



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

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

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**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

## **Replies of Malawi to the list of issues and questions in relation to its eighth periodic report\***

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\* The present document is being issued without formal editing.



## I. Introduction

1. The Government of Malawi is pleased to submit responses to the list of issues and questions posed by the Committee on the Elimination of All Forms of Discrimination against Women in relation to Malawi's eighth periodic report.

## II. Replies to the list of issues ([CEDAW/C/MWI/Q/8](#))

### A. Reply to paragraph 1 of the list of issues

2. In response to the COVID-19 pandemic, the Government of Malawi declared a State of National Disaster on May 20, 2020 and developed the National COVID-19 Preparedness and Response Plan (NCPRP). The NCPRP is based on four pillars and aims to prevent, rapidly detect and respond to COVID-19 outbreaks, as well as provide support to those in need. The plan includes short-term measures, which were partly achieved through the promulgation of the Public Health (Corona Virus and COVID-19 (Prevention, Containment and Management) Rules, 2021.

3. The Prevention, Containment and Management) Rules, 2020 provided for a partial lockdown, with the conditions being changed in correspondence to the evolving dynamics of the pandemic. The restrictions between August 2020 and December 2021 included restrictions on travel outside Malawi; restrictions on the number of people attending public gatherings; restrictions on the operation of markets to be open only between 7:30 am and 5:00 pm; restaurants to only allow for takeaways and the opening of bars only between 10:00 am and 1:00 pm; the closure of night clubs and mandating of working in shifts to ensure that offices are occupied by only half of the standard capacity. In December 2021, the restrictions were relaxed to remove restrictions on operating hours of markets, bars, nightclubs and restaurants. Now, all COVID-19-related restrictions have been removed.

4. To redress long-standing inequalities between men and women by placing women at the centre of recovery from the COVID-19 pandemic, the Government of Malawi, when developing the Malawi Covid-19 Social and Economic Recovery Plan (SERP) (2021–2023), a sister plan to the NCPRP, recognised that women would be one of the most negatively affected group. Therefore, the SERP proposed the implementation of five interlinked focus areas, namely; building a resilient and sustainable health system; building a resilient and sustainable education system; building a resilient and sustainable social protection system; building a resilient economy and labour market; and building an enabling Macroeconomic Policy Environment with a focus on women and children, in the implementation of the focus areas. For instance, one of the activities under the Plan is increasing the number of women beneficiaries in the implementation of social protection programmes. With the assistance of the World Bank, the Government of Malawi is implementing an expanded Social Cash Transfer Programme (SCTP), which has increased the number of women beneficiaries to assist women in recovering from the effects of the pandemic. Women have been provided with assistance through training in improving entrepreneurial skills and economic resilience through the Spotlight Initiative, a programme implemented with the help of development partners. These programmes are helping women continue being empowered to take non-stereotypical gender roles in their communities.

5. Gender mainstreaming was incorporated into the COVID-19 response in Malawi through a Rapid Gender Analysis, which led to the provision of training for 390 Chiefs Forums at both District and Community levels to integrate gender considerations. A Gender in Humanitarian Sub Technical Working Group and Gender

Based Violence (GBV) Sub Technical Working Groups were formed to reduce incidences of women being overlooked in implementing the COVID-19 response plans. These groups ensured that gender and protection services were adequately mainstreamed and facilitated the provision of mental health and psychosocial support (MHPSS) and stigma prevention. They also targeted support for vulnerable groups at risk of infection and those affected by COVID-19, mitigated risks for gender-based violence (GBV) and all forms of violence, abuse, exploitation, and neglect, prevented the separation of children from caregivers, and strengthened the coordination of protection partners at national, district, and community levels for an effective response to COVID-19.

6. With regard to GBV, a Rapid Gender Analysis revealed that Malawi experienced an increase in cases of GBV because of the closure of schools between 28th March and 7th September 2021 and the loss of livelihoods and jobs amongst households which increased stresses amongst various vulnerable gender groups.

7. The increase in cases could also be attributed to increased awareness in communities where women and girls are now empowered to report incidents.

Figure 1

**Number of GBV cases reported between 2019 to 2022 distinguished by the form of violence**

	<i>Physical</i>	<i>Sexual</i>	<i>Emotional</i>	<i>Economic</i>	<i>Totals</i>
2019					
2020	3 380	2 684	7 617	3 380	<b>17 061</b>
2021	2 499	3 279	7 737	2 819	<b>16 334</b>
2022 (Reported up to Aug)	7 204	1 220	2 896	2 535	<b>13 855</b>

*Source:* Ministry of Gender and Malawi Police Service.

8. It is also worth noting that though the cases of GBV increased, efforts were intensified to ensure that the 20 One-Stop Centres are available in major hospitals and health posts across the country, the Victim Support Units (VSU) established in 135 police stations provide comprehensive services to survivors of gender including but not limited to investigation, referrals, counselling, mediation, legal advice, psychosocial support and repatriation as well as rehabilitation of survivors of GBV and harmful practices.

9. To ensure that all COVID-19 crisis response and recovery efforts effectively prevent gender-based violence against women and girls, the Government of Malawi, with the support of the cooperating partners, is implementing a Mentorship Programme for Adolescent Girls and Young Women, in safe spaces. This is a transformative approach to sexual and gender-based violence (SGBV) prevention, self-awareness and capacity building for girls. It is a 6 months programme consisting of intense and consistent interactive sessions between mentors and mentees. The Programme has 23,640 participants.

10. Furthermore, the Government of Malawi, through the Ministry of Gender, Community Development and Social Welfare (MoGCDSW) increased the capacity of the social service workforce to provide preventive and response services during the COVID-19 pandemic. This included essential GBV prevention and case management packages, upskilling district and community level protection structures on supporting vulnerable populations in preventing and responding to COVID-19 (including GBV prevention and response), providing MHPSS related training and capacity building

for 675 frontline workers and partners to support COVID-19 affected populations, training 3275 providers of Psychological First Aid who reached 101,505 people, developing and disseminating Service Operating Procedures and referral guidance for MHPSS and protection related to COVID-19, reviewing and screening protocols to ensure facilities are child-friendly and address the rights and needs of vulnerable populations, including people with disabilities, and procuring and distributing equipment and resources for prevention awareness and monitoring response and service delivery.

11. The Government of Malawi, through the MoGCDSW, with the assistance of development partners also continued the dissemination of gender-related laws that protect the rights of women, girls, boys and men against all forms of violence and reduce Gender-Based Violence. These laws include the Gender Equality Act (Cap 25:06), Marriage, Divorce and Family Relations Act, (Cap 25:01), Child Care Protection and Justice Act (Cap 26:03), Prevention of Domestic Violence Act (Cap 7:05) and Deceased Estates (Wills, Inheritance and Protection) Act (Cap 10:02) to promote access to social justice and facilitate women economic empowerment.

12. To guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; the Government of Malawi, when developing the National response plans to the COVID-19 pandemic which is highlighted above, consulted women and girls through the Parliamentary Committees, Multi-stakeholder Technical Working Groups, District Civil Protection Committees, Mother Groups and other community engagement structures. Furthermore, as highlighted above, gender mainstreaming in the implementation of the Plans has ensured that women's participation in the decision-making of how the activities implementing the Plans are being conducted although their participation still falls short of being equal.

13. Due to the economic challenges, the stimulus packages implemented to cushion the effects of the COVID-19 pandemic were mainly in the form of cash transfers, implemented with the help of development partners. The Government of Malawi, with the support of the World Bank, the European Union, UNICEF Malawi; World Food Programme (WFP) Malawi; (Kreditanstalt für Wiederaufbau) KfW; Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Malawi, Irish Aid and International Labour Organization (ILO) Malawi, restructured the Social Support for Resilient Livelihoods Project (SSRLP) to allow the Project respond to the COVID-19 emergency, through targeted cash transfer response within the framework of the existing Social Cash Transfer Programme (SCTP). The restricted component is referred to as the COVID-19 Urban Cash Injection (CUCI), implemented in the four cities in Malawi. The CUCI targeted 35 per cent of the population in these cities (over 199,000 households in total). 80 per cent of the beneficiaries were women-headed households. The amount received per household was MK35,000 (approx. US\$45), per month for a total of three months. This part of the project was designed to equally benefit women particularly those who were already in vulnerable situations.

14. There were also other social protection and related interventions introduced in Malawi in response to COVID-19, including bringing forward future payments for SCTP beneficiaries and otherwise continuing to provide routine SCTP payments throughout 2020 and the first half of 2021. Women were also exposed to village savings and loan facilities through Cooperatives.

## B. Reply to paragraph 2 of the list of issues

15. COVID-19 restrictions implemented by the Government of Malawi, between August 2020 and December 2021, tried as much as possible to minimize interruptions in access to justice, shelter, education, employment, and healthcare for disadvantaged and marginalized women and girls.

16. Mobile courts were scaled up in hard-to-reach areas, to ensure access to justice. Courts were open, subject to the observance of social distancing guidelines, and women had access to legal services through lawyers of their choice or a lawyer from the Legal Aid Bureau. However, not all districts had access to mobile courts.

17. Access to shelter was dealt with from a social protection perspective, through the implementation of the social protection programmes mentioned above.

18. With regard to employment, the COVID-19 (Prevention, Containment and Management) Rules mandated working in shifts in circumstances where it was possible.

19. With regard to access to education, though schools were closed between March 2020 and early 2021. The Government implemented home learning, by making radio programmes; home learning packs including books, worksheets, pens and paper, and re-trained Complementary Basic Education (CBE) facilitators to support home learning. Information was provided to parents and community members about how to help students to continue learning while at home. Education facilitators also met their learners once a week in groups of three or four at a location within the community which was suitable and easily accessible. They supported students to complete home learning journals to reflect on their learning progress and helped them with any challenges. Facilitators also visited learners with disabilities at home to discuss any additional support needs with them and their parents. Online learning was also available for different subjects and levels of primary and complementary basic education though it was recognised that due to the low uptake of digital technologies in Malawi, it would not be the most effective way to reach learners.

20. Health care services including sexual and reproductive health care services were also available to women and girls, during the height of the COVID-19 pandemic. While the health system was overwhelmed by COVID-19 cases and other health complications arising from COVID-19, efforts were made to ensure access to health services. COVID-19 management and care services were accessible on an equal basis, for either sex. According to the Ministry of Health, 62.5 per cent of the COVID-19 patients who sought health services at a healthcare institution, were women.

21. Other health services such as maternal health services and sexual and reproductive health services were still available to women and girls. The Government of Malawi, through the Ministry of Health, published the Guidelines for Maternal and Newborn Health Services Including Family Planning During the COVID-19 Pandemic, in June 2020. The Guidelines set out a range of measures to protect women, babies and healthcare professionals who attend maternal and new-born health (MNH) services during the COVID-19 pandemic; which included:

- (a) following a detailed infection prevention and control plan in MNH services;
- (b) using personal protective equipment (both clinicians and patients);
- (c) screening and triage for COVID-19 of all women attending MNH services;
- (d) the social distancing of 1–1.5m enforced throughout MNH services;
- (e) hand washing stations provided throughout MNH services;

- (f) limiting the number of antenatal care (ANC) appointments per clinic to promote physical distancing in waiting areas;
- (g) increasing the number of ANC clinic days or extending opening hours;
- (h) integrating components of care to limit repeat visits (e.g. combining scans, blood tests and vaccines in a single visit); and
- (i) asking women to bring their own cups to use when taking medicines.

22. These Guidelines were shared through radio programmes, on the Ministry of Health website and through community structures. However, there were some challenges in implementing the Guidelines, particularly in the rural areas. These challenges mostly related to misconceptions and fears about how to contract COVID-19 which led to some women not attending their antenatal care appointments.

23. In 2020, 385,525 women received family planning services and there were 107,004 additional users of modern contraceptives. By using the Marie Stopes tool, it is estimated that 1,800 maternal deaths were avoided. In 2021, there were 360,114 additional users of modern contraceptives, including 123,000 young people aged 10–19 years old, and 18,850 maternal deaths were avoided. Despite pandemic-related challenges, 385,000 young people accessed youth-friendly health services through static health facilities, and 144 community-based distribution agents were trained to provide family planning advice and commodities. In addition, nine new centres were rehabilitated, outreach and mobile clinics provided services, and nearly 13,000 young people visited mobile clinics. Safe spaces provided sexual and reproductive health services and counselling for survivors of sexual and gender-based violence, and 841,000 youths were reached with various youth-friendly health services including family planning and HIV prevention. The Government of Malawi with the support of development partners such as the UNFPA supported the availability and access to modern contraceptives and family planning commodities.

### **C. Reply to paragraph 3 of the list of issues**

24. The review of the Police Service Standing Orders to align them with the Constitution of the Republic of Malawi and the Police Service Act (Cap 13:01 of the Laws of Malawi) is still underway.

### **D. Reply to paragraph 4 of the list of issues**

25. To ensure the constitutional guarantee of equality before the law by facilitating access by women, specifically marginalised groups, to justice, mobile courts continue to be conducted in hard-to-reach areas, subject to the availability of funds from the Government and support from development partners and Civil Society Organisations (CSOs). Unfortunately, the Government of Malawi does not have consolidated statistics on the number of mobile courts conducted since the submission of the eighth periodic report. However, figures of the number of mobile courts conducted by specific major access to justice projects can be shared to provide a picture of the number of women having access to mobile courts. The Spotlight Initiative and UN-Women Malawi have been supporting the Women Judges Association of Malawi (WOJAM), Women Lawyers Association (WLA) and Gender and Justice Unit in improving access to justice for women and victims of gender-based violence in the country. Between July and November 2020, the mobile courts heard 170 cases and in 2021, 193 mobile court sessions, in the six districts. Additionally, the Christian Health Association of Malawi (Malawi's second largest health service provider), was implementing a Sexual Violence Against Children (SVAC) Project, worth K5.8 billion,

with funding from the Centre for Disease Control and Prevention (CDC) and the United States President's Emergency Plan for AIDS Relief (PEPFAR) for 30 months, ending March 2022. The project aimed at curbing sexual and gender-based violence and curbing the spread of the HIV and AIDS pandemic in communities. The project also had an access to justice component which facilitated the hearing of 289 cases, through mobile courts. Furthermore, the Government of Malawi will continue to provide legal aid services. The Legal Aid Bureau is making strides to ensure that the legal aid service is easily accessible. The Bureau has significantly increased the number of both technical and support staff. On the technical staff, the Bureau currently has 41 lawyers (from 13 lawyers in 2018) and 58 paralegals (from 19 paralegals in 2018). 42 per cent of its staff are women. Furthermore, the Bureau has expanded its operational reach from 3 offices in 2018 to 19 offices in 2022. The Bureau plans to have offices in all 28 districts by 2025.

26. The Legal Aid Bureau has been undertaking various means of public sensitisation on how the public can access its services across the country, with the assistance of CSOs such as the Paralegal Advisory Service Institute, the Centre for Human Rights, Education, Advice and Assistance (CHREAA) and the Women Lawyers Association of Malawi. Secondly, the Bureau has embarked on installing toll-free telephone services in police stations to offer arrested persons to access legal aid. As of today, the Bureau has installed this service in 28 police stations across all 28 districts out of the 45 police stations.

27. To strengthen the capacity of judicial actors, including the Malawi Police Service, to take a gender-sensitive approach in treating complaints filed by women and in the examination of cases, the Government of Malawi with the assistance of CSOs and development partners continue to train magistrates, judges and prosecutors in gender-related laws, including taking a gender-sensitive approach to complaints filed by women.

28. The Government of Malawi, through the MoGCDSW, in collaboration with National AIDS Commission trained police prosecutors, community victim support unit officers, and community policing officers on adopting a gender-sensitive approach to complaints filed by women. Furthermore, through the Spotlight Initiative Project, 80 court personnel, including magistrates, court clerks, probation officers and police prosecutors were trained in handling SGBV cases, leading to an improvement in case completion rates from 19 per cent of cases being completed in 2020 to 34 per cent in 2021. The Malawi Police Service has also developed a fully-fledged Human Rights Training Manual which covers how to effectively implement women's and girls' rights. This Manual constitutes part of the training curriculum for all Training Schools under the Malawi Police Service. The human rights modules run for a minimum of two weeks to a maximum of twelve weeks. Thereafter refresher courses are conducted in most cases with the support of development partners, depending on the availability of funding to conduct the courses.

29. With regard to the review and recommendations for a presidential pardon, the Advisory Committee on the Granting of Pardons created under the Advisory Committee on the Granting of Pardon Act (Cap 9:05) of the Laws of Malawi provides recommendations to the President on candidates eligible for pardon. In July 2022, the Legal Aid Bureau petitioned the President to commute the death sentences for 25 death row inmates (including women). The President commuted to life sentence 23 of the 25 sentences. The process of commuting the sentences of the remaining 3 inmates is underway.

30. The total number of women in prison in Malawi as of November 2022 was 343 with 228 convicted and 115 on remand. The Government of Malawi has implemented measures to improve conditions in detention facilities, including constructing and

rehabilitating prison cells to reduce overcrowding. The Malawi Prisons Service is also rehabilitating prison structures to ensure they are health-friendly, including installing whirlybirds and larger windows. To improve access to health services, a doctor has been seconded by the Ministry of Health to Malawi Prisons Service to be the medical officer who oversees medical officers, posted in various prisons across the country, such as nurses, nutritionists, and pharmacists just to mention a few. The Malawi Prisons Service has adopted the Southern African Development Community (SADC) minimum standard package to prevent the transmission of communicable diseases, including TB and HIV. Pregnant women receive pre-natal care in prisons and have access to post-natal care outside the prison if necessary. However, the Malawi Prisons Service is struggling to provide access to health and sanitation materials and adequate daily meals due to financial constraints the Government is facing. However, development partners and CSOs continue to provide assistance.

#### **E. Reply to paragraph 5 of the list of issues**

31. The Malawi Growth and Development Strategy III (2017–2022) has expired and it has since been replaced by the first 10-year Implementation Plan for Malawi 2063 dubbed Malawi Implementation Plan-1 (MIP-1). The MGDS III linked its priority areas to various international and national frameworks such as the Sustainable Development Goals, Agenda 2063, the Istanbul Plan of Action and the International Conference on Population and Development which aim to achieve gender equality and empower all women and girls. The MDGS III also ensured that all activities designed to implement the key result area, the budgeting of those activities and the implementation of the activities, took into account the gender perspective. For instance, one of the key result areas was agriculture, water development and climate change management. Under this result area, to achieve increased agricultural production and productivity, there was a specific component aimed at empowering women to establish cooperatives aimed at sharing resources to improve productivity; promoting agricultural education and technical training targeting women; assisting women to access finance to purchase agricultural inputs. However, it is acknowledged that more work needs to be done to empower women and encourage financial institutions to provide loans at favourable terms for women. The introduction of Village Saving Banks, which are informal, has provided women with some access to and control of financial resources.

32. The MIP-1 recognises the negative impact of gender inequality on development across all sectors and aims to improve the Gender Gap Index from 0.664 in 2020 to 0.832 by 2030. To achieve this, MIP-1 has established a Gender Empowerment and Social Inclusion Working Group and mainstreamed gender into national development programmes. It also includes activities relating to the implementation of the Gender Policy and enforcement of the Gender, Equality Act; access to finance for women and girls to encourage entrepreneurship; increasing women and youth representation and participation in decision-making positions; enforcing laws that protect the rights of women, girls, boys and men against all forms of violence and laws to end child marriage and undertaking awareness campaigns to eradicate all harmful cultural practices.

33. The gender-responsive budgeting guidelines have been renewed and are now being used by Government Ministries, Departments and Agencies. District Councils have also developed budget by-laws and are implementing the guidelines. As a result, social protection has seen an increase in investment, particularly for women beneficiaries. There has also been an increase in the number of gender officers recruited at the district level. However, more work is required to train officers to understand the concept of gender-responsive budgeting.



34. There has not been an impact assessment or review of the Gender Equality Act Implementation and Monitoring Plan (2016–2020) due to funding constraints. However, the Government of Malawi intends to conduct a review of the expired plan before adopting a successor plan. Despite not having done a comprehensive impact assessment, some notable progress can be singled out. Various stakeholders, including the MoGCDSW and CSOs, have disseminated and continue to disseminate the Gender Equality Act. Additionally, training on the application of the Act has been conducted targeting police officers, judicial officers, human resource officers, social welfare officers, health workers and the general public.

35. The Human Rights Commission continues to monitor compliance by both the public and private sectors including the application of the gender quota in appointments and recruitment. A model sexual harassment policy and guidelines were developed. Consequently, the Human Rights Commission has facilitated the development and review of sexual harassment policies of over 25 institutions. The Commission has also provided training on sexual harassment in the workplace, in over 20 institutions in the public and private sectors which has also resulted in over 25 cases of sexual harassment being lodged with the Human Rights Commission for investigation. Four cases are currently in litigation. The Human Rights Commission recently conducted a study into sexual harassment (GEA) in public and private workplaces.

36. The MoGCDSW has developed a web-based Integrated Information Management System (IIMS) to manage information. The system is currently being rolled out in 16 out of the 28 districts. One of the modules of the system is the GBV module. The system is designed to capture disaggregated information about victims or survivors of GBV and abuses or violations that have been reported to relevant authorities and track the cases. Plans are underway to roll out the system in the remaining 14 districts. The system will also be linked to the National Statistical System being managed by the National Statistical Office through the National Hub on GBV and harmful practices. The system also captures the number of women in various decision-making positions at various levels such as Cabinet, Ambassador, High Court Judges; Boards of Directors etc. both in the civil service and private sector.

37. With regard to procedures in place to systematically consult women's organisations, on the implementation of gender equality strategies, the Government of Malawi, through the MoGCDSW engages women in the implementation of gender equality strategies, through women's movement structures at the community level. The Spotlight Initiative particularly focuses on ensuring that marginalised women are allowed to share their thoughts on what form gender policies should take and how gender strategies should be implemented. The Human Rights Commission also engages women's organisations and women's forums at the district level on the implementation of the Gender Equality Act. In 2022, the Human Rights Commission undertook a stakeholder mapping exercise to identify organisations working on gender and women's rights issues at the national and district level, to engage them in the design and implementation of programmes.

## **F. Reply to paragraph 6 of the list of issues**

38. The Human Rights Commission is operationally independent in accordance with section 130 of the Constitution of Malawi, section 11 of the Human Rights Commission Act (Cap 3:08), and the Paris Principles. The Government of Malawi supports the Commission to discharge its functions and provides funding appropriated by Parliament each financial year. The funding levels for the Commission since the 2018/2019 financial year have increased from K789,065,236 (USD 768,320) to K1,064,182,804 (USD 1,036,205) in the 2020/2021 financial year. However, due to

the country's economic challenges, the funding for the 2021/2022 financial year was adjusted downwards to K911,021,442 (USD 887,070). In the 2022/2023 financial year, the Parliament of Malawi appropriated K 2,059,448,312 (USD 2,005,305). The Commission has a total establishment of 124 personnel, of which 61 positions are filled, representing a staffing level of 49.1 per cent.

39. The Women's Rights Directorate of the Commission enforces the Gender Equality Act with support from the Gender and Women's Rights Thematic Committee. Malawi allocated funds for implementing the Gender Equality Act in 2019/2020 but not in subsequent years, due to funding constraints. Despite funding challenges, the Directorate and Committee implemented the Act with help from development partners. The Commission conducted awareness programmes and litigation of cases. The Government engaged the Human Rights Commission during the development of the Government's model sexual harassment policy which is currently being finalised for adoption and dissemination.

## **G. Reply to paragraph 7 of the list of issues**

40. Beyond the temporary measures to ensure gender equality in education, as well as those areas covered in the Gender Equality Act, the Government of Malawi, is ensuring that women have access to justice either through access to a lawyer or access to the courts or both. This is done by ensuring that women are aware through radio programmes that they can have access to legal aid services at the district level, through the Legal Aid Bureau services now open in 20 out of the 28 districts in Malawi. Furthermore, as mentioned above the Government of Malawi scaled up the use of mobile courts to cater towards people in rural areas, these also cater to women. The Government of Malawi will continue to ensure that women have access to justice when they require it.

41. With regard to temporary measures in access to health, particularly sexual and reproductive health services, the Government of Malawi, with support from its development partners is also implementing some programmes to cater specifically towards women's health. Women have access to antenatal health services and sexual and reproductive services as shown in paragraph 23 above. However, women especially in rural areas continue to face challenges in accessing health services. The Government, with assistance from its development partners, will work towards improving this area.

42. With regard to special measures to improve access to vocational training, the Government of Malawi, through the Technical, Entrepreneurial and Vocational Training Authority (TEVETA), continue to train women in various skills including non-traditional skills such as carpentry, motor vehicle mechanics, electrical engineering, and metal fabrication. CSOs and individual initiatives are also playing a crucial role in supporting women in entrepreneurship. Though the number of females recruited into Technical, Entrepreneurial and Vocational Training (TEVET) programmes is increasing, the number could be higher. There are several challenges women are facing which the Government of Malawi will address, including, inadequate availability and amounts of bursaries and scholarships for female students; insufficient numbers of female hostels and designing more programmes specifically catering for female students.

43. With regard to access to financial credit and assets, including land, the Government of Malawi, through a state-owned company, National Economic Empowerment Fund Limited (NEEF) whose objective is to economically empower ordinary and underserved Malawians (particularly women, youth and persons with disability) through the provision of various loan products, also provide these products

catering specifically to women. These include the women's enterprise loans and the progressive women's group loans.

44. With regard to access to assets, particularly, land, the Government of Malawi needs to conduct an analysis to determine, the extent of the disparities in asset ownership. Thereafter measures will be implemented to address the disparities.

## **H. Reply to paragraph 8 of the list of issues**

45. The National Plan of Action against Gender-Based Violence (2014–2020) is still in use so an end of Plan assessment has not been conducted. However, there are positive results in the efforts made by the Government to change harmful social norms. The Government has developed guidelines to standardise by-laws' applicability in the District Councils. Through these by-laws, some harmful traditional practices and early marriages have been reduced. Many traditional leaders are working with Government to challenge community systems that promote harmful traditional practices and are enforcing by-laws within their communities. Many by-laws are addressing child marriage by imposing fines on families that perpetrate the practice, as well as penalising chiefs that are failing to enforce the by-laws in their communities. To modify societal attitudes towards harmful cultural practices, the Government is undertaking several initiatives such as engaging traditional, religious and community leaders to modify harmful practices. These are engaged through community dialogue sessions as well as participation in various programmes. Recently, the Government developed a Male Engagement Strategy which identifies and prioritises interventions for involving men and boys in GBV, Sexual Reproductive Health Rights (SRHR) and HIV issues. The Government has also scaled up the implementation of positive masculinity activities which demystify toxic cultural and social norms.

## **I. Reply to paragraph 9 of the list of issues**

46. The Prevention of Domestic Violence Act, the Marriage Divorce and Family Relations Act, the Child Care, Protection and Justice Act, the Gender Equality Act, the Anatomy (Amendment) Act (Cap 34:03) and the HIV and AIDS (Prevention and Management) Act (No. 9 of 2018) contain provisions that criminalise forms of harmful practices. To enforce these laws, prohibiting harmful practices, criminal cases have been brought before the courts for prosecution.

47. To empower girls to challenge discriminatory stereotypes and harmful norms, the Government of Malawi, with assistance from development partners has been implementing the Safe Space Mentorship Programme which includes a 6-month mentorship curriculum targeting out-of-school adolescent girls and young women. The Programme empowers young women and girls to recognise the illegality of GBV and harmful practices as well as to challenge harmful social attitudes. The 11,440 mentees and 435 mentors have become part of a protective girls' network that supports thousands of other young women and girls in their communities. The Safe Spaces programme also provides a platform for girls and young women to share challenges, seek counselling services and receive empowering messages to challenge harmful societal norms. In 2020, using the programme taught 212,262 adolescent learners how to detect and report harmful practices and led to the identification of 941 cases of child marriage and their immediate referral to relevant authorities and actors for action.

48. To raise awareness of the criminal nature of harmful practices, Government continues to heavily engage traditional and religious leaders to raise awareness about the criminal nature of the harmful practices through community dialogue sessions.

Furthermore, 34 Paramount and Senior Chiefs and 156 Chiefs are now engaged through National and district Chief forums. The Government of Malawi will continue to engage traditional and religious leaders to raise awareness about the criminality of harmful practices.

49. With regard to the repeal of the Witchcraft Act, The Law Commission has completed the review of the Witchcraft Act, and the Special Law Commission's main finding is that the belief in witchcraft cannot be suppressed by legislation, and the law must recognize its existence. Therefore, the Commission recommends replacing the current law and enacting a Witchcraft (Prevention and Suppression) Bill, which proposes a definition of witchcraft and various offences aimed at preventing and suppressing it. The Commission also recommends that witchcraft cases should be tried by courts from the level of Resident Magistrate Court and above and that upon convicting a person, the court should order the confiscation and destruction of any article brought before it which was or might have been used in the commission of the offence. The report of the Special Law Commission will be presented to the Ministry of Justice for presentation to Cabinet. When the report is approved by Cabinet, the processes to repeal and replace the Witchcraft Act will commence. Since the amendment to section 22 (6) of the Constitution of the Republic of Malawi which raised the minimum age of marriage, the Government of Malawi has taken several steps to implement the provision, including engaging traditional and religious leaders to sensitize their communities about the age of the child and the minimum age of marriage. District by-laws proscribe the officiation or facilitation of marriage between children. These by-laws are enforced by chiefs. 28 District Chief Forums and 310 community Chief Forums are currently leading the fight against child marriages, and modifying and eliminating harmful practices. Besides the chief forums, other community structures such as the Mother Groups, Child Protection Committees, and Safe Space Mentorship Programmes are playing a crucial role in raising awareness about the harmful effects of child marriages. Additionally, the Government of Malawi, through the MoGCDSW has conducted regional training of trainers on the change of the age of the child and marriage and its implications. The Government of Malawi also developed a community awareness handbook on child and gender-related laws in 2019 to assist in sensitization.

50. With regard to the midterm assessment of the National Strategy for Ending Child Marriages. The report found that, based on the 2019 Traditional Practices Study and Multiple Indicator Cluster Survey (MICS, 2019/20), the percentage of girls who marry before age 18 declined from 41.5 per cent in 2018 to 37.7 per cent in 2020 while that for boys increased marginally from 6.2 per cent to 7.0 per cent during the same period. Similar trends were documented for girls and boys who married before 15 years. While the decline in child marriage prevalence among girls reflects some progress, the Strategy's aim to reduce child marriage by 20 per cent was not achieved and the prevalence remains higher than the Southern African Development Community (SADC) average at 37 per cent. Overall, child marriage below the age of 15 remains widespread in the Southern region of Malawi while marriage below 18 is highest in the Northern region of Malawi, at 51 per cent, followed by the South region at 47 per cent and finally, the Central region at 36 per cent. The Assessment also revealed that while there is a high correlation between child marriage and poverty rates, the decision to marry is often taken by the individual children themselves.

51. Furthermore, the Assessment revealed that there was an increase in the number of reported cases immediately after the launch of the Strategy in 2018, but this could be partly due to increased public awareness from sensitization campaigns related to the launch of the Strategy. On the other hand, increased reported cases around 2020 were largely attributed to the COVID-19 pandemic when preventive measures such as the closure of schools were enforced. This was confirmed by the Rapid Assessment

Study on Teenage Pregnancies and Child Marriages during COVID-19 in Malawi which reported 19,480 cases of child marriage in the country and found that COVID-19 had worsened the twin problems of teenage pregnancies and child marriage.

52. Noting the findings of the Assessment of the Strategy, the Government of Malawi intends to work on the weaknesses identified so that these issues are addressed in the successor strategy.

#### **J. Reply to paragraph 10 of the list of issues**

53. As it stands, there is no intention by the Government of Malawi to extend the definition of marital rape beyond the current interpretation in the Marriage, Divorce and Family Relations Act. The widening of the definition can only be done upon holding consultations with Malawians and any other relevant stakeholders.

54. Legal guidelines to comply with the judicial decision in *Steven Kaliyati v The Republic* (Criminal Appeal No. 109 of 2018) are yet to be developed.

#### **K. Reply to paragraph 11 of the list of issues**

55. The Government of Malawi is yet to conduct a mid-term review of the National Plan of Action Against Trafficking in Persons (2017–2022). However, the Government can inform the Committee that based on the number of women and girls intercepted during trafficking as well as prevented from being trafficked, it is apparent that raising the awareness of the general public through radio programmes, traditional and religious leaders as well as through other community structures about trafficking is becoming effective. Women and girls are specifically targeted with the messaging of the risks of being trafficked through community structures such as Mother Groups, Child Protection Committees and Safe Spaces.

56. The Government of Malawi has also been training front-line responders to the trafficking of women and girls. The front-line responders include police officers, community policing volunteers, immigration officers, health workers and social welfare officers.

57. With regard to increasing the capacity of labour inspectors to obtain access to private homes, the Government of Malawi, through the Ministry of Labour continues to train labour inspectors on how to apply to the Industrial Relations Court to obtain a warrant of inspection to inspect a home. Due to the bureaucratic processes involved in obtaining the warrants, the inspections in homes are still limited. However, parents, guardians, children and well-wishers are encouraged to report any suspected cases of abuse of children in homes so that the appropriate authorities can investigate the claims and take the appropriate course of action to remedy the situation.

#### **L. Reply to paragraph 12 of the list of issues**

58. To protect women in prostitution, including disseminating to all police officers the High Court decision referred to in paragraph 49 of our report, the Government of Malawi, through the MoGCDSW and the Human Rights Commission disseminated the High Court decision, to all police stations. Furthermore, various awareness meetings were conducted with Police officers to desist from using the provision to arrest women in prostitution.

59. Further, the Malawi Police Service and the Human Rights Commission continue to engage with women in prostitution through their association, the Female Sex Workers Association on any unlawful application of the provision and other areas affecting their rights.

#### **M. Reply to paragraph 13 of the list of issues**

60. The amendments to the electoral laws were passed in 2022. However, the proposal to reserve additional 28 seats in the National Assembly for women did not enjoy the support of the National Assembly.

61. Section 11 of the Gender Equality Act continues to be implemented. Currently, 40 per cent of the Ministers in Cabinet are women. 23 per cent of the 193 legislators in Parliament and 14.6 per cent of the 462 councillors in local government are women. The Speaker of the National Assembly and the Clerk of Parliament are female.

62. In Malawi's public service, there are several high-ranking female officials, including the Secretary to the President and Cabinet (who heads the public service), the Deputy Secretary to the President and Cabinet, the Ombudsman, the Executive Secretary of the Human Rights Commission, and the Law Commissioner. Additionally, 28 per cent of all Principal Secretaries and 30% of all directors in the public service are female, while 50 per cent of ambassadors are female. Although the overall percentage of females in the public service is less than 40 per cent, the Government is committed to implementing the gender quota prescribed in the Gender Equality Act as evidenced by the number of women who hold key positions in the public service. In the judiciary, 50 per cent of all recently appointed judges are women.

63. To cultivate social acceptance of women in representative and leadership positions in both the public and private sector, The Government of Malawi, through the MoGCDSW, with assistance from development partners is working towards ensuring that women are educated on their rights and the importance of their participation in the electoral process. Women are also being encouraged to report any incidents of violence or intimidation. Furthermore, law enforcement officers are being sensitized on how to handle cases of electoral violence, including GBV and sensitizing them on the importance of protecting women's rights and ensuring their safety during the electoral process. However, it is recognized that more robust measures, such as establishing a system for monitoring and documenting incidents of electoral violence against women, are required. This will help to hold perpetrators accountable and provide support to victims. The Government of Malawi will progressively work towards creating such a system.

64. There are no intentions to amend section 77 (3) (a) of the Constitution. It is worth noting that the provision should not be interpreted as disenfranchising women with mental disabilities from exercising the right to vote because, firstly the provision does not single out women, it refers to "a person". Secondly, the person would have to be determined to be mentally incompetent to vote by another law and in most statutes, mental incompetency is determined by a medical practitioner registered as such under the Medical Practitioners and Dentists Act (Cap. 36:01). A reading of the laws of Malawi as a whole shows that while persons with mental disabilities may have challenges exercising the right to vote, the Malawi Electoral Commission has an obligation to ensure that they as much as possible try to adopt reasonable accommodations to assist the person with a disability to exercise their right to vote. Admittedly, there may be certain types of mental disabilities that would render the person unable to exercise their right to vote. However, the Disability Act (Cap 33:06) prohibits discrimination against individuals with disabilities, including those with mental disabilities, in various areas including political participation.

**N. Reply to paragraph 14 of the list of issues**

65. When the Citizenship (Amendment) Act, 2019 was passed, the Law Commission sensitized the general public on the changes in the law. Furthermore, officers in the Department of Immigration were sensitized on the changes in the law and trained on how to assist those applying for dual citizenship according to the Citizenship (Dual Citizenship) Regulations published in 2021.

**O. Reply to paragraph 15 of the list of issues**

66. The requirement to produce immigration-related documentation will remain. These documents are requested to ensure that the person is not an undocumented immigrant.

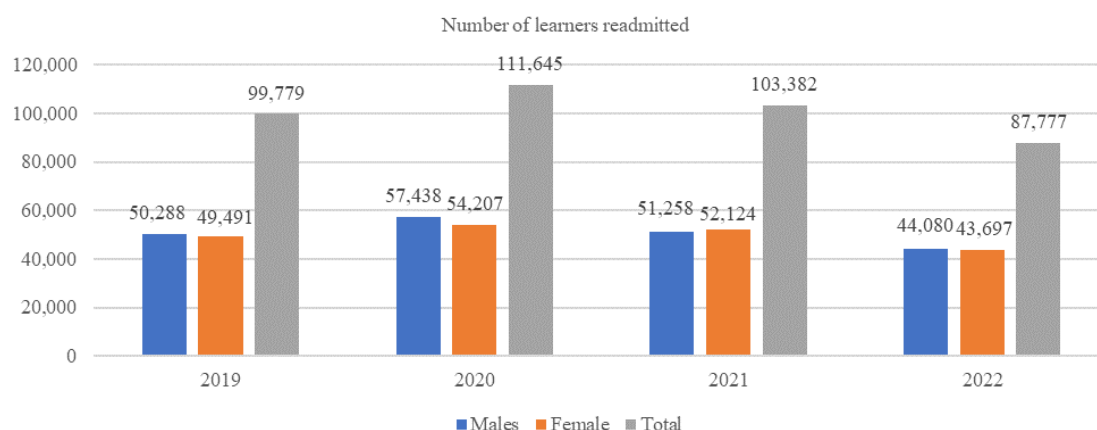
67. The Government of Malawi intends to accede to the 1961 Convention on Reduction of Statelessness as in the pledges made and stated above. The Ministry of Homeland Security is taking necessary steps by consulting various stakeholders and if the outcome of the consultations is positive, the Government will proceed to prepare the instruments of accession and deposit them.

**P. Reply to paragraph 16 of the list of issues**

68. The Government of Malawi, through the MoEST systematically collects data on the number of school-going girls who become pregnant. In the 2018/2019 academic year, a total of 12,945 female students dropped out of school; 27 per cent of them dropped out due to pregnancy and 23.8 per cent due to marriage. In the 2020/2021 academic year, a total of 109,832 female students dropped out of school, 11.3 per cent of the female students dropped out due to pregnancy and 2.3 per cent due to marriage. In the 2020/2021 academic year 124,861 female students dropped out of school; 16.3 per cent dropped out due to pregnancy and 21.3 per cent due to marriage. In the 2021/2022 academic year, 121,016 female students dropped out of school, 6.8 per cent of them dropped out due to pregnancy and 6.3 per cent due to marriage.

69. With regard to recording the number of girls who return to school after pregnancy, the MoEST only records information on the total number of re-admitted students but the data is not disaggregated by reason for dropout. In 2019, 49,491 female students were re-admitted. In 2020, a total of 54,207 female students were re-admitted. In 2021, 52,124 female students were re-admitted and in 2022, a total of 43,697 female students were re-admitted. The figure below shows the trend of the number of children re-admitted to school:

Figure 2  
Trend in number of learners readmitted (2019–2022)



Source: Ministry of Education.

70. Teachers, parents and adolescents are aware of the Re-admission Policy (2016). Teachers in training are informed of the Policy as well as when they begin work. Parents are informed of the Policy through Parent-Teacher Committees and conferences, Child Protection Committees and Mother Groups. Adolescents are informed through Community Clubs and Safe Spaces in communities.

71. To remove, any bureaucracy related to re-admission, the MoEST since 2019 has been implementing a simplified process that encourages girls to return to school and also not face discrimination. Teachers continue to sensitize other students not to discriminate against their girls who are re-admitted after pregnancy.

72. School girls have access to health care services, specifically sexual reproductive health services. The health care services are provided through static sites, outreach and alternative spaces such as youth clubs especially in hard-to-reach areas by the Ministry of Health with assistance from development partners. Healthcare workers have been trained in the provision of youth-friendly health services and providers have mentored on youth-friendly health services and adolescent health. The Ministry of Health has also conducted supportive supervision of youth-friendly health services delivery and accreditation of health facilities. At the community level, Youth Community-Based Distribution Agents (YCBDAs) were trained to distribute family planning commodities and conduct outreach family planning clinics. Paragraph 23 provides statistics on the number of girls who have had access to sexual and reproductive health services in 2020 and 2021. The statistics for 2022 are yet to be released.

73. Comprehensive sexuality education has been provided to Malawian youth through various programmes and projects, including the Safeguard Young People Programme, the Securing Child Rights through Education and Protection Project, the Spotlight Initiative, the Malawi DREAMS Curriculum, and the Joint Program on Girls' Education-II Programme. These initiatives have reached hundreds of thousands of adolescents and young women with information and services related to sexual and reproductive health. The Women's Legal Resources Centre has also provided mentorship and support to girls through safe spaces and mother groups.

74. Data collected by the Government of Malawi, through the Ministry of Health, shows that the number of young people who accessed family planning information and services increased by 23 per cent from 683,866 in 2018 to 840,021 in 2021. The



number of girls who accessed family planning services fluctuated slightly but generally increased by 32.7 per cent from 536,330 in 2018 to 711,502 in 2021. During the same period, the number of boys who accessed the same services declined by 12.9 per cent from 147,536 to 128,519.

## **Q. Reply to paragraph 17 of the list of issues**

75. The Government of Malawi recognizes the latest data reveals that women are more engaged in the informal economy than in formal employment. To address this imbalance, the Ministry of Labour launched the Malawi Decent Work Country Programme II (2020–2023), which aims to secure rights-based employment for youth, women, and men. The programme recognizes the prevalence of decent work deficits in the informal economy and commits to addressing them by implementing interventions to formalize women's employment. The programme's strategies include job creation, social protection extension, law enforcement, enterprise regulation, social dialogue, trade union rights, and business development packages, among others. The programme also ensures that women-owned businesses are not overlooked during the transition from informal to formal economies.

76. Furthermore, the Ministry of Labour launched a National Job Creation Strategy in 2022 to promote employment in a sustainable economic growth environment. The Strategy prioritizes women and persons with disabilities, acknowledging their disadvantaged position in society. The Strategy specifically targets women with schemes for providing access to credit, technology, business opportunities, and financial literacy. The Strategy also incorporates a guiding principle of "Gender Sensitivity and Inclusiveness" to ensure gender balance. The Ministry of Gender, Community Development and Social Welfare serves as a member of the National Employment Committee (NEC), the top coordinating structure for implementing the Strategy, and is responsible for ensuring gender mainstreaming in its implementation. With regard to encouraging the sharing of household and childcare responsibilities between men and women, the Government of Malawi is addressing this through the amendment to the Employment Act (Cap 55:01) which was passed in 2021. Pregnant women and women breastfeeding their children have flexible or shorter working hours without a reduction in pay or benefits. The Act also now allows breastfeeding women to bring their babies to work and have half an hour breastfeeding break, at least twice a day during working hours for a minimum period of six months from the birth of the child. Furthermore, the amendment entitles male employees once every three years to at least two weeks of paternity leave on full pay.

77. Section 7(1) of the Gender Equality Act (Cap 25:06) mandates the Government to take active measures to ensure that employers have developed and are implementing appropriate policies and procedures aimed at eliminating sexual harassment in the workplace. To enforce this provision, the Ministry of Labour conducts labour inspections to ensure that workplaces have policies against sexual harassment, and has developed a model policy in collaboration with the Human Rights Commission. To enforce the prohibition and criminalization of sexual harassment under section 6 of the Gender Equality Act, the Ministry also sensitizes employees to report incidents of sexual harassment and investigates any potential violations. While few cases have been prosecuted under this provision, there is an ongoing case against a former Director General of the Malawi Broadcasting Corporation based on recommendations from the Human Rights Commission. The Government will continue to encourage reporting of sexual harassment cases to the police or the Human Rights Commission.

78. The Government of Malawi has not ratified the Violence and Harassment Convention, 2019 (No. 190) of the ILO, but has sought technical support from the

ILO to assess its readiness to do so. An ILO mission is expected to visit Malawi soon for this purpose.

## **R. Reply to paragraph 18 of the list of issues**

79. Resources have, over the years been allocated to ensure the implementation of youth-friendly services and to encourage social acceptance of the access of girls to sexual and reproductive health services. As exemplified in the number of youth accessing youth-friendly health services in paragraphs 72 to 74. The allocation that has been dedicated towards the provision of youth-friendly services will be provided during the review of the State Party report. However, the Government of Malawi does not have a consolidated amount of funds channelled towards the provision of youth-friendly services by these development partners and CSOs.

80. The recommendations of the Special Law Commission on the review of the law on abortion in Malawi are yet to be implemented.

81. With regard to efforts to decriminalize abortion in all other cases, while sections 149, 150 and 151 of the Penal Code, criminalize the attempt to procure an abortion or the supply of drugs to procure an abortion, section 243 makes an exception to allow abortion when the life and health of a woman or girl is in danger. The High Court, in a judgment issued in 2021, upheld this exception and clarified that women seeking an abortion must present themselves to a doctor and explain how the pregnancy poses a threat to their life or health. The court also stated that preserving life includes safeguarding the mental and physical health of women and girls.

82. The Ministry of Health has developed and is implementing the Post Abortion Care (PAC) Guidelines to ensure that abortions conducted are safe for women and girls.

83. Decriminalisation of abortion in all cases can only be done upon a consensus being built among the citizens on whether the law should be amended to decriminalise the acts. It is only upon that consensus being built; will the Government of Malawi commence the legislative processes to decriminalise all instances of abortion.

84. The HIV/AIDS (Prevention and Management) Act (No. 9 of 2018) aims to prevent discrimination against persons living with HIV in Malawi. The National AIDS Commission (NAC) conducts awareness campaigns and every Government Ministry, Department, and Agency has an HIV/AIDS Coordinator to coordinate any HIV-related issues. In the private sector, the Malawi Business Coalition against AIDS (MBCA) ensures that every company has an HIV/AIDS policy that adheres to the provisions of the Act and the National HIV/AIDS Policy.

85. With regard to remedies that can be pursued for violation of the non-discrimination provision, section 6 criminalises the discrimination of a person based on their HIV status. A perpetrator of the section shall be liable, upon conviction to, in the case of a natural person, a fine of K5,000,000 and imprisonment of up to five years and in the case of a legal person, a fine of K10,000,000. Women who experience discrimination can file a complaint with the Malawi Police Service, who will investigate and prosecute the case, using delegated powers from the Director of Public Prosecutions, where there is sufficient evidence.

## **S. Reply to paragraph 19 of the list of issues**

86. The Government of Malawi ensures that when it is designing programming related to poverty reduction strategies, the needs of women are met. Disaggregated

data of the beneficiaries of the SCTP (Mtukula Pakhomo) is collected by sex, age, disability and location. About a total of 1.3 million people benefit from monthly cash benefits. There are a total of 225, 254 female-headed households and 325, 647 male-headed households benefiting from the SCTP. Over 600,000 children from beneficiary households benefit from the SCTP through school bonuses. In terms of disability, there are 57,912 disability heads. There are 123, 990 chronically ill heads of households, and generally, there are about 142, 405 elderly heads of households over 64 years of age.

87. The NEEF is also implementing gender-responsive programming through specific loans targeting women. NEEF collects data on the number of persons it has offered loans to disaggregated by sex and location but not by age and disability. These statistics will be provided during the review of the State Party report.

## **T. Reply to paragraph 20 of the list of issues**

88. Customary Land Committees have been established under the Customary Land Act (2016) in Phalombe, Kasungu, and Rumphi districts of Malawi, with the first committee in Phalombe being headed by a Group Village Headman and comprising three women and three men. The remaining districts will establish their committees after learning from these pilot districts.

89. With regard to the delivery of financial services in rural areas, the Government of Malawi through the Reserve Bank of Malawi and with support from the World Bank, is implementing the Financial Inclusion and Entrepreneurship Scaling Project. The objective of the Project is to increase access to financial services for low-income and rural populations, with a particular focus on women and youth. The project has several components, including increasing access to finance by providing technical assistance and support to financial institutions to help them expand their reach to underserved communities, including rural areas. This includes support for digital financial services and agent banking and improving financial literacy to improve financial literacy among the general population, with a particular focus on women and youth. This includes providing financial education and training, as well as promoting consumer protection and financial inclusion policies. The project began in 2021 and will run till 2025.

90. Another project that the Government of Malawi is implementing is the Mobile Money for the Poor (MM4P) initiative, which is funded by the United Nations Capital Development Fund (UNCDF). MM4P aims to increase access to mobile financial services, such as mobile banking and mobile payments, in rural areas. The project provides technical assistance and support to mobile network operators, banks, and other financial service providers to help them expand their mobile money services.

91. Additionally, the Malawi Savings Group Association (MASGA) Project aims to promote financial inclusion by supporting the formation and management of savings groups in rural areas. The project provides training and technical assistance to group members and helps them access formal financial services.

92. Access to labour-saving technologies and services to reduce the burden of unpaid domestic and community work for women in rural areas remains limited.

93. The Government of Malawi continues to meaningfully consult and take the concerns of women into account when implementing the National Disaster Risk Management Policy, 2015, as well as in the development of all legislation, national policies and programmes on climate change, disaster response and disaster risk reduction.

**U. Reply to paragraph 21 of the list of issues**

94. The Government of Malawi continues to create a conducive environment that is empowering and promoting advocacy work for women with disabilities in the country. In collaboration with associations of women with disabilities in Malawi such as Disabled Women in Development (DIWODE) and Disabled Women in Africa (DIWA), the Government is reaching out to communities and duty-bearers through awareness campaigns on the rights of women with disabilities including girls. Through these campaigns, some traditional authorities and local development structures have developed by-laws to protect the rights of persons with disabilities including women. Besides, persons with disabilities have signed memoranda of understanding with duty bearers such as the Police and courts regarding the management of GBV cases involving persons with disabilities.

95. The Government of Malawi is constructing decent and secure houses for persons with albinism in the country. This programme is prioritising households with women, girls, and children for their safety from attacks perpetrated by close family members. Construction work of 43 houses is currently underway across the country of which not less than 27 houses are directly benefiting women with albinism including girls and children.

96. To facilitate access to justice, health care, including sexual and reproductive health, and employment for persons with disabilities, the Government of Malawi, in collaboration with support from the UNFPA, is reaching out to duty bearers with training on sexual and reproductive health rights and gender-based violence involving women and youth with disabilities in the districts of Mzimba, Nkhatabay, Nsanje, Machinga, Dowa, and Ntchisi. The training specifically targets 30 government officials in each region from the Malawi Police Service, district health office, social welfare office, and the judiciary to equip them with skills and knowledge to effectively assist and reach out to women and youth with disabilities with SRH and GBV interventions. The Government, in collaboration with UNICEF, has also managed to train over 60 representatives of persons with disabilities that included women from across the country to enhance the uptake of the COVID-19 vaccine amongst them. Over 1,000 learners with albinism including girls have been provided with services to address their low vision and skin problems. In undertaking this, the Government is providing minor skin surgeries, sunscreen lotions, glasses, and optical devices to learners, which has increased their confidence to remain in schools.

97. To promote access to employment, the Malawi Council for the Handicapped (MACOHA), which is a Government agency on disability affairs, through the placement programme engages potential employers to share the curriculum vitae of persons with disabilities including women to increase their opportunities for employment. Between 2021 and 2022, the Government has managed to place 31 women out of a total of 59 persons with disabilities. Some are working in the construction industry, some are in the IT sector, and others are in the communication industry.

98. To promote the empowerment of persons with disabilities through accessible learning and vocational institutions, the Government of Malawi, through the TEVET, is providing persons with disabilities including women with scholarships to undergo vocational skills training in various public technical colleges at the national level. The Government, through the TEVETA, is undertaking a gap analysis in TEVET providers to improve the enrolment of youth with disabilities including girls in these vocational training centres. Besides, Government has constructed a 64-bed hostel at Mulanje Vocational and Training Centre for the Blind to increase enrolment of women with blindness at the institution. Once trainees finish their vocational training, they are

provided with capital items to start small-scale businesses based on the acquired skills so that they could be economically independent.

99. With regard to temporary special measures envisaged, including quotas, to increase the number of women with disabilities employed in both the public and the private sectors and enrolled in tertiary education institutions, the Government of Malawi, through the MoEST has put in place a special consideration on selection criteria to public universities for students with disabilities including girls/women that pass their Malawi School Certificate of Education. Those that manage to get the required credits in 6 subjects are automatically selected for public universities.

100. Among the plans by the Government of Malawi to promote employment of persons with disabilities including women in the public sector, the draft Persons with Disabilities Bill has proposed provisions that empower the Council on Disability Affairs to determine employment quotas based on prevailing socioeconomic situations of the country. This will ensure that women with disabilities are equally getting employment in the public service.

## **V. Reply to paragraph 22 of the list of issues**

101. The Government of Malawi continues to raise awareness among women, the general public and traditional and religious leaders of the laws guaranteeing equality in family relations, including the Constitutional amendment of 2017 recognising as children all persons until the age of 18 years and Marriage, Divorce and Family Relations Act prohibiting child marriage through the dissemination of the laws in easily accessible formats. The methods used for dissemination are similar to the other gender-related laws stated in the paragraphs above.

102. The Government of Malawi, through the MoGCDSW, developed an Awareness Handbook on child and gender-related laws in 2018, disseminated to 28 district councils targeting social welfare officers, primary education advisors, child protection workers, police officers (investigators and prosecutors), magistrates and chiefs across the country.

103. With regard to legislating on officiants of child marriages, the Marriage Divorce and Family Relations Act (Cap 25:01) is under review, criminalising the officiation of marriage between persons under the age of eighteen is one of the proposed changes to the Act.

104. Sensitising the public about the prevailing cultural practices that reinforce unequal power relationships between men and women in marriage and upon its dissolution, in particular with regard to the control of resources at the family level and the care of children; is one of the areas the Ministry responsible for gender covers when sensitising the public on the provisions of the Marriage, Divorce and Family Relations Act.

105. The Family Counselling Panels established under section 111 of the Marriage, Divorce and Family Relations Act, to counsel parties to a marriage to prevent or to address any case of notifiable family misconduct are yet to be operationalised.

## **W. Reply to paragraph 23 of the list of issues**

106. The Ministry responsible for gender will soon begin consultations with various stakeholders on whether to ratify the Optional Protocol and on whether to accept article 2 (1) of the Convention. If the result of those consultations is to ratify the Optional Protocol and accept the amendment to Convention, the Government will

proceed with the processes of ratification and depositing the instruments of ratification.

### **III. Conclusion**

107. The Government of Malawi looks forward to providing any more information the Committee may require, during the review of the eighth periodic report.

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