



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

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

Pre-session working group

Forty-fifth session

January-February 2010

**List of issues and questions with regard to the consideration
of periodic reports**

Malawi

The pre-session working group considered the sixth periodic report of Malawi (CEDAW/C/MWI/6).

General

1. Please provide more information on the process of preparation of the report and indicate to what extent non-governmental organizations, especially women's organizations were consulted.
2. In its previous concluding observations (CEDAW/C/MWI/CO/5, para. 15), the Committee expressed concern at the limited availability of data disaggregated by sex. Please provide information on initiatives undertaken to improve the collection of data disaggregated by sex pertaining to the areas of the Convention, so as to support policymaking and programme development and measure progress in the implementation of the Convention.

**Constitutional, legislative and institutional framework and status of
the Convention**

3. According to the report, the Malawi Law Commission has developed and drafted gender-related bills that would have the effect of domesticating the Convention. Please provide updated information on the status of these bills, time frame for their adoption and obstacles delaying or impeding their enactment into law.
4. According to the report (para. 117), the Malawi Law Commission has been working on gender equality legislation which defines discrimination against women in accordance with article 1 of the Convention. This legislation was due for completion in 2008. Please provide information on the status of the proposed bill.



5. Please provide information on the number of cases involving discrimination against women that have been reported to the Malawi Human Rights Commission and the Office of the Ombudsman, as well as their outcome.

6. Please describe how the State party is trying to ensure that laws prohibiting discrimination are being used by judges and other judicial officers. Please provide information on the measures undertaken by the State party for training judges and judicial officers on the Convention.

National machinery for the advancement of women

7. Please provide information on the steps taken to adopt and implement the revised draft National Gender Policy mentioned in the report at paragraph 126.

Stereotypes, cultural practices

8. Please provide further information on the impact of the initiatives and programmes undertaken by the Ministry of Women and Child Development (para. 144) in order to eliminate harmful cultural practices, as well as on new measures to eliminate stereotypes.

Violence against women

9. According to the report (para. 45) although the new Prevention of Domestic Violence Act is in force, there are a number of areas that need further development before the law is fully operational. Please provide clarification on the measures undertaken or envisaged, including budgetary allocations, to ensure that all women have access to and enjoy, the full protection of this Act.

Trafficking and exploitation of prostitution

10. According to paragraph 65 of the report, both external and internal trafficking of persons for labour and sexual exploitation occur in Malawi. The Trafficking in Persons Bill has been developed for the protection of victims, prevention of trafficking, prosecution of offenders and promotion of cooperation between Malawi and other States in combating human trafficking. Please provide information on the status of the Bill and the time frame for its adoption.

11. Please provide statistics, if available, on the number of women and girls engaged in prostitution and elaborate on measures adopted to prevent and punish the exploitation of prostitution, as well as measures taken to provide rehabilitation and support for social integration of women who wish to leave prostitution.

Political participation and participation in public life

12. According to the report (para. 170), in key decision-making positions, women are by far outnumbered by their male counterparts, particularly in local governments. Please provide information on the National Programme launched in July 2008 “Increasing Women Representation in Parliament and Local Government”. Please indicate what measures have been taken or are being envisaged to specifically address the challenges in order to increase women’s participation in public and political life at all levels in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendations 23 and 25.

Nationality

13. In its previous concluding observations (CEDAW/C/MWI/CO/5, para. 13), the Committee expressed its concern about the contradiction between the Constitution and the Citizenship and Immigration Acts which are contrary to article 9 of the Convention. Please provide information on the steps being taken to amend or review these Acts.

14. The report (para. 190) indicates that the Department of Immigration was developing a policy document dealing with the disparities between men and women with respect to immigration issues. Please provide updated information on the status of this policy document.

Education

15. The report (para. 207) indicates that gender inequality in education persists in enrolment, retention, delivery and attainment. The dropout rates of female students in primary education are higher than for male counterparts due to early marriages, pregnancies, domestic chores and caregiving responsibilities, sexual harassment and poor sanitation facilities. Please provide information on the impact of programmes and measures taken to address these obstacles that discriminate against girls. Further, please provide information on steps being taken to increase the number of female students in all levels of education.

16. According to the report (para. 222) gender equality in the recruitment of teachers remains a challenge and the Ministry of Education is currently developing guidelines to ensure recruitment on equal basis in public education institutions. Please provide information on the status of these guidelines.

17. Please provide information on measures taken by the State party with respect to the elimination of stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training.

Employment

18. The report contains limited information about the situation of women in the labour market. Please provide information on women's unemployment rates compared to that of men and any wage gap between men and women, and on occupational segregation, and trends over time.

19. The report indicates (para. 230) that there is no law or policy in place proscribing sexual harassment and that the proposed Gender Equality Statute proposes that sexual harassment should be prohibited by law. Please provide additional information on measures undertaken to address sexual harassment in the workplace.

Health

20. In its previous concluding observations (CEDAW/C/MWI/CO/5, para. 31), the Committee expressed concern, among others, at the persistent high maternal mortality rate, particularly the number of deaths resulting from unsafe abortions, inadequate family planning services, especially in rural areas, the low rate of contraceptive use and lack of sex education. Please provide information on the measures taken by the State party in response to the Committee's recommendations.

21. The report indicates (para. 256) that women are often unable to access their sexual and reproductive health rights or insistent on the use of condoms because of fear of losing a partner. Considering the high rate of HIV infection, especially among women, please provide information on the impact of the Comprehensive HIV and AIDS Programme for Women and Girls aimed at decreasing the feminization of the epidemic in Malawi. Please also describe the extent of girls' awareness of sexual and reproductive health issues, including their knowledge of how to protect themselves from HIV/AIDS.

22. In its previous concluding observations (CEDAW/C/MWI/CO/5, para. 31) the Committee expressed concern at the rising trends in HIV infection rates of women and the direct linkage between harmful traditional practices and the spread of HIV/AIDS. The report indicates (para. 259) the practice by some traditional healers of advising people to cleanse themselves of HIV infection by having sexual intercourse with albinos or virgin girls. Please provide updated information on the National Policy to regulate the practice of traditional healers.

Economic empowerment

23. The report indicates (para. 263) that access to formal credit remains unattainable for women. In addition to the microfinance initiatives, please describe measures that have been taken to support women's entrepreneurship, and more generally to enhance the situation of women in the informal sector including access to social security benefits, and what has been the impact of these measures.

Rural women, vulnerable groups

24. According to the report (para. 267) rural women are subjected to more discrimination than their urban counterparts. Please describe the measures undertaken or envisaged by the State party to improve the situation of rural women, including their access to justice, education, health, ownership of land and inheritance and their participation in decision-making process at all levels.

25. Please provide information on the human rights situation of elderly women and women and girls with disabilities, in respect to education, employment, access to health services as well as protection from violence.

Family relations

26. The report indicates (para. 279) that despite constitutional provisions for equality for men and women "inequalities between men and women exist at all stages of family life, notably at entry, during subsistence and upon exit from marriage". The Law Commission reviewed the various statutes related to marriage and divorce, including customary laws and came up with the Marriage, Divorce and Family Relations Bill. This has been pending before Parliament for some time. Please provide updated information on steps being taken to expedite its enactment into law.

Optional Protocol and amendment to article 20, paragraph 1

27. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Please also indicate what progress has been made towards acceptance of the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.