are consistently lower than their male counterparts, normally at 35 percent of the total enrolment. In 1999, out of 9,404 students that took the course, 5,786 were male students and 3,615 were female, giving a gender gap of 2,171 in favour of male teachers, representing 35.4 percent. This implies that most schools lack female teachers who could act as role models to girls. This impacts negatively on the girl-child.

Similarly, with secondary school education, the selection of

Teacher Enrolment in the Six Colleges, 2000

Table 7

College	Men	Women	Total	% Women
Karonga	930	503	1433	35
Kasungu	1578	847	2425	34.9
Lilongwe	1535	818	2353	34.7
St Joseph	887	473	1316	35.9
Blantyre	1329	716	2045	35
St Montfort	1623	890	2513	35
TOTAL	7881	4248	12,129	35

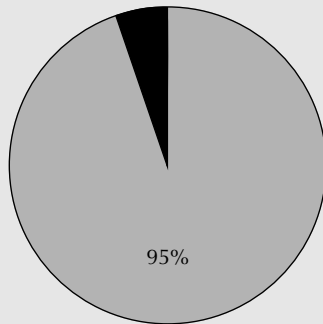
SOURCE: Government of Malawi, Ministry of Gender and Community Services, Progress on the Beijing +10 Report, 2004

Recruitment in Secondary School Teacher Education Project by Gender, 2001

Table 8

	Men	Women	Total	% Women
No. of applicants	1,247	346	1,593	22
No. of selected students	207	99	306	32
No. in science subjects	80	29	109	27
No. in other subjects	127	70	197	35

SOURCE: Sakanda S., "Promoting Education for Girls and Women". Unpublished paper presented at the Seminar for Promotion of Education for Girls, 2002.

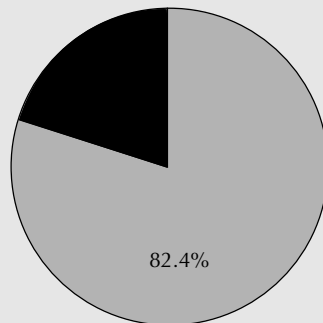
Adult Literacy Education Figure 3**Proportion of Learners by Sex, 2003****Southern Region**

■ Number of women 26,768

■ Number of men 1,456

TOTAL 28,224

Total classes in operation 1,264

Central Region

■ Number of women 17,801

■ Number of men 3,803

TOTAL 21,604

Total classes in operation 1,037

SOURCE Evaluation report of the National Adult Literacy Programme commissioned by Government of Malawi, National Economic Council, 2003.

teachers to go for training at a college of education favours male teachers. A survey carried out by the Secondary School Teacher Education Project (SSTEP) in 2000 revealed that males dominated the enrolment rates of institutions of higher learning in Malawi. For example, a conventional programme at Domasi College of Education has 390 male and 150 female bed-spaces respectively, and in some cases the female bed-space is not filled or utilized due to lower number of females that qualify for the programme.

Nevertheless, the SSTEP, which is a distance education programme at the college funded by CIDA, has managed to enrol about 36 percent women. Furthermore, low enrolment of female teachers has been a result of low levels of application by female candidate teachers. Recruitment is usually done through applications and selection is determined by the performance in aptitude tests. Statistics indicate, for example, that the number of female applicants was much lower than that of males: 346 females compared to 1,247 males.

Education for the disabled

Studies have shown that most people who have impairments are illiterate because most schools are not accessible to them. Integration into ordinary schools for persons with disabilities and special schools to cater for specific disability is limited in Malawi. The current school system facilitates exclusion of people with disabilities in various ways. In this scenario, women with disabilities are worse off in that they are discriminated against firstly on the basis of their gender that assigns them a second-class citizenship, and secondly, because of their disability. This therefore accounts for the fact that most women with disabilities in Malawi

are not educated. For the few that are able to utilise rehabilitation facilities, the courses offered are female-stereotyped.

Adult education

Malawi has a low literacy rate, estimated at 58 percent in 1998, the most recent year for which compiled data is available. There are sharp variations between rural and urban dwellers. The Malawi Population and Housing Census, conducted in 1998, indicates that literacy rates for rural women and men were 47 percent and 61 percent respectively, whereas in urban areas the literacy rates were 75 and 83 percent for females and males respectively. Low educational enrolment and poor quality of education has contributed to the high illiteracy levels in the country.

Available data indicates that the general literacy levels declined from 50 percent in 1990 to 42 percent in 1999. For males, the literacy levels increased marginally from 66 percent to 67 percent but declined substantially for females from 44 percent to 33 percent. As a result, the literacy gender parity index dropped from 0.66 to 0.50. The government, through the Ministry of Gender and Community Services, has been running an Adult Literacy Programme, which started in 1986. The programme targets those that have missed basic primary education enabling them to learn to read and write. In an attempt to attract more people to the adult literacy classes, the programme linked literacy and numeric education with the attainment of practical knowledge intended to make the education relevant to the solution of problems in everyday lives.

The government has managed over the years to open 3,000 adult literacy classes across the

country. By year 2000 the programme had registered 31,209 learners in all the 1,474 classes that were operational. However, there are differences in the levels of participation between men and women. A study initiated by National Economic Council (NEC) in 2003 indicates that more women than men benefit from the adult literacy classes. The government through the Ministry of Gender and Community Services is currently exploring possible strategies to address the problem by providing separate classes for men and women.

GENDER AND THE MEDIA

This section discusses women’s access to and control over media as compared to their male counterparts. This Update goes beyond stating the levels of participation by women to highlight how women are portrayed in the media.

Access to and control over media

While women in most institutions face a glass ceiling, the media in Malawi is a particularly challenging environment for women. Irregular hours, the need to travel away from family, the strong “old boys network”, perceptions of danger on certain beats, the technical nature of some media operations (especially in the electronic media), sexist attitudes and sexual harassment conspire against the effective participation and advancement of women in media professions.

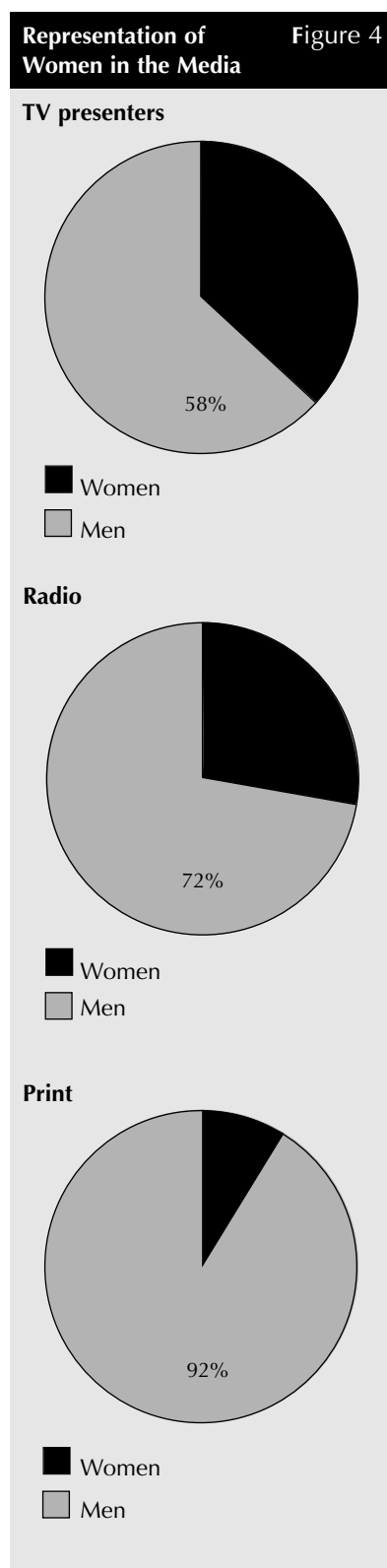
Traditionally, women have been discouraged from entering jobs that have a technical component – such as photography and filming. Until recently, the weight of cameras and other sound equipment have been used as an excuse for not taking women on board. However, advances in technology

have meant that such excuses have largely fallen away. For those that somehow manage to get through to the media houses, their work experiences are quite different from that of their male counterparts. Much training in journalism occurs on the job and is dependent on beats assigned and opportunities offered.

A frequent constraint and frustration for women journalists is that they are assigned “soft beats” such as fashion, health, beauty and lifestyle that do not give them an opportunity to cover beats that make top stories which are usually the essence of on the job training and promotion. Furthermore, beats and time availability often determine opportunities for formal training such as short courses. Thus, the beats assigned to women and constraints they may face because of domestic responsibilities may limit formal training opportunities. In general, women in Malawi are most represented as media practitioners in TV presentation but under-represented in all the other media categories. A study commissioned by MISA indicates that women make up 42 percent of TVM presenters in Malawi, while in the radio category women’s representation is at 28 percent, and only eight percent in the print media.

Women’s image in the media

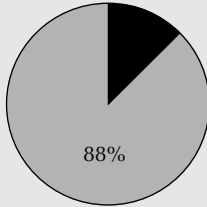
In addition to the above, the views of men as sources of information predominate across the media in Malawi. A MISA and Gender Links study indicates that only 12 percent of all sources across media in Malawi are women compared to 88 percent men. Men predominate as sources in the hard news, for example, the study revealed that in politics men constitute about 75 percent, in sports – 85 percent, in educa-



Media Sources of Information

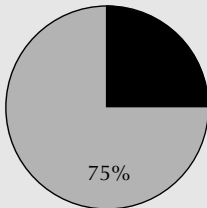
Figure 5

Overall



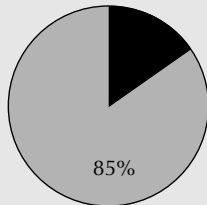
■ Women
 □ Men

Politics



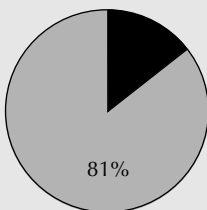
■ Women
 □ Men

Sports



■ Women
 □ Men

Entertainment



■ Women
 □ Men

tion – 71 percent in media and entertainment – 81 percent. Gender violence is the only topic where women are accessed more than men in the country. In general, women are seldom sourced or quoted in the stories even where they are obviously in the majority.

The 2003 Malawi Gender and Media Baseline survey revealed the existence of blatant sexist reporting that portrays women as objects and temptresses. The media continues to write on women's issues, often with language that reinforces stereotypes of women as mothers, wives, victims, beauty and sex objects and not as professional individuals in their own right.

The majority of stories covered in the Malawi media suffer from "gender-blindness" in that the coverage is still largely about men and specifically men in positions of authority. Where pictures and images feature women in the public domain, they are usually portrayed as the background to prominent men.

Furthermore, when women make news, it is usually in negative and undesirable situations and circumstances, especially when they have done something wrong. Hardly are they portrayed as positive achievers or successful and ambitious individuals. They are usually portrayed in the stereotypical roles of dependent wives, mothers and poor helpless victims.

FOOD SECURITY AND NUTRITION

This section discusses issues relating to nutrition, micronutrients and food security, which are issues that are critical, especially for women, in Malawi.

Nutrition, micronutrients and food security

The first profile focused on the nutritional status of children

rather than women. This Update tries to bring out some of the information on adults, especially women, and also goes further to highlight some of the initiatives undertaken by government to improve the nutritional status of Malawians.

Nutrition is generally poor in the country due to continuous childbearing, hard and physical work performed by women, which increases their energy requirements, and infections. Rural women are more likely to be undernourished than urban women in Malawi, due to the fact that rural female households fall in the category of the poorest of the poor in Malawi. Further, women with some secondary education are less likely to be undernourished than their less educated counterparts. Inadequate purchasing power amongst these households limits both the quantity and quality of food available to the family.

The Malawi Demographic and Health Survey conducted by the National Statistical Office in 2000 indicates that nine percent of women are malnourished while 12 percent are overweight. Further to that, wasting and underweight are equally a problem coupled with micronutrient deficiencies of iron, iodine and vitamin A.

Malnutrition problems are aggravated by dependence on maize as the main staple food although a variety of food crops are produced in Malawi. People need to be encouraged to diversify their food consumption patterns to reduce dependence on maize. Consequently, in 2001, Malawi faced a severe food shortage and many people died. Even though food and nutrition security was included in the National Gender Policy, no proper co-ordination mechanism, funding and

structures exist for nutrition promotion. The nutrition programmes are poorly supported even though nutrition is an integral part of poverty reduction.

Some efforts have been made to improve the situation. The government of Malawi through the Ministry of Gender and Community Services, the Bunda College of Agriculture, the Ministry of Agriculture, Irrigation and Food security, the Ministry of Health and Population, and other stakeholders have conducted food utilization and dietary diversification campaigns. The aim has been to encourage people to diversify their food resource base and sensitise them on how they can utilize available food at household level.

Through the campaigns, the government has been able to influence changes in eating habits. Apart from that, they have provided supplementary feeding to over 500,000 expectant and nursing mothers and have covered 50 schools across the country with school feeding programmes in the pilot phase, targeting 200,000 pupils. The aim of the school-feeding programme is to improve retention and completion rates for girls. A girl-child receives a take-home ration of over 50kg bag of maize, beans and groundnuts at all times. In addition, all pupils at the schools where this programme is running get one ration of porridge during break time. During food shortage periods, every child in these schools receives a take-home ration.

GENDER AND HEALTH

In Malawi, there is only one doctor for every 43,000 adults. One in five children fails to reach their fifth birthday and six in a 1,000 mothers die in childbirth. Half

Nutrition Indicators for Adult Women and Men

Table 9

Nutrition indicator	Women %	Men %
Underweight	24	37
Waist/Hip ratio	20	30
BMI <18	35	33
Vitamin A deficiency	90	82
Anaemia	27	13
Iron deficiency anaemia	11.4	2

SOURCE Progress on the Beijing +10 Report by Ministry of Gender and Community Services, 2004.
BMI<18 stands for Body Mass Index. If it is less than 18, it shows chronic energy deficiency

the population has no access to clean water. Eighteen percent of the health budget is spent on primary health services that directly benefit the poor whilst tertiary services receive the larger share of the budget. The Strategic Country Gender Assessment (SCGA) further points out that 65 percent of Malawi's population is poor and the majority resides in the rural areas where access to tertiary health care is non-existent, and health spending is tilted in favour of the urban rich.

Access to health care in Malawi is free through government-funded hospitals. However, health care in these hospitals is inadequate and does not meet the needs of the poor. Drugs are scarce in hospitals, corruption is rampant. Those who can pay have access to drugs and medical facilities. Women bear the brunt of the inadequacy of health services, as they fill up hospitals looking after the sick, as the so-called "guardians".

A study by WLSA Malawi examined the rights of people living with HIV and AIDS and noted that women are the main providers of primary care at home and in hospitals. Government has relegated its primary duty of care for its citizens to women for free. This is due to the fact that the gender role division of labour assigns to women the role of caring for the sick,

Rural women do not have money for transport to get them to the nearest health centre...

thereby depriving them of the time to take care of their own health needs and engage in productive action. When they fall ill themselves, they may also be subject to gender-based violence. In a recent study commissioned by the Joint Oxfam programme in Malawi on incidences of gender-based violence in Thyolo and Mulanje, it was discovered that medical personnel sometimes demand sexual favours from women in exchange for medicine.

Reproductive health

Pregnant women also face challenges in accessing the health structures. This is because of the long distances that women have to travel to the nearest hospital. The mean distance to hospitals is 21 km while two-thirds of pregnant women live more than 15 km away from a hospital. It is not rare for women to die from manageable pregnancy-related complications. A survey conducted by NSO 2000 indicates that 64.2 percent of rural women do not have money for transport to get them to the nearest health centre, compared to 37.9 percent of urban women. Improving transport and communication infrastructure to facilitate timely referral to hospital is more plausible than building more hospitals.

As with the rest of the health sector, there is a serious shortage of professional staff supporting reproductive health services. There are only two obstetrics/gynaecologists out of an establishment of 717 (52 percent), 41 laboratory assistants out of an establishment of 142 (29 percent), 410 medical assistants out of an establishment of 647 (63 percent) and no pathologists at all. The shortage of staff affects all aspects of reproductive health services. The number of health care workers who are trained each year does not meet the demand.¹⁶

There is an urgent need to expand training facilities to increase the output of health workers at all levels. It is estimated that only 4.9 percent of rural women and 9.3 percent of urban women are assisted by a medical doctor and 72.3 percent of urban women and 47 percent of rural women are assisted by a nurse or midwife at delivery.¹⁷ In such a situation especially in the rural areas, when there are complications during delivery, they are not able to get the necessary attention immediately, and as a result, the woman may lose her life.

Malawi's health and demographic data are characterised by a short life expectancy, high maternal mortality rate, high infant mortality rates, a high population growth rate with a high dependency ratio. Life expectancy has dropped from 43 years in 1996 to 39 years in 2000. For women, the life expectancy projection shows 39.8 years, and for men it is 39.2 years, according to formula used by international development agencies, although these calculations are averages that can be distorted by high infant and child mortality rates and are not applied directly to individuals. There has also been an increase in Age Specific Death Rates (ASDR) for both women and men aged 15 to 49 years. However for women aged 20-24 years, the death rate is three times greater than men. It is only in the age group 35 to 49 years that the increase in men's death rates surpasses that of women. This pattern of death rates is indicative of sexual mating relationships where younger women have sex with older men and they are exposed to HIV and AIDS, resulting in death. The maternal mortality rate (MMR) has almost doubled from 620 per 100,000 in 1992 to 1,120 per

100,000 in 2000. Lack of access to health care increases the risk of parent to child transmission in HIV and AIDS.

By the age of 19, about 66 percent of all females have begun childbearing. Only 22 percent of women aged 15-45 ever use contraceptives compared to the SADC regional average of 25 percent. Whilst 97 percent of women aged 15-49 know at least one method of family planning, only 39 percent of women and 56 percent of men have ever used a modern method, and only 26 percent of married women are currently using modern methods of contraception. This represents a dramatic increase in use from seven percent in 1992 to 14 percent in 1999, although the figures are still low. The low figures represent cultural attitudes whereby the society values childbearing.

There are also beliefs, especially among rural communities, that contraceptives are bad for women's health and that they cause cancer. Although Banja La Mtsogolo (a reproductive health NGO) has clinics placed in most parts of the country in almost all districts, and provides family planning methods at relatively low costs compared to current market prices, rural women feel that the costs are still prohibitive. Second, they feel that BLM clinics are centralized at the Boma (centres for government administration in all districts in Malawi), which is far away from most villagers who cannot afford transport costs every month to reach these clinics.

HIV and AIDS

In Malawi, three-quarters of all AIDS cases occur among the most economically active age-group of 20-49 years. Estimates for 2003 indicate that HIV prevalence (percentage of the total popula-

tion infected with HIV) in adults aged 15-49 years in Malawi is 14.4 percent.¹⁸ There are approximately 760,000 adults infected with HIV (out of an estimated HIV-positive population of 900,000 people) and of these, 440,000, or 58 percent, are women.¹⁹ In 1998, approximately 58,000 Malawians living with HIV developed AIDS and in 2000 this figure increased to 69,000.

As many as 80,000 people die from AIDS-related illnesses each year in Malawi, and another 110,000 people contract HIV. Since 1990, the death rate for adults aged between 15 and 49 years has tripled. Currently 170,000 people in Malawi are in need of Anti-Retrovirals (ARVs) combined with appropriate nutritional support. Selected public hospitals in Malawi have been providing free ARV treatment since 2003. At least one in four pregnant women test HIV-positive in Malawi.

Impact of HIV and AIDS

Health care expenditure in Malawi has risen by 50 percent since the pandemic began. Over 70 percent of the hospital beds in the country may be occupied by people with HIV or AIDS. It can cost up to MKW 50,000 (US\$ 500±) to take care of someone with AIDS. That is four years of income for the average Malawian. Further, when a parent is ill, girls may be withdrawn from school to provide care.

Patterns of Transmission

Men usually have more sexual partners than women and they often demand monogamy of their wives. However, they also believe that women other than their wives can have many sexual partners and that women are responsible for spreading HIV. According to the 2000 Malawi Demographic and Health Survey

(MDHS), 18 percent of married men were reported to have had extra-marital sex in the previous year, of which two percent reported having two or more partners. One percent of married women reported having extra-marital affairs and none had two or more partners. Men usually have many sexual partners partly because it is culturally acceptable for them and also because of taboos such as no sex during menstruation and the late period of pregnancy, preventing them from having sex with their wives or long term partners.

Older men with HIV also transmit it to younger women who are likely to pass on the virus to their next partners. Young women do not have adequate life skills to say no to sex or to insist on the use of condoms. They may also fear rejection, or fear that they might be accused of lack of trust by their partners. Many women in Malawi refuse to use condoms because these are associated with promiscuity. Often women who want to use condoms dare not ask for fear of upsetting their partner, who may be the only source of food and shelter for themselves and their children. Many women would rather have unprotected intercourse than risk being physically attacked or thrown out of their homes.

Cultural practices which undermine a woman's role in the fight against HIV and AIDS relate to *kuchotsa fumbi*, a practice that expects a woman to have sex with her deceased husband's relative. Other negative cultural practices include girls and boys being encouraged by initiation or initiation helpers to engage in sex after initiation is over or they may be given a *fisi* (hyena – hired sexual partner), who may be hired to “cleanse” the girl. A *fisi*

may be hired as punishment to married women by their husbands when they are suspected of adultery, or as sexual cleansing of the women in cases where a couple is not able to have children. It can also be done after a child or husband has passed away, or as punishment for girls who practice abortion. Other practices include enlargement of the vagina (*kukuna*: elongating the labia majora) in order to prepare them for sexual intercourse. All these activities put girls at high risk of contracting HIV. Education campaigns aimed at discouraging such practices are increasing.

ENVIRONMENT

This section focuses on issues of housing, water and sanitation, and electricity. The first profile (1997) broadly outlined the housing situation by highlighting types of dwelling units in Malawi. This Update discusses some of the initiatives put in place to improve the situation and a brief account of the National Water Policy.

Housing

Malawi faces a pressing housing problem in both urban and rural areas. Although it is one of the least urbanised countries in the region, its urban population will more than double in the next 15 years from about 1.5 million people at present to about 3.8 million people. Over this period, the national population is projected to increase from 10.6 to 16.8 million.

As in the past, a majority of the urban households will continue to look for accommodation in areas which are often without basic infrastructure and other social services. Unless decisive measures are taken now, the housing problem could assume alarming proportions in the years

to come. The real cause of this problem is the pervasive poverty. It is estimated that 66.5 percent of the rural population and 54.9 percent of the urban population live in poverty.

Most of the rural and urban poor live in temporary housing. It is estimated that of the household-based population of 9.9 million, some 6.5 million (66 percent) live in dwelling units that have thatched roofs with mud and wattle walls. About 1.6 million (16 percent) live in structures that have roofs constructed with iron sheets, tiles, concrete or asbestos, and walls made of burnt bricks, concrete, or stones (permanent structures). There is no statistical data to indicate the realities of women in relation to their housing situation, but the majority of people subjected to poor housing are women. With low paying jobs, many women cannot afford investments such as housing; female-headed households are the worst affected.

There are several initiatives to alleviate the problem of housing in Malawi, including provision of formal housing finance through a private entity called New Building Society. This however, caters for only a small proportion of urban households comprising those at the top end of the income scale. The then government set up the Malawi Housing Corporation (MHC) in 1964 as its first executing agent in the housing sector. By 1999, the Corporation had constructed over 20,000 houses and serviced a number of plots in Traditional Housing Areas, for people to construct houses. The extent to which women benefited from such kind of initiatives is not very well documented.

A housing policy was formulated, with the goal to improve access to housing by all income groups, to ensure that the hous-

ing delivery system enables all income groups to have access to housing. This will be achieved through regulation of land tenure in the Traditional Housing Areas, the provision of demarcated plots with secure tenure, the provision of basic infrastructure and the promotion of income-generating activities. The government's role will be to ensure that the housing market caters for all categories of demand. However, the policy does not specifically make any provisions for women to benefit.

In 2002, President Muluzi initiated a village housing scheme aimed at helping the poorest people who live in houses that are unfit for human habitation. The project has a grant and credit component. The grant component, which is currently being piloted in seven districts, is meant to assist the needy including the elderly, disabled, those keeping orphans and the widowed. In this regard, women will benefit only when they fall into the special groups being catered for under the scheme.

Some NGOs have tried to help to alleviate the problem of housing. Habitat for Humanity runs projects in three areas in the northern region of Malawi, four in the Central region and five in the Southern region. By 2000, they had built 5,000 houses for both female- and male-headed households. Their targets are middle-income families in urban and rural areas. However, women need to be treated as a special group since any consequences of poor housing would have more impact on them than their male counterparts. Their daily domestic tasks – cooking, washing and child-care – confine them to the environment of the house, and if the internal environment of the house is dangerous, their lives are put at risk.

*... 66.5 percent of
the rural
population and
54.9 percent of the
urban population
live in poverty...*

The benefits of involving women in water management projects Box 9

In the 1980s, the Malawian government designed an innovative system of community management for water supply to low-income households. Households in 50 districts received water, but water bills were not paid. Due to lack of gender planning, taps were opened at inappropriate times and water committees seldom met. Investigations showed that, prior to this project, local men had had little or nothing to do with water management. However, when the externally driven project was initiated, the men took control and the women took a back seat. Tap committees were made up of 90 percent men, many of whom were away most of the time. Efforts were made to integrate women into the process and guidelines for 60 percent women were set for tap committees. Consultation with women was done separately, and male and female extension officers were used. The result? Payment of water bills increased. Women became active and long-serving members of tap committees. Special training courses were organised for women in leadership, problem solving, financial management, hygiene and sanitation, and operation and maintenance. Tap committees met regularly and attendance was good. Hygiene and sanitation improved. Taps were opened and closed to the satisfaction of users.

SOURCE Schreiner, Barbara, "Water, Gender and Poverty", The e-conference on Successes and Failures in Gender Mainstreaming in Integrated Water Resource Management Global Discussions, 2002.

Water and sanitation

Malawi is endowed with a variety of natural resources, which include the vast expanses of freshwater sources in Lake Malawi. These cover 21 percent of the country's territorial area. Population growth over the years has increased the demand for water, which is used for domestic consumption, irrigation, power, transport and other uses. This growth in demand has hampered access to safe water for many Malawians.

Though access to clean water remains a challenge, there has been an improvement since the 1990s. The Malawi Population and Housing Census conducted in 1998 found that 48 percent of the population had access to clean water (about 27 percent of households had access to boreholes as their main source of drinking water; 21 percent used piped water or communal taps) while 25 percent drew their drinking water from unprotected wells. By the year 2000, 65 percent of Malawian households had access to clean water sources (23 percent from piped water plus 42 percent from protected wells or boreholes).

Lack of clean water remains a problem for most Malawians living below the poverty datum line, most of whom are women. Most rural women have to walk long distances to get safe water. This means waking up early in the morning so that they go to the fields before the sun is up and also to enable schoolchildren to have washing water in good time for school.

Modern sanitation facilities are not yet available to large proportions of Malawian households. The use of traditional pit latrines is still common in both urban and rural areas, accounting for 79 percent of all households. Overall, about 19 percent of the

households in Malawi have no toilet facilities. This problem is more common in rural areas where 21 percent of the households have no toilet facilities compared with two percent of households in urban areas.

The Ministry of Water Development has formulated a national policy on water in order to tackle water and sanitation issues. The policy, which is awaiting Cabinet approval, aims for sustainable and integrated water-resources development, conservation and management that makes water access and use equitable to all individuals and entrepreneurs, ensures that all persons have convenient access to sufficient quantities of water of acceptable quality, and the associated water-related public health and sanitation services. This policy also aims to promote the mainstreaming of HIV and AIDS awareness and gender in the water and sanitation sector.

As a way of ensuring that such gender issues are mainstreamed, the policy intends to promote the active participation of women in the planning and implementation of rural water supply and sanitation activities. Such involvement, if followed properly, will empower women to highlight their realities of access to water and enable them to advocate for reforms in the sector. Mainstreaming gender into water projects is extremely important and there have been successful attempts to involve women in water projects in Malawi that has been documented. Box 9 demonstrates some of the positive development on this.

Electricity and other sources of energy

For most Malawian households, charcoal is the major source of domestic energy. Data shows that

only a small percentage of the Malawian population has access to electricity. Poor power/electricity supply has pushed many people, especially rural communities to cut down trees for charcoal for domestic use and for fuel for tobacco curing. This practice has caused deforestation as well as massive soil erosion in Malawi. Given the variety of women's daily interactions with the environment, they are the most keenly affected by its degradation. Increased deforestation leads to soil erosion and flooding, reducing agricultural productivity, contributes to decreased water availability and contributes to the burden on women. Deforestation makes it more difficult for women to collect wild herbs, fruits and natural medicines, or fuel wood for cooking and boiling water. When women must travel further distances and take more time to collect fuelwood and water, girls are often taken out of school to assist. In areas where water is in particularly short supply, women use even more energy, putting them at risk of malnutrition and reducing their economic productivity.

As the impact of environmental degradation caused by tree harvesting becomes more serious and since the majority of people have no access to electricity, biomass (renewable energy) is now seen as an alternative to current energy supply problems. It is estimated that Malawi is now deriving above 90 percent of its energy from biomass. In addition to biomass, most rural households also depend on indigenous trees such as *miombo* for domestic energy and other livelihoods, including poles that are used as building materials.

In trying to protect woodlands, the government of Malawi is now working on new policies

that will promote community participation in the management of *miombo* woodlands. Despite having policies in place, the available data shows women's participation in the management of natural resources is still low, especially in the "village management committees". It is imperative that any effort to promote local participation in the management of natural resources must look into mechanisms for empowering women. This is important because studies and experiences from various SADC countries have shown that although women are the majority users of these resources such as forest, water and land, their role as decision-makers is usually not recognised.

In most communities, resource management remains the responsibility of other groups, more specifically, traditional leaders and local governments, the majority of whom are men.

LAWS AND LEGAL REFORM

This section discusses the position of the various laws with regards to women. In Malawi there appears to be the need for law reform in many areas, particularly in the area of family law. This section focuses on marriage, divorce, citizenship, maintenance and inheritance as well as some criminal laws. It highlights some problematic concepts relating to family law in Malawi, especially women's position therein. It further highlights problematic concepts regarding the administration of justice and rules of procedure and how these discriminate against women.

Marriage and the Constitution

In Malawi, the position of the family, especially as it relates to marriage, is clearly defined under Section 22 of the Constitution of the Republic, guaranteeing free-

*...resource
management
remains the
responsibility of
men...*

**Joyce Z Mpando vs
William Mpando** **Box 10**

In the case of Joyce Z Mpando vs William Mpando (MC No 14 of 1991), the parties married under the Marriage Act sought dissolution of the marriage on the grounds of adultery. It was proved during the court proceedings that the defendant had entered into a form of “marriage” during the subsistence of another marriage. The Court found that adultery had been proved. It did not, however, make mention of the other “marriage” and its criminal implications. Similarly, in the case of Amina Chirunga vs. Ms Chirunga (MC No 1 of 1995), the Chief Justice declared the marriage contracted under the Marriage Act, null and void, as it had been proved that the defendant had a wife in America at the time of the “current” marriage. The court did not make further mention of the “bigamy” in question. This indicates that the justice delivery system, for instance the courts, is generally patriarchal. They condone such behaviour by men. This is regardless of the fact that it is a violation of women’s human rights, according to the constitution.

dom and the right to enter into marriage.

Section 22 highlights that marriages at law, custom, by repute or by permanent cohabitation shall be recognised. The meaning of marriage by repute or cohabitation is however, not defined in the law, thus creating problems. Statutory law does not define this either. There is therefore need for a law which specifically defines, in clear terms, as to what constitutes marriage by repute or by cohabitation under the Malawi Law. For example, how far and wide should such reputable “marriage” be known in order for it to be recognised as such? For how long should couples live with another for such an arrangement to be recognised as a marriage by cohabitation? And what constitutes a customary marriage?

It is also not clear what rights and obligations in respect of property, children, divorce and death accrue to such arrangements. This relates to the fact that marriage at statute law has some guidelines as to what constitutes such marriage and what rights and obligations accrue to the same in respect of children and divorce. Would a marriage by repute or cohabitation follow the same guidelines set out by courts or statute law, and which statute law would be relevant in determining these rights and obligations? All this is not clear, making implementation of the law difficult.

According to the Constitution, the age of majority for purposes of entering into a marital union is 18 years. For persons between the age of 15 and 18 years, a marriage shall only be entered into with the consent of parents or guardians. The State is obliged to actually discourage marriage between persons when either of them is

under the age of 15. This position creates some technical difficulties in the following manner.

- ♦ The CEDAW General recommendation No. 21²⁰ Section 36, recognised that bearing in mind the provisions of the Vienna Declaration and Programme of Action 12 (1993), the CEDAW Committee recognises that the minimum age of marriage should be 18 years for both man and woman. This is because at marriage men and women assume important responsibilities; consequently marriage should not be permitted before they have attained maturity and capacity to execute such an important arrangement.

Section 24 of the constitution states that women have a right to acquire and maintain rights in property, independently or in association with others, regardless of their marital status. On the dissolution of marriage, women are entitled to a fair disposition of property held jointly with a husband to a fair maintenance. The freedom to acquire property regardless of marital status is clear under the law. The problem which arises relates to the nature and form property takes once a woman has entered into a matrimonial union. The implications of this will be seen as types of marriages are discussed below.

Types of marriage

Marriage under the Marriage Act

Marriage under statute is regulated by Chapter 25:01 of the laws of Malawi. It provides for modalities for entering into a marriage. The Act prohibits marriage under the age of 21 unless consent is otherwise obtained in writing. It further prohibits marriage under the Act where either of the intended parties has been mar-

ried under customary law. Further, any person whose marriage is contracted under this Act cannot enter into any other marriage under any law.

This Act validates a marriage between a man and his deceased wife's sister or niece, but is silent on the opposite scenario. The Act makes bigamy an offence punishable by law and the sentence is five years imprisonment. The Act is commendable in that it does not allow polygamy, as polygamous marriages contravene women's rights to equality with men and can have sexual, emotional and financial consequences for them and their dependents.²¹ However, polygamous marriages are still practised, as the discussion of customary law will later show. The courts' position on bigamy is not deterrent enough to those practicing this or those intending to.

The law is silent on the regulation of an ongoing marriage and focuses on the inception and the end of the marriage.

Customary Law marriages

The constitution recognises marriages by custom, which is the predominant form of marriage in Malawi. Recognising customary marriages, and not discouraging polygamous unions, which are an inherent feature of customary marriages, is contrary to International standards,²² which invite Member States to enact legislation to prohibit polygamy and polyandry. Customary law on its part has no specific rules to guide relations in the family, but at least has a mechanism, *Ankhoswe*, who are usually the uncles of the parties, to help the parties in case of need. However, the institution of the *Ankhoswe* has been riddled with injustices in respect of the manner in which they resolve disputes.

In Statutory terms, there also exists the African Marriage (Christian Rites) Registration Act, which provides for the Registration of African marriages celebrated according to Christian rites. Under this Act, celebration of marriage shall not affect the status or the consequences of any prior marriages entered into by two Africans. This Act seeks to allow couples married under customary law as stated above to christen their marriage under the Christian faith.

The problem with this Act is that it creates an assumption that marriages conducted in Church are statutory. Most couples are usually dismayed to discover that although they went to church after a traditional ceremony, their marriage is not deemed constituted by the Marriage Act. Another problem is that women's rights are not specifically protected. For example, the divorce rate under this Act is high, usually initiated by men when they wish to marry another woman. Divorce proceedings under this Act are held in the Magistrates court and follow cultural rules and practices, which are often patriarchal and do not usually benefit women. The scenario is particularly common in matrilineal societies where marriages are loose unions due to the fact that it is the man who moves to live in the wife's village and can leave that village at will. Since men are economically viable in most societies, as compared to women, the men leave the women destitute to single-handedly raise children. As such, matrilineal societies have poorer women and children due to this high rate of divorce.

Asiatics (Marriages, Divorce and Succession) Act

This Act relates to marriages of non-Christian "Asiatics", whether

Florence Ganert Box 11 **Nanyanga vs Arthur** **Nanyanga and Ellen Nampinga**

In the case of Florence Ganert Nanyanga vs. Arthur Nanyanga and Ellen Nampinga (MC No 21 of 1998) in which the petitioner wanted dissolution of marriage on the grounds of adultery, it was proved that the man had entered into another marital union. The judge in this case noted that any marriage contracted at the Registrar General's Office or District Commissioner's Office such as marriage under the Marriage Act is strictly monogamous. This was one such marriage and was therefore declared not only adulterous but also bigamous. He directed that a copy of the judgment be sent to Chief Public Prosecutor to consider prosecution. The position of the judge is remarkable as he opted to look at the crime of bigamy, condemned it and also considered the initiative of notifying the Chief Public Prosecutor.

resident in Malawi or not, who are not related to each other in any of the degrees of consanguinity or affinity prohibited by the law of their religion. If the marriage is contracted in the manner of customary law in Malawi, between persons professing the religion of either party to the marriage, it shall be deemed, to be a valid marriage.

The Act assumes that Asians prefer only Hindu or Islam religion. As with patriarchal tendencies in traditional customary marriage unions, religious institutions like the ones targeted by this Act, have the same tendencies, which contradict principles of gender equality and the right to a family. For example, women can be divorced at will and can be denied custody of their children above seven years of age in the Moslem community. In this regard, Asiatic women face discrimination.

Divorce

The High Court has original jurisdiction to hear all cases, including divorce cases. Under the Marriage Act, divorce can be granted on the following grounds:

- ♦ Cruelty;
- ♦ Adultery;
- ♦ Desertion for a period of three years immediately preceding the presentation of the petition;
- ♦ Being incurably of unsound mind and has been so for five years; and
- ♦ Husband being guilty of rape.

Property rights in marriage

The issue of property rights in marriage is problematic for women under Malawi laws, especially in instances of divorce. The constitution states that a woman is entitled to a fair share distribution of only that property held jointly with her husband. Property held in common, other than family property and property held jointly, is not a subject for fair distribution.

The presumption in courts is that “an inference of joint ownership of property is not to be made from a mere fact of marriage.”²³ The courts insist on strict proof of ownership for a spouse to be allocated a piece of property. Any spouse wishing to claim a share in an object of property that is not in her or his name must prove that he or she contributed.²⁴ The courts have held that the contributions must be financial. Contributions to the maintenance of property items, housekeeping and child-care by spouses are not accepted as sufficient for any proprietary rights,²⁵ which disadvantages women, most of whose contribution in the household is not monetary.

Citizenship laws

The Citizenship Act (Cap 15:01) provides that upon marrying a foreign man, the Malawian woman will lose the right to Malawian citizenship unless she renounces the citizenship of her foreign husband on the first anniversary of marriage. It also provides that the children of a Malawian woman by a foreign husband cannot be Malawian citizens by virtue of their mother being Malawian. However, a Malawian male in a similar situation retains his citizenship and is able to pass it on to his offspring.

This is the ultimate form of gender inequality, which contravenes the constitution. The Malawian woman is treated like a minor and denied her right to acquire and retain citizenship as per the constitution. Her freedom of choice in marriage is limited and her freedom to reside in her country of birth is curtailed. Her freedom of movement is also curtailed, as she will not be secure in her residing in Malawi or anywhere else.

The Act also contravenes the Convention on the Elimination of

all forms of Discrimination Against Women (CEDAW) which compels state parties to grant women equal rights with men to acquire, change or retain their nationality. Thus, Malawi has obligations under the international law to review the Citizenship Act, especially in the light of its commitments under CEDAW. Malawi is also signatory to the SADC Gender and Development Declaration approved by Heads of State and Government in 1997 which, among other things, commits states to repeal and reform all laws such as the Citizenship Act that still subject women to discrimination.

Maintenance

Malawi has enacted two statutory laws on maintenance; one deals with married women and the other with children born out of wedlock. The one dealing with married women was enacted in 1948 whilst the one dealing with children born out of wedlock was enacted in 1946 and a substantial amendment with regards to the amounts payable was done in 1998.

Married Women (Maintenance) Act

This Act makes provision for maintenance of a married woman and her children living apart from her husband, where the husband:

- ◆ has been convicted of an offence which is committed against the wife;
- ◆ disappeared from home;
- ◆ is guilty of continuous acts of cruelty to her or her children;
- ◆ neglected to provide support for her children;
- ◆ is consistently having sexually transmitted diseases; and
- ◆ has forced her to become a "prostitute".

The monthly sum that can be paid to such women as mainte-

nance is MK60 (80 US cents) for herself and MK8 (11US cents) in respect of each child. Fortunately, the High Court has not rigidly stuck to these low provisions. This is especially in cases where such maintenance accrues to children.

Affiliation Act

This Act was revised in 1997, and makes provisions for the maintenance of children born outside marriage and has been reviewed again to increase the amounts paid for maintenance. Under the amended law, a father is required to make a minimum monthly payment of MK250 (US\$3.30). If he can afford to pay a lump sum, the minimum is set at MK20,000 (US\$ 266). In addition, the father may be ordered to make payment for any expenses incurred in relation to the birth and/or funeral of the child, if the child dies before the court makes its order. The amount ordered can be revised on application, depending on any change of circumstances whether on the part of the child or the father. The prescribed minimum amount for revision is MK250. Though the amendments are commendable, the figure as amended remains inadequate. The sums of MK250 and MK20,000 respectively are set as minimums, but there is a danger that the Courts may interpret these as the maximum. It might be better if a certain percentage of the father's income was set as monthly support for the child. The maximum figure of MK250 is not realistic in the economic realities in Malawi. The actual needs of the women and children should be the yardstick for revisions.

The amendment has also repealed the section which provided that a maintenance order shall not be of any force if the child attains the age of 16 or if he/she dies. The new provision includes

children who have entered into marriage, or have attained the age of 18 years and continues being payable until such a time that they attain a first degree. This is a welcome reform since the child's interests should override the stringent age limitations for eligibility to maintenance.

Inheritance and succession matters

Civil and customary inheritance and succession matters are dealt with under the Wills and Inheritance Act. This Act is important as it determines property distribution in estate and in testate succession matters. The distribution of property under a will (testate) is usually straightforward under law, because the Act provides for testamentary freedom whereby the testator or testatrix is free to distribute property according to her or his wishes. Distribution would then follow the wishes of the testator.²⁶

The problematic area, especially for women, is intestate succession. It is through this process that widows in Malawi are usually dispossessed of their property as they generally lack the necessary protection under the law from this abuse of their fundamental human rights. The majority of Malawians die intestate.

The Act²⁷ exhaustively makes provision for the distribution of property that belongs to a male person who has died without leaving a will, but is survived by a wife, issue or dependant. It provides that if the deceased man's marriage was arranged in the patrilineal system,²⁸ half of his estate share must be distributed amongst his wife, children and dependants. His heirs at customary law will acquire the remaining half share.²⁹ If the marriage of the deceased man was arranged in the matrilineal system, his wife, chil-

dren and dependants must acquire two-fifths share of the estate. Heirs, in accordance with customary law, are entitled to the remaining three-fifths share.³⁰

The law does not define a customary heir, which makes it subject to exploitation. A widow is relegated to a dependent by definition, which is degrading as it has connotations that women are dependents in a matrimonial household as opposed to people capable of acquiring, disposing and sharing property. The Act appears to encourage the prevailing assumption that once a husband dies, all matrimonial property transforms into his estate. The law does not explain that it is just "part" of the matrimonial property that can be subject to inheritance. Further, it does not specifically define how the property of the remaining spouse will be ascertained, or protected. Instead, it turns a blind eye on the fact that in marriages, there might be joint acquisition of property. This position is propounded in the marriage laws as indicated earlier, for instance, the Marriage Act does not specifically provide for property regimes in marriage upon the celebration of the same.

Under the same Law³¹ a widow holds her share of the deceased husband's estate on condition that if she remarries, any subsisting property shall become divisible among her children by the deceased in accordance with Section 17. The degradation of the widow is so vivid in these circumstances. She is stopped from remarrying, as doing so would render her poor. This is a fundamental violation of a widow's right as an individual to make a decision about her life; whether to marry or not and the right to found a family as provided under the constitution (Section 22).

*A widow is relegated
to a dependent by
definition...*

Distribution of property of a deceased woman

The Act also makes specific provisions for the distribution of the property of a deceased woman. The sole beneficiaries to her estate are her children. But where she dies without children, the persons entitled to her property will be ascertained in accordance with customary law. This is a matter of concern since the provision is often not complied with. This could be due to the fact that the Act concentrates mainly on intestate succession of a deceased male. Such property is distributed according to the rules of an estate belonging to a deceased man. This puts the children of the woman at a disadvantage.

Dispossession of widows

Cultural perceptions relating to the socio-construction of the family in which men are recognised as heads of households and women as subordinates contribute to dispossessing widows of the power and control over property in the home. Further marriage arrangements in both patrilineal and matrilineal societies endorse the low status accorded to women.

More particularly in the patrilineal societies, the payment of *lobola* relegates women to a lower status in the marriage. This is because by virtue of *lobola*, they transfer all their reproductive and property rights to their husbands and their relatives. Dispossession gets rooted because of such disempowering arrangements. This transcends into the construction of property ownership and control, in which men control and own valuable property and women control and own less valuable property.

This is the “genderisation of property ownership” where men control land and its proceeds and

own bicycles and cars, while women own buckets and kitchen pans and pots. This state of affairs is translated both at divorce and during the distribution of property after death, with women being dispossessed of all of their valuable property and inheriting pots and pans. Dispossession of widows in Malawi is also attributed to how widowhood is constructed, as a dispossessing tool in which in-laws choose to give a woman that status or not, and all other entitlements that come with the title.

Among the patrilineal Tonga of Malawi, widowhood is defined as a status bestowed on a widow by her late husband’s family at the death of her husband. However, even if that status is given, the general behaviour of the widow before the death of the husband, during illness and after death all form a long chain of a woman’s vulnerability to dispossession, which in the Malawian context, starts at the inception of marriage. A national study on women’s property and inheritance rights in Malawi established that other factors contributing to dispossession of widows include sharing inheritance with many heirs owing, in part, to unclear guidelines from both the law and customs, opportunism and lack of awareness on the part of husbands who do not write wills, and greed on the part of relatives and officials who tend to take advantage of widows

Employment laws ***Employment Act***

The Employment Act is largely progressive in that it outlaws discrimination on the basis of sex. However, Section 47 fails to guarantee the 12 working weeks as minimum leave days for maternity as required by International Law. Instead it allows eight weeks only. This is problematic

*... men control land
and its proceeds ...*

because Malawian women usually marry at a young age and are demographically characterized as highly illiterate, with high fertility rates and low contraceptive use, thereby requiring protection of the law through provision of maternity leave. This is a huge flaw of an otherwise progressive piece of legislation.

Sexual Offences

Malawi has experienced an increase in the number of sexual offences of various forms due to a number of reasons.

Defilement

The penal code defines defilement as unlawful carnal knowledge of any girl under the age of 16 years. Originally, the age limit was 13 years but this has since been revised to 16 years. Consent or lack of it on the part of the victim of defilement is irrelevant. What is essential is proof that an adult male has had sexual intercourse with a girl under 16 years. Not only have defilement cases been reported in the media, but also in the courts of law. Thirty-three percent of the cases handled between 2000-2001 by First Grade Magistrate Court in Mzuzu on domestic violence were on defilement. The penal code raises a penalty of life imprisonment in defilement cases. There is no evidence to show that this sentence has had any effect in reducing the incidence of defilement.

Rape

The offence of rape is defined under section 133 of the penal code as the unlawful carnal knowledge of a woman or girl without her consent. Rape is punishable by death under the criminal law of Malawi, and like defilement, has been widely reported in the media. It is degrading to human dignity and

humiliating to the survivor. Courts are invariably supposed to impose an immediate custodial sentence upon conviction and the sentence will depend on the circumstances in each case.

Part of the problem in rape cases for women is that the evidence in a rape case must be supported by a witness, which is always not possible as the offence is usually committed in private. The courts accept as corroboration the fact that the victim reported the offence immediately to the police, preferably in a distressed condition.

Although there seems to be a change in the legal attitude towards sexual violence in Malawi, there is still a long way to go in so far as hearing procedures and sentencing of these crimes are concerned. Part of the problem is the legal definition of rape used in Malawi which does not reflect the reality of the woman's experience. It fails to take into account the psychological, sociological effects that the offence has on the victim, a trend which continues even in trials.

The sentencing patterns leave a lot to be desired. For instance, cases handled by the High Court on grounds of appeal between 1996 and 1998, show uniformity in the number of years imposed, the maximum being six years imprisonment. This does not provide a deterrent to would be offenders, putting women at further risk.

Sexual offences, like other crimes, are heard in open courts, with a few courts holding these trials in camera. Though the argument may be that if heard in open courts potential offenders would be deterred from committing the same crime, this also has negative effects on the survivor.

A survivor may not be comfortable to recount the whole

ordeal in the presence of so many people. As such, most cases go unreported, as women would rather protect their reputation and keep a “clean” record in society. Some districts have taken the initiative to establish court-users committees composed of the police, magistrates, hospitals and other government structures with the aim of collaborating on issues of sexual offences, since each of the structures involved has a role to play in assisting survivors of sexual offences. This is a welcome initiative for women.

However, what is particularly important in Malawi is the fact that currently there are no plans by government and other stakeholders to introduce a law on sexual offences which would respond to the HIV epidemic. The Law Commission’s special law reform commission on the review of the Penal Code Report missed an opportunity to mainstream HIV and AIDS in the penal laws of Malawi particularly with regard to sexual offences. The Malawi HIV and AIDS policy has

called for penal laws that mainstream AIDS. This is slowly creeping in through other means such as the proposed Bill on the Prevention of Domestic Violence, which will be discussed later.

Incest

Most victims of incest are children ranging between 5 to 15 years. The secrecy surrounding incest makes it difficult to know the extent of the problem in Malawi. Acts of incest are normally caged secrets by families. Unfortunately, most perpetrators are close family members. To avoid the social stigma that follows such acts, families would rather keep silent. In a few cases where families get to talk about incest, for instance to their pastors, they do so as a ventilation therapy rather than to seek legal intervention. It is only when a certain measure of openness in society has been achieved that the full extent of the problem will be known, perpetrators dealt with and victims given appropriate counselling. Currently, only a few cases get reported to the police.

The CEDAW highlights some practices, which States ought to eliminate, which in themselves are discriminatory to women in the work place. In this regard, State Parties are mandated to take all appropriate measures to ensure that:

- ♦ The right to work is an inalienable right to all human beings;
- ♦ The right to same employment opportunity such as same criteria for selection in matters of employment;
- ♦ The right to free choice of profession, employment, promotion, job security and equal employment benefits;
- ♦ The right to social security; and
- ♦ The right to protection of health and safety in working conditions including safeguarding the function of reproduction.

Further, the state shall protect pregnant or married women from any discrimination in respect of:

- ♦ Dismissal on the grounds of marriage or maternity leave; and
- ♦ Provide special protection to women during pregnancy.

The CEDAW Convention forms the basis for protection of women from discrimination in the work place. It is the guiding light for government laws and policies with respect to treatment of women in the work place. It also forms the basis for institutions to follow these guiding principles.

Various women's rights organisations have called on the government to honour CEDAW and have conducted a number of activities which they hope will bring CEDAW closer to Malawi. The gender ministry has invited other government agencies and NGOs to honour CEDAW. The reality on the ground is that women continue to be discriminated against at the workplace.

The constitution requires the government to actively promote the welfare and development of the people by progressively adopting policies and legislation aimed at achieving, *inter alia*, gender equality through full participation of women in all spheres of society. Section 20 outlaws any form of discrimination based on sex. Whilst the government may honour this in some respects in others it does not. The government of Malawi has a long way to go in honouring its state obligations.

PART II

POLICIES AND PROGRAMMES

NATIONAL GENDER POLICY

The National Gender Policy (NGP) was launched in March 2000 by the then First Lady, Madame Patricia Shanil Muluzi. The policy was developed as an integral part of the national development policy objectives to enhance the overall government strategy of growth through poverty eradication. Its development objective is to mainstream gender equity in all development policies and programmes.

The policy is a short-to-medium term strategy that expires in 2005. An evaluation will have to be conducted to assess whether or not its policy objectives have been met. However, its implementation, together with that of all national policies, is expected to be achieved within the framework of the Malawi Poverty Reduction Strategy (MPRS).

The policy was developed along six thematic areas embracing government priority developmental concerns.

Six thematic areas

Education and training

The Government of Malawi recognises that education is one of the main catalysts to poverty alleviation. The NGP aims to change societal attitudes towards the value of women in promoting their empowerment, improving the quality and relevance of education, increasing financial resources for education, especially scholarships to girls and needy boys, developing educational and skills training programmes for out-of-school youth and linking the adult education and literacy programme with the formal school system.

Poverty and economic empowerment

It is recognised that while both sexes are affected by the rampant poverty in Malawi, women, children and the elderly are affected more. In a country which depends largely on agriculture, women have been found to constitute a majority of farm workers. Further, poor households have been found to be disproportionately female-headed. The chances of a female-headed household being among the poorest are estimated as almost one in two. In 1998, per capita incomes for male Malawians were almost twice those of females: MK2,348 for men compared to MK1,442 for women. The NGP therefore identifies four specific issues to be addressed in this regard:

- ♦ Enforcing women's rights to land ownership and the management of their own resources;
- ♦ Increasing women's access to credit facilities;
- ♦ Protecting women's and girls' right to use their earnings; and
- ♦ Recognizing and developing the informal sector, in order to strengthen women's economic empowerment.

The government also undertakes to ensure the mainstreaming of gender into national budgetary processes.

Reproductive health

Women in Malawi continue to be disempowered in taking decisions regarding issues of their sexuality and reproductive health, which are mostly under the control of husbands and other male relatives. The NGP recognises the right of women and men to be informed



and to have access to appropriate health-care services that guarantee women's safe motherhood. However, the gender relations are characterised by the prevalence of poverty, violence, negative attitudes, discrimination and economic dependence among women. This puts them at greater risk of contracting HIV and other sexually transmitted infections. The objective of the NGP is to advocate for equal access to reproductive health and other health education programmes by women, men, boys and girls.

Governance and human rights

The issue of primary concern under the NGP is the level of female representation in political and decision-making structures. It is recognised that in Malawi, despite commitments under the SADC Declaration, the composition of women in political and decision-making structures remains negligible. Further, the NGP acknowledges that gender-based public and domestic violence, particularly against women and children, continues to be pervasive. The NGP therefore aims to advocate for the increased numbers of women in decision-making positions at all levels, while at the same time ensuring a conducive policy and legal environment for men and women in Malawi to enjoy their rights.

Natural resources/environmental management

Malawi's natural resources and environment are being rapidly depleted and degraded due to the combination of effects of rapid population growth, poor land management practices, and poverty. Women are hardest hit by the effects of environmental mismanagement because of the gender roles which they play in resource utilisation. The NGP

aims to mobilise campaigns to involve women, men, girls and boys in the planning, design and management of water facilities among others.

Food and nutritional security

Malawi faces acute and widespread household food insecurity, resulting in malnutrition, especially amongst women and children. Further, low productivity, labour-burdened and cash-strapped lives of women are directly linked to household food insecurity. These, in turn, are associated with high levels of malnutrition, morbidity and mortality, especially among children. The NGP aims at addressing a number of gender-based inequalities to enhance household and national food and nutrition security for sustainable development. The Malawi Poverty Reduction Strategy Paper (MPRSP) also recognises the improvement of food security and the satisfaction of nutritional requirements as some of the priority aims in policy formulation.

Gender Policy goal, objectives and guiding principles

The overall policy goal is to mainstream gender in the national development process to strengthen the participation of women and men, girls and boys for sustainable and equitable development for poverty eradication. The policy has eight general objectives:

- ◆ To enhance and support national efforts towards poverty eradication through equal participation in, and benefit from, the national development process by women, men, boys and girls.
- ◆ To provide all key actors in national development with reference guides for recognising and addressing gender concerns, so enabling them to

take informed development policy decisions, and to ensure that gender perspectives are mainstreamed in all policies and programmes to benefit both men and women equitably.

- ◆ To review and revise development policies, programmes and laws to make them gender responsive.
- ◆ To promote and facilitate equal access to and control over productive resources, services and opportunities.
- ◆ To redress imbalances that arise from existing gender inequalities, including traditional, cultural and social attitudes that hinder the participation of women and men in development and put women in subordinate positions.
- ◆ To promote the recognition and value of women's multiple roles and responsibilities, their contribution towards national development and as beneficiaries of the development process.
- ◆ To promote collection and use of gender-disaggregated data in planning and implementation of development programmes.
- ◆ To clarify and establish institutional frameworks with the mandate to initiate, co-ordinate, implement, monitor and evaluate gender-responsive national plans and programmes.

Challenges faced by the policy

The politics of a state institution formulating gender equity policy

The Malawi Government has tasked the Ministry of Gender and Community Services to create a paradigm shift in the development agenda by coming up with policies and governing principles that bring about equality between men and women

through the national gender policy. The Ministry is one of the least powerful Ministries and has limited influence on the national agenda, although the Minister sits in Cabinet. The Ministers who ordinarily occupy this position do not have gender analysis expertise but are appointed to this position based on political affiliation.

Conceptualisations of gender within the policy

When the Government of Malawi, through the National Gender Machinery, decided to adopt a Gender and Development (GAD) approach in 1998, for policy planning and implementation, confusion ensued as to the meaning of GAD. The nature and spirit of the policy clearly reflects this position. Article 3(1) gives the goal of the policy, which is to:

mainstream gender in the national development process to enhance the participation of women, men, boys and girls for sustainable and equitable development for poverty eradication.

This statement appears to deny that participation is particularly problematic for women and girls due to their subordinate status. Understandably, the result of any gender planning exercise is to achieve equality of the sexes. Any strategy formulated to achieve this goal should clearly recognise that the battle is the emancipation of women and therefore the result is the equality of the sexes. The construction of the goal in this particular instance appears as if the problem of lack of participation relates to the whole society and the gender-policy shall address that.

For instance, under the education thematic area, the policy focuses on gender mainstreaming and points out that in Malawi, although an almost equal number of boys and girls are enrolled in

the first grades of primary school, the proportion of girls in the system declines as one moves up the educational ladder. The section dealing with education in the policy does not address these imbalances in a categorical way. For example, Section 5(1.1) states the “gender specific objective” as:

To lobby for the provision of equal access and quality education to all school age children.

One of the strategies in the policy towards achieving this objective is to facilitate “increased enrolment and retention of girls and boys at all levels and promote the provision of equal opportunity in educational institutions for girls and boys.”

Instead of focusing on the problem girls are facing as highlighted by the evidence, the policy provides a solution that does not address the problem and pretends both boys and girls have similar problems relating to their gender roles.

Another explicit example highlighting this confusion relates to the MPRSP. The policy recognises that disparities between men and women in Malawi are still very pronounced and are a major cause of poverty. It further recognises that addressing gender disparities is a critical pre-requisite for attaining increased economic growth and sustainable human development. In the same breath, the MPRSP recognises disempowerment of both men and women and other “gender groups”...apparently in an effort to embrace the GAD approach which it defines as recognizing the relations between men and women, and not exclusive focus on women.

Obviously, the interpretation of the GAD approach as focusing on relations between men and women becomes problematic. This is because the MPRSP fails to

categorically state that subordination of women will be viewed in the way they relate to men. The issue is whether gender analysis is being looked at as the subordination faced by everyone – men, women, boys and girls and other vulnerable groups. This becomes even more confusing since the MPRSP in its strategic interventions once again recognises that women in relation to men are at a disadvantage and comes up with strategic interventions to that effect. This thinking has permeated all relevant national documents, as will be seen from the MPRSP analysis.

This illustrates that the GAD approach has been highly misinterpreted, so much that even those charged with the responsibility of mainstreaming it are afraid to be honest and the sad result is that critical policy documents such as the MPRSP and the NGP do not effectively mainstream gender.

Whilst the formulation of the NGP is an achievement, the effects will not change the status of women. Its formulation has not necessarily marked change in the way government deals with women’s subordination.

NATIONAL HIV and AIDS POLICY

In 2003, the government, through the National AIDS Commission in the Office of the President and Cabinet, drafted the National AIDS Policy entitled “A Call for Renewed Action”.

The goals of this policy are to prevent the further spread of HIV infection and to mitigate the impact of HIV and AIDS on the socio-economic status of individuals, families, communities and the nation.

The policy outlines three objectives which will be pursued in achieving these goals:

- ◆ Improve the provision and delivery of prevention, treatment, care and support services for people who are HIV positive and People Living With AIDS (PLWAs);
- ◆ Reduce individual and societal vulnerability to HIV and AIDS by creating an enabling environment; and
- ◆ Strengthen the multi-sectoral and multidisciplinary institutional framework for co-ordination and implementation of HIV and AIDS programmes in the country.

The following are some of the policy statements, which have a gendered implication or significantly recognise the position of women in relation to HIV and AIDS:

- ◆ Strengthening and sustaining a comprehensive multi-sectoral response to HIV and AIDS.
In this regard, the government recognises the need to build the capacity of various institutions in order to mainstream its policy on HIV and AIDS.
- ◆ The government undertakes to mainstream HIV and AIDS into all relevant policies, plans and programmes. This is an important policy statement as it ensures that policy statements, plans and laws that will advance the gender agenda also include HIV and AIDS issues.

Promotion of HIV and AIDS prevention, treatment, care and support

The policy is a highly progressive document that effectively mainstreams gender and represents a major leap forward for women in Malawi regarding official government support to reduce their vulnerability to HIV and AIDS as well as the challenges of living with the

epidemic. It is the right instrument to take the gender agenda forward with regards to mainstreaming HIV and AIDS. The challenge currently facing the policy is its effective implementation as well as effective monitoring and evaluation, and the allocation of funds for these to happen.

Information, Education and Communication (IEC) for behaviour change

Regarding prevention, the policy recognises IEC for behaviour change as an important strategy for dissemination and undertakes to ensure that people have access to culturally sound and age-appropriate information on, among other things, parent-to-child transmission, breastfeeding, treatment, nutrition and safer sex. This is critical especially for women who lack information on these subjects and engage in behaviours which often put them at risk. The challenge relates to making sure that this information is properly disseminated and actually reaches the women.

Routine testing

The policy permits government to undertake HIV screening without consent through samples from pregnant women through anonymous unlinked testing for surveillance. The human rights issues related to this need to be investigated as non-consensual screening for national purpose is only done to pregnant women and not to general patients or any other group. There is risk of discrimination by the health workers once a woman's sero-positive status is revealed.

Condoms for HIV prevention

The government undertakes to ensure that affordable male and female condoms, and other barriers

er methods of good quality, are made available to all those who need them, including prisoners. The female condom is not readily available in Malawi and is usually very expensive. Yet research shows that women are more vulnerable to HIV and AIDS due to the construction of masculinity and gender relations which makes it difficult for them to negotiate use of the male condom. There is need for a policy statement whose main challenge would be to address the constraints women face in using the female condom given the power relations between men and women.

Prevention of Parent To Child Transmission (PTCT)

The government undertakes, among other things, to:

- ◆ ensure that HIV testing is routinely offered to all pregnant women attending antenatal clinics;
- ◆ provide access to Antiretroviral (ARV) treatment to prevent HIV transmission from parent to child;
- ◆ provide an enabling environment for women to participate in PTCT or other preventive care or support programmes without the consent of their husbands, sexual partners or family; and
- ◆ ensure baby-friendly initiatives to support HIV-positive lactating mothers who choose to exclusively breast-feed for six months.

Post Exposure Prophylaxis (PEP)

The government undertakes to provide affordable short-term ARV prophylaxis for people who have experienced occupational exposure to HIV and for victims of rape. The challenge is the creation of mechanisms to empower women to demand the drugs if they are raped.

Protection, participation and empowerment of vulnerable populations

The policy recognises women and girls as vulnerable to HIV and AIDS and undertakes to:

- ◆ ensure that women and girls, regardless of marital status, have equal access to appropriate, sound HIV-related information and education programmes and means of prevention and health services;
- ◆ ensure that women and girls are protected against violence, including sexual violence, rape and other forms of coercive sex, as well as traditional practices that may negatively affect their health; and
- ◆ ensure the protection of women's legal rights within the family in matters such as divorce, inheritance, child custody, property and employment rights.

The policy also recognises widows and widowers as another group vulnerable to exploitation, and commits to:

- ◆ ensure that communities, especially women and the elderly, have access to accurate and comprehensive information, about laws protecting legal rights of a surviving spouse to inherit property and ways to enforce these rights; and
- ◆ ensure that victims of property grabbing and custody disputes have access to affordable legal support services to enforce their rights.

Traditional and religious practices and services

The policy recognises that certain customary practices increase the risk of HIV infection, which include extra-marital sexual relations, marital rape, polygamy, "death cleansing", and commits to:

- ◆ ensure that support services are available for spouses who assert their rights to safer sex with their partners and are abused or thrown out of the home;
- ◆ ensure the provision of support services and access to PEP for people who reject the practice of widow and widower inheritance; and
- ◆ promote correct and consistent use of condoms in marital sex where there is real or perceived risk of HIV-infection and other STIs.
- ◆ enhance conservation and community management of natural resources; and
- ◆ promote research and capacity-building in land surveying and land management.

The land policy is problematic because it seeks to promote titling of the land at the individual level and ignores customary implications and also the position of women within that land system. It states that those with the ability and resources shall form a major criterion for people to be awarded secure access to land, which obviously excludes women at all levels since it is usually women, due to their socioeconomic position arising from constructs of gender, who do not have the resources.

In terms of Land Tenure, the 1965 Land Act recognizes three land tenure regimes and these are customary, freehold and leasehold tenure. Customary land, which accounts for 70 to 80 percent of the country's total land, is where most of the smallholder farmers are located. Ninety-three percent of women live in the rural areas.

Legislation relating to the acquisition of freehold land does not discriminate between the sexes. However, women are disadvantaged by a general lack of information on how to buy and register land, claim ownership, or contest land rights. In fact, Malawi is one of the few countries in southern Africa which does not qualify their equality clauses.

HOUSING POLICY

A housing policy was formulated with the goal to improve access to housing by all income groups, to ensure that the housing delivery system enables all income groups to have access to housing. This will be achieved through regula-

Proposals for legislative reform

The policy recognises that in order to mainstream HIV and AIDS effectively, there is need for legal reform in the constitution, labour and labour-related legislation, criminal laws, public health laws, customary laws, marriage and divorce laws, taxation laws, laws related to orphans and the Wills and Inheritance Act.

NATIONAL LAND POLICY

In 2003, the government formulated the National Land Policy. The aim was to ensure tenure security and equitable access to land, and to facilitate the attainment of social harmony and broad-based economic development through optimum and ecologically balanced use of land-based resources. The specific objectives of the policy are to:

- ◆ promote reforms that guarantee security and instil confidence and fairness in all land transactions;
- ◆ promote a decentralized and transparent land administration system;
- ◆ extend land use planning strategies to all urban and rural areas;
- ◆ establish a modern land registration system for delivering services to all;

tion of land tenure existing in the Traditional Housing Areas, the provision of demarcated plots with secure tenure, the provision of basic infrastructure and the promotion of income-generating activities.

The government will ensure that the housing market caters for all categories. A decentralized institutional framework, which emphasizes the participation of local authorities, the private sector and for setting local priorities, especially in low-income settlements, local communities will also be used. Government will ensure that urban land markets operate efficiently and effectively to meet the demand for serviced and unserviced loans. The policy does not specifically indicate how the situation of women will be addressed.

VIOLENCE AGAINST WOMEN National strategy to combat gender-based violence

A national strategy to combat gender-based violence is in place in the country. Its aim is to enable all stakeholders to co-operate and commit themselves to take the necessary action that will prevent and combat gender-based violence. This is envisioned to contribute to a shared vision of a just society free of gender violence where women, men, girls and boys enjoy equal rights, treat each other with dignity and respect, and are able to contribute to and benefit from the economic and social development of Malawi.

The strategy is a tool to co-ordinate initiatives by government, NGOs and civil society in addressing the growing incidences of gender-based violence in the country. The strategy has several long-term objectives and core strategies that will be implemented between 2002 and 2006, including:

- ◆ enactment of the Prevention of Domestic Violence Bill;
- ◆ establishment of integrated community-based victim support systems;
- ◆ co-ordination of annual Sixteen Days of Activism campaign activities;
- ◆ mainstreaming of gender-based violence issues and HIV and AIDS issues in all training programmes in order to build capacity and sustainability in all interventions.

Programmes to implement the strategy

WLSA-Malawi implemented some of these strategies. In 2001, WLSA-Malawi conducted a consultative process with the objective of drafting a Bill on prevention of domestic violence. The consultative process invited stakeholders to make comments on what the proposed Domestic Violence law should contain. The consultative process and the principles of the proposed Bill have since been consolidated into a report and published by WLSA-Malawi. The Ministry of Justice is currently drafting the principles of the Domestic Violence Bill into a proper Bill to be submitted to the cabinet committee on gender-related issues. This Bill proposes among other things the recognition of sexual offences in marriage, including forced intercourse as an offence. This is an effort to mainstream HIV and AIDS into all laws

WLSA-Malawi also equipped six pilot victim-support units in six districts as part of the initiative on community policing for victims of gender-based violence.

The organisation is currently engaged in training service providers from the public sector in three impact areas as part of a rights-based approach towards the sustainable livelihoods pro-

gramme which is supported by the joint Oxfam programme in Malawi.

Other initiatives include:

- ◆ The community-policing unit within the Malawi police has initiated victim support units in police stations.
- ◆ The Malawi Human Rights Resource Centre has supported training for victim-support-unit staff in human rights and victim-support management.
- ◆ A Network Against Gender-based Violence (NAGBV) has come into existence and is currently implementing a project on combating gender-based violence in four districts in the country, with support from GTZ.

MALAWI POVERTY REDUCTION STRATEGY

In 2002, the government adopted the Malawi Poverty Reduction Strategy (MPRS), which forms the bedrock of all development and poverty reduction strategies. The MPRS has four strategic components.

Sustainable pro-poor growth and structural transformation

Economically empowering the poor by ensuring macro-economic stability, access to credit and markets, skills development and employment generation.

Human capital development

Ensuring that the poor have the health status and education to lift them out of poverty.

Improving the quality of life of the most vulnerable

Providing sustainable safety nets for those who are unable to benefit from the first two pillars.

Promotion of good governance

Ensuring that the public and civil society institutions and systems protect and benefit the poor.³²

The MPRS mainstreams key crosscutting issues such as gender,

HIV and AIDS, environment, and science and technology. The MPRS gender and empowerment strategy recognises that inequalities and disparities between women and men are still very pronounced in Malawi and that this is one of the major causes of poverty among men and women. In view of this situation, the strategy outlines objectives and activities to:

- ◆ strengthen institutional capacity for implementing the NGP;
- ◆ promote a gender-sensitive formal and informal legal environment;
- ◆ engender the budget;
- ◆ eradicate gender-based violence; and
- ◆ enhance women's participation in leadership and decision-making positions.

The Ministry of Gender and Community Services (MOGCS) is the co-ordinating institution for the gender empowerment strategy of the MPRS aimed at creating a national response to the reduction of gender inequalities for poverty reduction. To date, a number of activities have been undertaken and supported because of the inclusion of this strategy in the policy document. The increased level of funds has supported the following activities, among others:

- ◆ training materials development;
- ◆ development of gender-mainstreaming and budgeting guidelines;
- ◆ training of extension workers in various topics;
- ◆ economic empowerment activities;
- ◆ wills and inheritance campaign; and
- ◆ gender-based violence campaigns.

The Strategic Country Gender Assessment document observes that gender has not been effectively mainstreamed in the

MPRS, as it has fast disappeared from the main context. In an audit of the MPRSP undertaken by Zuckerman in 2004, it is pointed out that the MPRSP often misses out on opportunities to promote gender equality. It adds gender at the end of its sections rather than mainstreaming it in the spirit of the NGP. An example given is that the MPRSP should have called on all programmes focusing on poverty and development to portray gender disparities and proposed solutions, but it did not. It also does not highlight affirmative action programmes that are needed to rectify the existing gender imbalances where men's earning capacity exceeds that of women, even in the same professions. Further, although the MPRSP mentions human rights, it does not focus on women's rights, that are violated more often than those of men.

A recent gender audit of the MPRSP³³ was undertaken on the understanding that the gender agenda in the MPRSP had been short-changed. This was meant to be a capacity-building exercise in gender analysis for some officials in the Ministry of Gender and Community Services as well as other ministries and two members from civil society. One of the areas that was audited was the adult literacy sector in which the MPRSP categorically recognises that adult literacy for women is low and is even deteriorating. The audit acknowledged this fact and recommended that the MPRSP should have recognised the need for more literacy classes for women, men, boys and girls. This poses a challenge as to whether the MPRS can on its own, in the absence of a gender policy (after 2005), be used as a developmental tool to address challenges faced by women, as

identified both in the Malawi National Platform For Action (MNPFA) and the NGP.

NATIONAL GENDER PROGRAMME

The Ministry of Gender and Community Services is in the process of developing a national gender programme which outlines specific activities and projects that will be implemented by the public, private and civil society organisations in the six thematic areas.

The programme strategy will be implemented through the principle of broad-based participation by donors, stakeholders and communities, with the aim of contributing to the objectives in the MPSR. The national gender programme seeks to consolidate all initiatives into one single document for addressing gender and development issues in the country.

The overall goal of the programme is to promote the mainstreaming of gender in the development process, thus enhancing equal participation of women and men, girls and boys for sustainable and equitable development. Some specific objectives of the programme are:

- ◆ to institute a viable co-ordination mechanism for the implementation of the national gender policy;
- ◆ to build institutional capacity and individual capacity for advocacy, policy analysis, research, gender mainstreaming and programme design, implementation, monitoring and evaluation from a gender perspective; and
- ◆ to facilitate the process of resource mobilization for the implementation of the national gender and development programme.

The national gender programme document has a simplistic characteristic to mainstream-

ing gender. Like the National Gender Policy, it appears to be an advocacy document rather than a national programme document. It lacks seriousness with regard to effective gender mainstreaming into hard-core masculine fields, such as the macroeconomic policies and budgets, and security. Further, it sadly does not dwell much on those fields which have a huge impact on women, such as food and nutrition, health and sanitation.

OTHER NATIONAL PROGRAMMES

Gender training

The Malawi Gender Training Team (MGTT) was established in 1996. The team is multidisciplinary in composition and aims to develop the capacity of various sectors through gender training. Since its inception, the MGTT has conducted training courses in gender sensitisation and planning with UN officials, UNVs, parliamentarians, police, magistrates, religious leaders, and NGOs. Apart from the MGTT, a number of NGOs have also undertaken extensive gender training for various sectors in the country.

WLSA-Malawi has been a leading NGO in this regard. To date it has a record of over 40 gender-training sessions with various sectors of the society, mainly focusing on service providers from the public sector. The existence of the MGTT in itself is a good thing as it consolidates efforts to mainstream gender through provision of information. However, the MGTT has not been conducting a lot of work in the last three years and members lack effective capacity in trendy analytical tools in gender analysis and mainstreaming. In any case the training that has been conducted has been confined to

awareness-raising and not particularly training on how to mainstream gender in the various sectors.

Gender research

A gender research team was established in 1997, and reconstituted through the joint Government of Malawi and UNDP Gender Equality Project in 2001/2. The team plays a role in identifying gaps, issues and concerns relating to gender for both private and public sectors for the purpose of mainstreaming gender during planning, implementation, monitoring and evaluation of programmes. The list of the gender research team has been disseminated to institutions to enable those institutions to use those gender researchers in their work. The challenge is that there are currently no mechanisms to follow up with those institutions as to whether this team of gender researchers is being used and to identify the research that has been undertaken because of this process.

Gender units/Focal points

A number of Gender units have been established at the national level to set up gender focal points in organisations. For example, the university has established a Gender Studies unit aimed at conducting training and research on gender. The unit also implements gender-responsive outreach programmes in the Ministry of Agriculture, the Ministry of Defence, and the Malawi Institute of Education, among others. However, the gender units have not effectively mainstreamed gender into existing faculty curriculum. The gender unit at Chancellor College works around them and not into them as a gender mainstreaming process should do.

Co-ordination mechanisms

The NGO Gender Coordinating Network (GCN) was formed in 1998 under a UNDP project called "Advancement of Women and Gender Equality". One of the components of that project was capacity-building for NGOs dealing with women's empowerment and gender equity. Following this trend, in January 1999, an executive committee was set up to facilitate the co-ordination of all sub-networks, facilitate information-sharing on all gender issues, initiate and plan capacity-building issues, be a mouthpiece for the NGO GCN, fundraise for the NGO GCN and perform any other duties which may be assigned by the General Assembly from time to time. Further, a number of sub-networks were formed through which the network was to perform its activities, and these include:

- ♦ Advocacy, health, education, reproductive health and human rights;
- ♦ Capacity-building;
- ♦ Poverty, empowerment and equity;
- ♦ Political participation and decision-making;
- ♦ Natural resources and environment;
- ♦ Convention on the Rights of the Child; and
- ♦ Food security.

In 2003 the NGO GCN, with support from the National Democratic Institute (NDI) developed a strategic plan to clearly define the objectives of the network and map out its future. This marked a departure from the seven thematic areas, which formed the sub-networks, to three thematic areas for networking which, at the time, seemed relevant to the network. The thematic groups are:

- ♦ Women's participation in politics and decision-making;

- ♦ Domestic violence legislation; and
- ♦ Gender-based violence in the workplace.

The NGO Gender Coordinating Network is a good basis for NGOs dealing with gender to work from and share information and lobby. However, one of the major weaknesses of the network is the different capacity existing within it and therefore the inability to create a major strategic impact on the society. Most of the activities are isolated and sporadic. Further, NGOs are more concerned with the funding of their organisations, so much that activities relating to the network come last.

Development Assistance Group on Gender (DAGG)

The DAGG is a group of donor agencies established in 1999, which seeks to co-ordinate donor support to gender-related issues and programmes. The group was formed under the Gender Equality and Advancement of Women programme. It functions as a forum for information-sharing on efforts to incorporate gender equality programmes by bilateral and multilateral donors and therefore allows donors to take co-ordinated action on resource mobilisation. Apart from direct financial support, activities have included policy dialogue and capacity-building. The DAGG is a highly positive forum for information-sharing among the donor community in Malawi and sharing of best practices. However, the DAGG remains mainly just that. It could go further to solidify itself as more than just a networking forum, to a forum where donor funds are disbursed to NGOs and government programmes and projects dealing with gender.

CEDAW Working Group 2001

A CEDAW working group comprising of government, NGOs, civil society and private sector is in place. The group has been instrumental in producing the draft for the Malawi CEDAW report after a long delay in submission. Whilst CEDAW is already domesticated in Malawi according to the Malawi Constitution, the reporting on the CEDAW has been sporadic and despite the draft report having been finalised in 2003, this has not been disbursed to the public nor has it been sent to the UN for reporting.

LEGAL REFORM PROGRAMME**The Special Law Commission on Gender-related Laws**

A Special Law Commission on Gender-related Laws was initiated by the Law Commission in September 2001, in consultation with the Ministry of Gender and Community Services as a follow-up to the first Law Commission Report of 1996. It was necessitated by the fact that in all the previous reforms, gender equality has not been a subject in its own right. The commission is mandated to review all laws that impinge on gender equality, including customary laws, and to propose any additional laws.

In November 2002, the commission produced an overview paper, which was presented to stakeholders at a consultative workshop and to the parliamentary women's caucus at another workshop, to assist the Commission in prioritising areas for reform. The programme is now divided into three phases and is currently in its second phase. So far the Special Law Reform Commission has produced a report on the proposed amendments of the Wills and Inheritance Act. As from April

2004, the Commission started a review of the marriage and divorce laws.

WOMEN AND THE ADMINISTRATION OF JUSTICE**Legal Aid services**

Legal aid under the laws of Malawi is of two kinds: legal representation at the expense of the state under the provisions of the Legal Aid Act; and engaging a legal practitioner in private practice. A 2000 study revealed that both women and men utilise the state's Legal Aid department in their attempts to access justice. Of late, NGOs have also played a very big part in providing legal aid to those that cannot afford a private lawyer. These organisations include WLSA, which provides legal aid and services to women; and the Malawi Centre for Advice, Research and Education Rights (CARER), which provides legal aid and services to both women and men. Other organisations that provide legal aid are the Civil Liberties Committee (CILIC) and the Society for the Advancement of Women (SAW).

Neither women nor men have enjoyed legal representation through the state machinery to a satisfactory extent. The Legal Aid department under the Ministry of Justice suffers from an acute shortage of lawyers who can satisfactorily undertake legal representation of the large number of cases that both women and men bring, thus making justice beyond reach for most people who need it. Under the present Malawi economic conditions, very few men and women can afford to engage private practice lawyers, who would be the next option.

The Legal Aid department is characterized by a number of challenges affecting the opera-

tions of the office. An acute shortage of lawyers has resulted in a backlog of cases, forcing some women to give up on their cases. The acute shortage is attributed to the fact that the government is not able to offer competitive remunerative packages that attract more lawyers to the department.

The need for legal aid services do not exist in the cities only. WLSA research conducted in 1999 on the justice delivery system indicated that legal aid needs are extensive as well in the rural areas. The WLSA Legal Rights Education programme confirmed that there is a huge demand for legal aid and services in the rural communities of Malawi, and that such services are currently non-existent. This has meant that some people have to travel long distances to access the department. Transport costs are exorbitant for rural women and in the end some are forced to weigh the opportunity cost of travelling for legal aid and that of buying basic necessities for survival. Measures need to be taken to meet the rural people's needs. NGOs have made efforts to meet this need, to a small extent.

WLSA-Malawi under its Legal Aid and Services programme assists women who need legal attention. Usually, women that come seeking legal assistance have suffered various forms of gender injustice and are given various forms of assistance depending on the nature of their problems.

Another NGO concerned with delivery of legal aid and services is Malawi CARER. It has established offices in a few selected rural areas and target groups include both women and men. There is also an initiative on engaging lawyers in private practice to assist their clients. The Women Lawyers Association is

implementing a legal aid programme with support from the Joint Inter-ministerial Committee whereby it has taken up 40 cases for women and children.

The government still has the duty to minimize the problems that rural people, particularly women, face in accessing legal aid and other such services. One suggestion is through decentralization of the department, which is the current trend in government. This would ensure the presence of the office in most parts of the country. Then there would not be any need for women to spend their resources in search of legal aid and services. The government should also consider reviewing the remunerative packages of the lawyers it recruits, to attract lawyers and ensure that cases are handled speedily.

Access to courts and justice

Women access the traditionally sanctioned modes of justice delivery more than the state ones, according to WLSA research. The traditionally sanctioned structures include the *ankhoswe* (marriage advocates), the chiefs, the churches and the state agencies such as Courts, the District Commissioner's office, the Administrator General's office and Department of Legal Aid. The *ankhoswe* rank highly in terms of being easily accessible to women in matrimonial disputes. The lack of set criteria in the resolution of disputes and the subjective nature of the judgments have negative implications for women in that it is difficult, if not impossible, to predict the outcome of a case. The office of the chief has also been instrumental in presiding over cases brought forward by women. This is an accessible form of justice delivery and there are no inhibitions in terms of access.

Other women visit the courts of law depending on the kind of problem they have. The judicial system in Malawi comprises of the Supreme Court of Appeal, the High Court, and Magistrate courts. Traditional courts were abolished under the current constitution. The Supreme Court is mandated to hear and determine appeals from the High Court. The High Court has unlimited jurisdiction in civil and criminal matters. The High Court and Supreme Court are found only in the cities of Blantyre, Lilongwe and Mzuzu. The subordinate courts are found in every district of Malawi. These subordinate courts range from Resident Magistrate courts through First, Second, Third and Fourth Grade Magistrate courts.³⁴ In comparison with the other higher courts, subordinate courts attract a lot of cases, thereby bringing the public into contact with justice even though these courts do not enjoy unlimited jurisdiction.

Furthermore, fees that are required to be paid before the commencement of proceedings in these courts are reasonable. The fees paid vary from one court to another, depending on its status. These subordinate courts however, have serious limitations. People staffing these institutions are either not properly trained or

are too few. Since 1994, clerks that work in the subordinate courts have never attended any kind of training. Those that got employed after 1994 have had to learn from their colleagues. This, they admit, affects their work.

Another limiting factor is the use of English instead of vernacular languages. Interpreters are used to interpret the proceedings for the benefit of those who do not understand English. This arrangement is problematic because most courts have very few interpreters, if any and very few have been trained in matters of interpretation. This has meant that some cases are not dealt with effectively. The legal knowledge that women have also influences whether they seek justice from these courts or not.

Women often do not know what services are available to them. The Legal Rights Education programme run by WLSA in three rural communities in Malawi confirms this. A lot of women who have suffered injustices of all kinds have been unable to seek justice because they did not know where to take their grievances. There is therefore a need for sensitisation campaigns to be conducted on the role of the courts in Malawi. This would help to ensure increased access to justice by women.

PART III

THE WAY FORWARD

MACROECONOMIC STRUCTURE

- ◆ Gender-targeted programmes should be established in all sectors of the MPRSP to deliver to women credit, training, education etc.
- ◆ When Pro-poor expenditures (PPEs) are being allocated to address gender situations, they must take into consideration special incentives that can improve female literacy, as well as educational attainment. For example, if girls can be guaranteed jobs when they complete Standard 8 or Junior Cambridge, especially those that come from households with certain poverty indicators or localities, then parents may be motivated to send more of their girl-children to school. This could be done through opening agro-processing industries in rural areas, where girls can get employed and are taught other life skills. There would be need to link up the production interventions activity of the agriculture sector, the micro-finance, industry as well as the education sector in terms of programming. The aim is to assist entrepreneurs in setting up viable enterprises that can absorb these girls and women.
- ◆ There is need to collect data and do analysis of the impact of various programmes on women to determine whether government expenditures are gender-responsive in their engendered analysis of incidence and impacts. This can be done annually for government budgets, to make evidence-based gender policies. Most policies are made for the economy or its sub-sectors; there is need for information to make appropriate policies and programmes for men and women in the economy and its sub-sectors.
- ◆ Increase to 50 percent the number of women in decision-making bodies that do economic policy-making, for example, finance, trade, commerce and industry to effectively engender the MPRSP. This will require the strengthening and institutionalisation of the collection of gendered statistics and enhancing the capacities of, and incentives for, policy analysts to do gender analysis. To increase the chances of making gender-responsive budgets, gender-budgeting focal points should be designated in sectoral accounts/budgeting offices, who can be constituted into a national gender-budgeting team. These officials should be trained in gender-budget analysis.
- ◆ The MPRSP should have normative formulae for the budget on various social and demographic groups, and also between the administrative costs and beneficiaries, and should designate gender-targeted expenditures for all PPEs.
- ◆ Laws should be enacted to ensure that women form no less than 50 percent of beneficiaries of land redistribution schemes, and have access to, and control and ownership of, land in their own right.



- ◆ Trade agreements need to be planned with explicit consideration of what social and economic impact they will have on women and men.
- ◆ Fiscal management should be improved to control interest rates and inflation so that production activities can improve, and also make sure that credit is available to women on concessional conditions.
- ◆ Women should be trained in skills that help them compete in the globalised workforce, for instance in information technology and banking.
- ◆ Institutions for dealing with corruption should be strengthened and should involve more women in governance to improve accountability as well as checks and balances.

POLITICS AND DECISION-MAKING

- ◆ There is need to review the electoral laws and the Constitution, so that a certain percentage of women should get parliamentary positions as a matter of right.
- ◆ To signify political will, the politicians, the president, chief executives and all those who influence the appointment of women into positions of decision-making should move beyond the rhetoric, and promote and appoint more deserving women into positions of power, in both the public and private sectors.
- ◆ The political system in Malawi has to be reviewed for more women to join politics. The single constituency representation system (winner takes all) has proved all over the world that it is not an effective system for getting a reasonable representation of women into Parliament. Malawi should move towards the proportional representation system with closed voting lists and a quota.
- ◆ There is need for continued capacity-building for women MPs beyond elections, to strengthen their confidence and political skills.
- ◆ There is need to have a sustained and ongoing campaign for the promotion of more women in politics all year round, and not just close to election time.
- ◆ There is need to adopt and adapt regional best practices which have helped to put women in the mainstream elsewhere, such as in Mozambique and South Africa.
- ◆ There is need to mentor young women/girls to take up the challenges of the future. Role models and/or leadership programmes that are at the core of the work being done by the Young Women Leaders Network is very relevant. Such programmes should be incorporated as part of government's development agenda.
- ◆ Civil society organisations involved in the promotion of gender equality, and the Ministry of Gender, Youth and Community Services need to collaborate for results, transparency and accountability. This requires the Ministry to make the whole state machinery accountable in respect of its efforts to bring women into leadership positions.
- ◆ There is need to review the Public Service Act so that employees, including women, get promotions timeously and on merit. This will help put more profes-

sional women who have remained stagnant in junior positions for a long time into positions of authority and decision-making.

EDUCATION AND TRAINING

- ◆ If there is to be any meaningful contribution by women in every sector of development, increasing women's access to quality education should be a priority for government. Government needs to work on various aspects of the education sector in order to realize equal access to education by all people in Malawi, regardless of their socio-economic status or gender.
- ◆ There is need for the government to improve access to schooling for girls as a basic human right. Enrolment rates of girls from primary level up to tertiary levels need to be increased. Strategies need to be put in place that will generate interest in girls to remain in school until they receive meaningful education.
- ◆ The government also needs to provide an enabling environment for people with special educational needs and the under-privileged within the conventional system and should introduce strategies for making education all-inclusive. Gender equity should be promoted by making the school environment supportive to the needs of both girls and boys.
- ◆ Government needs to ensure gender parity in the recruitment of trainees and in the appointment to positions at training institutions at all levels.
- ◆ In order to improve access to schooling by women with disabilities, the government needs to put in place pro-

grammes that ensure the integration of persons with disabilities at all levels of the education structure. Such programmes would entail making the education system more responsive to the needs of persons with disabilities, including the construction of accessible physical structures, use of special learning materials and training of teachers on how to work with persons with disabilities.

HEALTHCARE, HIV AND AIDS

- ◆ The Maternal Mortality Rate in Malawi is unacceptably high and government should make a reversal of this state of affairs one of its top priorities. The government has an opportunity reinvent itself and reprioritise issues.
- ◆ Whilst the HIV and AIDS policy is a commendable development, the government should ensure that the policy moves from rhetoric to practice and effective implementation, particularly for women who are the most vulnerable.

LEGAL REFORM

- ◆ The Law Commission, through the Special Commission on Gender-related Laws, should harmonise all laws that inherently reinforce the inequalities between men and women with the constitution.
- ◆ The current laws on citizenship, marriage, property rights and inheritance need to be urgently revisited and new ones passed that support women's rights as enshrined under the constitution.
- ◆ The position of women both within and out of wedlock should be safeguarded. Women within wedlock should specifically be legally

protected with regard to their maintenance rights. Further, the ongoing process of drafting the Domestic Violence Bill by the Ministry of Justice should be speeded up, so that the law is enacted as soon as possible.

GENDER MAINSTREAMING

- ◆ The misunderstanding that has ensued since the adoption of Gender and Development (GAD) as a development tool is unfortunate. There is need

for government, donors, NGOs and communities to create a thinking space in which GAD is revisited, critiqued and understood. There is need to create a forum to understand and recognise effective expertise in this area. That expertise can be used to build capacities of various state actors, members of the donor community as well as NGOs and communities to critically understand and apply GAD.

PART IV

REFERENCES AND BIBLIOGRAPHY

Endnotes

- 1 Semu L., Ngwira N., and Kamchedzera G., Work commissioned by World Bank/UNDP.
- 2 Mwakasungula A.K., Sichali G., and Nkuna M, Centre for Human Rights and Rehabilitation's Report on Malawian Women in Politics (2001).
- 3 UNDP, Gender Briefing Kit, 2002.
- 4 Ministry of Gender and Community Services, Gender Mainstreaming Programmes in Malawi: PRSP and the National Gender Policy Implementation (2003).
- 5 Stated in the National Gender Policy, 2000.
- 6 Government of Malawi – Ministry of Youth and Community Services, Progress Report on the Implementation of Beijing, African, and Malawi Plan of Action, 2000.
- 7 Malawi Government Economic Reports, 1995-2002.
- 8 The Gini coefficient is a number between 0 and 1, where 0 means perfect equality (everyone has the same income) and 1 means perfect inequality (one person has all the income, everyone else has nothing). While the Gini coefficient is mostly used to measure income inequality, it can be used to measure wealth inequality as well - though it requires nobody to have a negative net wealth. Available at: http://en.wikipedia.org/wiki/Gini_coefficient
- 9 The National Gender Policy
- 10 Government of Malawi, Malawi Poverty Strategy Paper, 2002.
- 11 Though the Parliament has 193 seats, elections were not conducted in eight constituencies during the general elections.
- 12 Women's Voice, An Assessment of Women's Participation in Politics: The Case of Aspiring Candidates for 2004 Parliamentary Elections, 2004.
- 13 University of Malawi Registrar, 2002
- 14 The Malawi Demographic Health Survey (MDHS), National Statistical Office, 2000.
- 15 GABLE-SMC: Girls Attainment in Basic Literacy Education-Social Mobilization Campaign: programme funded by USAID, which aimed at improving girl's access to education. It ran from 1991-1999.
- 16 Initiative for policy analysis, supra.
- 17 NSO 2000: Malawi Demographic and Health Survey, p 111.
- 18 National AIDS Commission (NAC), 2004, p 61.
- 19 NAC, 2004, p 62 .
- 20 Thirteenth Session, 1994.
- 21 CEDAW General Recommendation no. 19.
- 22 The Protocol to The African Charter on Human and People's Rights on the Political Rights of Women (article 7 (d) & (e)).
- 23 Nyangulu vs Nyangulu 10 Malawi law Reports 435, per Villiera, J.
- 24 Malinki vs Malinki 9MLR 441: Mtegha vs Mtegha MC No. 9 of 1994.
- 25 Nyangulu vs Nyangulu 10 Malawi law Reports 435, per Villiera, J.
- 26 Section 10.
- 27 Section 16 (2) Wills and Inheritance Act.
- 28 Schedule to the Act, which specifies the Districts of Chitipa, karonga, Rumphi, Nkhatabay, Mzimba and Nsanje.
- 29 Section 16 (2) (a) (ii).
- 30 Section 16 (2) (b) (i).
- 31 Section 16 (5).
- 32 Malawi Government, 2002:3.
- 33 Commissioned by the Gender Equality Support Unit of the Canadian International Development Agency (CIDA GESP-Malawi).
- 34 MHRRC 1999 Human Rights Assessment Survey, p 38.



Bibliography

Binauli, L., "African Higher Educational Institute: Responding to the Challenges of Gender-equity in the University of Malawi with Special Reference to Chancellor College". Unpublished paper presented at the Association of African Universities Open Day, Lilongwe, 2002.

Budlender, D. and Ngwira, N., "Possibilities for a Gender Analysis of Government of Malawi Budget". Malawi Canada Programme Support Unit, Lilongwe, 1999.

Chimombo, J., et al, *Classroom, School and Home Factors That Negatively Affect Girls Education in Malawi*. UNICEF, Lilongwe, 2000.

Chipeta, C., "Globalisation and Sustainable Human Development". Report prepared for UNDP Malawi, 2001.

Daily Times, Malawi, 15 March 2004.

Daily Times, Malawi, 24 February 2004.

Gomile-Chidyaonga, "Encouraging Greater Enrolment of Women in Science and Technology: The Malawi Polytechnic Experience". A case study prepared for a regional training conference on improving tertiary education in Sub-Saharan Africa, 2003.

Government of Malawi, *The Malawi National Gender Policy*. Government Printer, Zomba,, 2000. www.sdn.org.mw/gender/

Government of Malawi, *The Constitution of the Republic of Malawi*. Government of Malawi, Lilongwe, 1995.

Government of Malawi, *Economic Reports, 1997-2002*. Government Printer, Zomba, 2003.

Government of Malawi, *National Platform For Action: A Follow up to the Fourth World Conference on Women*. Government of Malawi, Lilongwe, 1997.

Government of Malawi, *Privatisation Policy, Act and Regulations Booklet*, Government Printer, Zomba, 1996.

Gupta, R., "Gender, Sexuality and HIV/AIDS: The What, The Why and The How". Paper presented at the XIIIth International AIDS Conference, Durban, South Africa, 2000.

Hansungule, M., et al, "Human Rights Needs Assessment Survey in Malawi". Danish Centre for Human Rights/Malawi Human Rights Resource Centre Report, Malawi, 1999.

Kachika, T., "Women's Water and Land Rights: The Situation of Malawi". Unpublished paper presented at a regional conference in South Africa, 2003.

Kadzamira, E and Pauline, R, *Reducing Gender Inequities in Education in Sub-Saharan Africa: Malawi Case Study*. Institute of Development Studies, Sussex University, UK, 1999.

Kadzamira, E and Pauline, R., Working paper on "Educational Policy Choice and Policy Practice in Malawi: Dilemmas and Disjuncture". Institute of Development Studies, Sussex University, 2001.

Kakatera, F. and James, R., "Assessment of the Primary Education Sector in Malawi for Oxfam and Action Aid". Unpublished report, Blantyre, 2000.

Kaluwa, B., *The Malawi Privatisation Performance Study*, University of Malawi, Department of Economics, Chancellor College, Zomba, 2000.

Karim, J., "Women in the Malawi Media World" in *Lamp Magazine* No 35, Montfort Press, Blantyre, 2002.

Kunje, D. and Chimombo, J., *A Baseline Study of the Teacher Education System in Malawi*. Centre for International Education, Sussex University, UK, 1999.

Macocha, *Disability and Accessibility in Malawi*, Issue No.1. Dzuka publishing, Lembe, 2000.

Malawi Electoral Commission, "Parliamentary Nominations Disaggregated Data (National)". Unpublished report, Blantyre, 2004.

Malawi Human Rights Commission, "The National Action Plan for the Promotion and Protection of Human Rights in Malawi". Unpublished report, Lilongwe, 2003.

Malawi Law Commission, *Law Commission Report on Review of the Penal Code*. Government Printer, Zomba, 2000.

Malawi Law Commission, *Annual Report 2002*. Government of Malawi, Lilongwe, 2003.

Malawi Law Commission, *Overview and Issues of Gender-based Law*. Special Commission on Gender and the Law, Lilongwe, 2003.

- Malawi Parliament, *Parliamentary Hansard, 28 June 1994*. Government Printer, Zomba, 1994.
- Masangano, C.M., et al, "Conflicts over the Miombo Woodlands: The Case of Blantyre, Lilongwe and Kasungu in Malawi" in *Policies and Governance Structures in Woodlands of Southern Africa*. CIFOR, Indonesia, 2003.
- Mbaya, S. and Ngaru, M., "HIV/AIDS and its Impact on Land Issues in Malawi". Paper presented at FAO/SARPN workshop on HIV and Land, 24-25 June, Pretoria, South Africa, 2002.
- Media Institute of Southern Africa, *Gender and Media Baseline Study: Malawi Report*. Johannesburg, South Africa, 2003.
- Ministry of Education, Science and Technology, *Policy Investment Framework*. Government of Malawi, Lilongwe, 2000.
- Ministry of Economic Planning and Development, *Malawi Poverty Reduction Strategy Paper (MPRSP)*. Government of Malawi, Lilongwe, 2003.
- Ministry of Gender and Community Services, "Progress on the Beijing +10 Report". Government of Malawi, Lilongwe, 2004.
- Ministry of Gender and Community Services, "Gender Mainstreaming Programmes in Malawi: Poverty Reduction Strategy Paper and the National Gender Policy implementation". Unpublished paper, Lilongwe, 2003.
- Ministry of Gender, and Community Services, "Progress Report on the 1997 Gender and Development Declaration: Women in Politics and Decision-making Positions". Government of Malawi, Lilongwe, 2002.
- Ministry of Gender and Community Services, "Progress Report on the implementation of Beijing Platform for Action and Malawi Plan of Action". Government of Malawi, Lilongwe, 1999.
- Ministry of Housing, "Rural Housing Programme, Proposal for Programme Revitalisation". Unpublished Report, Lilongwe, 2003.
- Ministry of Finance and Economic Planning, "Malawi Poverty Reduction Strategy Paper Final Draft", Government of Malawi, Lilongwe, 2002.
- Ministry of Housing and Physical Planning, *National Housing Policy*, Government of Malawi, Lilongwe, 1999.
- Ministry of Water and Development, *The National Water Policy; Water and Sanitation for All*. Government of Malawi, Lilongwe, 2004.
- Mwakasungula, A.K., Sichali, G. and Nkuna, M., *Malawian Women in Politics*. Centre for Human Rights and Rehabilitation Report, Lilongwe, 2001.
- Network Against Gender-based Violence, "Strategic Plan on Eliminating Gender-based Violence in Malawi – 2002-2005". Unpublished report, Lilongwe, 2003.
- Network Against Gender-based Violence (NABV), "Workshop Report on Presentation of Findings of the Baseline Study on Gender-based Violence carried out in Rumphu, Dedza and Mulanje". Lilongwe, 2003.
- National Aids Commission, "HIV and AIDS in Malawi: 2003 Estimates and Implications". Unpublished Report, Lilongwe, 2004.
- National Economic Council, *Economic Report*. Government Printers, Zomba, 2002.
- National Economic Council, *Qualitative Impact Monitoring of Poverty Alleviation Policies and Programmes*, Vol.1. National Economic Council, Blantyre, 2002.
- National Economic Council, "Evaluation of the National Adult Literacy Programme". Unpublished report, Lilongwe, 2003.
- National Statistical Office (NSO), *Malawi Population and Housing Census*. Government Printers, Zomba, 1998.
- Ngwira, N. and Storey, K., *Mainstreaming Trade into the Malawi Poverty Reduction Strategy Paper*. Institute for Policy Research and Dialogue, Blantyre, 2003.
- Ngwira, N., "Women's Property and Inheritance Rights and the Land Reform Process in Malawi". Paper based on a study funded by Development Alternatives Inc. USA, 2002.
- Ngwira, N. "Civil Servants' or People's Budget? Analysis of the 2001/2002 Malawi Agriculture Sector Budget", University of Malawi, Department of Economics, Chancellor College, Zomba, 2000.
- Nyamai, J., "Engendered Benefit Incidence Analysis of Public Expenditure in Blantyre". ADD, MA Thesis, University of Malawi, Department of Economic, Chancellor College, Zomba, 2002.
- Organisation of African Unity, *African Charter on Human and People's Rights*. OAU, Addis Ababa, 1990.

- SADC, *Declaration on Gender and Development by SADC Heads of State*, SADC, Gaborone, Botswana, 1997.
- SADC and SARDC WIDSAA, *SADC Gender Monitor*. Gaborone and Harare, 2001.
- SARDC WIDSAA, *Beyond Inequalities: Women In Southern Africa*. Report on the status of women in the region, with a Foreword by Gertrude Mongella. SARDC, Harare, Zimbabwe, 2000.
- Sakanda, S., "Promoting Education for Girls and Women". Unpublished paper presented at the Seminar for Promotion of Education for Girls, Lilongwe, 2002.
- Schreiner, B., *Water, Gender and Poverty*. The E-conference on Successes and Failures in Gender Mainstreaming in Integrated Water Resource Management, Global Discussions, 2002.
- Semu, L. and Chande-Binauli, L., "Women's Status in Malawi: A case of Gendered Development" in Chilowa, W., (ed.), *A Forum for Social Development: Sustainable Social and Human Development in Malawi: Towards Poverty Alleviation. Issue No. 1*. University of Malawi, Zomba, 1997.
- Semu, L., Ngwira, N., and Kamchedzera, G., "Strategic Country Gender Assessment". Final draft paper commissioned and presented to World Bank and DAGG, Lilongwe, 2003.
- Swainson N., "Knowledge and Power: The Design and Implementation of Gender Policies in Education in Malawi, Tanzania and Zimbabwe" in *International Journal of Educational Development* No. 20. Sussex University, UK, 2000.
- The Nation*, Malawi, 27 May 2004.
- The Nation*, Malawi 30 March 2004.
- The Weekend Nation*, Malawi, 24-25 April 2004.
- UN agencies, *Common Country Assessment of Malawi: A Country-based Process for Reviewing and Analysing the National Development Situation and Identifying Key Issues as a Basis for Advocacy and Policy Dialogue*. United Nations, Lilongwe, 2001.
- UN agencies, *United Nations Assistance Development Framework for Malawi (UNDAF)*. United Nations System in Malawi, Lilongwe, 2001.
- UNAIDS, *The HIV/AIDS Epidemic in Malawi*. UNAIDS, Lilongwe, 2001.
- UNECA, *Report of the Sub-regional Decade Review Meeting of the Implementation of the Beijing Platform for Action in Southern Africa, 26-29 April 2004*. UNECA, Lusaka, Zambia, 2004.
- UNIMA, Centre for Social Research, "Sustainable Social and Human Development In Malawi: Towards Poverty Alleviation" in Chilowa, W. (ed.), *A Forum for Social Development*. University of Malawi, Zomba, 1997.
- UNIMA, Centre for Social Research, and SARDC-WIDSAA, *Beyond Inequalities, Women In Malawi*. UNIMA/SARDC, Zomba and Harare, 1997.
- United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. United Nations, New York, 1979.
- United Nations General Assembly, *UN Convention on the Rights of the Child (CRC)*. United Nations, New York, 1989.
- United Nations, *Malawi Gender Briefing Kit*. UNDP, Lilongwe, 2002.
- United Nations Development Programme, *Malawi National Human Development Report*. UNDP, Lilongwe, 2001.
- White, S. et al, *Dispossessing the Widow: Gender-based Violence in Malawi*. Text No. 14, WLSA Malawi, Balaka, 2002.
- White, S. and Kachika, T., "Gender-based Violence in Thyolo and Mulanje Districts". Report on a rapid survey conducted in 6 villages, a study commissioned by the Joint Oxfam Programme in Malawi, 2004.
- White, S. et al, *In Search of Justice: Women and the Administration of Justice in Malawi*. WLSA Malawi, Dzuka, Blantyre, 2000.
- White, S., *The Malawi National Gender Policy: Mainstreaming Success or Failure?* Dissertation submitted as a final Assessment for the MA programme, Sussex University, UK, 2003.
- WLSA Malawi, *Discussing the Prevention of Domestic Violence Legislation: Multi Sectoral Perspectives*. WLSA Malawi, Blantyre, 2003.
- WLSA, "Sexual Violence and Its Impact on Women's Vulnerability to HIV / AIDS and on Women's Sexual and Reproductive Health Rights in Nkhotakota District". Unpublished report, Malawi, 2004.
- Women's Voice, "An Assessment of Women's Participation in Politics: The Case of Aspiring Candidates for 2004 Parliamentary Elections". Unpublished research report, Malawi, 2004.

GENDER AND DEVELOPMENT

A Declaration by Heads of State or Government of the Southern African Development Community (SADC)

PREAMBLE

WE, the Heads of State or Government of the Southern African Development Community,

A. NOTING THAT:

i) Member States undertook in the SADC Treaty and in the Declaration to the Treaty, and in the Protocol on Immunities and Privileges, SADC not to discriminate against any person on the grounds of gender, among others;

ii) All SADC member states have signed and ratified or acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), or are in the final stages of doing so.

B. CONVINCED THAT:

i) Gender equality is a fundamental human right;

ii) Gender is an area in which considerable agreement already exists and where there are substantial benefits to be gained from closer regional co-operation and collective action;

iii) The integration and mainstreaming of gender issues into the SADC Programme of Action and Community Building Initiative is key to the sustainable development of the SADC region.

C. DEEPLY CONCERNED THAT:

i) While some SADC member states have made some progress towards gender equality and gender mainstreaming, disparities between women and men still exist in the areas of legal rights, power-sharing and decision-making, access to and control over productive resources, education and health among others;

ii) Women constitute the majority of the poor;

iii) Efforts to integrate gender considerations in SADC sectoral programmes and projects have not sufficiently mainstreamed gender in a co-ordinated and comprehensive manner.

D. RECOGNISING THAT:

i) The SADC Council of Ministers in 1990 mandated the SADC Secretariat to explore the best ways to incorporate gender issues in the SADC Programme of Work, and approved in 1996 gender issues at the regional level to be co-ordinated by the Secretariat;

ii) In execution of this mandate, the SADC Secretariat has developed and maintained working relations with key stakeholders in the area of gender, which resulted in the approval and adoption of the SADC Gender Programme by the SADC Council of Ministers in February 1997.

WE THEREFORE:

E. REAFFIRM our commitment to the Nairobi Forward Looking Strategies, the Africa Platform of Action and the Beijing Declaration and Platform for Action.

F. ENDORSE the decision of Council on:

i) The establishment of a policy framework for mainstreaming gender in all SADC activities, and in strengthening the efforts by member countries to achieve gender equality;

ii) Putting into place an institutional framework for advancing gender equality consistent with that established for other areas of co-operation, but which ensures that gender is routinely taken into account in all sectors;

iii) The establishment of a Standing Committee of Ministers responsible for Gender Affairs in the region;

iv) The adoption of the existing Advisory Committee consisting of one representative from Government and one member from the Non-Governmental Organisations in each member state whose task is to advise the Standing Committee of Ministers and other Sectoral Committees of Ministers on gender issues;

v) The establishment of Gender Focal points whose task would be to ensure that gender is taken into account in all sectoral initiatives, and is placed on the agenda of all ministerial meetings;

vi) The establishment of a Gender Unit in the SADC Secretariat consisting of at least two officers at a senior level.

G. RESOLVE THAT:

As leaders, we should spearhead the implementation of these undertakings and ensure the eradication of all gender inequalities in the region;

AND

H. COMMIT ourselves and our respective countries to, inter alia,

i) Placing gender firmly on the agenda of the SADC Programme of Action and Community Building Initiative;

ii) Ensuring the equal representation of women and men in the decision-making of member states and SADC structures at all levels, and the achievement of at least 30 percent target of women in political and decision-making structures by year 2005;

iii) Promoting women's full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women;

iv) Repealing and reforming all laws, amending constitutions and changing social practices which still subject women to discrimination, and enacting empowering gender-sensitive laws;

v) Enhancing access to quality education by women and men, and removing gender stereotyping in the curriculum, career choices and professions;

vi) Making quality reproductive and other health services more accessible to women and men;

vii) Protecting and promoting the human rights of women and children;

viii) Recognising, protecting and promoting the reproductive and sexual rights of women and the girl child;

ix) Taking urgent measures to prevent and deal with the increasing levels of violence against women and children;

x) Encouraging the mass media to disseminate information and materials in respect of the human rights of women and children.

Mrs. Christobel Chakwana, Ministry of Gender, Child Welfare and Community Services

APPENDIX 1

IN WITNESS WHEREOF, We, the Heads of State or Government of the Southern African Development Community, HAVE SIGNED THIS DECLARATION.

DONE at Blantyre on this 8th day of September 1997, in two original texts, in the English and Portuguese languages, both texts being equally authentic.

Republic of Angola
 Republic of Botswana
 Kingdom of Lesotho
 Republic of Malawi
 Republic of Mauritius
 Republic of Mozambique
 Republic of Namibia
 Republic of South Africa
 Kingdom of Swaziland
 United Republic of Tanzania
 Republic of Zambia
 Republic of Zimbabwe

APPENDIX 2

LIST OF NATIONAL PARTNERS AND CONTACTS IN 12 SADC COUNTRIES

ANGOLA

REDE MULHER
Secretary General
Avenida Hoji ya Henda
No. 21 1^o Andar, C.P. 16532
Luanda, Angola
Tel/ Fax: 244-2-449513
E-mail: rede.mulher@netangola.com
sgmulher@netangola.com

BOTSWANA

WOMEN'S NGO COALITION
Vivian Gunda, Director
Extension 12, Machechele Road
Plot 3316
Gaborone, Botswana
Tel: 267- 3185004/5
Fax: 267 -3184685
E-mail: womens_ngo_coa@info.bw

LESOTHO

WOMEN AND LAW IN SOUTHERN AFRICA
(LESOTHO)
Keiso Matashane, National Coordinator
The Dolphin House
23 Motsone Road
Industrial Area
Maseru, Lesotho
Tel: 266-22-313123
Fax: 266-22-310361
E-mail: wlsales@ilesot.com

MALAWI

WOMEN AND LAW IN SOUTHERN AFRICA
(MALAWI)
Seode White, National Coordinator
Off Grevellia Avenue,
Private Bag 534
Limbe, Malawi
Tel: 265-1-641534
Fax: 265-1-641538
E-mail: wlsamalawi@snp.org.mw
wlsamalawi@hotmail.com

MAURITIUS

MAURITIUS ALLIANCE OF WOMEN
Royal Road
Quatre Bornes, Mauritius
Tel/ Fax: 230-4243489/4252362
E-mail: m.a.women@intnet.ma

MOZAMBIQUE

FORUM MULHER MOZAMBIQUE
Maria da Graca Samo, Executive Director
Rua Pereira do Lago
N147, 3 Andar Direito
C.P. 3632
Maputo Mozambique
Tel/ Fax: 258-1-493 437; 490 255
E-mail: forum@forumulher.org.mz
gracasamo@forumulher.org.mz

NAMIBIA

UNIVERSITY OF NAMIBIA – Social Sciences
Division
Eunice Ipinge, Coordinator – Gender Training
and Research Programme
340 Mandume Ndemufayp Avenue
Pioneers Park
P. Bag 13301
Windhoek, Namibia
Tel: 264-61-2063954/ 3051
Fax: 264-61-2063268/3050
E-mail: eiipinge@unam.na

SOUTH AFRICA

UNIVERSITY OF WESTERN CAPE GENDER
EQUITY UNIT
Mary Hames, Director
P. Bag X17
Bellville 7535
Modderdam Road
Cape Town, South Africa
Tel: 27-21-9592813
Fax: 27-21-9591314
E-mail: gender@uwc.ac.za
mhames@uwc.ac.za

SWAZILAND

WOMEN AND LAW IN SOUTHERN AFRICA
(SWAZILAND)
Lomcebo Dlamini, Acting National Coordinator
P.O Box 508 Mbabane H100
First Floor, Portuguese Club
Commercial Road
Mbabane, Swaziland
Tel: 268-404-1732/ 7088/ 1723
Fax: 268-404-6750
E-mail: wlsaszd@africaonline.co.sz

TANZANIA

TANZANIA GENDER NETWORKING PRO-
GRAMME
Mary Rusimbi, Executive Director
Mabibo Road
P.O Box 8921
Dar Es Salaam, Tanzania
Tel: 255-22-2443205/ 2443450/ 2443286
Fax: 255-22-2443244
E-mail: tgnp@tgnp.co.tz
mary.rusimbi@tgnp.co.tz

ZAMBIA

ZAMBIA ASSOCIATION FOR RESEARCH
AND DEVELOPMENT
Beatrice Simwapenga - Hamusonde
16 Manchichi Road
Northmead
P.O Box 37836
Lusaka, Zambia
Tel: 260-1-224536
Fax: 260-1-222883
E-mail: zard@zamtel.zm

ZIMBABWE

ZIMBABWE WOMEN RESOURCE CENTRE
AND NETWORK
Isabella Matambanadzo, Executive Director
288 Hebert Chitepo Avenue
P.O Box 2198, Harare, Zimbabwe
Tel: 263-4-758185
Fax: 263-4-720331
E-Mail: zwrcn@zwrcn.org.zw

**LIST OF PARTICIPANTS OF THE STAKEHOLDER
WORKSHOP HELD ON 11 AND 12 MAY 2004, MOUNT
SOCHE, BLANTYRE, MALAWI**

APPENDIX 3

Mrs. Kamvazina, Ministry of Agriculture	Mrs. Ofwa Alide, Ombudsman
Mrs. Kulsum Hassen, Women in Partnership Against HIV and AIDS in Malawi	Ms Linga Mihowa, Oxfam
Mrs. Roselyn Mankhwala, Women in Partnership Against HIV and AIDS in Malawi	Ms Elizabeth Mwagonde, Habitat for Humanity
Mr. Rowlands Kaotcha, The Hunger Project	Mr. Maclean Kamwambe, Ministry of Justice
Mr. Lackson Kapito, National Association of Business Women	Ms Christina Matoga, Youth Arm Organisation
Mrs. Mercy Makhambera, Malawi Human Rights Resource Centre	Ms Edith Betha, Nation Publication
Dr Lucy Binauli, Chancellor College	Dr Naomi Ngwira, Institute of Policy, Research and Dialogue
Ms Peggy Songadzaudzu, Malawi Police	Ms Tina Chitaukali, Malawi Broadcasting Corporation
Mr. Limbani Nsapato, Coalition on Basic Education	Ms Flossie Gomile-Chidyaonga, Polytechnic
Mr. Mackenzie Mkalapa, Action AID	A. Imedi, Government Regional Labour Office
Mr. W. D. Kawo, World Food Program	Ms Tinyade Kachika, Women and Law in Southern Africa
Mrs. Hazel Manda, Ministry of Education	Ms Sara Hendricks, Women and Law in Southern Africa
Ms Sigele Kasasi, Federation of Disability Organisations in Malawi	Ms Maggie Chipasula, Women and Law in Southern Africa
	Ms Seodi White, Women and Law in Southern Africa
	Greyson Luhanga, Association of Progressive Women

