



Republic of Malawi

Implementation of the Agreed Conclusions of CSW 60 on *'Women's Empowerment and the Link to Sustainable Development'*

MINISTRY OF GENDER, COMMUNITY DEVELOPMENT AND SOCIAL WELFARE

PRIVATE BAG 330

LILONGWE 3

MALAWI

21ST SEPTEMBER, 2020

1.0 Background

The Government of Malawi invests in holistic equality of opportunities for men, women, boys and girls at all levels of the society. Malawi has enacted progressive gender related laws. Enrolment at any levels of education is following the 40:60/60:40 quotas of either sex as stated in the Gender Equality Act of 2013. As of 2019, the country was moving towards greater equality in terms of access at all the levels of education for primary and secondary school, colleges and universities. Malawi has also strengthened delivery of Sexual and Reproductive Health Services, maternal health and HIV/AIDS prevention among women. In order to readmit girls who dropout of school due to early pregnancies and child marriages, Government re-launched the Re-admission policy in 2019 to allow adolescent mothers back to school without facing discrimination.

A. Normative, Legal and Policy Frameworks for Gender Responsive Implementation of the 2030 Agenda for Sustainable Development

In order to operationalize these laws, the Government has engaged all key players including traditional leaders, development partners, private sector, and civil society organizations, among others, to ensure that they are enforced at the local and community levels. There is also deliberate strengthening of the referral mechanisms for all violence cases, and on the other hand, a deliberate engagement with all male leaders to ensure that they take active role in the enforcement of laws that protect women and girls.

In addition, the Human Rights organs of the State have been enjoying unlimited and full operational independence to develop own programme of work and has power under law to undertake “own motion” investigations without waiting for a complaint or referral. For instance, in 2019, the Malawi Human Rights Commission undertook an investigation into the circumstances surrounding the allegations of police officers sexually assaulting women and girls in the rural area of Lilongwe called Msundwe. The Police Service was sued and in 2020 the courts ordered for the compensations to women and girls, who were victims. Further, Malawi has strengthened the referral mechanisms from the Community Victim Committees, Police Victim Support Units and One Stop Centers in all referral and district hospitals to offer comprehensive services to survivors of gender based violence. The gender based violence referral pathways were launched in 2020.

In the period under review, the Ministry responsible for women affairs, the Malawi Law Commission (MLC), the Malawi Human Rights Commission (MHRC) and various CSOs, such as Women and Law in Southern Africa (WILSA), Women Lawyers Association (WLA), Women Judges and Magistrate Association (WOJAM), periodically produce legal literacy materials and conduct legal awareness workshops for the community on various existing laws prohibiting discrimination against women. The aforementioned bodies have also been training and engaging judiciary officers, lawyers and law enforcement officials on various gender related laws.

Since March 2020, Malawi has enhanced awareness campaigns and engagement with traditional leaders and all key stakeholders in order to address harmful cultural practices. The national wide campaigns called on the traditional leaders to implement the Marriage Act of 2015 and the related Constitutional amendment of 2017 that raised the minimum age for marriage from 15 to 18 years and defined a child as any person below the age of 18 years.

B. What actions and investments have been made for financing gender quality and the empowerment of women?

The past one year has not been easy for Malawi. There was unfriendly combination of the political instability and the COVID-19 pandemic. The national budget for gender equality and women empowerment is always below 1%. It is always complemented by the support from partners through several programmes and projects. The government developed the response plan that has over 8 clusters. The Ministry of Gender chairs the Protection Cluster. Through the cluster, all issues affecting women were compiled and budgeted accordingly ranging from gender based violence, early pregnancies, access to sexual and reproductive health services, child marriages and micro and small businesses, among others.

C. Women leaderships and women's full and equal participation in decision making in all areas of sustainable development?

With regard to the advancement of women in the political and the public sphere, the visibility of women in decision making positions remains dismal even in management of the COVID-19 pandemic. Nevertheless, there has been an increase in female candidature in parliamentary seats. There were 309 female parliamentary candidates in the 2019 tripartite elections, which was an increase from the 219 female candidates in the 2014 elections. There were 660 female candidates in 2019 for local government elections, an increase in comparison to 417 female candidates in 2014. There were also more independent female candidates i.e. about 24% for local government elections and almost 40% for parliamentary election.

From 2014 to 2019, women representation in Parliament has increased from 32 women (representing 16.7% of parliament) in 2014 elections to 45 women in 2019 election (representing 23.3%). In addition, Malawi elected the first female Speaker of Parliament in Malawi in 2019.

Furthermore, 66 women have also made it into local government, representing 14.5% compared to 12% in 2014. On the other hand, the number of women in the Malawi cabinet has also increased from 18% in 2019 to 38% following the 2020 fresh presidential elections.

In 2019, the country changed the design of the 50:50 gender parity campaign. The Gender and Elections/Violence against Women (GEER) Monitoring room was instituted. There was pro-bono legal assistance to female candidates. The Malawi Electoral Commission (MEC) also reduced the nomination fees by 50% for women and persons with disabilities, and by 25% for the youth.

The percentage of women permanent secretaries of Ministries is at 27%, Directors is at 20%, judges is at 27.7% and ambassadors in foreign missions is at 25%. There has been renewed energy in the fight for the inclusion of women at all the levels. The civil society organisations in Malawi

developed the Women's Manifesto, which highlights the priorities for women. It is being used for advocacy, lobbying and demanding accountability from Government and other duty bearers.

Despite the improvements, there are still challenges that are slowing the progress in women's political participation. These challenges include: Firstly, political institutions remain uncommitted to entrenching equality between the sexes within party structures as the party constitutions and systems are gender blind; Secondly, little has been done to eliminate the underlying factors of subordination of women in the political field; and Thirdly, the Parliament is yet to consider and pass into law the electoral reforms bills, which among others created more representational seats for women.

D. What macroeconomic, labour and social policies have been put in place that promote full and productive employment and decent work for women in response to the impacts of the COVID-19 pandemic on women's employment and economic rights and independence?

Section 31(3) of the Malawi Constitution states that every person shall be entitled to fair wages and equal remuneration for work of equal value without distinction or discrimination of any kind, in particular on basis of gender, disability or race. This provision has been translated into the Employment Act as well. The provision is strictly adhered to.

Malawi is also implementing the Malawi Decent Work Country program M-DWCP – (2011–2016) seeks to create an environment for increased participation of women and other vulnerable groups and enhance employment of women and the youth, among other groups.

In this time of COVID-19 pandemic, Women just like all public employees were entitled to their conditions of services without alterations. The Government, in its quest to protect all its employees (regardless of gender) from contracting the virus, it scaled down operations (where others worked in shifts and from home), and maintained the employees monthly salaries.

The Government also provided training, awareness and capacity building sessions to all health and frontline workers without discrimination. This was more critical, as the majority of nurses in

Malawi are female. The Government with support from various partners provided Personal Protective Equipment (PPE) to all health workers regardless of gender or sex. However, the challenge was with women, providing home based care to patients and during funerals in the rural areas. The Government is still engaging traditional, religious and community leaders to regulate the cultural arrangement for patient's care and to regulate closer contacts with dead bodies. Following these initiatives, the number of women in Malawi, who succumbed to COVID-19 remains lower than that of men.

In terms of entrepreneurship, the businesses for both men and women suffered greatly. Malawi Enterprise Development Fund (MEDF) prioritizes women and the youth to ensure that they are protected from economic shocks. Government has increased its budget allocation to MEDF, in order to cover more beneficiaries. The funding has been increased from MK8billion to MK70billion.

E. What response and recovery measures to the COVID -19 pandemic have been taken to improve and expand social protection for women e.g health care coverage, unemployment benefits, paid sick leave, paid parental leave, maternity benefits, pensions, income support such as cash transfers

To address the effects of COVID-19, Government has increased the Pay as You Earn (PAYE) tax free band from MK30 thousand to MK100 thousand as a way of ensuring that low earning Malawians (this is where most women fall) are cushioned from the COVID-19 induced economic shocks.

Sections 47 and 48 of the Employment Act of 2000 provide for 8 weeks' full pay maternity leave within every 3 years and this policy is in enforce. During that period, the female employee maintains all her benefits and entitlements including contractual rights and seniority and period of work is not entrapped. Workers including domestic workers (most of whom are women) are entitled to overtime allowance if they work long hours; leave days, a weekly day off and severance pay at the end of the contract.

To enhance women's and girls' social protection, Government is enhancing social cash transfer, public works, school feeding, Farm Input Subsidy (FISP), Community Policing, Water and Sanitation services.

Further, the Protection cluster ensured that all cluster action plans mainstreamed gender as a cross cutting issue. Social protection programme, such as the Social Cash Transfer Programme (SCTP) is being implemented to target the ultra-poor women in order to alleviate economic hardships and improve their livelihood.

On pension, while they have been calls to flex the Pensions Act to allow for early retirement due to COVID-19; efforts are being made to ensure that the Act is responsive to the country's situation and well-being of employees.

F. What actions have been taken to expand the availability and affordability of care services to address the increase in unpaid care and domestic work as a result of the COVID -19 pandemic (e.g. care subsidies, paid leave?)

The pandemic has led to unemployment especially in the private sector. The tourism sector and other sectors, other than supermarkets have suffered greatly. They have retrenched their workers as business came to a halt and were forced to close down. The Government has eased restrictions related to the management of the pandemic allowing the businesses to resume their operations, however, no subsidies have been provided to sustain these businesses. Although the micro-finance has suffered, Government continues to work with its development partners and CSOs in strengthening village savings and loans, especially in light of COVID-19. While Government has been providing cash transfers to poor households, especially women headed households; there have been plans to widen the target scope and include the urban poor. On the other hand, some COVID-19 restrictive measures have seen work rotation or working from home for professionals and this has seen some men supporting spouses on household chores as a result of the male engagement campaign, which Government and partners have conducted.

G. What actions have been taken to increase resources and support for women's and civil society organizations (CSOs) as they cope with COVID-19 pandemic?

The CSOs have been among the key stakeholders in addressing the effects of COVID-19 in the country. However, the pandemic has also de-railed their programmes. The CSOs have re-allocated their resources to help in COVID-19 response. While working through the designated clusters, the CSOs have reprogrammed their work plans to suit the demands of the pandemic. The Government of Malawi through various designated clusters have provided technical support to women's and civil society organisations on COVID-19 responsive programming. For the first time, the Ministry responsible for women affairs in collaboration with local and international organisations conducted a rapid gender analysis of COVID-19. The findings from the Rapid Gender Analysis (RGA) have informed gender responsive COVID-19 programming, and helped in mobilizing gender specific funding for COVID-19 activities.

H. What steps have been taken to improve gender responsive data collection in the context of follow up to the 2030 Agenda for Sustainable Development and to track and monitor the gender specific impacts and response measures to the COVID-19 pandemic.

The Government developed a response plan to COVID-19, which has over 8 clusters. The Ministry of Gender chairs the Protection Cluster. The members include Malawi Police Services and other players in the gender, child rights and protection sectors. Through the cluster, all issues affecting women, children and persons with disabilities among others are discussed. The cluster manages data related to gender based violence, early pregnancies, child marriages, access to sexual and reproductive health services, child marriages and micro and small businesses, among others. To ensure that data is collected on all topical issues, it is collected by various stakeholders, including the police, health, social welfare workers and the Presidential Taskforce on COVID-19 Pandemic and the Ministry of Disaster Management.

The Malawi Police Service has been following the trends in the behaviours and changes in the statistics of gender based violence. Their records show that Malawians have reported more cases of defilement, rape, indecent assault and other forms of sexual violence following the COVID-19

pandemic than before the disease. In the period between July and December 2019 (before COVID-19) the total number of cases reported was 986, while the number of cases reported between January and July 2020 was 1399.

The Ministry of Gender, just commissioned a rapid data collection on child marriages to determine the extent of the problem. The data of the whole survey has been collated. Currently a sample of preliminary data shows that the country has registered 22,240 teen age pregnancies and 15,655 child marriages. So far 2,298 child marriages have been dissolved.

2.0 Conclusion

The data on early pregnancies and child marriages shows that the situation threatens the realization of the UN Agenda 2030 and the African Union Agenda 2063 and the African Union road map for harnessing the demographic dividend.

The closure of schools due to COVID-19 has led to surge in early pregnancies, child marriages, gender based violence and loss of economic opportunities for women hence threatening the gains Malawi has made in girls' education.

The other challenges facing Malawi include patriarchal attitudes and harmful practices which perpetuate the discrimination and gender based violence against women and girls .