

Concluding observations on the sixth periodic report of Malawi, adopted by the Committee at its forty-fifth session (18 January-5 February 2010)

Addendum

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited .

Information provided by Malawi on the follow-up to the concluding observations of the Committee *

Steps taken to implement the recommendations contained in paragraphs 15 and 37 of the concluding observations of the Committee on the Elimination of Discrimination against Women — CEDAW/C/MWI/CO/6

1. Enactment of Gender Equality Bill, Deceased Estate (Wills, Inheritance and Protection) Bills and Marriage, Divorce and Family Relations Bill

Gender Equality Bill

The drafting of the Gender Equality Bill was completed in 2011 by the Malawi Law Commission. The report (including analysis and draft stature) was circulated to the Ministry of Justice and Constitutional Affairs, Office of the President and Cabinet, National Assembly and the Ministry.

The Minister of Gender, Children and Social Welfare, Honourable Anita Kalinde, M.P., presented the draft Gender Equality Bill to the Cabinet Committee on Legal and Constitutional Affairs in September, 2012. The Committee adopted the bill. In November 2012, the Minister of Justice and Attorney General, Honourable Raphael Kasambara, presented the bill to the Cabinet. The Cabinet adopted the bill. Currently, the bill is pending presentation in the National Assembly at the next session (February 2012).

The Ministry, in collaboration with UNDP, UNFPA and UN-Women, coordinated the orientation of the:

- Parliamentary Women Caucus, Parliamentary Legal and Constitutional Affairs Committee: Social and Community Affairs, Committee from 7th to 9th November 2012;
- Leaders of Political Parties on 21st November 2012 (Luncheon);
- All Parliamentarians on 21st November 2012 (Dinner Meeting).

The purpose of these orientation meetings was to advocate and lobby honourable members to support enactment of Gender Equality Bill into law. During the meetings, the honourable members were also oriented on the Convention for the Elimination of All Forms of Discrimination Against Women, the commitment of the country to report on its implementation and concluding observations of the CEDAW Committee following each report.

If enacted into the law, the Gender Equality Statute will address the prohibition of sex discrimination, sexual harassment and harmful practices; promote sexual and reproductive health rights; visibility of women in public life at decision making positions; employment opportunities and conditions of work; education opportunities and practices; and human dignity.

Deceased Estate Bill

The Deceased Estate Bill (Wills, Inheritance and Protection) Bill was enacted into law during the budget session of 2011. The Act entrenches the inheritance of property by women and children of the deceased family more than it was under the Wills and Inheritance Act.

Marriage, Divorce and Family Relations Bill

The Bill was referred back to the Malawi Law Commission for further consultations through the Minister of Gender, Children and Social Welfare in 2011. The Law Commission is currently engaging the Ministry to explain the basis of the draft provisions of the bill after which it is hoped that Cabinet could adopt it and Parliament to enact it into law.

The Marriage, Divorce and Family Relations Bill is a codified law on family relations which seeks to harmonize statutory and customary marriages by offering the same constitutional standard of protection to all types of marriages. It also provides for similar rights to parties to a marriage and requires that all marriages be registered. In spite of the constitutional allowance that marriages may be contracted by parties between the ages of 15 and 18 years, the Marriage, Divorce and Family Relations Bill provides for 18 years as the minimum age at which a marriage can be contracted. The Bill also proposes elimination of polygamy.

2. Measures Put in Place to Reduce Maternal Mortality

- The principal status on matters of health is the 1948 Public Health Act. Since 2011, the Public Health Act is undergoing comprehensive review by the Malawi Law Commission. One of the issues under consideration is the issue of the right to health which

has not been provided for in the Constitution. It is hoped that the work of this Commission will be completed in 2013.

•Implementation of health policies and strategies such as:

I.The Presidential Initiative on the Safe Motherhood which is coordinated under the Office of the President and Cabinet. The purpose of the initiative is to promote safe motherhood by involving all stakeholders including men. The President has, since April 2012, been encouraging Traditional Leaders to take their role in preventing maternal mortality and discouraging the use of traditional birth attendants (TRAs).

II.The National Sexual and Reproductive Health Policy which focuses on strengthening the provision of sexual and reproductive health services at all levels with a focus on rural areas.

III.The National HIV and AIDS Policy which provides a framework for the strengthened national response to the epidemic focusing on committed greater leadership, implementing of comprehensive national plans, allocation of sufficient financial human and material resources, multisectoral approach to HIV prevention, treatment, care and support, strong linkages with nutrition and other health programmes, addressing socio-cultural factors impeding progress, strengthening access to essential supplies and ensuring zero new infections.

IV.The National Post Abortion Care Strategy. The position of the Government is that abortion remains legal but restrictive and has taken the stand that there is need for specialized expertise to review legislation in this area. Unsafe abortions are illegal in Malawi but the parameters of legal and safe abortion are also very restricted to only those circumstances where the life of the mother is in question.

•Government is committed to reduce maternal and infant mortality by promoting engagement of skilled health and birth attendants; ensure increased access to skilled personnel and services; and raise awareness of services available through civic education. In the same vein, Government wishes to address other avenues that promote maternal deaths including unsafe abortion.