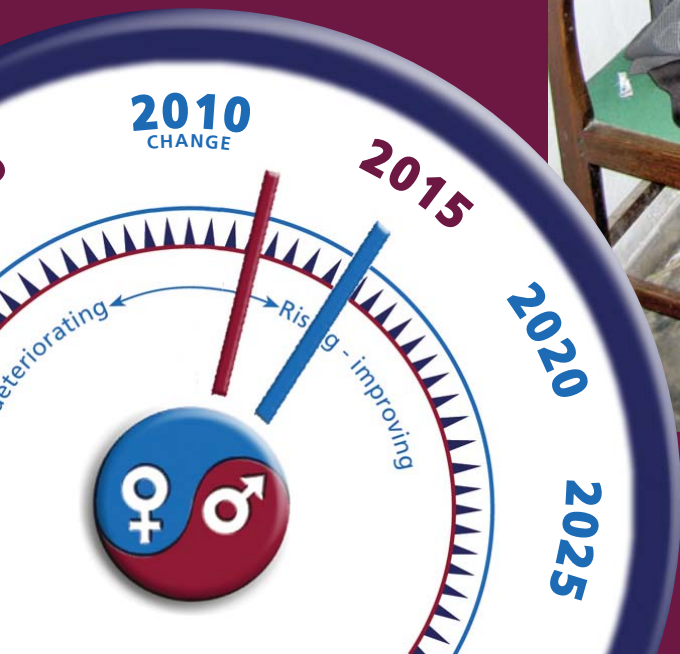


SADC GENDER PROTOCOL **2012**

# BAROMETER

**MALAWI**



Compiled by Emma Kaliya  
Edited by Ruth Ayisi and Loveness Jambaya Nyakujarah



## Alliance partners

### **Coordinator**

Gender Links

### **Constitutional and legal**

Women in Law Southern Africa (WLSA)

### **Governance**

Women in Politics Support Unit (WiPSU)

### **Health, HIV and AIDS**

Southern Africa HIV and AIDS Information Dissemination Service (SAfAIDS)

### **Care work**

Voluntary Services Overseas-Regional Aids Initiative South Africa

### **Economic justice**

Zimbabwe Women's Resource Centre and Network (ZWRNCN)

### **Peace and security**

Institute of Security Studies (ISS)

### **Angola**

Platforma da Mulheres Accao (PMA)

### **Botswana**

Botswana Council of NGO's (BOCONGO)

### **DRC**

Union Congolaise des Femmes des Medias (UCOFEM)

### **Lesotho**

Women in Law Southern Africa (WLSA - Lesotho)

### **Madagascar**

FPFE (Fédération Pour la Promotion Féminine et Enfantine)

NGO Gender Coordination Network

### **Mauritius**

MWO (Media Watch Organisation)

### **Mozambique**

Forum Mulher

### **Namibia**

Namibia Non Governmental Organisations Forum (NANGOF)

### **Seychelles**

GEMPLUS

### **Swaziland**

Swaziland Action Group Against Abuse

### **Tanzania**

Coordinating Assembly of NGOs  
Tanzania Gender Networking Programme (TGNP)

### **Zambia**

Women in Law Southern Africa (WLSA) - Zambia

### **Zimbabwe**

Women's Coalition

### **Faith Based Organisations**

Fellowship of Christian Councils in Southern Africa (FOCCISA)

### **Men's groups**

Sonke Gender Justice

The Southern African Gender Protocol Alliance vision is of a region in which women and men are equal in all spheres. The Alliance promotes and facilitates the creation of gender equity and equality through lobbying and advocacy towards the achievement of the 28 targets of the SADC Protocol on Gender and Development by 2015. Gender Links coordinates the work of the Alliance.

© Copyright Southern Africa Gender Protocol 2012  
Barometer - Malawi

*Gender Links*  
9 Derrick Avenue  
Cyrildene, 2198  
Johannesburg, South Africa  
Phone: 27 (11) 622 2877  
Fax: 27 (11) 622 4732  
Email: [alliance@genderlinks.org.za](mailto:alliance@genderlinks.org.za)  
Websites: [www.genderlinks.org.za](http://www.genderlinks.org.za)  
[www.sadcgenderprotocol.org](http://www.sadcgenderprotocol.org)

Compiled by Emma Kaliya

Editors: Ruth Ayisi and Loveness Jambaya Nyakujarah

Front cover: Breaking Stereotypes - Men sewing in Malawi.

Design/Layout: Stride Graphics (Pty) Limited

Unless otherwise specified, all tables and figures

© Gender Links.

# Contents

Acronyms		2
List of tables and figures		3
Acknowledgements		4
Executive summary		5
Country context		
Country profile		9
<b>CHAPTER 1</b>	CONSTITUTIONAL AND LEGAL RIGHTS <i>Articles 4-11</i>	11
<b>CHAPTER 2</b>	GENDER AND GOVERNANCE <i>Articles 12-13</i>	21
<b>CHAPTER 3</b>	EDUCATION AND TRAINING <i>Article 14</i>	31
<b>CHAPTER 4</b>	ECONOMIC JUSTICE <i>Articles 15-19</i>	41
<b>CHAPTER 5</b>	GENDER BASED VIOLENCE <i>Articles 20-25</i>	51
<b>CHAPTER 6</b>	HEALTH <i>Article 26</i>	59
<b>CHAPTER 7</b>	HIV AND AIDS <i>Article 27</i>	65
<b>CHAPTER 8</b>	PEACE BUILDING AND CONFLICT RESOLUTION <i>Article 28</i>	75
<b>CHAPTER 9</b>	MEDIA, INFORMATION AND COMMUNICATION <i>Articles 29-31</i>	81
<b>CHAPTER 10</b>	IMPLEMENTATION <i>Article 32-36</i>	91
<b>CHAPTER 11</b>	GENDER, CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT	97

# Acronyms

<b>ART</b>	Antiretroviral therapy
<b>CCP</b>	Climate Change Programme
<b>CHRR</b>	Centre for Human Rights and Rehabilitation
<b>CVSU</b>	Community Victim Support Unit
<b>COWHLA</b>	Coalition OF Women Living Positively with HIV and AIDS
<b>CRECCOM</b>	Creative Centre for Community Mobilisation
<b>CPR</b>	Contraceptive Prevalence Rate
<b>CSCQBE</b>	Civil Society Coalition for Quality Basic Education
<b>EMIS</b>	Education Management Information System
<b>FAWEMA</b>	Forum for Women Educationists in Malawi
<b>FENCOM</b>	Federation of National Associations in COMESA
<b>GRB</b>	Gender Responsive Budgeting
<b>HTC</b>	HIV Testing and Counselling
<b>MANERELLA</b>	Malawi Network for Religious Leaders Living with AIDS
<b>MCTU</b>	Malawi Congress of Trade Unions
<b>MDGs</b>	Millennium development Goals
<b>MGDS</b>	Malawi Growth and Development Strategy
<b>MDHS</b>	Malawi Demographic Health Survey
<b>MEJN</b>	Malawi Economic Justice Network
<b>MHRC</b>	Malawi Human Rights Commission
<b>MHRRRC</b>	Malawi Human Rights Resource Centre
<b>MoEST</b>	Ministry of Education, Science and Technology
<b>MOGCCD</b>	Ministry Of Gender Children and Community Development
<b>MSCE</b>	Malawi Schools Certificate of Education
<b>MZUNI</b>	Mzuzu University
<b>NABW</b>	National Association of Business women
<b>NAC</b>	National AIDS Commission
<b>NAF</b>	National HIV and AIDS Action Framework
<b>NGOGCN</b>	NGO Gender Coordination Network
<b>NSO</b>	National Statistics Office
<b>PDV Act 2006</b>	Prevention of Domestic Violence
<b>PEP</b>	Post Exposure Prophylaxis
<b>PHC</b>	Population and Housing Census
<b>PPE</b>	Parliamentary and Presidential Elections
<b>SADC</b>	Southern Africa Development Community
<b>TEVETA</b>	Technical Entrepreneurship and Vocational Training Authority
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>UNIMA</b>	University of Malawi
<b>UNDP</b>	United Nations Development Programme
<b>VCT</b>	Voluntary Counselling and Testing
<b>VSU</b>	Victim Support Unit
<b>WOLREC</b>	Women Legal Resource Centre

# Tables

I	Key indicators: the status of women in SADC countries	8
<b>Chapter 1</b>		
1.1	Women's and men's perceptions of constitutional and legal rights	11
1.2	Analysis of gender equality clauses in the Constitution	13
1.3	Remaining discriminatory legislation	14
1.4	Access to justice in Malawi	16
1.5	Key provisions on marriage and family laws and the boy and girl child	17
<b>Chapter 2</b>		
2.1	SGDI and CSC score for governance sector	21
2.2	Breakdown of women and men in parliament from each political party	23
2.3	Women and men chief executive officers and district commissioners	24
2.4	Gender in political party manifestos	24
2.5	Key voting data in last election	26
2.6	Candidates fielded at national level	26
2.7	Votes for presidential candidates	28
2.8	Enhancing participation of women in public life	29
<b>Chapter 3</b>		
3.1	SGDI and CSC on education	31
3.2	Access and enrolment in the Education sector 2009-2010	33
3.3	Dropout rates for primary school 2009-2010	34
3.4	Pass rates	35
3.5	Women and men in university faculties	35
<b>Chapter 4</b>		
4.1	Productive resources and employment, economic empowerment	41
4.2	Women and men in economic decision-making in Malawi	43
4.3	Condition of employment	48
<b>Chapter 5</b>		
5.1	CSC scores on gender based violence	52
5.2	Reported cases of sexual offences	52
5.3	GBV response and support	53
<b>Chapter 6</b>		
6.1	CSC scores on Health	60
6.2	Key sexual, reproductive and health indicators	60
6.3	Trends in use of female condom 2004-2012	62
<b>Chapter 7</b>		
7.1	HIV and AIDS SGDI and CSC scores	66
7.2	Key Gender, HIV and AIDS indicators	67
7.3	Progress in addressing care work in Malawi	71
<b>Chapter 8</b>		
8.1	Women and men's perception of the peace building and conflict resolution sector	75
8.2	Representation of women	78
8.3	Women in top leadership positions in the security sector	79
<b>Chapter 9</b>		
9.1	Media, Information and communications SGDI and CSC scores	82
9.2	Summary of key gender indicators for Malawi Institution of Journalism	83
9.3	Representation of women and men in media houses in Malawi	84
9.4	Summary of key findings	85
<b>Chapter 10</b>		
10.1	Legal progress of the Protocol by country	93

# Figures

I	Comparison of the SGDI and CSC by country for 2012	5
<b>Chapter 2</b>		
2.1	Women in parliament, cabinet and local government-2012	22
2.2	Women in cabinet in SADC: 2009-2012	23
2.3	Proportion of women and men in local government	24
2.4	Women in cabinet in SADC: 2009-2012	24
2.5	Women and men decision-makers in the public service sector	28
<b>Chapter 3</b>		
3.1	Literacy levels	33
3.2	Proportion of girls and boys in primary school	33
3.3	Proportion of girls and boys in secondary school	33
3.4	Proportion of women and men in tertiary education	34
3.5	Proportion of women and men teachers	36
<b>Chapter 4</b>		
4.1	Women in decision-making in SADC	42
4.2	Women in decision-making in SADC	43
<b>Chapter 6</b>		
6.1	Contraceptive usage	61
6.5	Percentage of births attended by skilled personnel	62
<b>Chapter 7</b>		
7.1	Percentage population infected with HIV	67
7.2	Extent of comprehensive knowledge on HIV and AIDS	67
7.2	Proportion of women and men living with HIV	69
<b>Chapter 8</b>		
8.1	Peacekeeping missions deployed from SADC	78
8.2	Average percentage of females by category of peacekeeping forces between January 2011 to December 2011	78
<b>Chapter 10</b>		
10.1	Roadmap to Equality	94
10.2	Costing model developed by Gender Links	95
<b>Chapter 11</b>		
11.1	Proportion of women and men in the environmental and sustainable developmental and sustainable development sector in Malawi	100
ANNEX A: COMPARATIVE ANALYSIS OF THE CSC AGAINST THE SGDI		
		102
ANNEX B: BACKGROUND NOTE ON GENDER AND RELATED INDICATORS		
		106
BIBLIOGRAPHY		
		111



# Acknowledgements

The 2012 Malawi SADC Gender Protocol Barometer is an annual publication of the Southern Africa Gender Protocol Alliance, which tracks the implementation of the SADC Protocol on Gender and Development since the first baseline Barometer in 2009.

Emma Kaliya, programme manager at the Malawi Human Rights Resource Centre and chairperson of the NGO Coordination Network (NGOGCN), compiled the report. NGOGCN is the Malawi focal network of the Southern Africa Gender Protocol Alliance.

Kaliya received assistance from Victor Maulidi, the acting network coordinator of the NGOGCN; MacDonald Phiri of the Malawi Human Rights Resource Centre; as well as Catherine Gwedeza, Isaac Chimphepo and Victor Nyirenda who are interns at NGOGCN.

Ruth Ayisi, an independent consultant, and Loveness Jambaya Nyakujarah, Southern Africa Gender Protocol Alliance Manager, edited the final report. Gender Links Chief Executive Officer Colleen Lowe Morna provided oversight to the Alliance manager. Lucia Makamure of Gender Links assisted in inserting the regional comparative data. Gender Links is the regional coordinator of the Southern Africa Gender Protocol Alliance in its role as Secretariat.

Special thanks to members of the NGOGCN Network and all stakeholders interviewed as key informants for this research.

UK Aid, through the Department for International Development (DFID) of the UK government, has funded the Barometer research project since 2009. UN Women funded aspects of the research related to costing and Norwegian Church AID contributed to country research costs.



2010 SADC Gender Protocol Barometer launch - Lilongwe, December 2010.

*Photo: Colleen Lowe Morna*

# Executive summary



Malawi President Joyce Banda.  
Photo: Gregory Gondwe

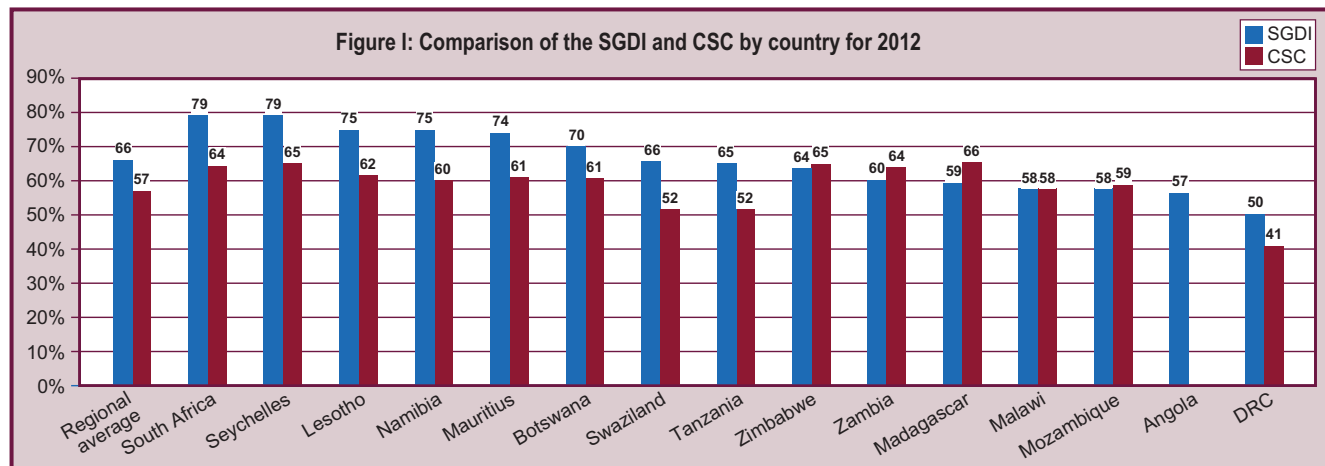
The swearing in of Joyce Banda as the first female president of Malawi in April 2012 has been a major boost for gender activists, not only in the country, but also in the SADC region.

However, Malawi has a long way to go to meet the 28 targets of the SADC Protocol on Gender and Development to be achieved by the 2015 deadline. Malawi has signed the SADC Gender Protocol, but is yet to ratify the instrument.

To track the country's performance, the Alliance uses two measures: the SADC Gender and Development Index (SGDI), introduced in the 2011 regional barometer, and the complementary Citizen Score Card (CSC), which has been in use for three years.

The SGDI is an empirical measure based on 23 indicators for the six sectors that have accurate data in the 15 countries (see Annex A for details on the SGDI gender and related indicators). These are: Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). To create the composite index, each category was given equal weight by calculating the average score across the indicators in that category. **Table I** at the end of the chapter provides a summary of key indicators for women in SADC. **Annex A** at the end of the report explains how the SGDI works in detail as well as compares this with other gender related indicators.

By contrast the CSC gauges the perceptions of citizens who have been part of reference group meetings, village workshops and other protocol-related activities, who rate the achievements of the country across all the sectors. Figure 1 gives a comparative score of the SGDI and CSC for all SADC countries against the regional average scores.



Source: 2012 SADC Gender Protocol Barometer.

Figure I shows that, in 2012, Malawi achieved an overall SGDI score of 58%, a two percentage point increase from the 2011 score of 56%. The country ranks 12th out of the 15 SADC countries. Citizens also scored their country 58%, however, the CSC is three percentage points lower than last year's 61% mark. It is possible that political instability during most of last year influenced perceptions and made them overlook some of the progress made.

This means that the country has only just passed the half way mark of where it needs to be by 2015 and unless all state and non-state actors redouble their

efforts towards achieving gender equality the country will most likely not meet most of the 28 targets as well as the a range of the Millennium Development Goals (MDGs), especially MDG3..

Besides the appointment of the first female president, there has been notable progress. For example, the Law Commission is reviewing discriminatory legislation in consultation with a wide cross section of society, particularly the poor and more vulnerable members of society. For example, in 2011, parliament passed the Deceased Estates (Wills, Inheritance and Protection) Act which offers protection for widows and children.

"Property grabbing" by the deceased man's relatives is punishable by at least the amount of the seized property and ten years imprisonment. The Law Commission has also developed a bill that will make it mandatory for lawyers to offer pro bono services to the poor.

Despite lack of funds, Malawi has tackled gender-based violence at all levels using an integrated approach, involving a range of stakeholders including men and ex-perpetrators of GBV. Comprehensive legislation exists to prohibit many types of GBV, including domestic violence and sexual harassment. However, there is need to educate the citizens on these laws. For example, many people remain unaware that sexual harassment is a crime and do not access the law for redress.

There are other key areas where Malawi is particularly lagging behind. With an SGDI score of just 45% in governance, Malawi ranks only eighth out of 15 SADC countries. This is because the representation of women in parliament is only 22% and a mere 23% in cabinet - proportions well below the 50% stipulated in the SADC Gender Protocol. The CSC score is much higher at 63% in this sector. Perhaps this is because of the visible efforts to increase women's representation in parliament through initiatives such as the 50/50 campaign which involves both government and civil society.

There are many concerns relating to the health sector. Both the SGDI and CSC scores of 58% indicate that progress has been made, but there are still key issues to grapple with. Malawi's high maternal mortality rate, at 675 deaths per 100,000 live births (DHS 2010), is a major concern. Bleeding alone accounts for 40% of all maternal deaths (WHO). Almost 30% of births are attended by people with no midwifery training.

Although Malawi has one of the region's lowest rates for contraceptive use among sexually active women aged 20-24 years at only 36.1%, the Total Fertility Rate (TFR) is gradually dropping. In 2000 the TFR was 6.3 and in 2010 it was 5.7 (MDHS 2010).

HIV and AIDS continue to have a devastating impact

on the country's development and on lives, with about one million people living with HIV. The SGDI score of just 34% highlights that comprehensive knowledge about HIV and AIDS is still low, at only 41% for women and 42% for men (MDGs 2011 report).

Malawi has managed to keep the HIV prevalence rate at around 10%, which is lower than most other countries in the region. The country has used HIV testing and counselling (HTC) as a strategy for prevention and to access treatment as well as other services. Apart from increasing HIV testing sites, health workers are conducting door-to-door HTC services. However, 72% of women test for HIV compared to only 51% of men. Mother-to-child HIV transmission is estimated to account for almost a quarter of new infections. HIV prevalence rates among youth aged 15-24 years is estimated at 3.6%, with a ratio of 1.9% for males and 5.2% for females.

Women still struggle to participate in the formal economy. According to the UN Human Development Report, over 73.9% of Malawi's 13.1 million people live below the poverty line, and most are women.

Malawi has achieved gender parity in terms of enrolment at primary school level and the gender gap in accessing education is narrowing. Nevertheless, many girls still drop out of school due to many reasons, including early marriage, teenage pregnancy and lack of female



Working together for gender equality in Malawi - attending the launch of the 2010 SADC Gender Protocol Barometer. Photo: Colleen Lowe Morna



boarding schools. Like most SADC countries, the scores for education are high. Malawi's SGDI score of 89% puts the country in 11th position in the region. The CSC score of 72% puts Malawi in second place, suggesting that citizens appreciate government efforts to ensure progress.

Malawi is one of the few countries that is beginning to pay attention to mainstreaming gender in the peace building and conflict resolution sector. Although the citizens' score is only 50%, women made up 2% of the Malawi Defence Force in peace keeping missions to countries such as Sudan and Ivory Coast between January and December 2011. This exceeds the United Nations Department for Peacekeeping Operation (UNDPKO) recommendation of at least 10%.

In the media, Malawi scored 58%, indicating that women are still under-represented in media houses, media training institutions as well as in media coverage. The citizens' perceptions gave an equally low rating - 52% provides. They perceive that the country is only half way towards meeting the media targets in the SADC Gender Protocol.

Malawi is extremely vulnerable to natural disasters such as drought and floods. This tends to have a greater impact on women because they tend to be poorer and have less influence than men in shaping policies and prioritising how climate finance is used. However, there have been encouraging signs that women are beginning to participate more in tackling climate change. For example, the Civil Society Network on Climate Change (CISONECC) has been set up, whose goal is to develop resilient communities to cope with the impact of climate change.

In conclusion, although Malawi's overall SGDI and CSC rankings are relatively low compared to other countries in the region the country needs to redouble its efforts as the count down to 2015 begins. There currently seems to be strong political will at the highest level - with a progressive female president - down to grassroots level. With on-going lobbying efforts, particularly to ratify the SADC Gender Protocol, Malawi should continue to make steady progress towards meeting the targets.

**Table I: KEY INDICATORS OF THE STATUS OF WOMEN IN SADC COUNTRIES**

% WOMEN	ANGOLA	BOTSWANA	DRC	LESOTHO	MADAGASCAR	MALAWI	MAURITIUS	MOZAMBIQUE	NAMIBIA	SEYCHELLES	SOUTH AFRICA	SWAZILAND	TANZANIA	ZAMBIA	ZIMBABWE
<b>GOVERNANCE</b>															
Parliament	39	8	10	26	14	22	19	39	25	45	43	22	31	12	16
Local government	na	19	2	49	6	na	12	36	42	na	38	18	34	6	19
Cabinet	26	21	17	22	27	23	12	32	20	17	42	25	20	14	16
<b>EDUCATION</b>															
Primary School	46	50	46	51	49	50	49	47	49	50	49	48	50	49	49
Secondary School	44	52	36	56	49	45	52	44	53	49	55	50	44	45	48
Tertiary level	40	53	na	na	49	39	61	38	59	na	53	51	32	52	na
<b>ECONOMY</b>															
Economic decision making	29	38	30	33	10	27	33	18	21	33	22	30	25	9	26
Labour force participation - Women	na	72	70	59	84	na	41	na	50	na	49	53	na	60	83
Labour force participation - Men	77	82	72	73	89	81	76	83	62	na	60	71	90	86	90
Unemployment - Women	na	20	36	23	5	10	13	na	58	5	28	na	6	11	57
Unemployment - Men	na	15	na	23	2	5	5	na	44	na	22	na	4	14	31
Women in non-agricultural paid labour (% of labour force)	24	43	26	63	38	11	37	11	41	49	45	32	31	22	22
Length of maternity leave (weeks)	12	12	12	12	14	8	12	8.5	12	14	16	12	12	12	14
Maternity leave benefits (% of wages paid)	100	25	na	0	100	100	100	100	100	na	60	0	100	100	100
<b>SEXUAL AND REPRODUCTIVE HEALTH</b>															
Maternal mortality rate (out of 100,000)	593	na	549	970	498	675	28	550	449	132	176	736	449	630	960
Using contraception	6	44	5	56	32	36	76	44	46	41	60	51	34	41	59
Births attended by skilled personnel	47	99	74	62	44	71	100	53.3	81	99	91	74	51	47	66
<b>HIV and AIDS</b>															
Comprehensive knowledge on HIV and AIDS women	21	na	54	85	67	41	80	25	83	67	27	89	68	71	72
Living with HIV as proportion of total	61	57	58	58	61	52	19	63	59	42.3	59	57	55	57	54
HIV positive pregnant women receiving PMTCT	14	95	4	72	3	14	68	28	90	100	83	69	68	61	98
<b>MEDIA</b>															
Overall	na	46	22	73	33	23	33	27	40	na	50	40	36	33	13
Board of directors	na	24	18	47	10	27	36	25	39	na	38	33	22	27	38
Management	na	37	10	52	19	24	23	32	37	na	34	29	27	28	11
Female staff in institutions of higher learning	na	37	18	67	44	29	79	28	47	na	50	33	28	29	25
Proportion of students in institutions of higher learning	na	54	77	73	71	50	82	26	60	na	64	37	60	61	57
News sources	na	20	19	32	23	20	19	14	20	31	20	19	21	14	16

Source: SADC Gender Protocol Barometer 2012.

na = not available

# Country context



Malawi, popularly known as 'The Warm Heart of Africa', is a small, predominantly agricultural country, with the third largest lake in Africa. It borders Tanzania to the North, Mozambique to the East, South and Southwest and Zambia to the Northwest.

The country's estimated 15.6 million people are spread across three regions, namely the North, Central and South regions. The regions are further divided into 28 districts.

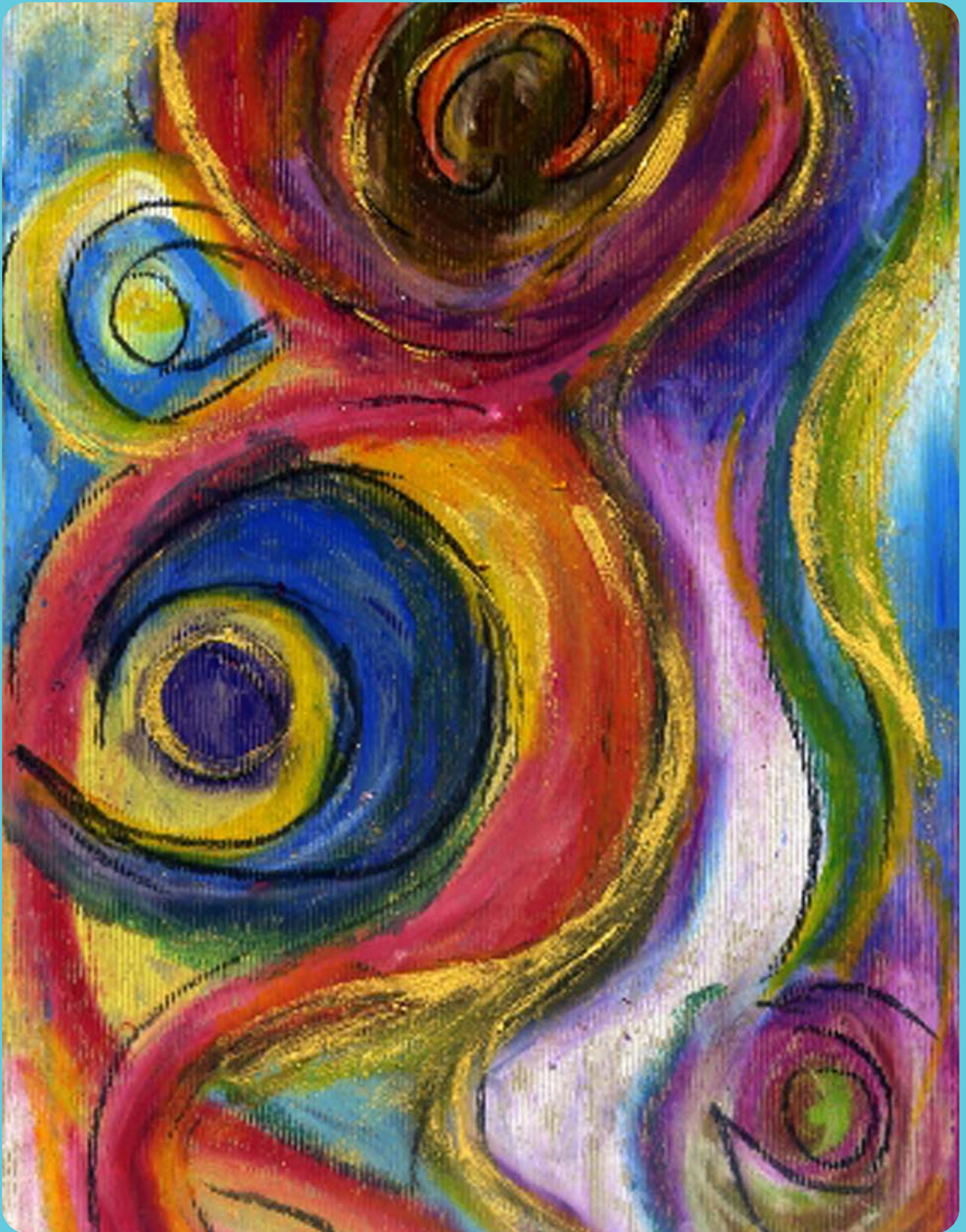
Women form 52% of the population and carry out over 70% of agricultural activities, which mostly involve subsistence farming. They have to contend with regular droughts and torrential rains. The erratic climate conditions, along with the HIV and AIDS epidemic, have hindered the country's development. Over 70% of the population live in poverty.

Malawi at a glance:

- Full name: The Republic of Malawi
- Population: 15.6 million (UN, 2010)
- Capital: Lilongwe
- Area: 118,484 sq. km (45,747 sq. miles)
- Major languages: English, Chichewa (both official)
- Major religions: Christianity, Islam
- Life expectancy: 56 years (men), 57 years (women) (UN)
- Monetary unit: 1 Malawi kwacha (MK) = 100 tambala
- Main exports: Tobacco, tea, sugar, cotton
- GNI per capita: US \$280 (World Bank, 2009)

Source: [http://news.bbc.co.uk/2/hi/africa/country\\_profiles/1068913.stm](http://news.bbc.co.uk/2/hi/africa/country_profiles/1068913.stm)





A question of culture

Anushka Virahsawmy





## CHAPTER 1

# Constitutional and legal rights

## Articles 4-11

### KEY POINTS

- Malawi has signed but is yet to ratify the SADC Gender Protocol.
- The Constitution guarantees equality before the law and prohibits discrimination based on sex or gender.
- Based on the CSC which gauges perceptions of country progress in the constitution and legal rights sector, women and men gave a score of 55% and 61% respectively.
- Malawi has laws in place to protect women's rights, including legislation on domestic violence, inheritance and sexual harassment.
- The legal age of marriage is 15 years. Efforts to change the age to 16 have not yielded results. At least half of women aged 20 to 24 marry before the age of 18.
- Malawi has child protection courts in the three regions and lower courts conduct child-friendly justice hearings.
- Certain customary practices discriminate against women.
- Most widows, unlike widowers, go through humiliating treatment, like wife inheritance and widow cleansing.



Cultural performance during the launch of the 2010 SADC Gender Protocol Barometer.  
Photo: Colleen Lowe Morna

**Table 1.1: Women's and men's perceptions of constitutional and legal rights**

	SGDI	CSC
Scores	N/A	59%
Ranks	N/A	8

As this area is difficult to measure empirically, there is no SGDI score for constitutional and legal rights. Instead the assessment relies on

the perceptions of citizens measured using the CSC. Women gave a score of 55% while men gave a slightly higher score of 61%.

### Background

Legal frameworks - the policies and laws governing a country - are at the heart of advancing gender equality. Malawi has acceded to such international agreements as the Convention on the Elimination of All Forms of

Discrimination against Women (CEDAW 1979, Beijing Declaration and Platform for Action (1995) and United Nations Millennium Declaration (2000) that spells out the Millennium Development Goals (MDGs). The SADC Declaration on Gender and Development and its Addendum on the Prevention of Violence Against

Women and Children (1998) inspired the SADC Gender Protocol with 28 targets set for 2015. This date coincides with the MDGs.

Malawi has signed but is yet to ratify the SADC Gender Protocol. The SADC Gender Protocol is an omnibus that enhances all these existing regional and international instruments - "the roadmap to equality."

While Malawi is party to these regional and international instruments, which seek to give women more rights, customary law still prevails. The application of customary laws is more prevalent in rural areas where there are fewer formal courts. In both urban and rural areas, lack of education about women's rights under the formal legal system and women's lack of empowerment to use these legal instruments to protect and uphold their rights contributes to the prevalence of customary laws.

The minority status of women perpetuated by customary law and practices is a major gender justice issue that Malawi, like in many SADC countries, needs to conclusively deal with by outlawing customary practices that discriminate against women.



Demanding gender equality and justice - cultural performance during the launch of the 2010 SADC Gender Protocol Barometer. Photo: Colleen Lowe Morna

## Constitutional provisions



*The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their Constitutions, and ensure that these are not compromised by any provisions, laws or practices.*

A Constitution is the fundamental and supreme law of the land, from which all other laws and sector policies derive their legitimacy, and must comply with its basic principles. It is therefore critical that constitutions are

true reflections of generally accepted principles of equality and democracy. Gender equality should thus be a fundamental value of any Constitution. Table 1.2 gives an analysis of gender equality in the Constitution.

**Table 1.2: Analysis of gender equality clauses in the Constitution**

Provides for non-discrimination generally	Provides for non-discrimination based on sex specifically	Provides for non-discrimination on the basis of sex and others e.g. marital status, pregnancy	Provides for the promotion of gender equality	Has other provisions that relate to gender	Has claw back clause	Addresses contradictions between the Constitution, law and practices	Provides for affirmative action
<p>Section 20 (2) Legislation may be passed addressing inequalities in society, prohibiting discriminatory practices, rendering them punishable in criminal courts.</p>	<p>Section 20 (1) Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.</p>	<p>Section 13 The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following: (a) Gender Equality - to obtain gender equality for men and women through: (i) full participation of women in all spheres of Malawian society on the basis of equality with men (ii) the implementation of the policies of non-discrimination and such other measures as may be required and; (iii) the implementation of policies to address social issues such as domestic violence, security of the person, lack of maternity benefits, economic exploitation and rights to property.</p> <p>Section 24(2) Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as (a) sexual abuse, harassment and violence; (b) discrimination in work, business and public affairs and; (c) deprivation of property, including property obtained by inheritance.</p> <p>Section 20 (1) and (2) on anti-discrimination; Section 22 protects marriage and family rights; Section 30 protects the right to development.</p>	<p>Section 13 The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following: (a) Gender Equality - to obtain gender equality for men and women through: (i) full participation of women in all spheres of Malawian society on the basis of equality with men (ii) the implementation of the policies of non-discrimination and such other measures as may be required and; (iii) the implementation of policies to address social issues such as domestic violence, security of the person, lack of maternity benefits, economic exploitation and rights to property.</p>	<p>Section 19 (1) The dignity of all persons shall be inviolable.</p> <p>Section 18 Every person has the right to personal freedom.</p>	<p>Section 26 The right to personal choice: every person shall have the right to use the language and to participate in the cultural life of his or her choice.</p>	<p>Section 5 on constitutional supremacy.</p>	<p>Section 30 (1) All persons and peoples have the right to development and therefore to the enjoyment of economic, social, cultural and political development. Women, children and the disabled in particular shall be given special consideration in the application of this right.</p>

## Affirmative action



*State parties are to implement legislative and other measures that eliminate all practices, which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures.*

The SADC Gender Protocol calls on governments to implement affirmative action measures, with particular reference to women, in order to eliminate all barriers preventing their participation meaningfully in all spheres of life, while creating conducive environments for such participation. Affirmative action aims to accelerate equality between men and women.

In principle, the authorities support affirmative action. However, some gender activists feel that affirmative action is used to placate women and gender activists. Others believe that women are used just to mobilise support from the female electorate rather than to

facilitate more women to take up decision-making positions.

Section 30 (1) states that “All persons and peoples have the right to development and therefore to the enjoyment of economic, social, cultural and political development. Women, children and the disabled in particular shall be given special consideration in the application of this right”.

In spite of committing to give special consideration to women there are no Constitutional or legislated quotas for women in any of the sectors to empower women or increase women's representation.

## Discriminatory legislation



*The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women:*

Rights are more than just legal matters. A right is a legitimate claim that an individual has on “others,” whether these “others” are individuals, groups, societies or nation states. Rights are therefore legal and political tools that can be useful in struggles for social and

gender justice. Discriminatory laws can erode the rights of women, even rights that seem guaranteed in the constitution. Reviewing and repealing discriminatory laws is an important part of ensuring legal frameworks are in place to meet Protocol commitments.

**Table 1.3: Remaining discriminatory legislation**

Discriminatory legislation	Action being taken	Comments
Citizen Act	Process has stalled	There is still hope for a review particularly regarding citizenship.
Land Act	Review completed	Report is with cabinet pending further scrutiny before tabling in Parliament.
Penal Code	Parliament passed several amendments	Such amendments are now part of the law in the Penal Code though not clearly gender related.

### Discriminatory practices

There are varying ethnic groups that have different cultural practices, but some of these practices are said to be harmful and in contradiction to the Constitution. What is tantamount to being harmful and demeaning for women is relative and subjective based on perception and social orientation. The Constitution guarantees the

right to practice a culture of one's choice but it has posited that the State must eliminate practices that are harmful to women some of those identified on the basis that they contribute towards the prevalence of HIV and AIDS are:

- Widow inheritance.



- *Kusasa fumbilfisi* (a practice whereby a male member of the community has sexual intercourse with a female as an initiation requirement).

- *Kulowa kufa* (a practice where a male member of the community has sexual intercourse with a woman upon the death of her husband).

### Early marriages discriminate against girls

Parents and guardians sometimes force their children, mostly girls, into early marriage particularly with older men. There have been cases of girls as young as 11 years old being forced into marriage with men. According to the 2011 World's Women and Girls Data Sheet (The Population Bureau), Malawi is among nine countries where at least half of women aged 20 to 24 had married before the age of 18. Early marriages can also increase the prevalence of HIV and AIDS among age groups which are usually HIV negative.

The report highlights that teenage girls are twice as likely to die during pregnancy and childbirth due to complications. Furthermore, it is likely that children born to young mothers will grow up in poverty.

The government and civil society organisations are addressing the problem of early marriage and other forms of child abuse. The Ministry of Gender, Children and Community Development has placed child protection workers in communities, where they work in collaboration with chiefs and child protection committees. There are also community action groups on Gender-Based Violence (GBV) who work with various structures in the community to create a violence-free society. There is also a national campaign against child abuse observed every year where civil society, government and different organisations work together to sensitise the nation on child abuse. Recently the Ministry of Gender and other stakeholders established



Children carrying dishes in Mangochi, Malawi.

Photo: Gender Links

community victim support units in various parts of the country. Malawi also has child protection courts in the three regions of the country with lower courts also conducting child-friendly justice hearings.

Furthermore, people can report cases of abuse using suggestion boxes placed at traditional authorities and group village heads. Some communities have established by-laws to ban early marriages, for example in Chitipa, Karonga and Mangochi districts.

There were attempts to change the marriageable age through the amendment of section 22 of the Constitution of Malawi but it is currently pending further review.

## Access to justice



*The Protocol provides for:*

- *Equality in the treatment of women in judicial and quasi judicial proceedings, or similar proceedings, including customary and traditional courts and national reconciliation processes;*
- *Equal legal status and capacity in civil and customary law*
- *The encouragement of all public and private institutions to enable women to exercise their legal capacity.*
- *Positive and practical measures to ensure equality for women in complainants in the criminal justice system*
- *The provision of educational programmes to address gender bias and stereotypes and promote equality for women in the legal systems.*
- *Equal representation by women on and in the courts, including traditional courts, alternative dispute resolution mechanisms and local community courts.*
- *Accessible and affordable legal services for women.*

Access to justice means that when people's rights are violated and they need help, there are effective solutions available. All people have a right to go about their lives in peace, free to make the most of their opportunities. They can only do so if institutions of justice as law and order protect them in their daily lives. Justice systems, which are remote, unaffordable, delayed, and incomprehensible to ordinary people effectively, deny them legal protection.

The 2011-2012 Progress of the World's Women report, *In Pursuit of Justice*, provides 10 recommendations to make justice systems work for women:<sup>1</sup>

- Support women's legal organisations.
- Support one-stop shops and specialised services to reduce attrition in the justice chain.
- Implement gender-sensitive law reform.
- Use quotas to boost the number of women legislators.

- Put women on the front-line of law enforcement.
- Train judges and monitor decisions.
- Increase women's access to courts and truth commissions during and after conflict.
- Implement gender-responsive reparations programmes.
- Invest in women's access to justice.
- Put gender equality at the heart of the MDGs.

The global report also makes a significant link between countries meeting the MDGs and making justice systems work for women. Achieving these goals, the report says, is an essential precondition for women to access justice. Without education, awareness of rights and decision-making power, women are often unable to claim their rights, obtain legal aid, or go to court.<sup>2</sup>

Table 1.4 rates Malawi's access to justice.

**Table 1.4: Access to justice in Malawi**

Access to justice provision	Country rating on a scale of 1-10 (1 very low and 10 very high)	Explanation
Equality of Treatment of women in judicial and quasi-judicial proceedings	5	The Constitution provides for equality of treatment in practice. More women access courts than men due to raised awareness about court processes and procedures.
Equal contractual rights	6	Equal contractual rights exist to a large extent. Some women own property, however, many women still face challenges in contractual matters. For example, the male monopoly at Lilongwe lime mine where women are apparently discouraged from participating.
The right to acquire and hold rights to property	5	Women have the right to acquire and hold property rights. However in reality they still find it difficult because of the preconditions such as collateral.
Encouraging women to exercise their legal capacity	6	Although women are encouraged to exercise their legal rights, they find it difficult to access affordable legal services. Secondly, due to the protracted nature of the legal process, women often end up withdrawing their cases, particularly GBV cases. Women often succumb to pressure from their husbands who are usually the breadwinners.
Ensuring equality of women complainants in the criminal justice system	5	The justice system is usually conducive to women, especially GBV cases. However, women are not always aware about the possibility of their case being heard in secret chambers.
Equal representation in the courts, including traditional courts	4	Equal representation proves difficult given the shortage of lawyers. It also depends on the litigant's needs and wishes. In civil cases, legal aid is difficult to obtain but in homicide cases it is compulsory.
Accessible and affordable legal services for women	3	Those who cannot afford private lawyers have little chance of obtaining free legal services. There are few lawyers in the state advocate legal aid department. However, the amendment of the Legal Aid Act in 2010-2011 will improve women's access to the law.

Source: Year: Judiciary/ Malawi Human Rights Commission, 2011.

<sup>1</sup> 2011-2012 Progress of the World's Women, *In Pursuit of Justice*, UN Women New York, 2011.

<sup>2</sup> 2011-2012 Progress of the World's Women, *In Pursuit of Justice*, UN Women New York, 2011.

## Marriage and family laws; widows and widowers; the girl and boy child



*The Protocol requires that State Parties enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage. Existing legislation on marriage shall therefore ensure:*

- *No person under the age of 18 shall marry;*
- *Every marriage takes place with free and full consent of both parties;*
- *Every marriage to be registered;*
- *Reciprocal rights and duties towards the children of the family with the best interests of the children always being paramount; and*
- *An equitable share of property acquired during their relationship.*

*State Parties must also put in place laws and other measures to ensure that parents fulfil their duties of care towards their children, and enforce maintenance orders. Married women and men should have the right to choose whether to retain their nationality or acquire their spouse's nationality through legal provisions. However, there is no period within which these measures should be achieved.*

The most significant area for legal reform is the current contradiction between formal and customary laws within the country; as marriages are governed by parallel legal systems of statutory, customary and in some cases religious law. For example while the SADC Gender Protocol calls on countries to ensure that no person under the age of 18 marries, Malawi's allows girls to marry from the age of 15.

### Key marriage and family laws in Malawi

- The Malawi Constitution
- The Marriage Act cap 25:01
- African Marriage (Christian Rites) Registration cap 25:02

- Asiatic (Marriage, Divorce and Succession) cap 25:03
- The Divorce Act cap 25:04
- Married Women Maintenance Act cap 25:05
- Adoption of Children Act cap 26:01
- Children and Young Person's Act cap 26:03
- Affiliation Act cap 26:02
- Maintenance Orders (enforcement) cap 26:04
- The Citizenship Act (information not readily available)
- The Deceased Estates (Wills, Inheritance and Protection) Act
- The Prevention of Domestic Violence Act 2006
- Child Care, Justice and Protection Act 2010

**Table 1.5: Key provisions on marriage and family laws and the boy and girl child**

Provision	Yes/No	Explanation
<b>Marriage</b>		
No person under the age of 18 shall marry.	NO	The legal age for marriage is 15. There were efforts to amend the legal age of marriage to 16, but parliament debates concluded that it was not worth the change because the difference was just a matter of one year. The President did not agree and a further review will take place.
Every marriage takes place with the full consent of both parties.	NO	Malawi has a system that allows young people to marry with consent from their parents. In this particular case, parents can decide who marries their daughter or son. However, consent marriages are rare. According to the constitutional review process, it is expected that the voting age of 18 years will also apply to marriage, as stated in the Convention on the Rights of the Child (CRC).
Every marriage, including civil, religious, traditional or customary, is registered.	NO/YES	Most marriages in Malawi are not formally registered. The 2011 amended Deceased Estates (Wills, Inheritance and Protection) Act has partially helped to address this problem, particularly in relation to property grabbing.
Parties have reciprocal rights and duties towards their children including when spouses separate, divorce or have marriages annulled.	NO	While the law demands this, the practice is different, because most marriages are not registered, and most divorces are not carried out through the justice system. Some cultures allow women to look after their children while the husband marries another wife and fathers more children elsewhere.

Provision	Yes/No	Explanation
Maintenance orders are enforced.	NO	Maintenance enforcement is ineffective due to lack of resources. However, in 2010 parliament passed a Child Care, Protection and Justice Act.
Married women and men have the right to decide whether to retain their nationality or acquire their spouse's nationality.	NO	The Malawi Citizenship Act does not accord this right to women. Instead it requires a woman to either denounce her nationality after one year of marriage or choose to retain her nationality and not take up the nationality of her husband.
<b>Widows and widowers</b>		
Widows are not subjected to inhuman, humiliating or degrading treatment.	NO	Most widows, unlike widowers, go through humiliating and degrading treatment, especially with customs and practices like wife inheritance, widow cleansing and property grabbing.
A widow automatically becomes guardian or custodian of her children, unless otherwise determined by a court of law.	NO	No, this is not automatic, especially in the patrilineal marriage setup where it is assumed that, because the husband paid a dowry, the children belong to his family. In the matrilineal system, it is the opposite.
A widow shall have the right to live in the matrimonial house after her husband's death.	NO	No, if the house was jointly owned, the wife and husband's families will decide, but if disposition of property has been administered by the Administrator General, they will use the accepted legal standard to determine where she lives.
A widow shall have access to employment and other opportunities.	YES	
Widows shall have the right to an equitable share in the inheritance of her husband's property.	YES	Following the amendment of the Deceased Estates (Wills, Inheritance and Protection) Act, previous inconsistencies are taken care of such as the sharing of the deceased's property. However, complications arise when a husband deliberately leaves a wife out of his will.
Widows shall have the right to remarry any person of their choice.	NO/YES	Some women are forcibly 'inherited' by their husband's relations.
Widows shall be protected from all forms of violence and discrimination.	NO/YES	This varies depending on the situation. For instance, if a woman refuses to undergo ritual cleansing after the death of her husband, she could be subjected to violence.
<b>Girl and boy child</b>		
Eliminating all forms of discrimination against the girl child.	NO	Girls, like women, are usually discriminated against in many ways; for example, some families prefer to send a boy rather than a girl to school. Also girls are saddled with home chores while boys are allowed to play.
Girls have the same rights as boys and are protected from harmful cultural attitudes.	NO	Girls are more vulnerable to harmful cultural practices, particularly those related to puberty. She can be forced to sleep with men as a symbol of entry into womanhood.
Girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse.	NO	Girls are subjected to all forms of violence, for example 'gwamula', where young men enter the premises of girls and have sex with them without their consent. They are also more vulnerable to incest, rape, defilement and being used as domestic workers.
Girls have access to information, education, services and facilities on sexual and reproductive health and rights.	NO/YES	The Ministry of Education has included life skills in its primary school curriculum. Additionally, the Ministry of Health and NGOs have youth-friendly health services that provide information for girls. However, children who do not go to school and those with low literacy levels do not easily access such information.

Source: Year 2011 and 2012: Judiciary.

### Malawi: The Deceased Estate (Wills, Inheritance and Protection) Amended Act

In an effort to deal with practices that discriminate against women, Malawi reviewed the Wills and Inheritance Act (2003) and in 2011 became the Wills and Inheritance (Deceased Estate Amendment Act).

The review aimed to protect widows and children from being discriminated against in terms of accessing and enjoying their property rights. According to Mercer and

MCI (2010), the wills and Inheritance Act is there legally to protect women from property dispossession and discriminatory land ownership policies. This has come as a relief to Malawian widows since they are frequently subjected to property grabbing and dispossession by male relatives and are often denied their inheritance rights and that cases of property dispossession are rarely if ever taken to court.



Among other provision in this Act, Section 84(1) provides "Any person not being entitled thereto under a will or upon any intestacy who, in contravention of the will or of this Act, takes possession of, grabs, seizes, diverse or in any manner deals in, or disposes of, any property forming part of the estate of a deceased person or does anything in relation to such property, which occasions or causes, or is likely to occasion or cause deprivation or any form of hardship to a person who is entitled thereto under the will or upon the intestacy, commits an offence and shall, on conviction, be liable to a fine of not less than the value of the property possessed, seized, diverted or otherwise grabbed, and to imprisonment of ten (10) years and in addition to such sentence the court shall make an order directing that the property or the monetary value thereof be immediately restored to the person or persons lawfully entitled thereto or to the estate of the deceased person; and the whole or such part as the court shall specify in the order of the fine imposed be paid to the person or persons entitled or into the estate of the deceased.

The provisions in the Deceased Estate Act (2011) are in line with the SADC Gender protocol's goals in that it protects women from being threatened with the disposition of their land and their property rights.

However much need to be done for these laws to be put into practice.

According to the research report on Human Rights, Gender and Governance done by Kanyongolo *et al* in November 2011, there is need for women to be consulted on the issues of laws that might affect them in that they have to participate in the law reform process and that there be connection in their perceptions of rights, affecting demands and implementation of rights.

In addition to that Law reform in Malawi should widely seek the voice of the grassroots, and the law should widely consider and address their concerns and interests. All in all much effort is being done to make sure women's rights are fully respected and that gender equality and equity is being in practical. It may however be necessary to mention that the review of Laws by the Law commission is usually very consultative and in the case of the same Act, wide consultation with the grassroots was done and the report captured all the input from the consultation but there are times when what is corrected may not appear in the actual bill because the Law Commission has no control over the actual drafting of the bill at the same time certain things change at the level of Parliament and this was the case with this particular Law.

### Costing and gender budgeting

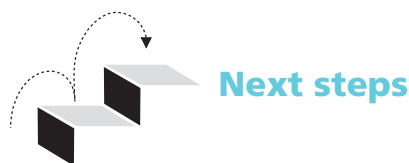
Budgets for gender justice work pose several challenges not just in Malawi but in almost all SADC countries. They are seldom disaggregated by gender. This makes it difficult to determine if these budgets are reaching women and men equally. Budgets spent on legislative reform, such as rights for widows, are just part of the story. Implementation is much more costly and long term. Implementation is only as good as effective monitoring.

Of the US\$ 2,830,421 that could be identified for women's rights in the budgets of the Ministry of Gender, Children and Community Development, 86% comes from development partners compared to 14% from national treasury. Only the Ministry of Gender had gender-specific programmes for community meetings, International Women's Day celebrations and awareness raising and orientation of Members of Parliament. Almost all this money comes from UN agencies.

NGO related activities costing approximately US \$1,479,723 accounted for over half (52%) of the budget allocations. This covered:

- Awareness on GBV - PDV Act 2006
- Capacity building of magistrates and official staff local courts

- IEC Material Production
- Advocacy for Social Justice Programme (Malawi Human Rights Resource Centre)



While the legal systems offers some protection to women and girls, the laws are often ineffectively implemented, accessed or awareness by citizens is limited.

There is a need for:

- Continued lobbying for Malawi to ratify the SADC Protocol on Gender and Development urgently.
- Continued lobbying for authorities to raise the age of marriage to 18 years.
- More education and awareness raising for women about their rights and to help them access legal aid.
- Specific measures to address harmful cultural and traditional practices.
- Campaigns for costing review and implementation of gender related laws and policies.



Forgotten by families

Anushka Virahsawmy



## CHAPTER 2

# Governance

## Articles 12-13



Joyce Banda appointed in April 2012 became the first female President in Malawi and in the SADC region. Photo: MacDonald Phiri

### KEY POINTS

- With a SGDI score of 45% based on women representation in Parliament and cabinet Malawi lags behind most other SADC countries, ranking eighth out of 15 Member States.
- Citizens were more generous with a CSC of 63% which is 18% more than the SGDI score. Female citizens were more critical and gave a score of 51% compared to a much higher 69% given by men.
- In April 2012, Malawi became the first country in the SADC region to have a female president, Joyce Banda, after the sudden death of the incumbent Bingu wa Mutharika.
- In 2009 Malawi witnessed the highest number of women candidates aspiring for parliamentary positions compared to all previous elections; numbers increased from 136 women contesting and 27 elected in 2004 to 237 women contesting and 43 elected in 2009.

- The representation of women in parliament is low 22%; in cabinet 23% which is far from the 50% target.
- The next national elections will take place in 2014 where it is anticipated that local government elections will take place together with national general elections.

Table 2.1: SGDI and CSC score for governance sector

	SGDI	CSC
Scores	32%	52%
Ranks	11	6

Although a low score, governance is one of only two areas where Malawi ranked in the top 10 on the SGDI. With a score of 45%, Malawi ranks eighth in the region.

However, the representation of women in parliament is only 22%. The last local government election held in year 2000 resulted in women receiving only 8% of the positions. Local government elections have been postponed several times in the past two years.

Citizens gave a more generous score of 63%, ranking the country five out of the 14 countries where citizen scorecards were collected. The higher score could have been a result of the



visible on-going 5050 campaign that brings together government and civil society. Women gave a score of only 51% while men gave a score of 69%.

## Background



Emma Kaliya, chair of the NGO Coordinating Network and Alliance focal point in Malawi, emphasising a point at the August 2011 re-launch of the 50/50 campaign in Harare, Zimbabwe. Photo: Trevor Davies

Achieving gender equality requires women's active participation and involvement in decision-making at all

levels, starting in the home and extending to the highest levels of government.<sup>1</sup> Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity.<sup>2</sup>

Despite the fact that most countries had not come close to reaching the initial 1997 SADC Declaration on Gender and Development target of 30% representation of women in decision-making, Heads of State upped this target to 50% in the more binding 2008 Protocol on Gender and Development. The AU Protocol on Women's Rights also set a target of 50% women in decision making positions. Malawi subscribes to both instruments.

Malawi civil society has been working closely with the national gender machinery a 5050 campaign in a bid to increase women's representation in political decision making positions. The country was also represented by the Chairperson of the NGO Gender Coordinating Network, Emma Kaliya, at the regional re-launch of the 5050 campaign in Harare in August 2011 hosted by the Southern Africa Gender Protocol Alliance governance cluster led by the Women in Politics Support Unit (WiPSU).

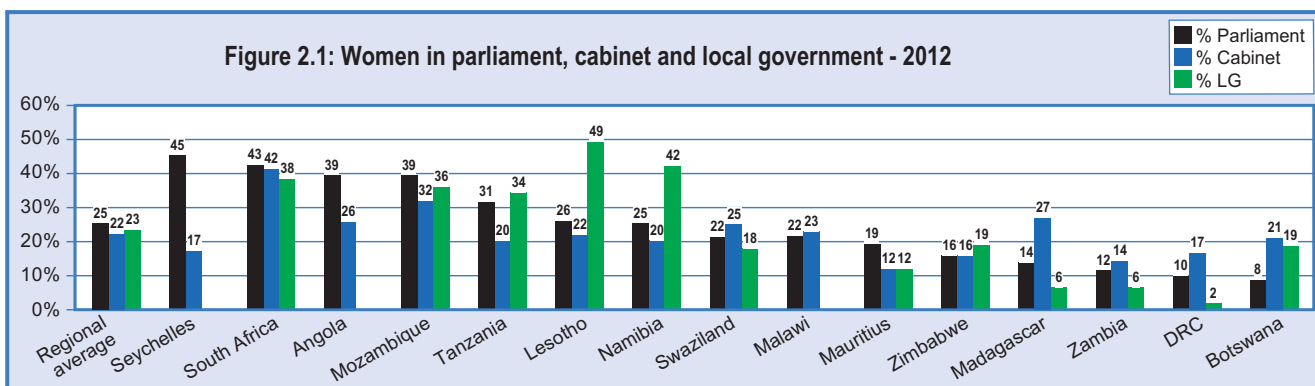
## Representation



*The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.*

*It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.*

Figure 2.1: Women in parliament, cabinet and local government - 2012



Source: 2012 SADC Gender Protocol Barometer.

<sup>1</sup> 2011-2012 Progress of the world's women: In Pursuit of Justice, UN Women 2011.

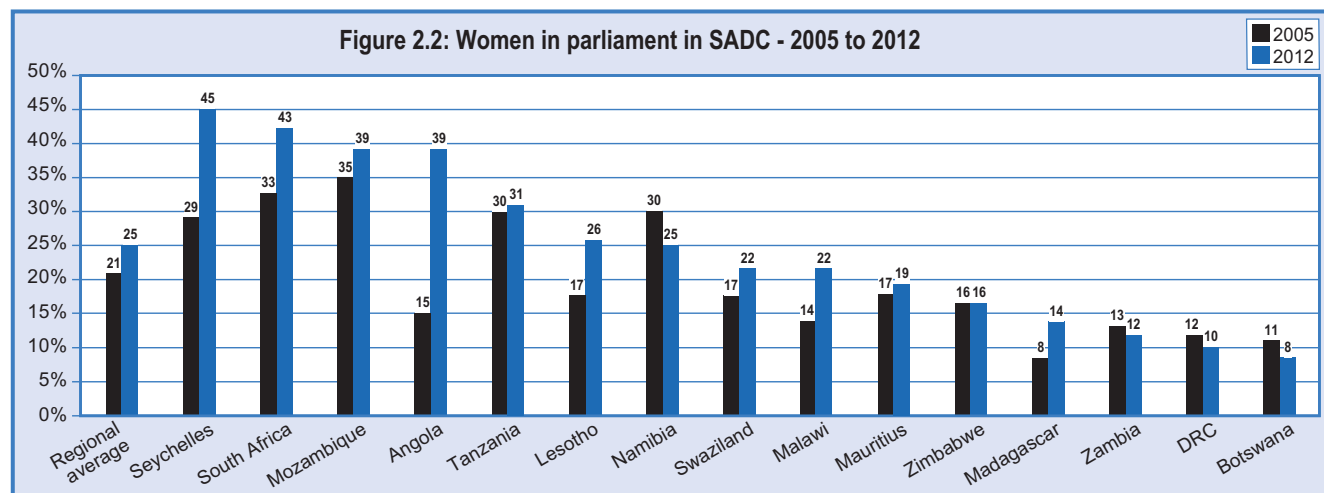
<sup>2</sup> Ibid.



Figure 2.1 shows that Malawi continues to perform poorly in terms of women's representation in political decision-making positions. Women hold less than 30%

of the positions in cabinet and parliament. Table 2.2 gives a breakdown of women and men in parliament from each political party.

## Parliament



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.2 shows that at 22% women's representation in parliament in Malawi increased by 8 percentage points in the last six years after the 2009 elections. The success could be attributed to the robust 5050 campaign lodged prior to the election. If the same trend continues the country could approach or surpass the 30% representation initial set by SADC in the 1997 SADC Declaration on Gender and Development.

Although at least ten countries in the region are yet to reach a 30% representation there has been a steady overall increase in the SADC region in terms of women's representation in parliament from 21% in 2005 to 25% in 2012.

**Table 2.2: Breakdown of women and men in parliament from each political party**

Political party	Women	Men	Total	% women	% men
Democratic Progressive Party (DPP)	38	122	150	19%	81%
Malawi Congress Party (3 defected to the ruling party) (MCP)	3	23	26	12%	88%
United Democratic Front	1	14	15	7%	93%
Alliance for Democracy (AFORD)	0	2	2	0%	100%
Malawi Forum for Unity and Development (MAFUNDE)	0	1	1	0%	100%
Maravi People's Party (MPP)	0	1	1	0%	100%
Independent (Defected to new party out of parliament)	1				100%
<b>National Totals</b>	<b>43</b>	<b>156</b>	<b>193</b>	<b>23%</b>	<b>77%</b>

Source: Malawi national Assembly, February 2011, Electoral Commission September 2011 and Local Media Reports September 2011.

Table 2.2 shows a breakdown of how many women and men are in parliament from each political party. It should be noted that numbers for political parties have changed because of some defections that have occurred during the last few months and a recent by-election that went to the ruling and opposition party Parliament gained one additional woman in October 2010 after a by-election. One DPP female and three MCP male parliamentarians left their parties to join the

newly formed People's Party and the ruling DPP respectively. Also all independent MPs have now joined the ruling party

### Local government

Local government structures are running without elected councillors. Local elections have been postponed to 2014.

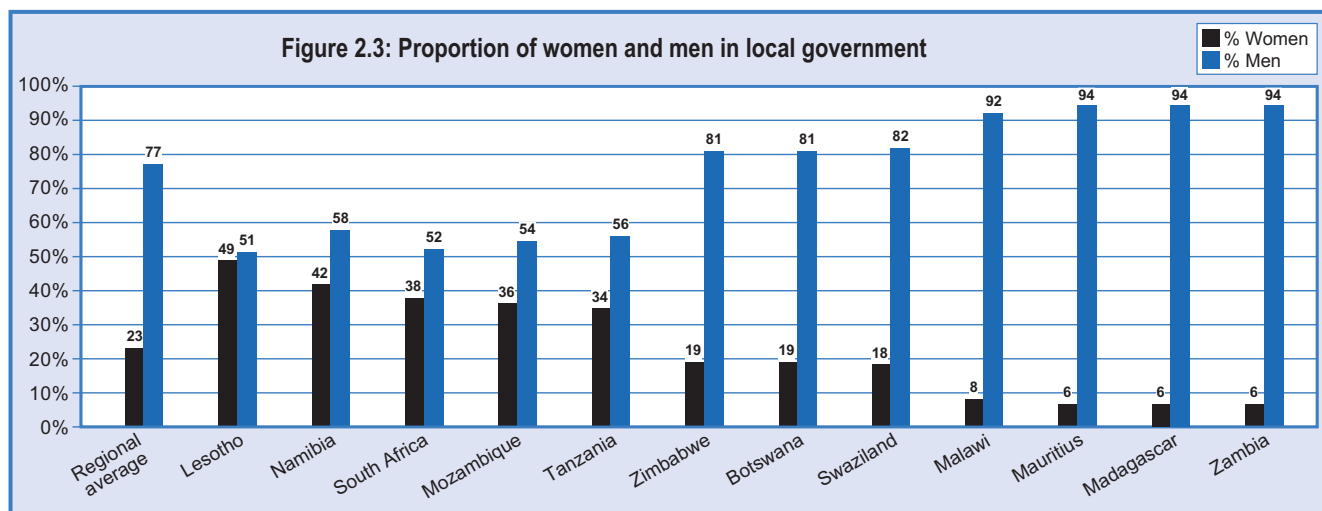
**Table 2.3: Women and men chief executive officers and district commissioners**

	No of women	No of men	Total	% women	% men
Chief Executive Officers	-	7	7	0%	100%
District Commissioners	1	25	28	4%	96%

Source: Ministry of Local Government and Rural Development, May 2011.

Table 2.3 shows that men occupy all the chief executive officer positions in the four city councils in Lilongwe, Blantyre, Zomba and Mzuzu. It also shows that there is only one woman district commissioner, representing a mere 4% against 96% for men. This trend is similar to the last local government elections in 2000.

Figure 2.3 gives a comparative analysis of women and men in local government across SADC. For Malawi the elections for the year 2000 were used as a reference point.

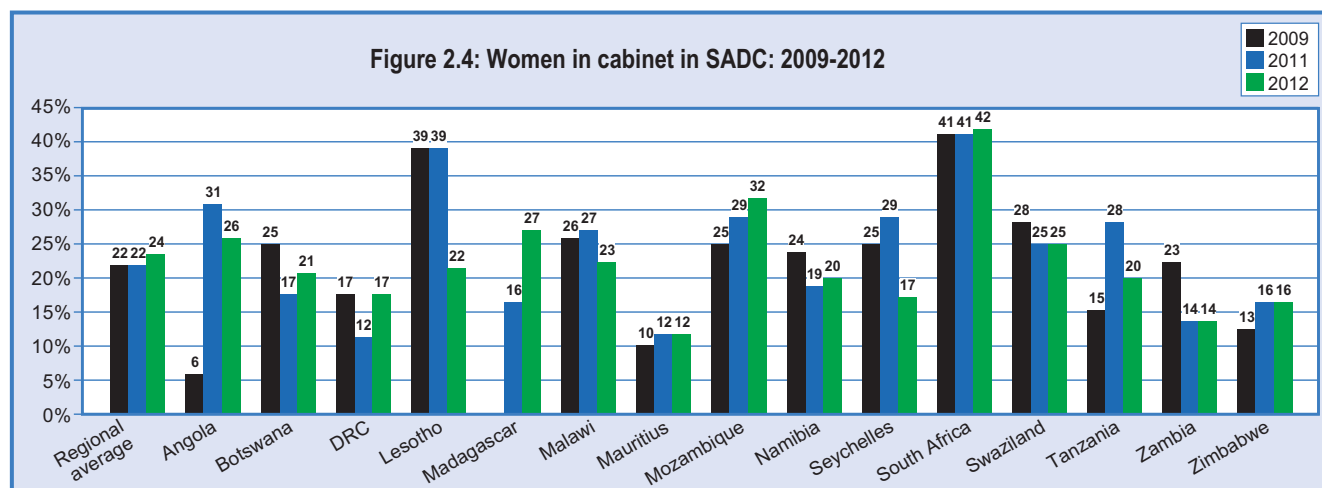


Source: 2012 SADC Gender Protocol barometer.

Figure 2.3 shows that women represent only 8% of local government representatives. However, Malawians have voted only once since 1994. The last local elections took place in year 2000. Government has announced that the next local elections will be held in 2014 together with the general elections, just a year before the SADC Gender Protocol deadline of 2015.

### Cabinet

Cabinet is one area in which Heads of State can make rapid progress towards achieving the 50% target because the president appoints the ministers.



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.4 shows the number of women in cabinet has dropped 4% from 27% in 2011 to 23% in 2012. The figure may have since changed due to cabinet reshuffling according to available information. Some female ministers are heading ministries that are traditionally given to men, such as the Ministry of Industry and Trade Local Government and Rural Development.

In addition, the President appointed Dorothy Ngoma as the Safe Motherhood Coordinator to reduce maternal mortality and Hawa Ndilowe as the Deputy Chief Secretary in the Office of the President. In a short period of time President Banda has appointed women to high level Commissions, Boards and Committees. If this continues, female representation and participation in decision-making is expected to rise significantly.

### Gender and political parties

A number of political parties have quotas to ensure gender equality and increase women's representation

in their structures but this does not translate into action. Instead, there is a perception that women get positions within parties only to help the party gain support among women in communities.

During elections, both women and men have to register within the party whenever they want to stand as candidates. Most political parties do not favour women candidates for elections, especially in tightly contested constituencies.

The First Past The Post (FPTP) electoral system that is in place tends to put men at an advantage. Political parties will chose candidates that are likely to get them seats into parliament or the local council. A few parties put forward specific programmes to empower women. So far, only a few women take on decision-making positions within Malawi's political parties.

**Table 2.4: Gender in political party manifestos**

Party	Quota and nature/No.	Women specific projects (gender mainstreamed in manifestos)
<b>DPP</b>	Unclear but there are many projects.	The whole of chapter 13 of the DPP manifesto is dedicated to achieving gender balance. It flags specific projects to be implemented to achieve specific goals, for example, projects that: <ul style="list-style-type: none"> <li>• Recognise women as equal partners in development in every field of economic and political endeavor;</li> <li>• Establish a policy in development and business;</li> <li>• Identify and disseminate information on new opportunities for women to increase trade in Malawi;</li> <li>• Support NGOGCN and NABW to provide an enabling forum for female entrepreneurship in commodity trade;</li> <li>• Support women in gaining decision-making positions</li> <li>• Support the enactment of strong legislation to prevent GBV.</li> </ul>
<b>MCP</b>	30%	Yes, projects are in place, for example, projects that: <ul style="list-style-type: none"> <li>• Encourage the implementation of the 50-50 SADC Protocol;</li> <li>• Ensure women enjoy equal access to land status;</li> <li>• Supports NGOs that empower women;</li> <li>• Encourage women to participate in presidential, parliamentary and local elections;</li> <li>• Support the amendment of the Will and Inheritance Act in order to fully protect widows, widowers and orphans from having their property grabbed.</li> </ul>
<b>AFORD</b>	No	They have projects that: <ul style="list-style-type: none"> <li>• Intensify efforts and actions to redress the existing gender disparities;</li> <li>• Ensure more girls enroll and remain in schools;</li> <li>• Revise all oppressive practices, statutes and customary laws that perpetuate discrimination and present such for amendment and enactment.</li> </ul>
<b>UDF</b>	25%	No

Source: Party Manifestos 2009-2014.

Table 2.4 shows that the DPP and MCP mainstreamed gender in their manifestos and commit to women-specific projects, while AFORD does not. The Malawi Congress Party (MCP), according to its manifesto, commits itself to ensure that women hold at least 30% of decision-making positions in government (Global Database of Quotes for Women 2006). This did not translate into gains for women in the last National Assembly Election in 2009; the party performed poorly

and saw its representation fall from 57 seats in 2004 to 27 in 2009. Of those, only three seats, or 11%, were won by women.

In its party Constitution, the United Democratic Front (UDF) set a quota of 25%



Justice Anastazia Msosa:  
Chairperson of Malawi Electoral  
commission.

Photo: Courtesy from NGOGCN

seats for women in the National Assembly. However, the party fared worse than the MCP, winning only 17 seats in 2009, compared to the 49 seats it won in 2004. Women won only 6% of the seats. The Democratic Progressive Party (DPP), formed in February 2005, won 113 seats in the 2009 election, of which 27% were won by women.

### Gender in electoral processes

There has been heated debates, especially among CSOs and politicians, on the use of the First Past The Post (FPTP) electoral system, with some arguing strongly in favour of combining FPTP and Proportional Representation (PR). The FPTP tends not to favour women's participation.

Quotas have not been used successfully; parties are not fully committed to them. There are no legislated quotas. Ironically the pre-1994 one-party system of government had a legislated quota for women. This might help to explain why quotas are perceived negatively.

The lobbying for a change in the electoral system is gaining momentum. On International Women's Day, which was commemorated in Malawi on 17th March, the NGOGCN used its platform to ask the government for a quota system or proportional representation to increase women's representation in parliament. There is renewed hope that now that there is a female president, the system could change.

The Electoral Commission (EC) in Malawi is charged with managing elections at the national level and ensuring that the body promotes gender equality. The EC has eight commissioners: three are women (38%), one of whom acts as chair, and four are men. A fourth woman left to take up a diplomatic post. At management level, there is only one woman (8%) compared to 11 men.

During the 2009 elections, with support from the Development Assistance Group on Gender (DAGG), the EC mainstreamed gender issues into the Election Voter

and Civic Education Strategy. The Development Assistance Group on Gender is made up of the NGOGCN, development partners and the Ministry of Gender, Children and Community Development.

In preparation for the 2014 elections, the EC and Law Commission, coordinated by the Ministry of Gender in partnership with other stakeholders, are reviewing the electoral laws, including the Local Government Elections (LGE) Act and The Parliamentary and Presidential Elections (PPE) Act.

### Gender and voters

The EC conducted a massive voter registration and education exercise in 2008. They found that 5,030,949 citizens were registered to vote in the country's elections but did not disaggregate the information by sex.

The EC objectives included:

- To increase knowledge, awareness, skills and attitudes about electoral processes and procedures, as well as how to make informed choices;
- To encourage public participation in electoral processes;
- To promote participation of vulnerable groups such as rural communities, women, youth, people with disabilities and those infected and affected by HIV and AIDS;
- To educate about attitudes and behaviour conducive to the peaceful and smooth running of elections;
- To build electorate confidence and trust in electoral processes.

**Table 2.5: Key voting data in last election**

	2004	2009
Total number of people who voted	3,205,863	4,600,757
Total % that turned out to vote	61.6	78.4
Total number of null and void votes	86,218	328,071
% of null and void votes	2.7	7.1

Source: <http://www.mec.org.mw>

**Table 2.6: Candidates fielded at national level**

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS			
	M	F	Total	%W	M	F	Total	% W
DPP			-		141	52	193	27%
MCP					112	22	134	16%
UDF					139	32	171	19%
AFORD					25	4	29	14%
TOTAL					417	110	527	21%

Source: Report on Parliamentary and Presidential Elections - May 2009.



## Candidates

Table 2.5 shows that, apart from having a female presidential candidate, Malawi witnessed the highest number of women candidates aspiring for parliamentary positions compared to all previous elections. 110 (21%) women were elected out of the 537 candidates.

## Conduct of the polls



Honorable Ephraim Kayembe one of the Members of Parliament championing gender equality in parliament of Malawi. Has been working on issues of recognising unpaid care work. Speaking at the Gender Justice and Local Government Summit 2011, Johannesburg. March 2011.

Photo: Trevor Davies

Malawi experienced peaceful elections in 2009; there were no reports of serious incidents of voter intimidation.

Moreover, the EC set up a Media Monitoring Unit (MMU) to ensure that all contesting parties had equal access to the media. The Commission had no particular policy on ensuring equal access to the media by women and men candidates, especially public media.

The last Local Government Elections (LGE) were held in 2000. The LGE were originally scheduled for 2010 but parliament amended the PPE Act to allow the president to set a date for the Local Government Elections instead of the previous arrangement where LGE were automatically held a year after the Presidential and Parliamentary Elections.

In 2010 the EC announced that the LGE would be conducted on 20th April 2011. However, the President of the Republic of Malawi suspended the Malawi Electoral Commission (MEC) on 3rd December 2010 on account of the alleged misappropriation of MK1.4 billion equivalent to US\$4,645,000. The Commission was reinstated on 1st April 2011 after a forensic audit and with no explanation on the outcome of the investigation. Consequently, Local Government Elections will only be held in 2014, together with the Presidential and Parliamentary Elections

## Presidential

The presidential election race presented a few firsts for the country, with many women expressing interest in the process. Loveness Gondwe, leader of the breakaway Rainbow Coalition party, stood as the only female presidential candidate against six men. Unfortunately, she announced her candidacy late when other candidates had already made significant progress in their campaigns.

**Table 2.7: Votes for presidential candidates**

CANDIDATE	NATIONAL
Bingu wa Mutharika (DPP)	2,946,103
Kamuzu Chiwambo (PETRA)	35,167
Stanley Masauli (RP)	33,887
Loveness Gondwe (NARC)	32,160
Dindi Gowa Nyasulu (AFORD)	20,151
James Mbowe Nyondo (Independent)	27,328
John Zenus Ungapake Tembo (MCP)	1,370,044
<b>Total</b>	<b>4,464,840</b>

Source: Report on Parliamentary and Presidential Elections - May 2009.

Table 2.6 shows that Loveness Gondwe came fourth, with President Bingu Wa Mutharika the clear winner. In a first for the country, he nominated a woman, Joyce Banda, as his running mate when he presented his papers to the electoral commission on 6th February 2008.

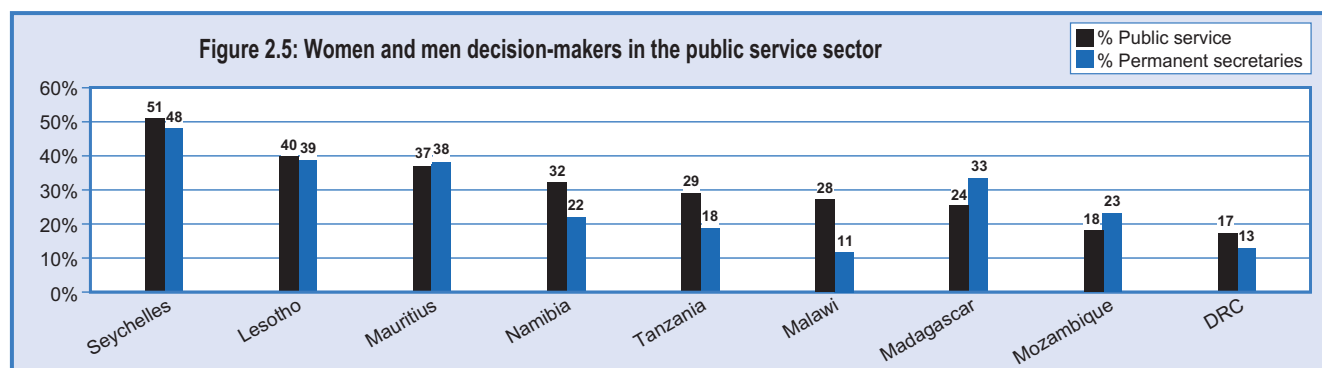
Banda's nomination took the country by surprise as the President was widely expected to name former Minister of Finance Goodall Gondwe as his running mate. Joyce Banda remained the country's Vice President until the 7th of April 2012 when she was sworn in as Malawi's first female president following the death of President

Professor Bingi Wa Mutharika. The late president's confidence in Joyce Banda signalled that attitudes towards women are changing.

President Joyce Banda is the first female president in the SADC region. She had even been expelled from the

ruling party in December 2010 for allegedly forming parallel party structures contrary to the Democratic Progressive Party's (DPP) constitution. Constitutionally, she remained the Vice President of Malawi. She later formed her own party named the People's Party.

## The Public Service



Source: 2012 SADC Gender Protocol Barometer.

Women are still far off reaching gender parity in public office. Figure 2.5 shows that women only make up 28% of those in public service and 11 % of permanent secretaries in Malawi. Malawi compares poorly with

Seychelles, where there is almost gender parity, and to Lesotho, Botswana, Mauritius and Namibia where female representation in these posts is over 30%.

## Participation



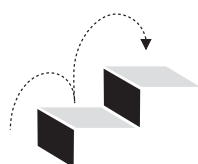
*The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.*

*It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.*

Table 2.8: Enhancing participation of women in public life

Measure of participation	Score /10	Explanation
Leadership and gender sensitivity training or mentorship.	5	Several interventions now target women, an improvement from the previous years.
Support structures for women in decision-making.	5	The momentum of the 50:50 campaign has slackened in the past year. The campaign needs to be revitalised to prepare for the tripartite elections expected in 2014.
Establishment and strengthening of structures to enhance gender mainstreaming.	8	The strengthening of structures and systems to enhance gender mainstreaming will support the existing initiatives. Also notable is the progressive work towards institutionalising the sector working group which has potential to systematically help in gender mainstreaming.
Changing discriminatory attitudes and norms of structures and procedures.	5	Attitude change is being achieved slowly.
Inclusion of men in gender related activities including community mobilisation.	7	Efforts to change people's attitudes are slowly gaining ground but Malawi has a long way to go. Men are still not involved in caregiving. However, through MEGEN, men's involvement in efforts to curb GBV is promising and gaining ground.

Source: Reference group on the Malawi Barometer - 2011/2012.



## Next steps

Malawi has a huge opportunity to make progress in women's representation in all levels of governance in the presidential, parliamentary and local elections scheduled for 2014. There is a long way to go, but already there are encouraging signs of progress. A female president, the only one in the SADC region, is a major boost.

- **Reinvigorating the 50:50 campaign:** A robust campaign is needed to prepare for the 2014 elections. For example, gender activists need to lobby for a change in the electoral system and for the adoption of special measures to increase female participation in politics. Parties need to become more aware of gender issues.
- **Encouraging new approaches to empowerment:** The training needs to be holistic and as well as gender analysis skills, it should include assertiveness skills, leadership training and communication skills. Also important is the use of the Internet, accessing the mainstream media and integrating gender issues into political campaigns. While there is a place for empowerment strategies that specifically target women decision-makers, it is also important to design strategies that include the 'new' men in politics.
- **Research, monitoring and evaluation are key:** Research, advocacy and lobbying by the women's movement is important.

- **The media is a key partner:** Gender, elections and media training show that the media has a key role to play in changing mind-sets and promoting female candidates.



Many women still confined to the burden of care in the home and communities and have less opportunities to occupy decision-making positions - Malawi, October 2011.  
Photo: Colleen Lowe Morna





"Sarah"

Anushka Virahsawmy





# CHAPTER 3

## Education and training

### Article 14

#### KEY POINTS

- The SGDI score for gender and education of 89% places Malawi at number 11 in the SADC region.
- While citizens were more critical with a CSC score of 72%, the country is the second highest in the region. This could be because of visible efforts by Malawi to achieve universal primary education.
- Women have much lower literacy levels than men; only 67% of women know how to read and write compared to 81% of men.
- There is free primary education.
- Females make up 39% of all students at tertiary level mostly due to limited boarding facilities for female students and fewer female students gaining the required grades.
- The University of Malawi has adopted an affirmative action policy stating that a minimum of 30% of places must go to female students.
- The University of Malawi Act makes provision for loan schemes.
- Men make up 65% of the teaching workforce.
- Gender violence in schools continues to be a major concern.



Enrolment at secondary school still far from reaching gender parity in Malawi.  
Photo: Frank Windeck

Table 3.1: SGDI and CSC scores for education

	SGDI	CSC
Scores	89%	72%
Ranks	11	2

Figure 3.1 shows that the SGDI score for education is 89% and the country ranks number 11. This measures enrolment at primary,

secondary and tertiary education levels. Relative to the perceptions of citizens on country performance of the rest of the SADC countries based on CSC scores, Malawi's score of 72% is encouraging. This places the country at number 2.

However, the CSC is 17% lower than the SGDI score, probably due to qualitative factors that

are not captured by the SGDI, such as gender biases in the curriculum, more girls than boys dropping out of school and gender-based violence (GBV) in schools.

### Background

Although relatively brief, Article 14 on Gender Equality in Education is a cornerstone provision in the SADC Gender Protocol, covering equal access to all levels of education, challenging gender stereotypes in education and ensuring that institutions of learning are free from gender violence.

Like most of the articles in the SADC Gender Protocol, education and training provisions closely interlink with other goals and targets. Assessing Malawi's progress towards commitments to enhance access to quality education for males and females, and remove gender stereotyping in curriculum, career choices, professions and budgetary allocations is a telling indicator of the likelihood of other 2015 targets.

Education also links closely to such provisions as gender parity in decision-making. Education is an important part of aspiring to government offices and other such decision-making bodies. In both formal employment and other occupational settings, education offers the chance to make more of the resources available, whether that is within salaried employment, starting a business, increasing the productivity of land, selling excess produce, or managing the household budget.

With only two and a half years to go before the 2015 deadline for realising the 28 targets of the SADC Gender Protocol and the MDGs, achieving gender parity in education is one of the goals Malawi will fare better.

The country has already achieved gender parity in primary level and is almost getting there at secondary school level. Attention needs to shift to ensure retention and improve quality of education as you move to higher levels of education and ensuring adequate resources to maintain gains made in the sector at the primary school level.

For girls, staying in school is not just about good grades. Early marriage and family responsibilities can take girls out of school early, especially because of the burden of care exacted by HIV and AIDS. Some families still do not see the value in educating girls. Poor infrastructure, such as lack of water and sanitation facilities, exacerbates the situation.

Malawi has made progress towards meeting the Education for All campaign (created by the Global Campaign for Education - 1GOAL) target, which calls on Member States in developing countries to devote 20% of their national budgets to education. The education allocation has increased from 12.5% to 18.6% of the total national budget over the last two years - only 1.4% short of meeting the Education for All campaign benchmark.

## Enrolment and retention



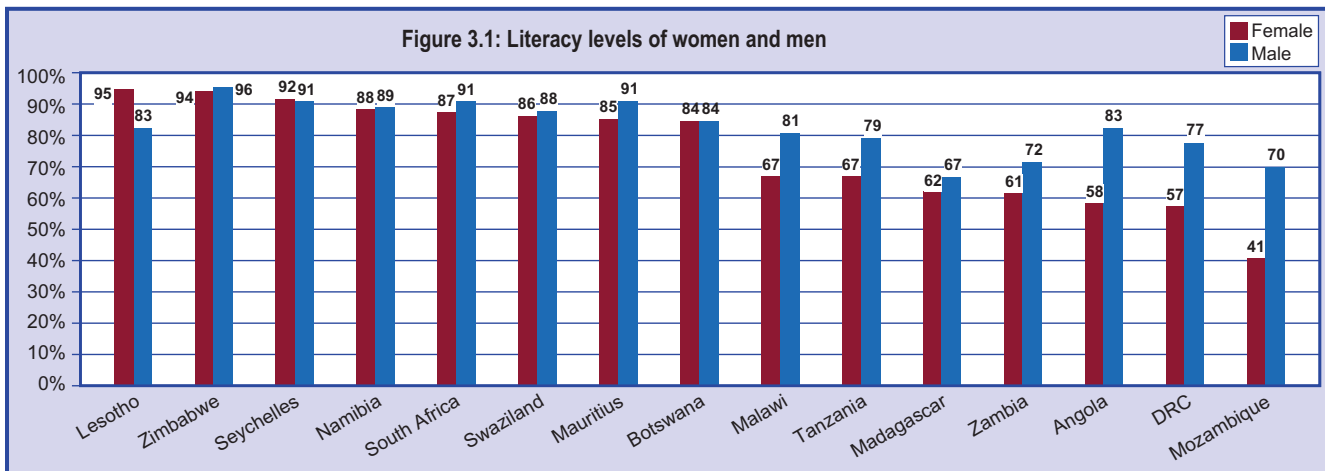
*The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education.*

**Table 3.2: Access and enrolment in the Education Sector 2009-2010**

Type of Data	Men/boys	Women/girls	Total	% Women/girls	% Men/boys
<b>Literacy</b>					
<b>Enrolment</b>					
Primary School	1,925,719	1,942,924	3,868,643	50.2	49.8
Secondary School	132,798	108,120	240,918	44.9	55.1
Tertiary level <sup>1</sup>	5,985	3,832	9,817	39.0	61.0
Teachers Training Colleges	5,261	3,308	8,569	38.6	61.4
Vocational <sup>2</sup>	2,923	1,547	4,470		
<b>Drop out</b>					
Primary school <sup>3</sup>		Not available		11.9%	8.5
Secondary school	6,507	8,033	14,540	55.2	44.8
Tertiary level	91	67	158	42.4	57.6
Vocational	53	65	118	55.08	44.9

Source: EMIS Report 2009/10.

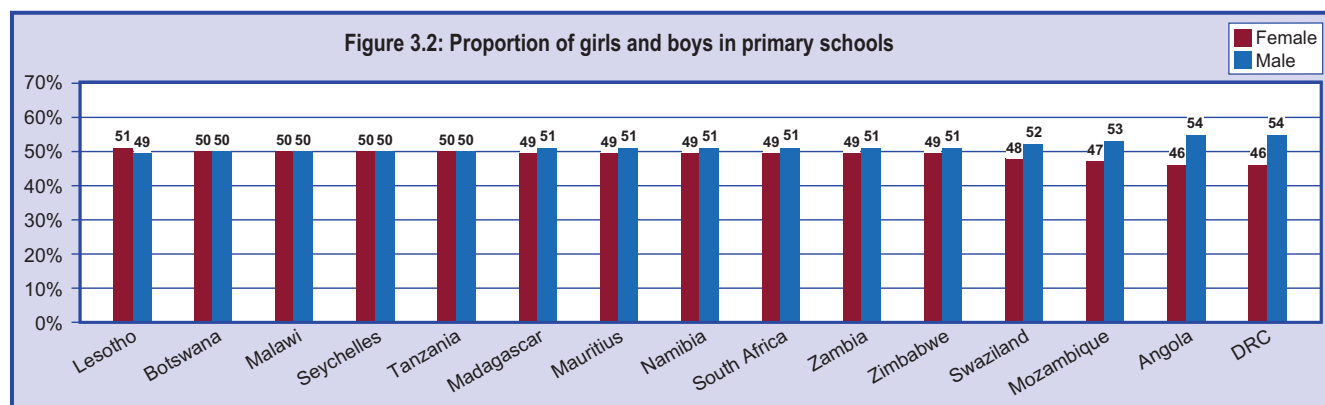
## Literacy



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.1 shows that women in Malawi have much lower literacy levels than men; only 67% of women know how to read and write compared to 81% of men.

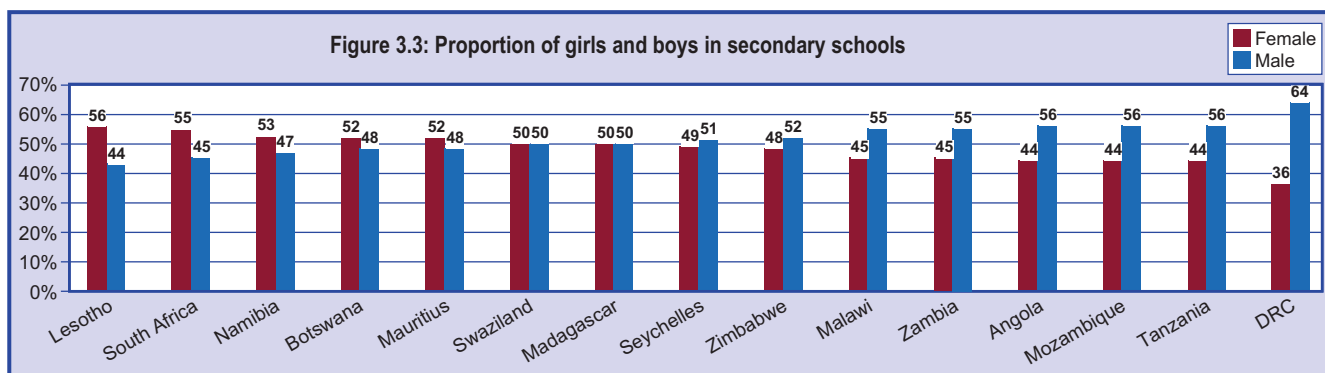
## Primary school



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.2 shows that Malawi has an equal numbers of boys and girls in primary schools.

## Secondary school



Source: Gender Links Regional Barometer Report, 2012.

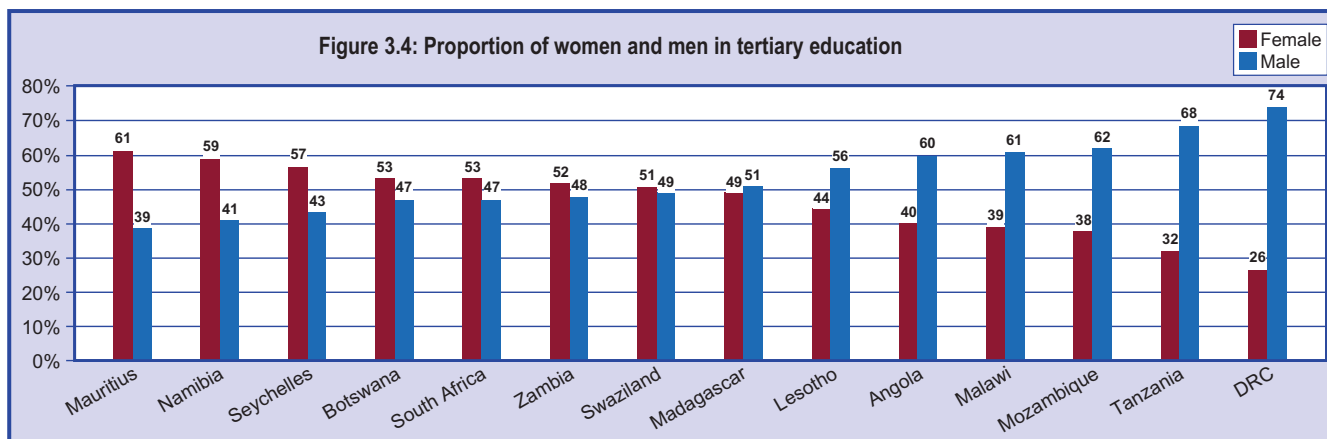
<sup>1</sup> The figures cover the following institutions: UNIMA, Mzuni, Health Sciences, Domasi, Catholic University, Livingstone University, Shareworld University, Lake View University. UNIMA 2010/11 had a total of 2,088 students, of which 1,123 were males and 965 were females, representing 54% and 46 % respectively (UNIMA press release on admission).

<sup>2</sup> This figure includes those students who are sponsored by TEVETA. Each year, TEVETA has an additional 1,467 students who it has sponsored in various technical colleges).

<sup>3</sup> These are average figures for all standards in primary school.

Figure 3.3 show that Malawi has fewer girls than boys in secondary school. Early marriage is a serious problem; most girls marry before reaching form four.

### Tertiary education



Source: Gender Links Regional Barometer Report, 2012.

Figure 3.4 shows a wide gender gap in tertiary education. Females only make up 39% of students. They tend to drop out of education before the final exams in secondary school. Other female students are put off by the lack of boarding facilities for them. For example, at Chancellor College, a UNIMA constituent college,

there are 13 hostels allocated to males while only six hostels for females. The same problem is found at teacher training colleges. For example, in Domasi Teachers College, the hostels that were initially constructed for the females are now occupied by males.

**Table 3.3: Dropout rates for primary school 2009-2010 year**

Type of data	Std 1	Std 2	Std 3	Std 4	Std 5	Std 6	Std 7	Std 8
Male %	11.7	2.7	10.6	9.5	10.4	7.8	8.1	7.4
Female%	13.7	3.5	10.6	8.1	11.8	10.	14.6	23.2
Average	12.2	3.1	10.6	9	11	8.9	11.4	15.3

Source: CSO, 2006.

Table 3.3 shows that more girls than boys tend to drop out of primary school across all levels of primary school. The proportion of girls who drop out increases towards

the end of primary school at Standard 7 and Standard 8 where it is close to double and later triple that of the boys' rate of drop out.

### Malawi works to close gender gaps in education

In Malawi, the government increased the overall budgetary allocation to the Ministry of Education by 26% in 2010-2011 budget. While there are no gender-disaggregated data on these figures, the Malawi government has instituted a number of steps to close the gender gaps in education.

Malawi is currently constructing girls hostels at most community day secondary schools, to encourage girls to stay in school and reduce drop outs associated with factors attributed to non -boarding school. The hostels would also increase the time the girls would spend on

studies, as all the time they spent walking to and from schools would now be absorbed in the study time.

Schools targeted are those that have high drop out rates for girls. In 2009-10, 10 such hostels were constructed. The 2010-11 budget allocates resources for seven more girl hostels at a cost of MK450, 000,000.

Authorities have introduced a bursary scheme targeting girls and disadvantaged children at secondary school level. The ratio for this intake is two girls to one boy. Some NGOs like CADECOM, World Vision Malawi and district assemblies also sponsor students. It is expected that through these initiatives, more girls will remain in



schools sitting for the Malawi School Certificate of Education, which will in turn increase the numbers of those going to university colleges. The Government sponsors one boy and one girl, from every district in the country, in a cycle of four year's intake, to the prestigious Kamuzu Academy.<sup>4</sup>

To increase female intake to Teacher Training College, the Government has partnered with the Forum for African Women in Malawi (FAWEMA), a local NGO and Open University of Scotland, on a project to ensure the availability of female teachers in rural areas. Female school leavers, with a weak MSCE Certificate, are enrolled on attachments in rural primary schools, where they assist teachers in lower classes. Besides doing the attachments, these females are also undertaking studies to improve their grades on MSCE. The project provides for their learning materials as well as an allowance of MK7,500 per term. After improving their grades, these women are offered scholarships to enrol in Teacher Training Colleges. The project which is in its pilot phase is targeting four districts, Mwanza, Ntchisi, Dedza and Chikwawa, that are strongly associated with high drop

outs for girls. FAWEMA and CRECCOM have also introduced Mother Groups (groups of mothers in the communities) to encourage the girl child to remain in school. The groups also assist the girls with concerns related to do gender based violence.

To improve girls' performance in science subjects at Secondary Schools, government has introduced a project on Strengthening Mathematics and Science in Secondary Education (SMASSE). The project aims to make science subjects more attractive to girls, improving their performance in such subjects. TEVETA has a positive discriminatory policy that ensures that 30% of students it sponsors in the Technical Colleges are females. This is done by among other things lowering pass mark for females during entry exams.

The gender gaps in university enrolment exist for two reasons: at University of Malawi, there are a fewer boarding facilities for female than male students. At the Chancellor College, a UNIMA constituent college, there are 13 hostels allocated to males while only six are allocated to female students staying at the campus. In addition, few females sit for University entrance examinations as dropout rates for females throughout the education cycle in primary and secondary are high. As a result, few females sit for Malawi School Certificate of Education. At Teachers Training Colleges as well, enrolment favours men. This is because there are few females applying for the profession.

Tertiary education is heavily state funded and a number of bursaries are made available for needy students. There is pressure to ensure that these are used to close the gender gap.



TEVETA sponsored females students at apprentice work.  
Pictures courtesy of TEVETA

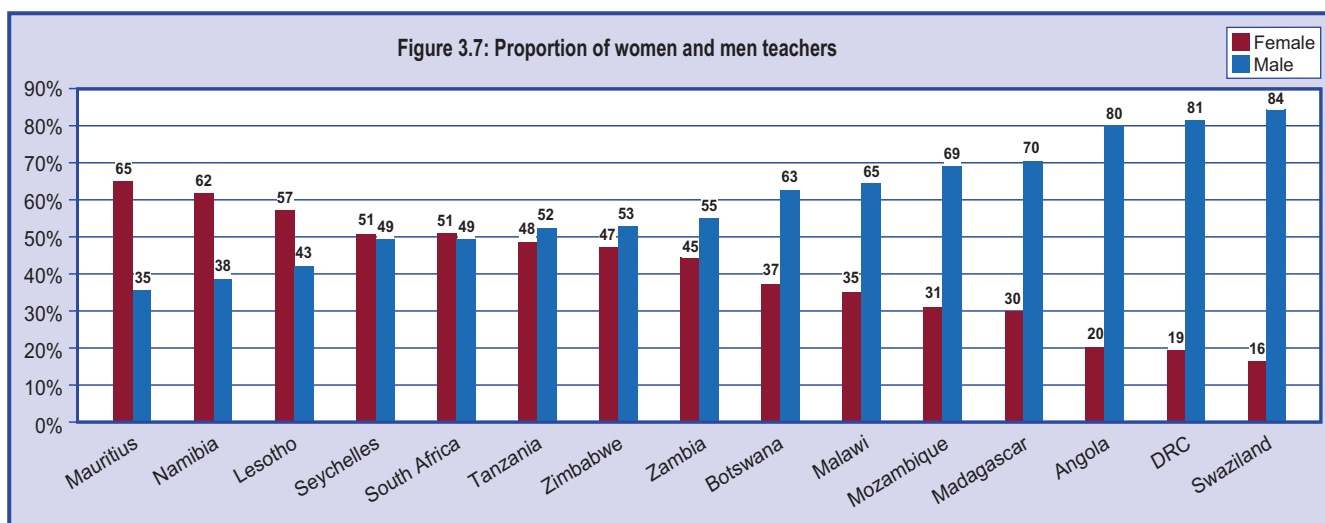
## Performance

**Table 3.4: Pass rates**

	% Girls/women	% Boys/men
Primary	73.48	70.61
Secondary	-	-
University	-	-
Vocational	-	-

Source: CSO, 2006.

<sup>4</sup> Gender responsive budgeting in Malawi: an Analysis of 2010/11 National Education Sector Budget: CSCQBE 2010.



Source: 2012 SADC Gender Protocol Barometer.

Figure 3.5 shows that in Malawi, men make up 65% of those in the teaching profession.

**Table 3.5: Women and men in university faculties**

Faculty	No of women	No of men	Total	% women	% men
<b>Bunda College</b>	<b>299</b>	<b>590</b>	<b>889</b>	<b>34</b>	<b>66</b>
• Agriculture	139	235	374		
• Development	84	203	287		
• Environment	76	152	228		
<b>Chancellor College</b>	<b>903</b>	<b>1729</b>	<b>2632</b>	<b>34</b>	<b>66</b>
• Education	268	508	776		
• Arts and Humanities	338	553	891	36	64
• Science	104	252	356	29	71
• Social Sciences(Including Economics)	158	337	495		
• Law	35	79	114		
<b>Polytechnic College</b>	<b>605</b>	<b>1495</b>	<b>2100</b>	<b>29</b>	<b>71</b>
• Applied Science	179	404	583		
• Built Environment	28	92	120		
• Commerce	195	437	632		
• Education and Media	134	236	370		
• Engineering	69	326	395		
<b>Medicine<sup>5</sup></b>	<b>388</b>	<b>560</b>	<b>948</b>	<b>40.93</b>	<b>59.07</b>
<b>Kamuzu College of Nursing</b>				<b>78</b>	<b>22</b>

Source: University of Malawi, Strategy for addressing implications of globalization in Higher Education, Draft, April 2010.

Table 3.5 shows that enrolment of women at Chancellor College in the faculties of Arts, Humanities and Social Sciences combined is at 36% compared to 64% men. If you compare this to the faculty of law is 31% compared to 69% men. In the Sciences the proportion of women drops further to 29%. The enrolment of women in

Sciences at Chancellor College is consistent with that Polytechnic College where the enrolment is close at 31% female students in the Applied Science Department. Apart from the college of nursing, male students outnumber female students.

<sup>5</sup> These May 2011 figures are provided by the College of Medicine Registrar office. The figures also include 215 postgraduate students (112 male and 103 females).

The stereotypical trend continues at the Kamuzu College of Nursing where women are 78% of the students enrolled to train as nurses. Women often take up jobs that involve care and nurturing for people.

The figures in the 2012 SADC Gender Protocol Barometer are similar from 2009 figures from the University of Chancellor. Female students enrolled in the faculties of: Arts, Humanities and Social Sciences are 33%; Science is 37% and Law are 29%.

### Education policy

Primary school education is free in Malawi and overall the country has made notable efforts to address gender inequalities in education. For example, the Forum for African Women Educationalists in Malawi (FAWEMA) and UNICEF have established a Girl Child Education Network. The network brings together stakeholders to share best practices for girls' education and coordinates activities towards achieving Millennium Development Goal (MDG) three for education.

There are various policies that promote gender equality in education. For example, the University of Malawi Act, in Section 12 A, makes provision for loan schemes to enable female students who lack funds to continue with their university education. The Act also stipulates that the council shall not discriminate on the basis of sex in appointments, registration of students and in holding any advantage or

privilege. In addition, the University of Malawi has adopted a policy that a minimum of 30% of its places should be allocated to female students.

The National Education Sector Plan (NESP) (2008 - 2017) prioritises technical and vocational training, including a revision of the TEVET (Technical Entrepreneurship and Vocational Education and Training) Act. The revision will take into account students with special needs, gender issues as well as HIV and AIDS. One key indicator that is being measured is the intake of female students in non-traditional areas.

A Higher Education Act will institutionalise a Council for Higher Education as a regulatory board responsible for accreditation. The council will be responsible for improving efficiency and effectiveness, which includes ensuring gender balance and that orphaned and vulnerable children access higher education.



Young women in Malawi benefit from the education policies seeking to promote gender equality, May 2006.  
Photo: Frank Windeck

### Government takes steps to address gender stereotypes in educational materials

The Ministry of education has introduced new text books that are gender sensitive. Many of the old text books only depicted girls in domestic roles performing household chores. The new text books show boys and girls breaking down gender stereotypes.

In addition, the government introduced life skills as a subject in schools which has helped to build girls' assertiveness as well as their awareness of gender issues. For example, they are taught that science subjects are not only meant for boys and they learn how to deal with sexual harassment and other forms of GBV perpetuated by teachers and male pupils.



Previously girls who became pregnant were withdrawn from school and not allowed to return to school. As a result of the review of the pregnancy policy in December 1993, the Ministry of Education, Science and Technology (MoEST) introduced a re-admission policy. With this new policy, pregnant girls can continue with school after delivery. According to the policy statement, this chance is supposed to be given only once during a girl's education. The policy further states that the girl will "...be readmitted upon application as long as there is assurance of safe custody of the child" (MOE, 1993 cited in Wolf et al, 1999). It further states that if a male student is responsible for the pregnancy, he is also supposed to be withdrawn together with the girl for one academic year and re-apply for admission in the next year.<sup>6</sup>

While this policy is useful in its own right, its implementation has been problematic. For one thing, the procedures for application are not clearly laid out.

As a result, head teachers interpret it differently. Because of the stigma and sometimes a hostile environment to girls, mothers re-admitted to their previous schools, some parents and guardians have preferred to have their daughters re-admitted at a different school. More work is still needed to change people's attitudes to girls returning to school after delivery.<sup>7</sup>

Source: Education for All Global Monitoring Report 2003/4 Gender and Education for All: The Leap to Equality Gender sensitive educational policy and practice: the case of Malawi. Dixie Maluwa-Banda

### Gender violence in schools

Safe School Programme (SSP) has assessed the prevalence of school-based gender violence and piloted intervention programmes in selected schools across the country. The study revealed *inter alia* that there are insufficient curricula and training related to prevention of gender violence; lack of institutional response; and lack of awareness, prevention and reporting by community

members and parents; and lack of support services for survivors.

### Costing and gender budgeting for education sector

Education has increased from 12.5% to 18.6 % of the total national budget over the last two years: 1.4% short of the 20% *Education for All* benchmark. The 2011-2012 budget sought among others to: "Ensure gender issues are mainstreamed in education activities." Strategies mentioned include: Build girls hostels; roll out "Mother Groups" in all schools; increase training, recruit and retain female teachers, especially in rural areas; develop a comprehensive strategy for improving gender equality in education; retention of girls in Standard 6-8 and the transition rate of girls into secondary school. Primary education received 61% of the budget surpassing the 50% *Education for All* benchmark.

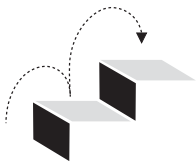


Malawi's young women need support structures to stay in school to improve their education. Photo: Frank Windeck

<sup>6</sup> Source: Education for All Global Monitoring Report 2003/4 Gender and Education for All: The Leap to Equality Gender sensitive educational policy and practice: the case of Malawi, Maluwa-Banda D.

<sup>7</sup> Source: Education for All Global Monitoring Report 2003/4 Gender and Education for All: The Leap to Equality Gender sensitive educational policy and practice: the case of Malawi. Dixie Maluwa-Banda.





## Next steps

Malawi is making significant progress in girls' education. However, there is still much to be done before 2015 to narrow the gender gap in education. There is a need for:

- More literacy opportunities for women, particularly in rural areas.
- Support to mother groups and other initiatives to encourage girls to continue their education and to study non-traditional subjects.
- Parents Teachers Associations and chiefs, mother groups should work together to discourage early marriages.
- Continued initiatives to encourage more female teachers.
- Promote sex education in secondary schools with accompanying reproductive health facilities for boys and girls.
- Narrowing the gender gap at tertiary level requires some concerted strategies such as targets and timeframes for achieving gender parity in vocational and higher education; supporting measures such as affirmative action, scholarships and special funds for girls and incentives for girls to enter non-traditional areas of training.
- Partnerships with the private sector and parastatals are critical to breaking gender stereotypes in the workplace as opportunities are opened up for women in non-traditional areas.



"Ntkozo"

Anushka Virahsawmy





## CHAPTER 4

# Productive resources and employment, economic empowerment

## Articles 15-19



Women breaking gender stereotypes: Petrol attendant Isabella Njolonde going about her daily routine - Lilongwe, March 2012.  
Photo: Loveness Jambaya Nyakujarah

### KEY POINTS

- Malawi with an SGDI score of 64% for gender and economy ranks 12th in the SADC region.
- Malawian citizens scored their country 55% based on their perceptions of the country performance towards meeting the targets in the SADC Gender Protocol on economy. Women were more generous at 57% compared to men who scored the government 54%.
- Women occupy 27% of economic decision making positions compared to 17% in 2011.
- The Constitution guarantees equal employment opportunities and equal pay for equal work for men and women. Over 73.9% of the population lives below the poverty line; women make up the majority of the poor.
- Women mainly work in the informal sector.

- Although Malawi has policies for women's economic empowerment, access to land and credit; many women are unaware of their rights.
- The penal code criminalises sexual harassment.

Table 4.1: SGDI and CSC scores on economy

	SGDI	CSC
Scores	64%	55%
Ranks	1	11

Table 4.1 shows a nine percentage point gap between the SDGI score of 64% and the CSC score of 55%. The SGDI score looks at women's share of economic decision-making, female to male labour force participation, female to

male unemployment rate, women's share of non-agricultural paid labour and the length of maternity leave. The SGDI does not measure women's access to land, to finance and to productive resources - all critical to this sector. This may account for the discrepancy between the SGDI score and the CSC scores.

### Background

Malawi is the 29th poorest country out of 182 nations over the world. Over 73.9% of the population lives below the poverty line, according to the 2010 UN Human Development Report. Women comprise the largest proportion of those who live below the poverty line.

Most women have limited access to productive resources. Women also do not often participate in economic decision-making even when the decisions affect them directly. They also continue to play multiple roles in society, as home-maker, mother, and often carer for the sick, which limits their time for income-earning activities.

The current Malawi Growth and Development Strategy (MGDS II) 2011/12 - 2015/16, which is still in draft form at the time of compiling this report, recognises gender as a cross-cutting issue and includes economic empowerment as one of its strategies for achieving gender equality. The draft MGDS II Subtheme 1 on Gender has the goal 'to reduce gender inequalities and enhance participation of all gender groups in socio-economic development'.

Furthermore, the National Gender Policy under Poverty Eradication and economic empowerment policy

highlights the importance of women's participation in economic development.

There has been some visible progress. While the statistics are not available, women are beginning to occupy leadership positions as chief executive officers or supervisors in banks, private companies, and other institutions.



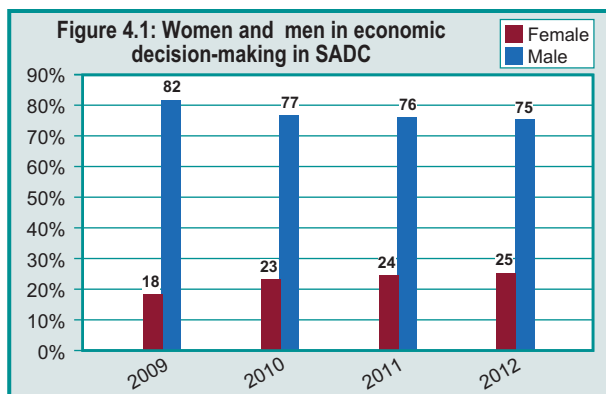
Women form the majority of those in the informal sector. Delifa Zulu sells her produce at a market in Blantyre. Photo: Trevor Davies

## Women and men in economic decision-making



*The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.*

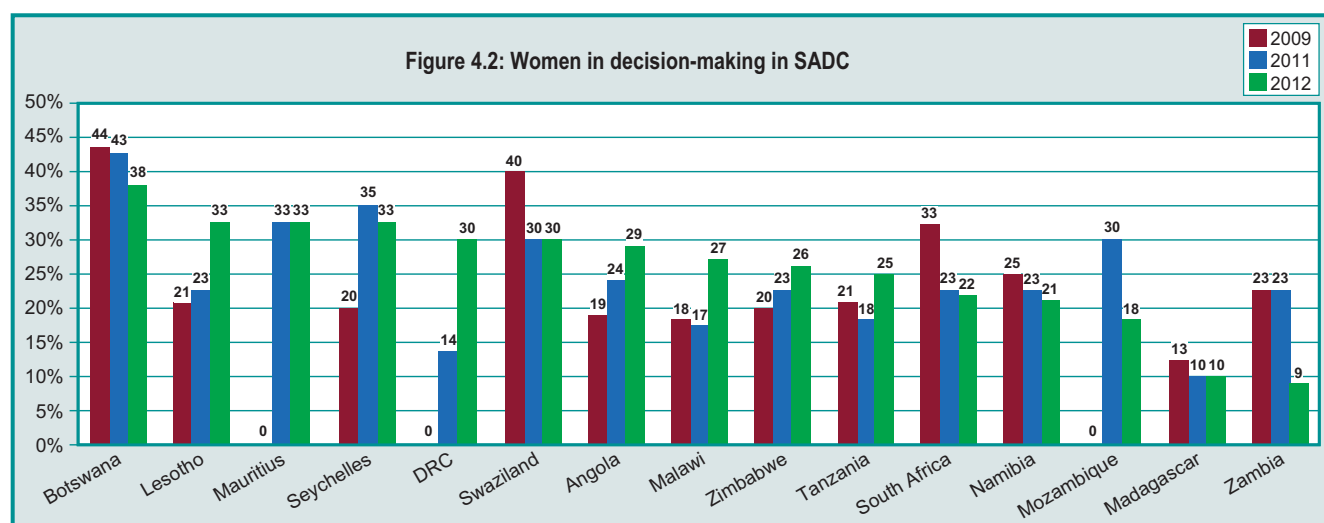
### Regional comparison of women and men representation in economic decision making



Source: 2012 SADC Gender Protocol Barometer.

Figure 4.1 shows that since the Barometer began tracking this indicator, overall there has been steady, albeit slow, progress towards achieving 50% of women in economic decision-making positions in SADC countries. From 2009 to 2012 women's participation in economic decision-making in roles such as ministers and deputy ministers, permanent secretaries in finance, economic planning and trade as well as governors of the reserve bank has gone up from 18% to 25%; that is seven percentage points increase.





Source: 2012 SADC Gender Protocol Barometer.

Figure 4.2 shows that Malawi performs relatively well in the region, ranking sixth out of the 15 SADC countries. Botswana, Swaziland and Lesotho top the list in terms of women representation.

### Breakdown of women in economic decision making positions in Malawi

	Name	Male	Female
Minister of Finance	Hon Dr. Ken Lipenga	✓	
Deputy Minister of Finance	Hon. Ralph Pacharo Jooma, MP	✓	
Permanent secretary/DG	Radson Mwadiwa	✓	
Permanent secretary/DG	Dr. Ted Sitimawina	✓	
Minister of Trade and Industry	Hon John Bande	✓	
Permanent secretary/DG	Mr. Nuwby Kumwembe	✓	
Governor of the Central or Reserve bank	Mr. Charles Chuka	✓	
Deputy governors of the Reserve Bank	Mrs Mary Nkosi		✓
	Dr. Naomi Ngwira		✓
	Dr. Grant Kabango	✓	
President	Joyce Banda		✓
<b>Total</b>	<b>11</b>	<b>8</b>	<b>3</b>
<b>Percentage</b>		<b>72.2%</b>	<b>27.2%</b>

Source: Reference Group - 2012, Media Reports, Government website.

Table 4.2 shows that women hold only 27.2% of the economic decision-making positions. More needs to be done to ensure more women join the ranks, as with political will it is possible.

### Policies and initiatives

Many policies recognise the relevance of gender and the need to empower women. The policy of the Trade and Industry Ministry regards a woman as a legal entity in fair trade. The small and medium enterprise policy encourages women to conduct businesses. Women engaged in cross border trading are not taxed for small quantities of goods. The Business Licensing Act and the Weights and Measures Act do not discriminate against

women but there are no affirmative measures. Women have difficulty in raising license fees for example, so affirmative measures would go a long way in assisting them start up larger scale ventures and join the mainstream economic sector.

The Gender Desk on trade issues in the Ministry of Industry and Trade is responsible for gender mainstreaming. The Federation of National Associations in COMESA (FEMCOM), which is chaired by the National Association for Business Women (NABW), promotes women's economic empowerment including initiatives such as micro financing for women, women entrepreneurship and business management.

## Gender budgeting



*The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking, monitoring and evaluation.*

Budgets are a government's most important policy instrument, shaping social and economic development and reflecting priorities for action. They outline how much will be spent on health care, military or education, what taxes may be introduced, increased or decreased, strategies for increasing employment or access to housing, and every other activity of the government. Although budgets may appear to be gender-neutral policy instruments, expenditures and revenue collection can have different effects on women and men.

If governments and relevant stakeholder do not provide financial support to gender-related programmes and initiatives, the SADC protocol targets will not be reached. Malawi has is making some progress on the gender-responsive budgeting agenda. The Ministry of Gender,

Children and Community Development (MoGCCD) has provided gender budgeting awareness training to public sector officers at different levels, including principal secretaries, directors of planning and budgeting officers, and gender focal point officers. The ministry has also developed and disseminated guidelines on gender responsive budgeting. Officers from the Ministry of Gender were appointed to seven key ministries to provide technical support on gender budgeting.

However, so far initiatives on gender budgeting have been fragmented and have not had a huge impact. Gender focal points are yet to be established in the Ministry of Finance and Development Planning (MoFDPC).

### Costing

Government/Agency allocation on responsive gender budgeting:

- In 2009, the government allocated K400, 000 equivalent to US\$ 1,331 to orientate gender focal point officers specifically on gender responsive budgeting (GRB).
- In 2010, the government allocated K97, 500 equivalent to US\$ 325 for GRB.
- In 2010, UNDP and UNFPA allocated K2, 800,000 equivalent to US\$ 9,320 to orientate 80 district council officers.
- In 2011, UNFPA allocated K1, 605,400 equivalent to US\$ 5,510 to implement a project on GRB within the ministry of Gender.



Women informal traders contribute significantly to the economy.

Photo: Frank Windeck

## Time use



*The Protocol provides that, by 2025, state parties shall conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.*

The 2010 national Gender Development Index (GDI) published by the National Statistical Office (NSO) and the Ministry of Gender, Children and Community Development showed that, women spent more time in domestic, care and volunteer activities compared with men. It also showed that there is a gap in the time spent in market activities as either paid employees or self-employed individuals. Here men recorded a higher number of hours spent than their female counterparts.<sup>1</sup>

The 2005 NSO report also showed that among persons aged 15 or older, 90% of women undertook domestic tasks compared with 24% by men. Women spent 7.7 hours each day on household chores compared with men, who spent as little as 1.2 hours per day doing the same activities. The figures exclude time spent on childcare. The implication is that women compared with men spend less time on economic activities.

These population averages conceal the even higher proportion of hours spent on domestic tasks by women who are in the 25 to 45-year age group. Women in this age group do most of the reproductive and productive work, with heavy responsibilities for childcare, family care and for providing sustenance to their families. Although they are most in need to engage in economic activities, they have least time to do so.

Another study completed in 2010 as part of producing the GDI, confirmed findings of the 2005 studies that women spend more time in domestic care than men. That study included volunteer activities and found that men spend more time at the “market” (commercial activities). The GDI, however, is not sufficiently explicit in detailing the justifications for the greater number of hours that women spend on their triple roles. An outcome is that the National Gender Machinery and other stakeholders should dedicate more resources to time studies in a systematic way.



Women assume unpaid domestic tasks, which take up a lot of time from a young age. Right - a young girl carrying litter as she assists in cleaning the house - Lilongwe, March 2012. Photo: Loveness Jambaya Nyakujarah

## Economic empowerment



*The Protocol provides that state parties shall by 2015:*

- *Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors;*
- *Review national trade and entrepreneurship policies, to make them gender responsive;*
- *Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.*

<sup>1</sup> Government of Malawi, (2010). Gender and Development Index, 2010. Ministry of Gender, Children and Community Development and the National Statistical Office, p. 9. Available at: [[http://www.nso.malawi.net/images/stories/data\\_on\\_line/economics/Gender/MALAWI%20GENDER%20AND%20DEVELOPMENT%20INDEX%20\\_April 2010\\_Final.pdf](http://www.nso.malawi.net/images/stories/data_on_line/economics/Gender/MALAWI%20GENDER%20AND%20DEVELOPMENT%20INDEX%20_April%202010_Final.pdf)].



### Trade and entrepreneurship

Although women benefit from entrepreneurship training they cannot always put into practice what they learn. Some banks allow women to take out loans with less restrictive conditions, but most still require high collateral.

### Informal trade

The Trade and Industry policy (1998) mentions the importance of informal sector in domestic trade. The policy statement provides that government shall: (a) Take remedial measures such as countervailing duties, anti-dumping measures and safeguards to protect domestic manufacturers and traders; (b) Ensure decentralisation of the registration of business names under the Business Names Registration Act; and (c) Ensure flexibility in the period of validity of business licenses. However, the policy does not have specific interventions for women in the informal sector.

Women are largely engaged in informal trade, because many lack the means to progress to higher levels of trade. The 2002 Micro finance Policy and Action Plan puts in place non-discriminatory conditions for financial loans. However, even when women obtain loans, men sometimes continue to control businesses owned by women.



Men too are involved in the informal sector. A man selling eggs and cooking oil at an informal market in Lilongwe.  
Photo: Gender Links

Moreover, women in the informal sector have become even more vulnerable during the economic recession, suffering the impact high prices of raw materials and taxes increases.

### Procurement

Malawi's Public Procurement law does not segregate between women and men when it comes to public procurement. Women are increasing breaking into new areas; for example, the government has awarded contracts in the construction sector to many women though exact figures are unavailable.

## Property and resources



*The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.*

Access to credit is difficult for poor families, particularly poor women. The Malawi Poverty Vulnerability Assessment Report (2006) indicates that 12% of the households reported that both formal and informal credit institutions prefer to lend households that are more endowed in both land and income.

The 2002 Malawi National Land Policy requires that individual and family titles to customary land be registered in the names of all nuclear family members (husband, wife, and children). In the event of death of a husband or wife, the spouse inherits the land. This deals with land tenure insecurity associated with the household land in the cases of matrilineal or patrilineal marriages.

Property grabbing or dispossession has been a major problem, denying the woman of her matrimonial property rights. The amendments to the Wills and Inheritance Act made provision for the prosecution of 'property grabbers'. See Chapter one to read more about the Act. However, evidence shows that the provision has not been effective because the requisite public prosecutors have not yet been appointed.

The 2006 Food Security Policy recognises women's role in food production and has helped in facilitating access to credit for farmers.

### Policies and Initiatives

Malawi has a number of economic empowerment



policies. For example, the micro finance policy provides for the development of micro finance and identifies the major stakeholders critical to implementation of the policy. However, it falls short of making specific affirmative action for women entrepreneurs.

The Micro Finance Act stipulates that the primary business of micro finance institutions is the provision of micro finance service to small or micro enterprises, low-income customers, financially underserved customers. The assistance should include microcredit, micro insurance and micro leasing. There is no clear definition of the beneficiaries or the disadvantaged groups. Women are not specifically mentioned as a disadvantaged group.

In addition, the Financial Cooperatives Act 2010 does not create specific savings and credit cooperatives (SACCOs) for women or disadvantaged groups. There is no mention of any affirmative action for disadvantaged groups, such as women. However, the Act provides for the regulation and supervision of financial savings and credit cooperative societies. The Act should help women to invest and borrow money and conduct business. In particular, Section 19 provides for permissible activities of SACCOs.

There are some innovative initiatives specifically for women, such as 'Pamtondo', which is linked to SACCO and the Malawi Union of Savings and Credit Cooperatives (MUSCO). Women are supposed to mobilise 10-15 members. They contribute money and open a bank account with a SACCO.

The Ministry of Gender, Children and Community Development (MoGCCD), in collaboration with stakeholders, are reviewing the Malawi National Economic Empowerment Policy. This policy is a tool to ensure that women's economic empowerment is mainstreamed in economic interventions.

Overall, there has been progress, but one of the major challenges is that most women have little or no knowledge of land laws and policies. According to a baseline survey on women and land rights conducted by ActionAid and NiZA in Dowa district, 84% of women had no knowledge of land laws and policies. Likewise, in Mzimba district, 72% of women farmers were unaware of their rights to land. Moreover, 27% of women who claimed to know their land rights actually knew only about traditional land laws and not statutory ones.



More favourable economic policies are required for women to scale up their businesses. A woman hairdresser.  
Photo: Gender Links

## Employment



*The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work, eradication of occupational segregation and maternity and paternity benefits.*

According to the 2011 National Statistics Office (NSO), 437,577 men are in formal employment compared to 107,980 women. Therefore, women only make up 20% of the formal employment workforce. Malawi's minimum wage is only MK178.25 (about U\$1.17) per

day. The Malawi Congress of Trade Unions notes that the wage is extremely low.

According to the 2008 population census of 13 million people, a total of 5,787,769 people are economically

active. Out of this population, 5,615,918 are employed and 1,718, 51 are unemployed. Out of the working age population, 50.2% were males and 49.8% were females. The 2008 Population and Housing Census also highlights that manufacturing, construction, electricity and water are male-dominated, while more women worked in agriculture and fishing making up 53% of those employed in the sector. Wholesale and retailing records more males at 56%. However, women make up 62% of those employed in hotel and food services.

### Labour force participation of women and men

Labour force participation, which is the number of people employed within an economy, and those who are unemployed but are looking for a job. These people

of “working-age” are between the ages of 16 - 64 years. Students, homemakers and retired people under the age of 64 are not counted as part of the labour force. In Southern Africa, labour force participation for women continues to lag behind that of men.

### Employment policies, laws and initiatives

The Constitution of Malawi (No. 24 of 1994) is specific in mandating gender equality (section 13) and prohibiting discrimination (section 23). Section 24 elaborates the rights of women. However, how these rights are to be enforced is not specified other than in the general provisions of section 46 of the Employment Act, referring to the Ombudsman and the Human Rights Commission.



Women pushing the boundaries as they break gender stereotypes in employment. From right front: Fanny Chigunda, Newton Chirara, Isabel Njlonde, Mabvuto Ntala and Dennis Tsamvu - Lilongwe, March 2012.

Photo: Loveness Jambaya Nyakujarah

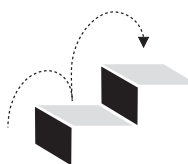
Table 4.3: Conditions of employment

Provision	Yes/No	Provisions
Maternity leave	Yes	Employment Act Section 47.
Paternity leave	No	Public debate on the issue.
Sexual harassment	Yes	Penal code criminalises sexual harassment.
Night work	Yes	No restrictions.
Same retirement age and benefits for women and men	Yes	Section 5(1) No person shall discriminate against any employee or prospective employee on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family, responsibilities in respect of recruitment, training, promotion, terms and conditions of employment, termination or other matters arising out of the employment relationship.

Source: The Employment Act.

The Employment 1999 Act (No. 6 of 2000) has some encouraging clauses:

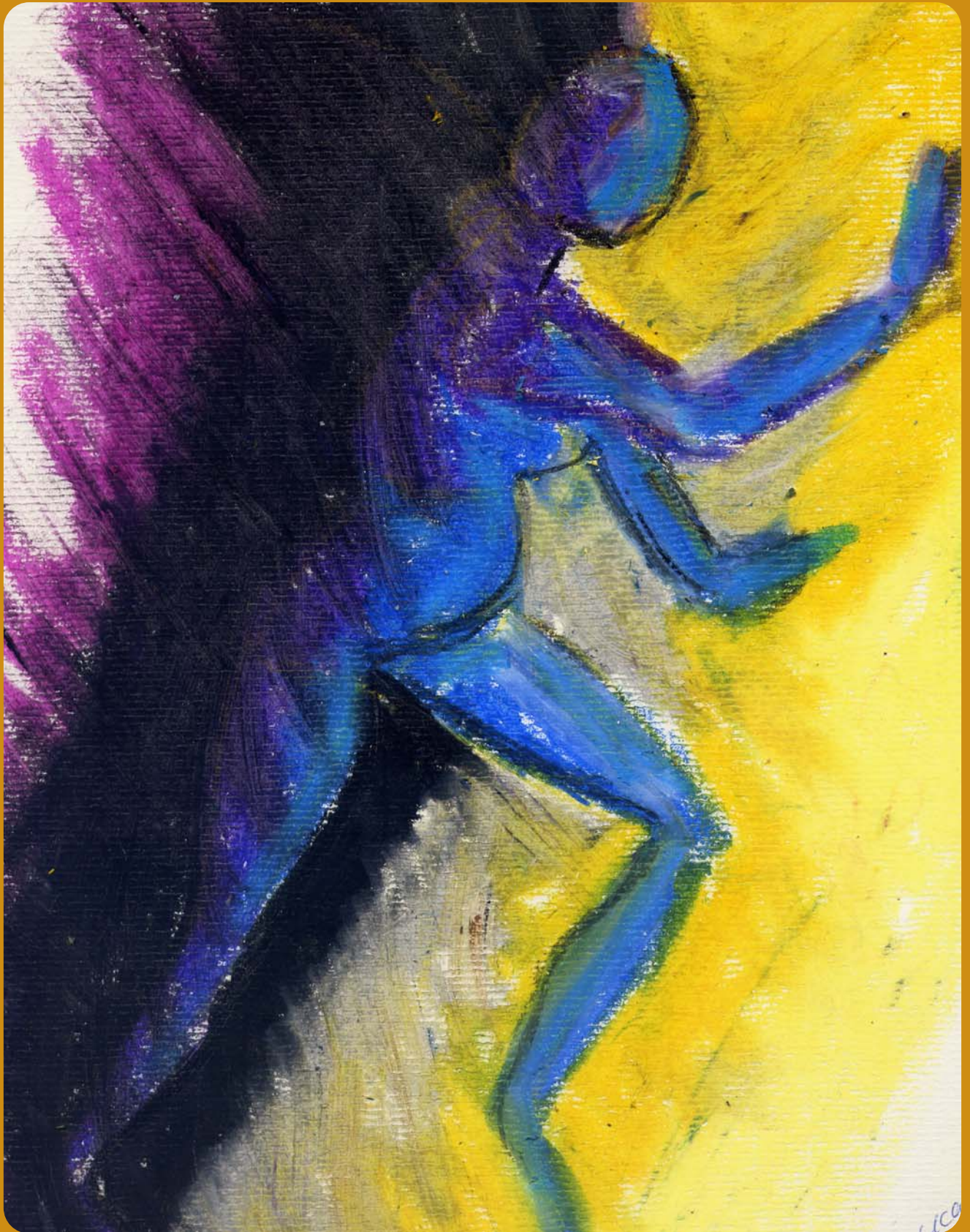
- maternity leave and maternity allowance: a female employee shall be entitled, within every three years, to at least eight weeks maternity leave on full pay (section 47).
- paid holiday: every employee shall be entitled to a period of annual leave with pay of not less than (a) 18 working days if he/she works six days a week, and (b) 15 working days if he works five days a week, of paid leave is given per year (section 40).
- paid sick leave: an employee shall be entitled, after completing 12 months' continuous service, to at least four weeks sick leave on full pay and eight weeks sick leave on half pay during each year (section 46).
- overtime payment: for each hour of overtime an employee shall be paid at the hourly rate of no less than one and one-half his/her wage for one hour and four each hour of day off overtime, an employee shall be paid at the hourly rate of no less than twice his wage for an hour (section 39).



## Next steps

- Women need to be empowered to take up more economic-decision making positions perhaps through affirmative action measures in institutions and government is needed.
- Initiatives to increase women's access to credit and training need to be scaled up.
- A campaign is needed to raise public awareness about existing land policies and legislations, particularly focusing on women's rights to land.
- Intensify gender responsive budgeting training and encourage all line ministries to allocate resources for gender mainstreaming.
- Economic literacy for women and men in informal trade in particular.





"Zarina"

Anushka Virahsawmy





# CHAPTER 5

## Gender Based Violence

### Articles 20-25



Men for gender equality saying no to domestic violence.  
Photo: Colleen Lowe Morna

#### KEY POINTS

- Both women and men gave a score of 56% for the government's efforts to address gender based violence (GBV).
- There is key legislation in place to combat GBV, including domestic violence and sexual harassment.
- The GBV response is at all levels in society; men are also becoming involved.
- The National Response to Combat GBV strategy (2008-2013) provides the framework for an integrated approach to ending GBV.
- The main challenges are lack of resources with few trained personnel to deal with GBV.
- There is a lack of shelters for survivors.
- An Anti-trafficking Bill is in the making to address human trafficking.

**Table 5.1: CSC scores on gender based violence**

	SGDI	CSC
<b>Scores</b>	N/A	56%
<b>Ranks</b>	N/A	9

Reliable and comprehensive quantitative data GBV is difficult to obtain. Police statistics are highly contested because of the under reporting of GBV and inadequate data collection tools. For this reason, there is no SADC Gender and Development Index (SGDI) score for GBV.

The only measure in this sector is citizen perceptions, as measured through the Citizen Score Card (CSC).

Table 5.1 shows that on average citizens scored 56% in terms of government's performance in addressing GBV in line with the SADC Gender Protocol targets based on the CSC. Both women and men gave authorities the same mark, 56%. The citizens acknowledge the advances in addressing GBV in Malawi, but at the same time showing awareness that there is still a long way to go before the current high levels of GBV are halved.

## Extent of gender-based violence



*The Protocol aims to reduce the current levels of gender-based violence by half by 2015.*

Malawi has adopted an integrated approach to reduce GBV involving many stakeholders at all levels of society.

The main challenge is lack of data on all forms of GBV. Table 5.2 shows that there were 19,000 rapes reported to the police, but data on the cases that were withdrawn or the number of convictions is lacking. Like in many other countries, most cases of rape were probably not reported.

**Table 5.2: Gender violence statistics**

No of reported rape cases during 2011	19,000 (police statistics only )
No of rape cases that get withdrawn	
% rape cases withdrawn	
Number of convictions	
% conviction rate	

*Source: Year Malawi Police Service Headquarters (Statistics department) 2011.*

## Response and support



*The SADC Protocol provides that by 2015 state parties shall: Enact and enforce legislation prohibiting all forms of gender-based violence; ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault; review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence; enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society; enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.*

**Table 5.3: GBV response and support**

Provisions	What is in place?	What needs to be put in place?
<b>Laws/ policies</b>		
Legislation prohibiting all forms of GBV.	Prevention of Domestic Violence (PVDA)/Penal Code.	Parliament passed the Penal Code but with general public reservations. The Law Commission is about to finalise the review of the PDVA.
Ensuring that all perpetrators of GBV are brought to book.	Malawi has the PVDA, Penal Code and The Deceased Estates (Wills, Inheritance and Protection) Act.	Communities should report all GBV cases to the relevant authorities, and the law should be enforced.
Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception.	All health facilities provide such services, as well as some selected police stations. This is provided in the policy and not the law.	Health facilities and Police Victim Support Units (VSUs) should provide comprehensive testing, counselling and support services for survivors of GBV.
Access to Post-Exposure Prophylaxis for survivors of GBV.	Most health facilities have PEP for survivors of GBV and all health workers are aware that they should provide this service.	Rural health facilities and VSUs do not administer PEP. PEP should be administered at the community level too.
Prevention of sexually transmitted infections (STIs).	Condoms are widely used to prevent STIs. There is also awareness raising on STI prevention in general.	More public education is needed. There is a need to train more people in correctional services: Malawi Prison Service, Malawi Police Service and social workers. There is also need for increased psychosocial rehabilitation for perpetrators.
Social and psychological rehabilitation of perpetrators of GBV	Malawi lacks rehabilitation facilities and services.	Parliament should speed up the process of passing the laws that it has reviewed.
Review of criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.	Some reviews have taken place; Parliament has not yet approved most of the reviewed laws. The Penal Code has now been passed with the amendments in 2011, The 2006 PDV Act 2006 is under review.	
<b>Human trafficking</b>		
Specific legislation to prevent human trafficking.	A Human Trafficking Bill has been drafted but is yet to be passed by parliament. The Malawi Law Commission and NGOs have been lobbying to have the bill passed.	It is expected that the law will be passed soon.
Mechanisms to eradicate national, regional and international networks that facilitate human trafficking.	There are mechanisms in place, including project-based interventions by NGOs and government but they have been poorly coordinated.	Establishment of mechanisms to deal with human trafficking, ensure law enforcement and public awareness to curb escalation of human trafficking.
Harmonised data collection on trafficking.	There is no harmonised data collection.	Institutions need to collect data systematically on human trafficking.
Capacity building, awareness raising and sensitisation campaigns on trafficking.	Awareness raising is happening but on a minimal scale.	There is need for a comprehensive programme to educate communities on the dangers of human trafficking.
<b>Sexual harassment</b>		
Adopt laws, policies, programmes that define and prohibit sexual harassment.	The Constitution under Section 24 and Penal Code are clear on this, but prove offences in court. Few private sector organisations have policies to curb sexual harassment.	Need to enforce legislation and increase public awareness so that people understand that sexual harassment is a crime.
Gender balance in bodies adjudicating sexual harassment cases.	There are few female magistrates that can adjudicate such cases if they are reported.	More female magistrates are needed.
<b>Support services</b>		
Cases on GBV to be heard in a gender sensitive environment.	Many people are unaware of such procedures although they are in place.	Need for public education on the procedures so that people use them.
Special counselling services.	There are counselling services in VSUs and health facilities.	There is need to increase the number of VSUs and health facilities that have professional staff trained in GBV counselling.

Provisions	What is in place?	What needs to be put in place?
Dedicated and sensitive services provided by police units; health; social welfare.	Yes, they are provided by police and social welfare.	The government needs to increase staff as well as the resources because they are unable to cope with the demand.
Accessible information on services available to survivors of gender based violence.	Information is available, but some people do not know about the services.	There needs to be wide dissemination of information about the available services and an increase in the accessibility of the services, i.e. they need to be located closer to the communities. More paralegals need to be trained to help survivors of GBV.
Accessible, affordable and specialised legal services including legal aid to survivors of gender based violence.	Such services are accessible to some extent, but they are not affordable.	The government should increase the enrolment of law students at the University so that there are more lawyers to work at the Legal Aid Department.
Specialised facilities, including support mechanisms, for survivors of GBV.	There are a few specialised facilities at the national level.	More resources need to be provided to Police VSUs so that they can have such facilities, and at the same time more resources should be invested in establishing temporary shelter for survivors of GBV. More One Stop Centres should also be established.
Rehabilitation and reintegration facilities for survivors of GBV.	No	This is another area that needs resources.
<b>Training of service providers</b>		
Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials.	The Ministry of Gender, the Judiciary, Police and NGOs have received gender sensitisation training.	The training needs to be intensified so that all relevant officials are trained on gender issues.
Community sensitisation programmes for survivors of GBV.	Yes, sensitisation at community level has taken place with the involvement of traditional leaders and the communities, particularly on the impact of GBV and on reporting procedures.	There is a need to increase raise public awareness to reach all sectors of society, especially those in the rural areas.
Formal training programmes for service providers.	Some service providers are being sponsored for under graduate programmes in universities at in and outside Malawi. They receive training in case handling, psychosocial support and general social work as well as community policing. Workshop training has also been provided.	As more people become aware of the services, the demand has increased. There is a need to scale up training to meet this new demand.

Source: Interviews and reference group meetings.

## Prevention



*The Protocol provides for measures, including legislation to discourage traditional and cultural practices that exacerbate GBV and to mount public campaigns against these.*

The Malawi Constitution, Section 24 (2), invalidates any customary practices that discriminate against women.

### *Public awareness*

There is awareness of GBV at all levels of Malawian society though there are no statistics on the extent of awareness.

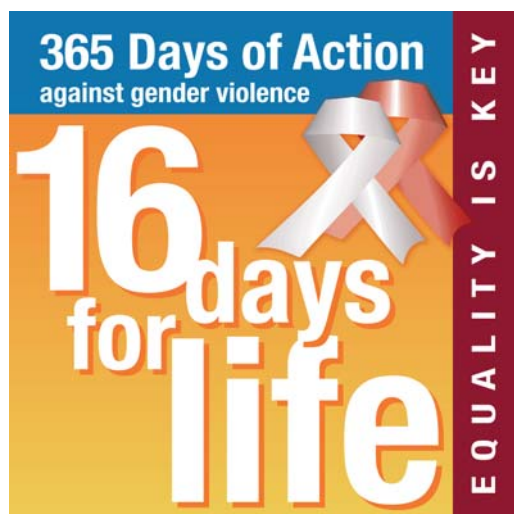
The Government supports a variety of GBV awareness programmes such as safe schools programmes; community mobilisation on HIV and AIDS (Advocacy for Social Justice) and Women's Forum.

The Government and civil society organisations have embraced the 16 Days campaign as an important avenue



for advocating for a violence-free society. The 16 days campaign has also resulted in many more survivors of GBV reporting incidences to the police. Although there has been no plan to extend the 16 Days of Activism campaign to a yearlong campaign under the banner of the 365 Days of Action regional campaign, the government and civil society organisations have implemented GBV programmes throughout the year.

Men have also become involved in the fight against GBV. Since 2003, the Men for Gender Equality Now (MEGEN) has been active in the country and have shared best practices with other partners in the region. Malawi also participates in the GBV Prevention Network, coordinated by Raising Voices of Uganda, which links up NGOs across the African region.



Malawi has recently incorporated its activities within the UN Women led UNiTE campaign to prevent and punish violence against women and girls.

#### *Political will is key*

The highest office of the land has demonstrated political will. Apart from the legislation put in place, the late President Bingu Wa Mutharika and incumbent President Joyce Banda have often spoken out against GBV. NGOs have come up with innovative approaches that involve men, traditional leaders and perpetrators.

To realise the SADC Gender Protocol vision of halving the level of GBV by 2015, the researcher reviewed four of the main parties' manifestos. They all have mainstreamed gender equality. Some gender activists claim they may be paying lip service to gender issues, but others see it as an opportunity for advocacy on gender violence.

#### *Role of the media*

The media has played an important role in GBV prevention. The media is more often than not part of the problem rather than being part of the solution in their coverage of gender violence. Yet the media has a huge potential role to play in changing attitudes, perceptions, and mind-sets about GBV.

The 2010 Gender and Media Progress Study (GMPS) states that GBV specific stories and stories that mention GBV constitute only 3% of total coverage in Malawi, slightly lower than the SADC regional average of 4%. This is despite the high levels of GBV in the country. Read this section in tandem with Chapter 9 on Media, information and communication.

## Integrated approaches



*The SADC Protocol on Gender and Development calls on states to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by 2015.*

Malawi has adopted a National Response to Combat GBV strategy (2008-2013).

At the launch in 2008, Malawi declared the vision of "A society that is free from GBV" at a ceremony jointly organised by the Ministry of Gender, Children and Community Development (MoGCCD), NGOGCN, and the Network against Gender Based Violence (NAGBV). The NAGBV is made up of government workers, the police, state institutions, the Judiciary, District Assemblies,

and community action groups that do not fall under the category of civil society organisations (CSOs).

The Ministry of Gender, as the overall coordinator of gender activities at the national level, works with CSOs, state institutions, District Assemblies, and community action groups at the community level, as well as traditional leaders in the fight against GBV. The role of the ministry is to coordinate implementation at the policy level, while the MHRRC coordinates the activities

of the NAGBV at the implementation level and NGOGCN, through its Permanent Committee of GBV, which in turn coordinates the activities of other CSOs. This structure recognises the role of bilateral and multilateral donors and other development partners.

### **Roles and responsibilities**

While there is a clear demarcation of roles and responsibilities, there is a lack of financial and human resources to implement all the programmes. The Ministry of Gender, Children and Community Development provide leadership for the action plan. All the line ministries have a GBV focal point, although they are not usually at managerial level. Most managers are responsive to GBV issues although others have been reportedly resistant to the programme.

Despite the progress, huge challenges remain. The main challenge is to scale up activities throughout the country. The government budget only supports service providers like the police and Judiciary, but not civil society organisations' activities.

The majority of service providers need financial resources as well as more technical expertise to address GBV more effectively. Malawi also needs temporary shelters for survivors of GBV as at present survivors have to rely only on services provided by the overstretched Malawi Police Victim Support Units.

Malawi has had only two temporary shelters since the introduction of GBV activities. However these centres closed due to a lack of resources. The only centre that is operational today is one for children who are rescued from streets in Lilongwe City.

### **Human trafficking**

The government is in the middle of formulating an Anti-trafficking Bill. The authorities intensified border patrols through the Department of Immigration and Malawi Police Service.

The country is primarily a source country for men, women, and children subjected to forced labour and sex trafficking. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labour trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and parts of Europe.<sup>1</sup>

The government maintained its efforts to ensure forced labour victims' access to protective services and it prosecuted and convicted labour trafficking offenders; however, adults in forced prostitution or forced labour and children exploited in domestic service and prostitution still did not receive adequate attention

and the government prosecuted no such offences during the reporting period.<sup>2</sup>



Men are taking an active role in campaigns against GBV.

Photo: Gender Links

### **Monitoring and evaluation**

Monitoring and evaluation (M&E) is carried out at all levels. The national technical working group (TWG), which consists of stakeholders who are involved in the GBV response, have conducted M&E at project and macro level. The TWG reports to the Development Assistance Group on Gender (DAGG), which has members from government departments, the donor community, development partners and NGOs.

The National Response to Combat GBV (2008 to 2013) has clear strategies and goals. It replaced the 2002-06 action plan. This current action plan is in line with achieving the targets set out in the SADC Protocol on Gender and Development but the lack of human and financial resources could prevent the targets from being reached.

### **Formal reporting**

Malawi is formalising all the work on GBV issues by first mapping out all the stakeholders throughout the country with programmes to address GBV. The government wants to avoid activities being duplicated and to improve resource allocation. Secondly, TWG is establishing district TWGs, which will in turn establish area-TWGs. The area TWGs will support the Community Action Groups that are already operating in most communities in the country.

In addition, all stakeholders in the GBV response will use a harmonised reporting form, which will be sent to the national data base centre in the Ministry of Gender, Children and Community Development.

<sup>1</sup> [http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling\\_of\\_Migrants\\_A\\_Global\\_Review.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf)  
<sup>2</sup> [http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling\\_of\\_Migrants\\_A\\_Global\\_Review.pdf](http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Smuggling_of_Migrants_A_Global_Review.pdf)

### Case study: Perpetrator turned educator against GBV

A couple previously living together for a long time in a violent relationship have now become role models in their community combatting domestic violence. The wife said her husband beat her almost every day whenever he was drunk. They tried marriage counselors and the wife left the home to live with her parents on numerous occasions. Each time she left, her husband would seek reconciliation and she would return to their home only to be beaten again. Then, one day the

Malawi Human Rights Resource Centre were working in the area building a Police Victim Support Unit and introducing a Psychosocial support training programme for perpetrators together with survivors of violence. The couple was one of a number of families who benefitted from the initiative and have become role models in their community. They have also been invited to share their experiences in other communities. They have named their last born child "Gender".

### Budgetary allocations

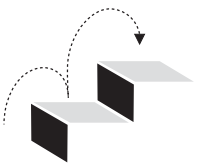
The Malawi government has not directly allocated resources for activities for GBV. The national budget is not gender responsive. The only budget allocation for the GBV response is the budget for the Ministry of Gender, Children and Community Development in the form of Other Recurrent Transactions (ORT).

In 2008, the NGO CN conducted a comprehensive study, which revealed that the financing given to gender activities was minimal. These findings have also been supported by health and education organisations who have conducted sector-specific gender budgeting analysis.



Poster for prevention of GBV.

Photo: Trevor Davies



### Next steps

- There is a need to step up sensitisation campaigns, especially on forms of GBV that are not so well understood, like sexual harassment and GBV against sexual minorities;
- Once parliament passes the bill on human trafficking, sensitisation campaigns need to be stepped up to inform communities about how to use it.
- There needs to be a concerted effort to increase political will and buy in from governments to allocate more resources for addressing GBV.
- Costing of National Action Plan is a first step to accessing budgets.
- Lobby government to collect comprehensive baseline data to measure extent, response, support and prevention of GBV based on the GBV Indicators project piloted in three other countries: Botswana, Mauritius and four provinces of South Africa.





A different kind of family

Anushka Virahsawmy





## CHAPTER 6

# Health

## Article 26



Information is power. Emma Kaliya, Programme Manager at Human Rights Research Council of Malawi and Chairperson of NGOGCN explaining gender equality to a woman from the community - Lilongwe, March 2012.

*Photo: Loveness Jambaya Nyakujarah*

### KEY POINTS

- With an SGDI score of 58%, Malawi ranks eighth in the SADC region.
- Citizens gave the same score 58% based on the CSC.
- Malawi has one of the lowest rates for women using contraceptives at 36% compared to other countries in the region.
- The 2010 Total Fertility Rate (TFR) is 5.7. For women with more than secondary school education, the TFR drops to 2.1 while those with no education have a TFR of 6.9.
- Men are gradually becoming involved in family planning campaigns.
- Malawi has reduced the maternal mortality rate, but it is still high at 675 deaths out of every 100,000 live births.
- Some 17% of maternal deaths are related to abortion complications.
- Malawi has the third highest sanitation coverage in rural areas in the region after Mauritius and Seychelles.

**Table 6.1: SGDI and CSC scores for health**

	SGDI	CSC
<b>Scores</b>	58%	58%
<b>Ranks</b>	8	8

The SGDI and CSC scores for the health are the same at 58%. The SGDI is based on the following indicators: women aged 15-49 years who report to use at least one form of modern contraceptive method, births attended by skilled personnel, and the maternal mortality rate. Citizens' perceptions are probably influenced by lack of adequate infrastructure and long distances to travel to hospitals.

### Background

WHO has defined sexual health as: "a state of physical, emotional, mental, and social well-being related to sexuality. It is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive

and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained the sexual rights of all persons must be respected, protected and fulfilled."<sup>1</sup>

The sector faces a myriad of challenges. These include: inadequate health facilities with insufficient or inadequately trained health professionals. This affects women's access to relevant services. Where services are available, several reasons contribute to reducing women's access including long distances to health facilities; negative attitudes about health personnel; lack of knowledge about available services; inability to make sexual and reproductive health choices; traditional beliefs and customs; and the high cost of some services. Malawi has in place a Sexual and Reproductive Health and Rights (SRHR) policy, which guides the provision of services. However, implementing the policy as well as monitoring and evaluation remain a challenge.

## Sexual and reproduct health



*By 2015 countries should develop and implement policies and programmes addressing mental, sexual and reproductive health needs of women and men.*

**Table 6.2: Key sexual, reproductive and health indicators**

Indicators	Country statistic/policy	Comment
Current maternal mortality rate	675 per 100,000 live births*	
% Births attended by skilled personnel	71%*	
% Contraceptive use among sexually active women aged 20-24	36.1%*	
% Contraceptive use among married women	46.1 %*	Increased from 33% in 2004 MDHS.
No. of deaths annually as a result of illegal abortions	17%	Mostly performed by unskilled personnel.
Country policy on abortion	Illegal only under certain conditions	Abortion is allowed when the mother's life is in danger.
Total coverage of sanitation facilities		
Urban coverage	80%	
Rural Coverage	33%	

Source: \*2010 Malawi Demographic and Health Survey (MDHS) Report.

### Fertility

The 2010 MDHS highlights that Total Fertility Rate (TFR), at 5.7 has dropped slightly. It was 6.0 in 2004 and 6.3 in 2000. The fertility rate is highest among women aged 20-24 years.

The TFR is correlated with education levels, as education levels increase the fertility rate decreased. For example, women with more than secondary school education have a TFR of 2.1 while those with no education have

<sup>1</sup> World Health Organisation (2002). The world health report 2002 Reducing risks, promoting healthy life, World Health Organisation.

a TFR of 6.9. Also women have fewer children as wealth increases.

## Family planning



A nurse briefs a journalist on sexual and reproduction health.  
Photo: Courtesy of NGOGCN

Malawians are aware of contraception; 98% of women and 99% of men have knowledge of at least one contraception method.

On average contraceptive use among sexually active women is 36%. However the Contraceptive Prevalence Rate (CPR) among married women using any method of contraception is 46%, an increase from 33% in the 2004 MDHS. Out of the women using contraception, 42% use a modern method of contraception and 4% use traditional methods. The modern methods used are: injectables (26%), female sterilisation (10%), pills (3%), and male condoms 2%. The CPR increases with age, increasing from 29% for the 15-19 year age groups, peaking at 54% for the 35-39 year age group, after which it declines.

Family planning use is influenced by the home environment, age, district, education and the number of living children a woman has. Urban women are more likely than rural women to use a contraceptive method (54% compared with 45%, respectively). Rural women represent the highest proportions of women using traditional methods (13%).

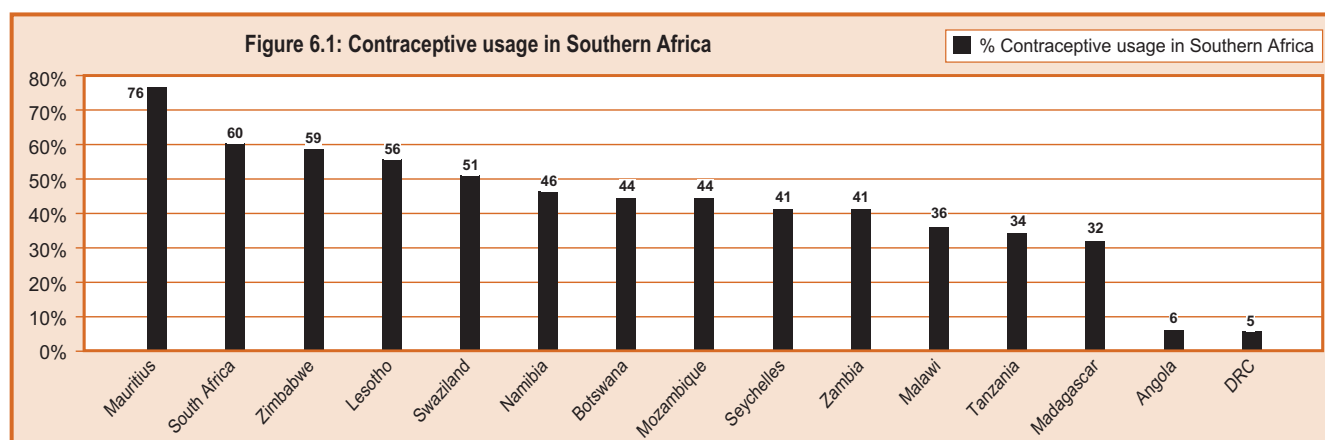
As highlighted earlier, educational level influences the total fertility rate; not surprisingly, higher education is associated with a higher CPR. About 40% of women without education currently use family planning compared with 57% of women with more than a secondary education. Contraceptive use increases with the number of living children a woman has. Some 6% of women who have no children are currently using family planning, compared with 41% of women with one or two children. The CPR is highest for women with five or more at 56%. A similar pattern is observed for modern and traditional methods.

Male involvement in family planning is a new area that stakeholders are championing in Malawi. The Malawi Human Rights Resource Centre, the NGO Gender Coordination Network (NGOGCN), UNFPA, the Population Services International and Banja La Mtsogolo are the key actors in spearheading male involvement in family planning. They mobilise men to sensitise other men about the importance of letting their wives use family planning methods, and inform men about the option of a vasectomy.

Malawi has in place a Sexual and Reproductive Health and Rights (SRHR) policy, which guides the provision of services. However, implementing the policy as well as monitoring and evaluation remain a challenge.



A group of Men for Gender Equality Now (MEGEN) sensitising other men about their role in Sexual and Reproductive Health.  
Photo: Emma Kaliya



Source: SADC Gender Protocol Barometer, 2012.

Figure 6.1 shows that contraceptive use remains low in Malawi (36%) making it rank in the bottom five SADC countries.

Table 6.3 shows that the use of the female condom dropped in 2010 possibly because the distribution channels of the female condom changed during that period; it was sent directly to the central medical stores. Before, UNFPA distributed the female condom directly to CBOs, NGOs and the private sector. The health sector is monitoring the situation to see if the use of the female condoms improves.

**Table 6.3 Trends in use of female condom 2004 - 2012**

Year	Public	Social marketing
2004 - 2005	124,000	na
2006	298,000	na
2007	528,000	na
2008	948,000	April - October: 21, 188 CARE™
2009	948,000	35,000 CARE
2010	662,000	300,000 CARE
2011	na	na
2012	na	na

### Community agents help out

The Government of Malawi is implementing a number of low-cost innovative strategies aimed at increasing family planning coverage. One of these is the Community-Based Distribution Models in which community-based distribution agents have been trained to address gaps in knowledge, access to, and utilisation of, the wide range of available family planning services at community level.

The intervention was piloted in 10 districts and was scheduled to be rolled out to the remaining 18 in 2010. The engagement of community-based distribution



agents is important in relieving severe human resource shortages. Further, the government recently formulated a policy that authorises health surveillance assistants to provide Depo-Provera at community level, increasing the number of women reached with family planning information and methods, and in particular with Depo-Provera. Between 2008 and 2009 Depo-Provera was the most preferred family planning method.<sup>2</sup>

With technical and financial support from Management Sciences for Health, 1400 Health Surveillance Assistants have been trained and now provide injectables at community level in eight of the 28 districts.<sup>3</sup>

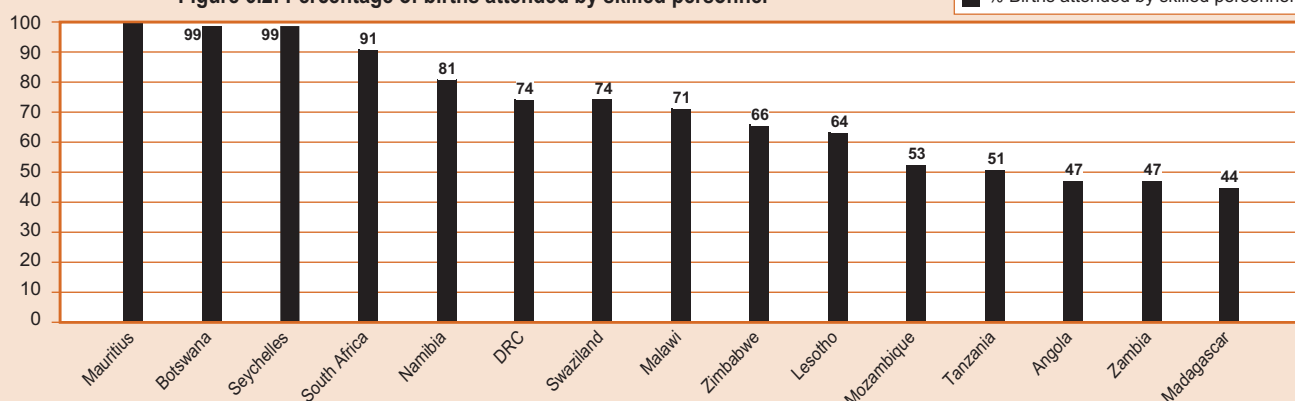
### Antenatal care

Antenatal care from a trained provider is important to monitor the pregnancy as well as to reduce morbidity and mortality risks for the mother and child during pregnancy and delivery. According to the 2010 MDHS results, 97% of women who gave birth in the five years preceding the survey received antenatal care from a

trained health professional at least once for their last birth. Urban women were slightly more likely than rural women to receive ANC from a health professional (98% and 96% respectively). The proportion of women who obtain antenatal care from health professionals increases with the level of education from 93% of women with no education to 100% of women with tertiary education.

### Maternal mortality

**Figure 6.2: Percentage of births attended by skilled personnel**



Source: 2012 SADC Gender Protocol Barometer.

<sup>2</sup> SAfAIDS, 2011.

<sup>3</sup> Ibid.



Figure 6.2 shows that in Malawi, 71% of births were delivered by skilled personnel in a health facility. Although there are still a significant number of births that are not attended by skilled health professional, gradually more women are opting for safe deliveries. In 2005 only 57% of births were delivered in a health facility. Access to proper medical attention and hygienic conditions during delivery can reduce the risk of complications and infections that may lead to death or serious illness for the mother and/or baby (Van Lerberghe, W., and V. De Brouwere, 2001; WHO, 2006).

Some population groups are more likely to deliver in health facilities than others. Some 85% of births to urban mothers were attended to by a health professional and 84% were delivered in a health facility, compared with 71% and 70%, respectively of births to rural women.

Mothers' educational status has a significant impact on whether delivery is assisted by a health professional and whether the birth is delivered at a health facility. For example, 63% of births to mothers with no education were attended to by a health professional compared with 98% of births to mothers with more than a secondary education. Surprisingly, 87% of births to mothers with a secondary education occurred in a health facility compared with 82% of births to mothers with more than a secondary education.

## Sanitation



*The SADC Gender Protocol requires that by 2015 member states ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.*

The provision of sanitation and hygiene facilities is integral to improving women's health throughout the region. Poor sanitation results in increased spread of communicable diseases such as TB and malaria which women are particularly vulnerable. Furthermore, menstruation, pregnancy, and post-natal care become increasingly difficult for women without proper hygiene and sanitary facilities, as does caring for family and community members living with HIV. According to the World Health Organisation, almost one tenth of all global deaths can be avoided by providing clean drinking water, better sanitation and improving water resources management to provide reduce incidence of water-borne diseases and cases of accidental drowning.

WHO/UNICEF reports show that overall sanitation coverage is 51%; with rural coverage of 51% and of rural areas 49%. However Table 6.2 shows that according

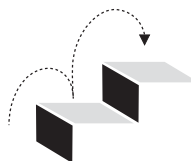
## Abortion

Induced abortion is illegal in Malawi unless the pregnancy threatens the mother's life. Notwithstanding this, Malawi has the highest abortion rate in Southern Africa at 35 abortions for every 1000 women aged 15 to 44 years.<sup>4</sup> The majority of unsafe abortions are carried out on young women below the age of 25 years. The early age of sexual debut and marriage (15 years) in Malawi has been identified as contributing to high incidences of early and unwanted pregnancies as well as to the high abortion rate, high maternal and infant mortality and high incidences of STIs and HIV in young people. Through its Post Abortion Care Strategy, Malawi offers post-abortion care services which are provided by trained clinical officers at district and national hospitals. In 2010 there were about 166 facilities providing PAC and the country was working towards expanding PAC into rural areas.<sup>5</sup>

Recent studies by the Ministry of Health and IPAS show that 17% of maternal deaths are related to abortion complications.<sup>6</sup> The factors contributing to the abortion related deaths are:

- Lack of safe abortion services
- Barriers to make choices due to religion and legal restriction
- Unwanted pregnancies
- Poverty
- Underage

to the 2010 MDHS sanitation coverage for urban areas and rural areas is 80% compared with 33%.



## Next steps

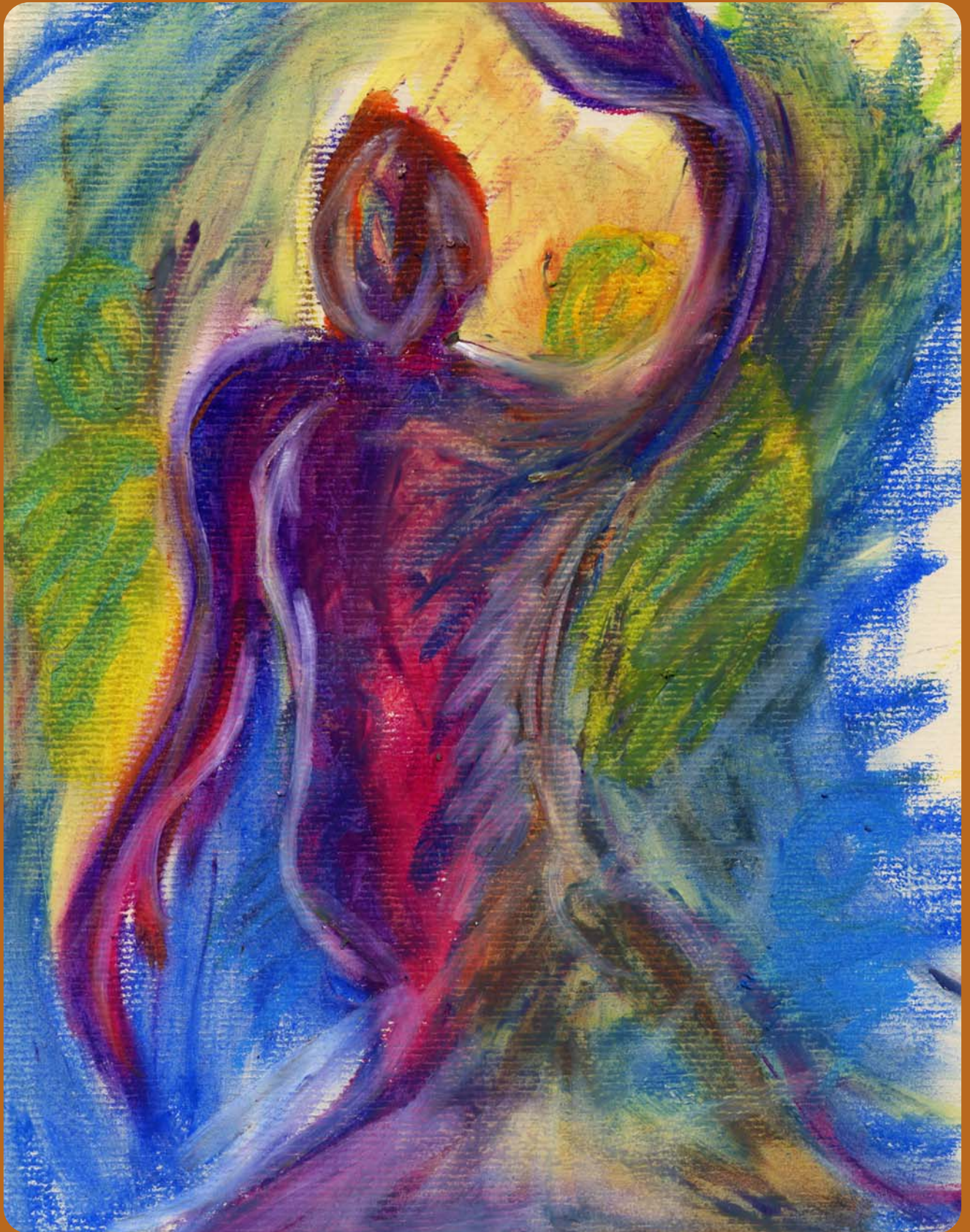
- Malawi has made major progress in health. There is a need for:
- Intensifying the campaign to ensure all women give birth in health facilities or are attended by skilled health professionals.
- A debate around the issue of abortion.
- Promotion of the female condom.
- Greater involvement of women in sanitation programmes.
- Promotion of and raising awareness on sexual and reproductive rights from upper secondary school level.

<sup>4</sup> Malawi Reproductive Health Unit, 2009.

<sup>5</sup> SFAIDS, 2011.

<sup>6</sup> "Study of the Magnitude of unsafe abortion in Malawi, Ministry of Health -GOM (May 2011)".





"Anita"

Anushka Virahsawmy





# CHAPTER 7

## *HIV and AIDS*

### *Article 27*



Fighting AIDS with hope.

Courtesy: Malawivoice.com

#### **KEY POINTS**

- The SGDI score for the HIV and AIDS sector is 34% and this puts Malawi at number 12 in the SADC region.
- Malawian citizens were more generous in rating the government - 65% which places the country ninth in the region.
- The HIV prevalence has been decreasing over the past decade; in 2004 (MDHS 2004) an estimated 12% of the population aged 15-49 years lived with HIV; in 2010, the prevalence dropped to 10.6% (MDHS2010).
- In 2010 HIV prevalence was higher among women at 12.9% compared to men at 8.1%.
- Mother to child transmission accounts for almost a quarter of new infections.
- In 2010, the lowest HIV prevalence (4%) is in the age group of 15-19 years for women.
- HIV prevalence was highest among women aged 35-39 (24%).



**Table 7.1: SGDI and CSC scores for HIV and AIDS**

	<b>SGDI</b>	<b>CSC</b>
<b>Scores</b>	34%	65%
<b>Ranks</b>	12	9

The SGDI score is only 34% compared to the CSC score at 65%. The SGDI measures comprehensive knowledge on HIV and AIDS; the proportion of women living with HIV as a proportion of the total who are living with HIV and HIV-positive women on the Prevention-of-Mother-to-Child-Transmission (PMTCT) programme. The SGDI does not measure qualitative nuances such as the physical and psychological welfare of caregivers, of who most are women.

## Background



This woman is in her 70's, very old in Malawi where life expectancy is about 37 years of age. She cares for at least 5 children who have been orphaned due to HIV/AIDS. <http://www.flickr.com/photos/khym54/600539565/> Photo: khym54 Flickr

According to UNAIDS estimates in 2010, women constituted half the people living with HIV globally, a proportion that has shifted very little in the past 15 years. Women in sub-Saharan Africa carry the heaviest burden of HIV as recent studies indicate that women

are 1.4 times more likely than men to contract the virus. Currently women comprise approximately 59% of the adults living with HIV in the region.

According to the 2010 MDHS, 10.6% of people aged 15-49 years are HIV positive; in 2010 HIV prevalence was higher among women at 12.9% compared to men at 8.1%. More women test for HIV. Some 72% of women and 51% of men have had at least one HIV tested and received the results.

The most obvious effect of this crisis has been illness and death, but the impact of the epidemic has not been confined to the health sector. Households, schools, workplaces and economies have also been badly affected. HIV affects the economically active population (15-49 years) and consequently, national economies and development.

There are a number of reasons for women - and young women, in particular - being disproportionately more vulnerable to HIV infection than men. These reasons lie within the overall context of patriarchal attitudes and systems, and gender inequality and economic disempowerment, which lead to lower decision-making ability in sexual relationships. They include, but are not limited to:

- A high incidence of age-disparate sexual relationships and high rates of multiple concurrent partners;
- The stigmatisation of the disease preventing women from gaining access to ARVs;
- Poorer knowledge of HIV transmission pathways and HIV-prevention methods;
- Intimate-partner violence or the fear of violence leading to women's lowered ability to initiate discussions about safer sex, even when the partner is known to have other sexual partners. This also affects an HIV positive mother's ability to adhere to safe infant-feeding techniques.<sup>1</sup>

The introduction of PMTCT - a short course of anti-retroviral therapy that prevents transmission of HIV from mother to child - has also been hailed as a breakthrough in the fight against HIV. The use of PMTCT is thought to help reduce infant and maternal mortality. However, a number of barriers hinder women from gaining access accessing PMTCT and abiding to its recommendations, including weak health systems, socio-cultural practices, stigmatisation and discrimination.

The burden of care for those living with HIV and AIDS continues to fall on women in most cases. Often the care workers are not recognised professionally and are unpaid. The SADC Gender Protocol calls on Member States to ensure appropriate recognition of the work carried out by caregivers among other provisions.

<sup>1</sup> World Health Organization (WHO) recommendations are that HIV positive mothers should feed their children formula in order to eliminate the risks of their babies contracting HIV through breast milk. In the event that bottle feeding is not ideal, due to poor water and electricity supply for the proper preparation of milk and sterilisation of bottles, as well as due to inability to afford formula, mothers are advised to exclusively breast feed their babies for at least a year.

## The current situation

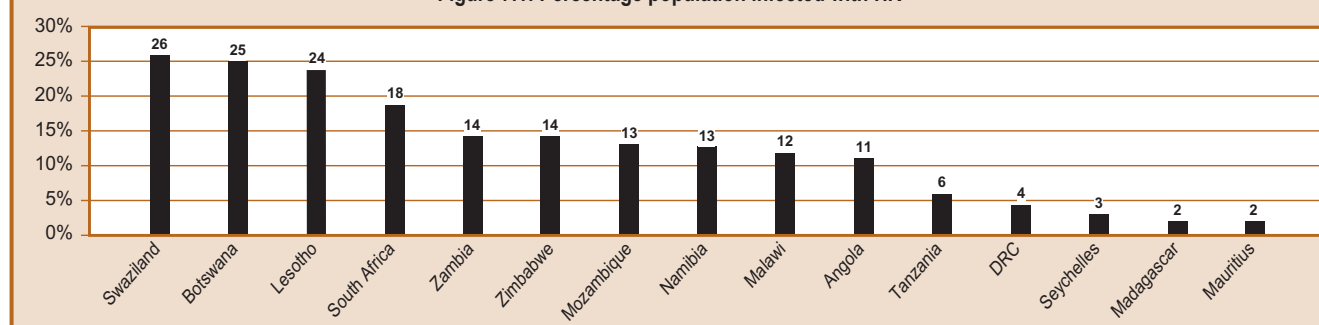
**Table 7.2: Key Gender, HIV and AIDS indicators**

	% women	% men
Extent of comprehensive knowledge on HIV and AIDS*	41%	42%
HIV Prevalence (15 - 49 years)	12.9%	8.1%
Voluntary Counselling and Testing or HIV Testing and Counselling*	72%	51%
On ARV treatment	61%	39%
HIV positive pregnant women receiving treatment to mitigate against PMTC	NA*	

Source: 2010 MDHS and ART programme Data-National Aids Commission; \*MDG 2012 report.

\*\* The MDHS indicates that "94% of women who reported that they knew they were HIV-positive before the birth of their last child born in the past two years were either on ARVs or took nevirapine during labour".

**Figure 7.1: Percentage population infected with HIV**

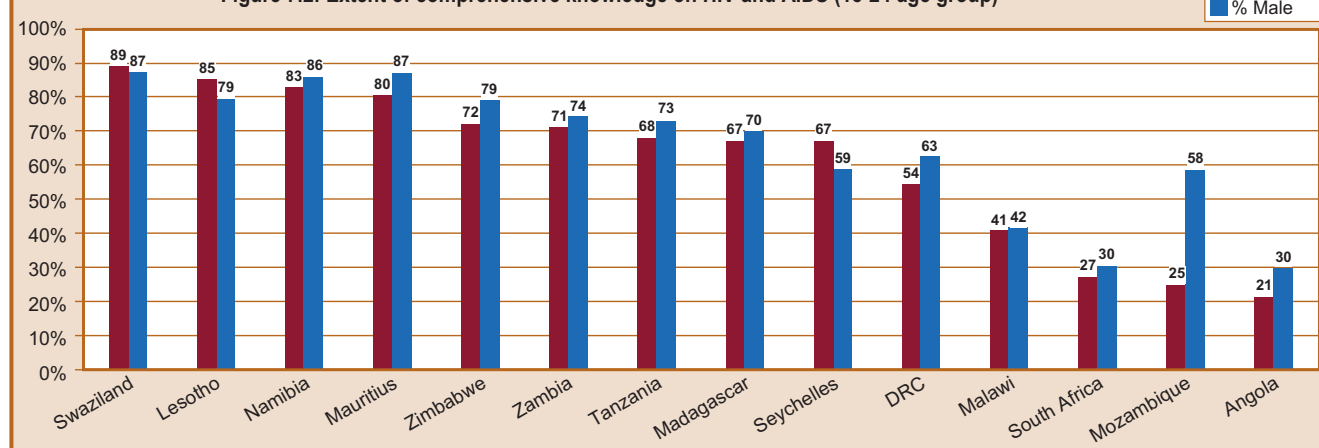


Source: 2012 SADC Gender Protocol Barometer.

Figure 7.1 show that overall Malawi has the ninth highest prevalence rate in the region at 12% (UNGASS 2010 country report). HIV and AIDS prevalence rates vary greatly in SADC countries: Four of the 15 countries have an HIV prevalence rate of more than 15%, while

four countries have a prevalence rate of 4% or less - particularly in the island countries. Table 7.2 shows that according to MDHS 2010, prevalence among women is 12.9% and for men 8.1% for the age group 15 -49 years old.

**Figure 7.2: Extent of comprehensive knowledge on HIV and AIDS (15-24 age group)**



Source: 2012 SADC Gender Protocol Barometer.

Figure 7.2 shows that HIV and AIDS awareness is at 41% and 42% for men and women respectively. The 2010 MDHS reveals that women and men who have never

been married and have never had sex are least likely to know that using condoms and limiting sexual intercourse to one uninfected partner reduces the risk

of HIV transmission (58% and 60% respectively). By contrast, those who have never been married but who have had sex are most likely to know that using condoms and limiting sexual intercourse to one uninfected partner reduces the risk of HIV transmission (71% women and 68% men).



Dancing for gender equality at the 2010 Barometer launch in Lilongwe.  
*Photo: Colleen Lowe Morna*

Overall, women and men residing in urban areas are more likely to be knowledgeable about HIV prevention methods than those living in rural areas. Knowledge varies by region and even greater differences in knowledge about HIV prevention are found in districts. Higher educational attainment is positively associated with increased awareness.

For men, knowledge of HIV prevention also increases with increasing education level, except for men with more than a secondary education. Men who are educated beyond secondary school are less knowledgeable than men with a secondary education for each of the prevention methods.

Knowledge of HIV prevention methods has increased since 2004, especially among women. In 2004, 47% of women knew that HIV could be prevented by using a condom and by limiting sexual partners; this compares with 66% in 2010. Among men, this percentage increased from 53% in 2004 to 66% in 2010. Noteworthy is the discrepancy that surrounds knowledge on HIV and AIDS vis-à-vis behavioural change.

The MDHS 2010 highlights that 27% of women who had two or more partners in the past 12 months, reported using a condom at the last sexual intercourse while for men it was 25%. For female respondents who have had sexual intercourse, the mean number of partners in their lifetime is about two and for males it is twice that of women at almost 4. Older men aged 40-49 years are twice as likely as those aged 15-24 years to have had two or more partners in the past 12 months (14 and 7%, respectively).

Married men are more likely to have had two or more partners (11%) than their never-married or formerly

married counterparts (6 and 10%, respectively). About 51% of never-married men who have had two or more partners in the past 12 months reported using a condom during the last sexual intercourse, compared with 12% of currently married men.

HIV prevalence among youth, 15-24 years is estimated at 3.6%: 1.9% for male and 5.2% for female. HIV prevalence is higher in urban areas at 17.4% than in rural areas at 8.9%. The southern region of the country has the highest prevalence at 14.5 % with the lowest in the northern region at 6.6%. The prevalence in the central region is 7.6%.

### National Response

The national response to HIV and AIDS is guided by a five-year strategic framework that was developed after wide consultations; they are also evidence based. The National HIV and AIDS Strategic Plan (NSP) for 2011 - 2016 precedes the National HIV and AIDS Action Framework (NAF) extended to 2012 to align with the Malawi Growth and Development Strategy (MGDS). The NSP has nine key thematic areas that comprehensively address the HIV and AIDS pandemic. The NSP has used the findings of the community and stakeholder consultations on the National HIV and AIDS Policy Review conducted in March 2010. It is consistent with the Malawi Growth and Development Strategy (MGDS) II, the Health Sector Strategic Plan (HSSP) 2011-2016; and the National HIV Prevention Strategy 2009-2013 and developments in medical and scientific knowledge.

The NSP provides strategic direction for next the five years. It aims to reduce new infections by 20% and AIDS deaths by 8%, including a 50% reduction in children's deaths. The NSP guides ministries and departments, CSOs, development partners and the private sector, building on accomplishments over the past decades.

The overall goal of the 2012-2016 NSP is to prevent the further spread of HIV infection, promote access to treatment for people living with HIV (PLHIV) and mitigate the health, social-economic and psychosocial impact of HIV and AIDS on individuals, families, communities and the nation. Furthermore, according to the 2012 AIDS Response Progress Report for Malawi, a new HIV and AIDS policy is being developed. In the final draft dated December 2011, the policy renews its commitment to spearhead the National HIV and AIDS Response based on the "three ones principle" and "the three zeros" (zero new HIV infections, zero discrimination and zero AIDS-related deaths) with increased government ownership.

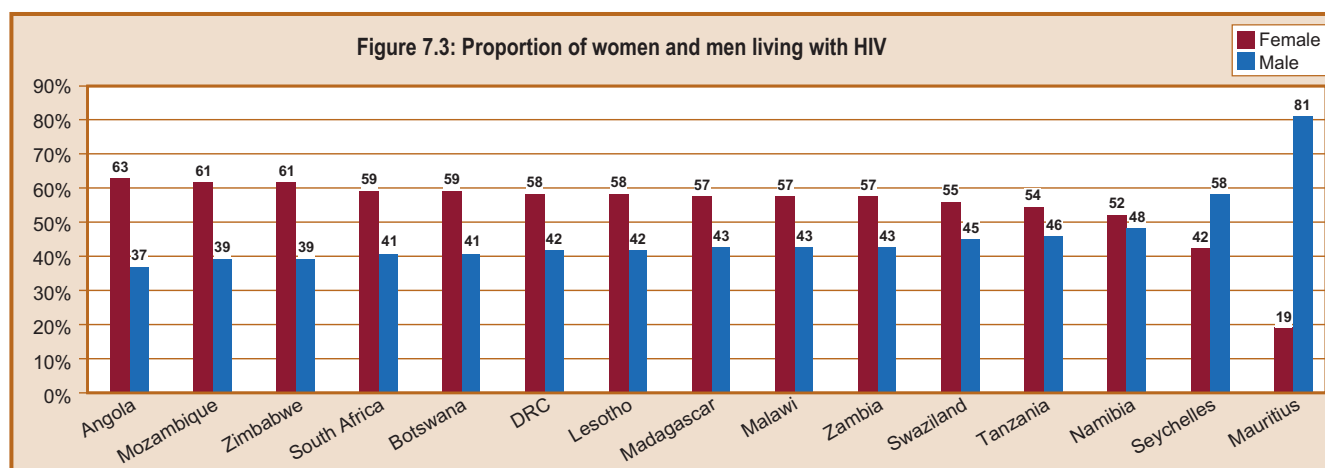
In Malawi, HIV infection rates show gender, age, social status and geographical variations, with infection more prevalent in women than men. Around one million people are estimated to live with HIV, of whom 10%



are children. Mother to child transmission is estimated to account for almost a quarter of new infections.

Gender has been mainstreamed in all HIV and AIDS priority areas to ensure targeted interventions that benefit specific needs of women, girls, men and boys. The national HIV and AIDS Strategic Plan recognises

the importance of mobilising traditional leaders and communities against harmful cultural practices that fuel the spread of HIV and AIDS such as widow inheritance and early marriages. The plan also addresses stigma and discrimination, adherence and uptake of PMTCT and provision of care for the sick.



Source: 2012 SADC Gender Protocol Barometer.

Figure 7.3 shows that Malawi is one of the 13 countries in the region where at 52%, women constitute a higher proportion of those living with HIV.

### HIV testing and counselling

HIV Testing and Counselling (HTC) remains an important strategy for prevention and also serves as an entry point for treatment and related services. The 2010 MDHS indicates an increase in uptake of HIV testing although there is gender imbalance with more women testing than men. The HTC programme has developed innovative ways of offering HIV testing and counselling such as door-to-door. In addition, the number of HTC sites has increased over the years. The 2012 Global AIDS Response Progress Report for Malawi indicates that the universal access target for the number of sites providing HTC services was set at 600 sites by 2010. However, by the end of December 2009 716 sites were providing HTC services in Malawi. By June 2010, this increased to 742 sites, far exceeding the 2010 universal access target. The numbers increased in June 2011 to a total of 778 HTC static sites and 614 outreach HTC sites.

### PMTCT

The vertical transmission of HIV from mother to child is the second most significant route of HIV transmission. Malawi started implementing an integrated ART/PMTCT programme from 1 July 2011, following adaptation of the 2010 WHO recommendations. All HIV-positive pregnant women, regardless of their CD4 count, are put on an efficacious regimen (Option B+). There is continuous increase in uptake of PMTCT, currently at 54% coverage of the estimated pregnancies in the

population. PMTCT services are fully integrated into maternal and child health services. By June 2011, there were 544 sites. The number of sites providing PMTCT services has been increasing. In 2006 for example, 152 facilities were providing PMTCT services by 2007, this had increased to 357. In June 2011, 544 sites were providing PMTCT services. However, weak linkages between PMTCT programme and traditional birth attendants (TBAs) still exist.

The 2012 AIDS Response Progress Report for Malawi stated that the PMTCT goal is to reduce the number of pediatric HIV infections and improve the quality of life for HIV exposed infants, infected children and parents living with HIV. Between July 2010 and March 2011, 7% of newly pregnant women who registered for antenatal services had already had a test for HIV and 71% of those were newly tested for HIV. Out of the 31,529 women who were HIV positive, 82% received ARVs.

By June 2011 a total of 328,032 pregnant women attending ANC had been counseled and tested for HIV, representing 73% of the target and 54% coverage of the estimated pregnancies in the population. A total of 24,258 HIV-positive pregnant women, that is 45% of the HIV-positive women, received ARV prophylaxis and 11% of HIV pregnant women received ARVs in the July 2010 - June 2011 financial year.

### Treatment, care and support

The ART programme has become one of the most important priorities of the national response with

increasing number of people receiving ARVs annually. Statistics indicate that there are more women accessing ARVs than men - 61% and 39% respectively.



An HIV patient holding the life-prolonging ARVs. Photo: Trevor Davies

There has been evidence of some improvements in mortality and morbidity rates of HIV infected people. The survival outcomes are around 80%, however, this is still below the 85% WHO target. Despite the successes of the ART programme, it still faces several challenges,

including lack of trained staff, inadequate laboratory capability to support quality HIV services, low paediatric patient enrolment in rural areas and access to ART remains limited due to the long distance to ART sites. Stock outs of ARV have been avoided due to improvements in supply chain management.

In order to scale up and ensure provision of high quality ART services, a number of strategies and guidelines have been developed including:

- ART guidelines, and Scale-up Plan 2006-10; these were reviewed and up-dated in 2010;
- The guidelines on HIV-related illnesses have been reviewed and up-dated as the basis for the 'pre-ART' strategy;
- The Nutrition Care, Support and Treatment (NCST) guidelines in 2010;
- Laboratory Services guidelines have been reviewed and the Scale Up Action Plan was developed (2009);
- The Community and Home Based Care (CHBC) guidelines were reviewed and up-dated to put more emphasis on early referral and retention in care through an effective pre-ART programme was developed (2009);
- By June 2011, 67% of those who needed ART received it.

## Care work



*The Protocol requires Member States to develop and implement policies and programmes to ensure the appropriate recognition of the work carried out by care givers; the majority of whom are women, to allocate resources and psychological support for care givers as well as promote the involvement of men in the care and support of people living with AIDS.*

In 2010, inspired by Article 27(c) of the SADC Protocol on Gender and Development, Gender and Media Southern Africa (GEMSA) and VSO-RAISA developed the *Making Care Work Count Policy Handbook*. The objectives of the handbook include to influence the development, adoption, implementation and enforcement of policy frameworks that promote the recognition and support of care providers in the context of HIV and AIDS, and to promote public engagement on care work related issues.

The handbook proposes six principles that need to inform care work policies:

- **Remuneration:** People doing the work of government have a right to be financially rewarded.
- **Logistic and material Support:** It is imperative that care providers are provided with care kits as well as other support, such as uniforms for identification,



bicycles, food packs, monthly monetary allowances, soap, free medical treatment, financial support for income generating projects, raincoats, umbrellas, agricultural inputs, stationery and transport allowances, among others, to provide quality care.

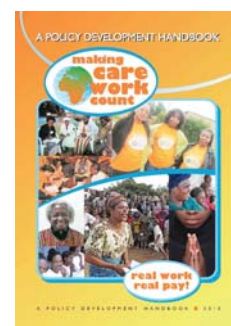
- **Training and professional recognition:** Protocols of training and accreditation should be developed through a governing body within the country to regulate and standardise the training.
- **Psychosocial support:** Care for care providers should be prioritised with psychosocial support programmes developed and provided to care providers.
- **Gender equality:** The gender dimensions of HIV should be recognised and catered for.
- **Public private partnerships:** There is a need to advocate for stronger public private partnerships in the delivery of PHC services through C&HBC programmes.

Table 7.3 outlines progress on policy and legislative initiatives to regulate care work in Mauritius based on information available to researchers at the time of writing.

Table 7.3 Progress in addressing care work in Malawi	
Issue	Progress
<b>Remuneration</b>	Draft policies on palliative care and care of carers under debate and development.
<b>Logistical and material support</b>	Palliative Care draft policy and approved guidelines.
<b>Training and professional recognition</b>	Palliative Care draft policy and approved guidelines.
<b>Psychological support</b>	Provision of this support to care givers available on a voluntary basis; implementation yet to take place.
<b>Gender equality</b>	Although no policy provisions have been made, MPs are working at constituency level to mobilise more men to do care work and 200 men have been trained in Dowa district through a local government and CBO partnership supported by VSO RAISA.

Malawi is one of the countries that have used the handbook to draft policies. Stakeholders underwent capacity building sessions including civil society organisations, the National AIDS Council, officials from the Ministry of Health using the handbook produced by GEMSA working with VSO RAISA. The main components included.

- Country mapping and stakeholder analysis,
- Building a coalition;
- Influencing policy uptake and implementation,
- Developing an advocacy and lobbying plan, and
- Monitoring and evaluation.



#### Malawi: Parliamentarians advocate for care work policies



Malawi Member of Parliament Ephraim Kayembe and Saimone Macuina on a care work field trip in Orange farm, South Africa.

Photo: Trevor Davies

Ephraim Abel Kayembe, Member of Parliament for Malawi's Dowa West Constituency, is a policymaker working with civil society organisations such as VSO RAISA, to bring attention to the concerns of care workers in his area. The current policy in Malawi is confined to addressing professional care givers and excludes the work of children and women. As with other SADC states there are no incentives, remuneration or psychosocial support programmes for those who fall in this grouping.<sup>2</sup>

Through his work Kayembe is setting new standards for multi stakeholder collaborations and partnerships to respond to the country's care work needs. He has been involved in a proposed motion that urges the government of Malawi to develop a standalone national policy to support the work of care givers. This motion was due to be moved in the June 2011 budget seating of parliament. In addition, Kayembe is part of a group of MPs working with the Ministry of Health and the SADC Parliamentary Forum to finalise Malawi's draft care work policy.

Malawi is a signatory to the SADC Protocol on Gender and Development signed in 2008. In response to the disappointing progress of his country on reaching the Protocol targets around HIV and AIDS, Kayembe used the commitments to develop and move a motion on urging Government to review and develop a specific national policy on HIV and AIDS to address care work. The Government of Malawi could not reject the proposed motion because it was a reflection of commitments the state had made by signing the Protocol. This allowed the creation of space within which several initiatives are now being undertaken to address issues of women and children carers.

<sup>2</sup> Honourable Ephraim Kayembe, MP Dowa West, (2011). Presentation: *Parliamentarians Experience in Advocating for Development of National Policy to Support Caregivers in Malawi*. Global Partners Conference, UNICEF, New York.



The initiative benefits 40 000 in the constituency. The projects have a particular focus on 1000 carers and 2000 orphans and other vulnerable children in the area. However, there is now a national drive supported by various NGOs and private companies to reach more carers through providing resources for conducting trainings in quality home-based care through similar processes.

Article 27 (3) c of the SADC Protocol states that States Parties shall, by 2015: *develop and implement policies and programmes to ensure appropriate recognition of work carried out by caregivers, the majority of whom are women, allocation of resources and psycho-social support for caregivers as well as involvement of men in the care and support of people living with HIV and Aids.*"

As such initiatives undertaken by Kayembe have been at the national, constituency and regional levels.

#### **National progress towards Article 27**

- Collaboration with civil society organisations such as VSO RAISA and GEMSA to bring to the attention of Government the concerns and needs of the workers in Malawi. Particular emphasis is on the challenges caregivers face in his constituency.
- Through the Parliamentary Committee on HIV and AIDS, spearheading review of proposed Bill on HIV and AIDS Management to ensure inclusion of incentives, remuneration, standardised trainings for carers, psycho-social support and male involvement in care work. The Bill has been reviewed and it will be brought into the chamber in September, 2011.
- Participation in the National Conference on review of the policy for professional carers so that it includes issues of informal carers. It was unanimously agreed that a stand-alone policy on informal carers be developed and that Ministry of Health should take a leading role in developing the policy with maximum support and participation of other relevant government departments and stakeholders. The consultation process is ongoing and it is expected that the draft proposal will be scrutinised by participants to the conference on policy formulation and development in August, 2011.
- Proposal of a motion to urge Government to develop the policy on caregivers developed and referred to Business Committee of Parliament for rigorous review. The motion was supposed to be moved during the June 2011 budget seating of parliament, unfortunately there was insufficient time to accommodate private member's motions. There are strong indications that the motion will be moved during the September parliamentary seating and that it will be agreed upon and adopted. Once adopted, the Ministry of Health will be tasked by this legislation to translate the undertaking of parliament into development of the policy. Currently, the Parliamentary Committees on HIV and Aids, Health and Gender and Community

Development are working with Ministry of Health and civil society to finalise the development of the policy in line with the SADC PF policy framework.

#### **Progress at Constituency Level**

At constituency level, there has been significant focus on issues of male involvement in care work as a strategy to reduce the burden of care on girls and women caregivers. The following initiatives were taken to get the understanding, commitment and support of men and boys in care work:

- Awareness and sensitisation campaign meetings were conducted in the constituency on the importance of reducing the burden of care on women and girls. These targeted traditional leadership, households and communities so that they participate in advocating for male and boy's involvement.
- During World AIDS Day, Kayembe was at the forefront of initiatives to raise awareness on the role that youth carers play in communities. He challenged communities on the extent to which these young people could be supported by families, communities and Government.
- Mobilising men and youths to engage in care work and encouraging those already engaged to remain so.
- Youths sometimes use theatre for development strategy for disseminating information on care work, HIV and AIDS prevention and treatment.
- With funding from VSO Malawi, training in home-based care was conducted for Mayesero community-based organisation in provision of quality care to those in need.
- Income generating activities such as bakery, poultry and piggery have been initiated for the OVCs and other vulnerable households.
- Orphans and other vulnerable children have been supported with writing materials and uniforms. This form of support has been main area of focus for Kayembe in Dowa West.

#### **Regional Progress towards Article 27**

In response to the regional impact and needs of HIV and Aids care work, Kayembe carried out a study tour to Mozambique in April 2011. There he participated in discussions with staff of VSO Mozambique and OVCs on the challenges they face when providing care to people infected and affected by HIV and AIDS.

The discussions revealed that even in Mozambique there was no detailed policy to address the issues of caregivers. It underlined the similarity of issues facing care givers in Malawi: women disproportionately carry the burden of care for adults and children living with and affected by HIV at home and in communities; the elderly are not spared from being carers and are forced into these positions by circumstances; lack of resources, energy, skills and knowledge to provide quality care; and children, especially young girls, are often forced to drop out of school.

There are many challenges and risks to the work in Dowa District. Stigmatisation and discrimination of carers on the basis of their status continues. More sensitisation meetings are being conducted to raise awareness on the disadvantages of discriminating against those providing care work. A second challenge is that youth carers lose critical educational opportunities as a result of caring for sick people and parents.

Kayembe is working hand in hand with CBOs to begin designing daily work schedules that will allow children to attend classes in the first part of the day and revert to caring when they are out of school. The success of these initiatives is constrained by financial resources. In addition, increased political understanding, commitment and willingness are required to speed up the process of developing relevant policy and legislative frameworks on informal carers. Lobbying efforts have been intensified and there is some commitment to introduce the motion on care work in parliament very soon.

These challenges notwithstanding, approximately 4000 people, including traditional leaders and communities, have been sensitised on the importance of reducing the burden of care on girls and women through advocating for more involvement of men and youths in care work. Two hundred men and 160 boys have been mobilised to raise the profile of women and girl carers. They are now currently engaging themselves in provision of care work to those infected and affected with HIV and AIDS. A draft national policy on care work for informal carers has been developed in close collaboration and partnership with the Ministry of Health and other relevant stakeholders. The consultation processes on the policy are in progress around the country and it is anticipated that it could be approved this year.

There is a commitment on the part of parliamentary leadership to bring the proposed motion on care work policy into the chamber for thorough scrutiny and approval in September 2011. More men and boys are now joining women and girls in providing care and support with traditional leaders paving the way as advocates for this much desired and needed result. Larger civil society organisations have also expanded

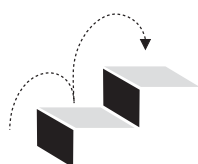
their programmes to work more closely with smaller CBOs and legislators. Finally, a noteworthy outcome is increased understanding within the executive arm of government of the significance of putting necessary legislative and policy frameworks to address issues of carers.

Although funding can hamper progress in Dowa West, many of the initiatives are relatively easy to sustain. Kayembe notes that the funds required to conduct sensitisation meetings on care work raise the profile of women and children carers are not too prohibitive.

The fact that this work has been carried out in Dowa West means it is possible for other MPs to do the same in their own constituencies. It is also possible to carry out this work in other countries within SADC. This and cases such as the successful development of a care work policy in Namibia are excellent best practice examples.

Platforms such as the regional partnership of parliamentarians (SADC PF) have proven useful to encourage heads of states to prioritise development of various policies in the past; national care work policies are not exempt from this. Replication must be strengthened through state-supported study tours within the region. Most parliamentarians have access to constituency development funds provided through state budgetary support structures. This would therefore be an opportunity for parliamentarians to allocate adequate resources for implementation of these activities as it is customary to develop and approve government budgets every year.

Ultimately, MPs are able to provide the necessary leadership on issues of care work and Kayembe's case demonstrates that MPs are well placed to raise the profile of children and women caregivers at all levels of government and decision-making. They occupy a strategic position that enables them to continuously engage civil society, media institutions, community organisations and legislative processes around care work in the region. MPs are able to provide the necessary leadership on issues of care work and illustrate the need of involving care workers in processes related to policy making.



## Next steps

In order to meet 2015 targets on HIV and AIDS, Malawi must continue to build on progress so far. Specific actions include:

- Innovative and effective ways to persuade men to get tested;

- Men need to be encouraged to take part in care work;
- Linkages need to be strengthened between TBAs and PMTCT programmes, particularly for referrals of pregnant women
- It is time to move from draft policy and guidelines to adopting them to regulate care work
- There is an urgent need to quantify care work
- There is need to develop champions to roll out advocacy work on care work.
- Working with traditional leaders to help promote change and challenge traditional attitudes, beliefs and practices that fuel HIV and AIDS.





"Nicole"

Anushka Virahsawmy





## CHAPTER 8

# Peace building and conflict resolution

## Article 28



Joyce Banda, President of Malawi is Southern Africa's only female President and only female head of Defence Forces.  
Photo: Courtesy genderconcerns.org

### KEY POINTS

- Overall, citizens scored the government 50% in terms of progress towards meeting the targets on peace building and conflict resolution in the SADC Gender Protocol. The relative political and socio-economic instability the country experienced over the last two years before the swearing in of the incumbent President Joyce Banda in April 2012 could have influenced the score.
- Women citizens were more critical giving the country 47% compared to 53% given by men.
- Data for women's representation and participation in this sector for Malawi is not readily available hence there are still a lot of information gaps.

Table 8.1: SGDI and CSC scores on peace building and conflict resolution

	SGDI	CSC
Scores	N/A	50%
Ranks	N/A	10

There is no SDGI score for this sector as information is currently limited. Malawi citizens gave a score of 50%, ranking the country 10th

out of the 15 countries in the region. Male citizens scored their government 53% compared to 47% scored by women. Scoring on this sector could have been influenced by various factors including the low representation of women in the peace and security forces.

### Background

Malawi made history in Southern Africa in 2012 when, following the death of President

Bingu wa Mutharika, Joyce Banda became the new head of state, as well as the commander-in-chief of the defence force, on 7 April. She is the first female President in Southern Africa and one of only two women presidents in Africa. Linked to this is the election of South Africa's Nkosazana Dlamini-Zuma to chair the African Union Commission also a significant milestone. She is the first woman to occupy this high-level position, which will see her in charge of decision-making on issues of peace and security.



Police need to receive gender training so that when women access the services they are sensitive to their specific needs.  
Photo: Loveness Jambaya Nyakujarah

With two and a half years until 2015, the target date for meeting the target of the SADC Protocol on Gender and Development, Malawi has a long way to go to ensure its security sector has a gender balance and is gender sensitive and responsive. It is unlikely that the country will meet the targets in Article 28, which also calls for State Parties to adopt and implement United Nations Security Council Resolution (UNSCR) 1325.

In 2004, the UN Secretary General urged member states to adopt National Action Plans (NAP's) for the implementation of UNSCR 1325, noting that the "creation of an action plan provides an opportunity to initiate strategic actions, identify priorities and resources, and determine responsibilities and timeframes at a national level."<sup>1</sup> Malawi is among the rest of the 14 SADC countries that are yet to draw up the action plan. Madagascar and South Africa are in the process though.

The development of action plans helps determine what citizens identify as their security needs, how women at the local level access security and how they believe the state can improve its provision of security. Action plans should therefore not be limited to post conflict states. They can help create social cohesion in all States as citizens jointly determine what a country's priorities should be in relation to safety and security. Malawi's Constitution provides for the peaceful settlement of disputes. {Principles of national policy (Sec 13 (I)) stipulates that 'Malawi shall strive to adopt mechanisms by which differences are settled through negotiations, good offices, mediation, conciliation and arbitration'. This sets a solid foundation for social cohesion within the country.

Civil society has become more engaged on the issue of peace and security, not just in Malawi but also in the SADC region. The SADC Gender Protocol Alliance has also formed a national cluster on gender, peace and security in Malawi led by the Human Rights Resource Centre. The Institute of Security Studies leads the regional cluster. This is providing both an opportunity for learning more about the security sector in the country and ensuring improved oversight to ensure that Malawi creates a more gender sensitive and gender responsive security sector.



*The Protocol calls on State Parties to ensure that, by 2015, women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes by 2015 in accordance with United Nations Security Council Resolution 1325 on Women, Peace and Security.*

### Policy provisions for women's representation and participation

The Constitution states that Gender equality for women with men through:

- (i) full participation of women in all spheres of Malawian society on the basis of equality with men.
- (ii) the implementation of the principles of non-discrimination and such other measures as may be required; and

- (iii) the implementation of policies to address social issues such as domestic violence, security of the person, lack of maternity benefits, economic exploitation and rights to property.

This constitutional provision is reinforced further by the existence of the Defence Act which commits to maintaining a healthy well-trained, equipped disciplined and gender-sensitive ready force, and also recognises

<sup>1</sup> Peacewomen, "National Implementation Overview" <http://www.peacewomen.org/pages/about-1325/national-action-plans-naps>.

women's special needs on their right to participate in the defense sector.

Not only that: the Prisons Act of 1966 - commits to a responsive and equitable service, also mainstreaming gender, HIV and environment.

Malawi, as a member of the United Nations, African Union and the Southern African Development Community, has participated in various peace keeping efforts within SADC, AU as well as at the UN level. For example according to United Nations Department of Peacekeeping Operations (UNDPKO) for 2011 Malawi deployed 2% women between January and December. The target for UNDPKO is 10% female representation for all missions.

Malawi is one of the countries that ratified the UNSCR 1325; however, no action plan has been developed. If Malawi fails to implement UNSCR 1325 budgetary support in relation to women's needs in peace-keeping could be affected. Malawi also needs to consider Early Warning and Early Response (EWER) to potential conflicts.

Malawi still has a long way to go; for example it needs to:

- Increase the participation and protection of women in conflict resolution at decision-making levels;
- Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations;
- Promote women's contribution to fostering a culture of peace;
- Provide protection, assistance and training to women who are displaced internally;
- Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.



Mr John Soo Phiri (left), Malawi Human Rights Resource centre, Mr Chizaso Nyirongo (center) from Law Commission whose work involves aspects of peace and security issues, attending Barometer reference group meeting - Lilongwe, March 2012. Photo: Loveness Jambaya Nyakujarah

The Resolution and the following UN Secretary-General Reports (2002, 2004) calls for:

- women's increased involvement in decision-making;
- support to local women's small arms initiatives;
- ending violations of women's human rights including gender-based violence;
- Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict (Article 1);
- all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, *inter alia* (Article 8);
- Measures that support local women's peace initiatives and indigenous;
- processes for conflict resolution, and that involve women.

Integrated approach to armed conflict prevention would involve:

- Disarmament campaigns;
- More inclusive public security policies;
- Effective programmes to combat domestic violence; and
- Policies and projects to bolster development and human rights.

Malawi as a state party has tried to put in place initiatives to build the capacity of women in security sectors. However there is need for specific training for female police officers, in areas such as decision-making, assertiveness, leadership, and computer literacy, alternative dispute resolution (ADR).

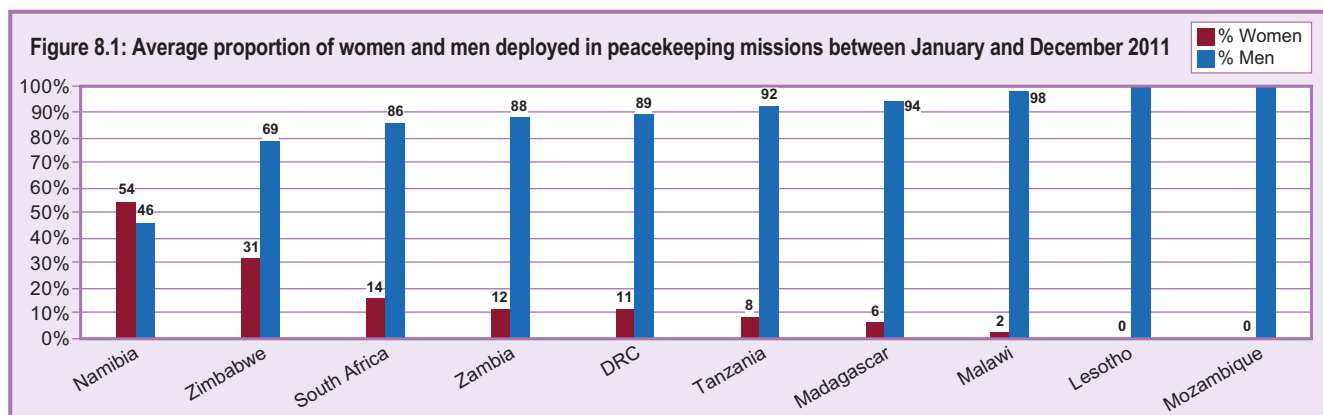
The security service sector of the Malawi Police has in place security standing orders (SSO) that are gender balanced. Additionally, police officers have received training on gender mainstreaming, the human rights based approach and advocacy on HIV and AIDS. Malawi Human Rights Resource Centre (MHRRC) has facilitated capacity building of police officers to ensure that gender mainstreaming is undertaken within police programming.

### The Police Act 2010

Parliament amended and passed the Police Act in 2010. The Act included the right to privacy as recognised in the Constitution which is defined as including the right not to be subjected to arbitrary searches. However, parliament passed the Malawi Police Act which gives police powers to conduct searches without obtaining a search warrant. This is contrary to international policing standards. Such a provision may potentially lead to violations of privacy and may be used to intimidate. In her Budget Session National address on Friday, 18th May 2012, President Joyce Banda said that the Malawi Police Act is one of the laws that must be referred to parliament to be repealed.

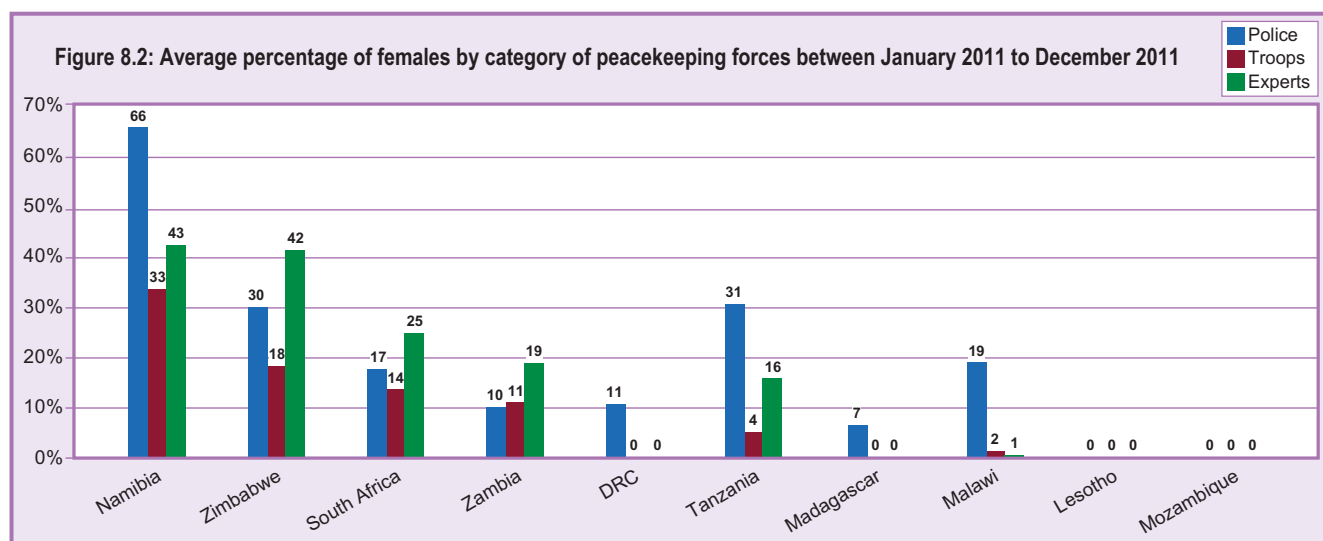


## Peacekeeping missions deployed from SADC



Source: 2012 SADC Gender Protocol Barometer.

Figure 8.1 shows that women only formed 2% of those deployed in peace-keeping missions between December to January 2011.



Source: 2012 SADC Gender Protocol Barometer.

Figure 8.2 shows that women only make up 19% of the police and a mere 2% and 1% of troops and military experts.

## Women representation in the security sector

**Table 8.2: Representation of women**

	Male %	Female %
<b>Defence</b>	95%	5%
<b>Police</b>	79%	21%
<b>Correctional Services</b>	85%	15%
<b>Parliamentary Committee on Defence and Security</b>	85%	15%

Source: 2012 SADC Gender Protocol Barometer.

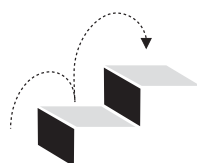
Table 8.2 shows that men dominate the security sector. It should be noted that of the 286 female soldiers recruited from 1999-2011, 12 have voluntarily resigned while 17 of them are commissioned officers and continue to be promoted within the Defence Force Act of Malawi.

**Table 8.3: Women in top leadership positions in the security sector**

	Number of males	Number of females
Ministers of Defence	1	-
Deputy Ministers of Defence	-	-
Permanent Secretaries (Defence)	1	-
Minister of Internal Affairs and Public Security (police)	1	-
Deputy Minister of Internal Affairs and Public Security (Police)	-	-
Permanent Secretaries (Police)	1	0
Ministers of Correctional Services	1	0
Deputy Ministers of Correctional Services	-	1
Permanent Secretaries (Correctional Services)	1	-
<b>TOTAL</b>	<b>6</b>	<b>1</b>
<b>As %</b>	<b>86%</b>	<b>14%</b>

Source: Office of the President and Cabinet.

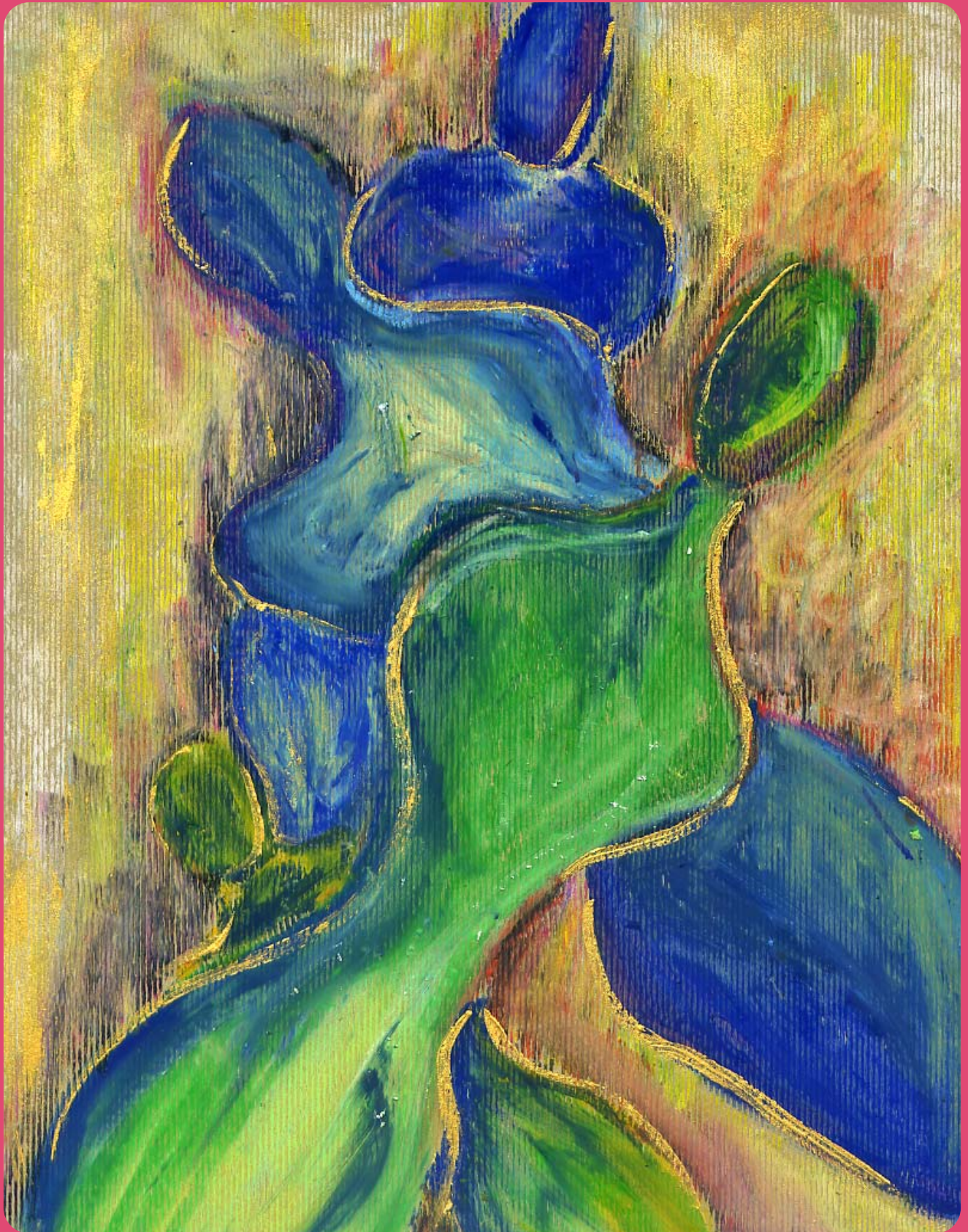
Note: Since September 2011, the Ministry of National Defence and Home Affairs became one ministry under one Minister with no deputy. The Ministry of Home Affairs is also responsible for correctional services.



## Next steps

- Review legislation to ensure that it is gender sensitive
- The laws must be accompanied by special measures and incentives to attract women to join the security services sector.
- Record keeping for interventions as well as budget expenditure must be gender disaggregated.
- Increasing women's role at all levels of peacekeeping
- Making gender training compulsory at all levels personnel training, including the management level.
- Continue the momentum around sector coordination through the national working group of the Alliance.
- Gender budgeting and costing is an important tool for assessing commitment to mainstreaming gender in the sector.





"Growing up"

Anushka Virahsawmy





## CHAPTER 9

# Media, information and communication

## Articles 29-31



Women are beginning to break the glass ceiling. Arlene Osman Capital FM manager during Gender and Media Progress Study interviews - Blantyre, September 2010. *Photo: Dumisani Gandhi*

### KEY POINTS

- Malawi's SGDI is 58%, which is six percentage points higher than the citizen score based on perceptions at 52%.
- The main findings of the GMPS media monitoring conducted in Malawi in 2009/2010 shows that the community media is doing better than other forms of media. There are more women sources in the community media (23%) than public media (21%) and private media (20%). The findings show that community media gives access to women than other media.
- Gender equality accounts for 2% of total coverage compared to politics (11%), sports (18%) and economics (9%).
- The Media Council of Malawi (MCM) members have reviewed the draft Gender Code of Ethics, given their input and come up with a plan of action for the adoption of the code.
- Overall women only make up 23% of employees in media houses far from the 50% target in the SADC Gender Protocol.

**Table 9.1 SGDI and CSC scores for Media, Information and communication**

	SGDI	CSC
Scores	58%	52%
Ranks	11	11

Table 9.1 shows that Malawi with a 58 % SGDI score is eleventh in the region on the media sector. However citizens were critical and gave a low score of 52 % placing the country also at number eleven. The SGDI score incorporates women's participation in the media as employees, on boards and in management .It also includes the proportion of women as lectures and students in media institutions and the proportion of women news sources in media content.

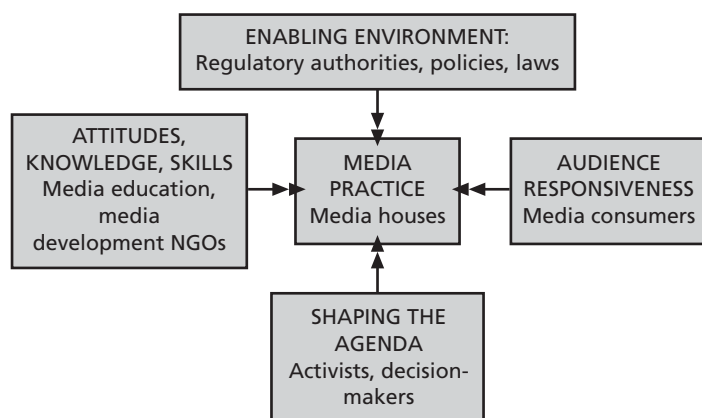
However the CSC captures other qualitative nuances such as sensationalism of news and gender stereotypes perpetuated in various media.

### Background

Citizens' access to accurate information on a diversity of political, economic and social issues is essential for the development of an informed population within a democracy. The mainstream media with their wide reach are a major resource in societies for the dissemination of information, knowledge and ideas and messages, as well as spaces for the public to engage in discourses on current affairs.

The media has been one of the less hotly contested yet critical areas of concern in the lobbying and advocacy on the SADC Protocol on Gender and Development. Gender activists have long recognised the critical importance of the media in changing attitudes and mindsets, but have not always been strategic in engaging with the fourth estate.

**Figure 9.1: Entry points for gender in the media**



**Figure 9.1** demonstrates the different entry points for gender and the media. This begins with gender aware

policies and laws, implemented by regulatory authorities. Audiences through taking up complaints make these policies and laws a reality. Media education and media development NGOs have the capacity to influence attitudes, skills and knowledge of media practitioners, particularly at the entry level, but also through on going courses. Activists and decision-makers, especially women decision-makers, help to set the gender and media agenda through well co-ordinated campaigns, and a proactive approach to the media. Ultimately the ball is in the court of the media to change. This change needs to be within the media: that is in its institutional make up, as well as in media content.



Emma Kaliya speaking to journalists after the launch of the 2012 SADC Gender Protocol Barometer and the Malawi edition, December 2010.

*Photo: Colleen Lowe Morna*

There is only one time bound media target in the Protocol: the achievement of gender parity in media decision-making by 2015. The wording of the provisions is careful not to be prescriptive or make assumptions about the extent to which government can regulate or influence the media (especially the private media). However, the provisions are significant in that:

- They cover both media content and the institutional make up of the media.
- They touch on both policy and training.
- They touch on both the sins of omission (the absence of women's voices and need to give women equal voice) as well as the sins of commission (the perpetuation of gender stereotypes in the way in which women are covered; especially the coverage of gender violence).
- The provisions are consistent with freedom of expression. Indeed, they underscore the argument that gender and media activists have been making: that the subliminal silencing of women in the media is - the world over- one of the worst violations of freedom of expression.

Key research studies that GL and partner organisations have undertaken in the region, that form the basis of advocacy and training efforts, and that make it possible to monitoring progress in this sector are summarised in Table 9.1:

### Media regulators

The Media Council of Malawi (MCM) members have reviewed the draft Gender Code of Ethics, given their input and come up with a plan of action for the adoption of the code. In January 2011, Gender Links (GL) facilitated a consultative workshop for the MCM membership in Blantyre. Until then, most of the members had not seen the document drafted at the end of 2009. This meeting provided members with a conceptual understanding of the need for gender to be mainstreamed in media regulation and gave them the opportunity to make an input. The meeting brought together members from different regions of Malawi.

### Training

Table 9.2 gives a snapshot of findings of the Gender in Media Education research study conducted by GL in partnership with the Malawi Institution of Journalism. Key findings show that:

- The institution has reached gender parity in terms of student.

- There are more male members of staff (71%) than female (29%).
- There is no gender policy.
- There are no gender considerations in terms of curriculum development and there is no specific committee or individual responsible for gender mainstreaming.

**Table 9.2: Summary of key gender indicators for Malawi Institution of Journalism**

Representation	Male	Female
Staff	71%	29%
Students	50%	50%
Other indicators	Yes	No
Gender policy		✓
Sexual harassment policy		✓
Gender considered in the curriculum		✓
Committee/individual responsible for gender mainstreaming		✓

### Centres of Excellence for Gender in Media Education and Training

As a follow up to GIME, the GMDC is strengthening partnerships with media training institutions keen to become COE's for gender in media training.

The COE in gender and media education approach builds on experience gained with media houses. It aims to:

- Embed gender in journalism and media training departments through sustained interventions with selected academic institutions;
- Build the knowledge and capacity of the staff in journalism and media training departments to integrate gender into all aspects of teaching and learning;
- Assist academic institutions to develop gender policies and sexual harassment policies;
- Assist departments to teach gender and facilitate lecturer exchanges as well as providing guest lectures.

Further, the GMDC will market the virtual resource centre which includes case studies on good and bad journalism and the research database which houses electronic theses from Africa on gender, media and diversity;

- Mainstream gender in the curriculum and put in place institutional mechanisms that ensure that gender is a component of curriculum reviews;
- Ensure that monitoring and evaluation is built into the process and that the data gathered is used to improve the process; and
- Advocate that gender be a component of the UNESCO Journalism Centres of Excellence criteria as well as to ensure that gender is mainstreamed in the UNESCO Model Curriculum for Journalism and Media education.

The eight stages include:

STAGE	PURPOSE
Overall comments	To mainstream gender in journalism and media education and training in institutions of higher learning in Southern Africa.
1. Situation analysis	To get establish gender baselines that progress is measured against.
2. Getting buy in	To ensure that there is institution wide commitment to the process of gender mainstreaming.
3. Gender and media literacy training	To show case how gender can be integrated into journalism and media education and training.
4. Curriculum review	To mainstream gender in all courses and put forward gender specific programmes.
5. Gender and sexual harassment policies	To create an sustainable environment for gender mainstreaming.
6. Ongoing capacity building	To build the capacity of educators to mainstream gender in all courses.
7. Outreach: Gender and media literacy with the public	To create a gender aware citizenry.
8. Monitoring and evaluation	To measure impact of the project.



One example of a media training institution that has taken this process to heart after studying the findings of the GIME research is the Polytechnic of Malawi, that has mainstreamed gender in 14 course outlines.

The Faculty of Education and Media Studies - under which the above programmes fall - and the University of Malawi, have also included gender in their strategic plans.

From the beginning of the project, Dean of the Faculty of Education and Media Studies Francis Chikunkhuzeni has driven the process



Francis Chikunkhuzeni: Championing gender mainstreaming in curricula at the Malawi Polytechnic.

and delivered results. The institution has used existing tools to design gender-aware course outlines. There is a visible change in attitudes and perceptions among the lecturers and media students of the institution. Students have embraced gender and media knowledge and many are now able to critique media content at an advanced level.

As a result of the successes in the journalism and business communication departments, the Polytechnic's Department of Language and Communications is also seeking to mainstream gender in its courses.

## Equal representation of women and men in the media by 2015



*The Protocol urges Member States to take measures to promote the equal representation of women in the ownership of, and decision-making structures of the media in accordance with Article 12.1 that provides for equal representation of women in decision making positions by 2015.*

In 2007/2008 GL and GEMSA conducted the most comprehensive survey to date on women and men in Southern African media houses against the above provisions. The study covered 126 media houses and

more than 23 000 employees in all SADC countries except Angola. The results are summarised in Table 9.3 gives a snapshot of the Malawi findings.

**Table 9.3 Representation of women and men in media houses in Malawi**

	% Female	% Male
Overall % employees by sex	23	77
<b>OCCUPATION LEVELS</b>		
Non permanent	17	83
Unskilled	23	77
Semi skilled	41	59
Skilled technical	31	69
Professionally qualified	15	85
Board of directors	27	73
Senior management	26	74
Top management	19	81
<b>CONDITIONS OF EMPLOYMENT</b>		
Part time	23	77
Full time, fixed term contract	31	69
Freelance <sup>1</sup>	35	65
Full time open ended contract	23	77
<b>DEPARTMENTS</b>		
Human resources	75	25
Advertising /Marketing	36	64
Finance & administration	21	79
Editorial	28	72
Design	22	78
Production	22	78
Printing & distribution	25	75
Technical/IT	6	94
<b>POLICIES</b>		
Gender policy	40	
Sexual harassment policy	30	
Want gender policies	70	

### Key findings

Overall women only make up 23% of employees in media houses far from the 50% target in the SADC Gender Protocol.

This is a significant gap between enrolment for example 50% at the Malawi Institute of Journalism to the proportion of women who then stay in employment in the sector.

Across all levels and departments, women make up less than 50% except in the Human Resources department where they make up 75% of the employees. The gender stereotypes are far more glaring with women only making up 6% of those in the technical or IT departments. This speaks to the need for more women to take up non-traditional subjects when they choose career paths.

<sup>1</sup> This condition of employment refers only to freelancers in the production department of the media house.

## Gender in media content



*The Protocol calls on Member States to encourage the media to give equal voice to women and men in all areas of coverage, including increasing the number of programmes for, by and about women on gender specific topics and that challenge gender stereotypes. The Protocol urges member states to take measures to discourage the media from:*

- *Promoting pornography and violence against all persons, especially women and children;*
- *Depicting women as helpless victims of violence and abuse;*
- *Degrading or exploiting women, especially in the area of entertainment and advertising, and undermining their role and position in society; and*
- *Reinforcing gender oppression and stereotypes.*

In 2003, GL and MISA, with technical support from the Media Monitoring Project (MMP) of South Africa, conducted the *Gender and Media Baseline Study* (GMBS) study (which covered 12 Southern African countries). This study, conducted over one month and covering more than 25 000 news items, is the largest regional media monitoring study ever to have been conducted anywhere in the world.

In 2006, GL, as part of the MAP partnership, conducted the HIV and AIDS and Gender Baseline study, extending

this and the GMBS to the DRC, Madagascar and Seychelles the following year.

In 2009, GL undertook a sequel to the GMBS - the *Gender and Media Progress Study* (GMPS). This is a follow-up study to measure whether or not the strategies - advocacy, training and the policy roll-out process - have assisted in the transformation of some of the media's ethical shortcomings identified in the GMBS. This study was conducted in tandem with the global study (GMMP 2010), providing a further opportunity for global benchmarking.

**Table 9.4: Summary of key findings**

GENERAL MEDIA PRACTICE	GMBS MALAWI	GMPS MALAWI	GMPS REGIONAL	GMMP GLOBAL
Topics	%	%	%	%
Economics	N/A	9	12	17
Gender equality	N/A	2	1	N/A
Gender violence	N/A	1	1	N/A
Politics	N/A	11	19	28
Sports	N/A	18	18	N/A
<b>Geographic scope of stories</b>	%	%	%	%
International	N/A	18	22	26
SADC	N/A	5	8	N/A
National	N/A	45	42	N/A
Local/community	N/A	32	18	N/A
Provincial	N/A	0	10	N/A
<b>Type of sources</b>	%	%	%	%
Primary sources	N/A	85	69	N/A
<b>Anonymity</b>	%	%	%	%
Anonymous sources	N/A	51	18	N/A
<b>Diversity of sources</b>	%	%	%	%
Single source	N/A	50	67	N/A
<b>GENDER IN THE MEDIA</b>	<b>2003 GMBS MALAWI</b>	<b>2010 GMPS MALAWI</b>	<b>2010 GMPS REGIONAL</b>	<b>2010 GMMP GLOBAL</b>
<b>Who speaks</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>
Overall	12	20	19	24
Private media	N/A	20	19	N/A
Public media	N/A	21	20	N/A
Community	N/A	23	22	N/A
<b>Who speaks on which topic</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>	<b>% women</b>
Economics	14	12	15	21

Education	N/A	29	24	N/A			
Gender Equality	21	51	43	N/A			
Gender Violence	57	45	41	N/A			
Political Stories	5	8	13	18			
Sports	6	16	12	N/A			
Gender of sources by medium	% women	% women	% women	% women			
Print	N/A	20	18	24			
Radio	N/A	21	20	19			
Television	N/A	24	25	26			
Who is seen	% women	% women	% women	% women			
Images in newspapers	N/A	32	27	N/A			
Ages - sources	% women	% women	% women	% women			
35 - 49 years	N/A	20	37	N/A			
50 - 64 years	N/A	13	20	N/A			
65 years or older	N/A	0	0	N/A			
Ages - images	% women	% women	% women	% women			
35 - 49 years	N/A	9	28	N/A			
50 - 64 years	N/A	27	14	N/A			
65 years or older	N/A	9	4	N/A			
Occupation	% women	% women	% women	% women			
Beauty contestant	100	100	73	N/A			
Business person	12	20	15	14			
Government official	6	18	14	17			
Health worker	22	35	27	31			
Homemakers	100	70	63	72			
Politicians	6	12	11	17			
Sex worker	0	100	62	39			
Sportsperson	6	13	8	11			
Personal identity	%	%	%	%			
Women	21	9	10	N/A			
Men	1	2	5	N/A			
GENDER IN NEWSROOMS	2003 GMBS MALAWI	2010 GMPS MALAWI	2010 GMPS REGIONAL	2010 GMMP GLOBAL			
Who does what	% women	% women	% women	% women			
All reporters	N/A	21	29	N/A			
TV reporters	27	20	42	44			
TV presenters	42	44	58	52			
Radio reporters	28	23	30	37			
Print reporters	8	20	25	33			
Who reports on what	% women	% women	% women	% women			
Economics	8	27	28	40			
Gender Equality	7	25	32	N/A			
Gender Violence	0	14	38	N/A			
Political stories	5	12	24	33			
Sports	4	15	18	N/A			
Sources and sex of reporter		%W	%M	%W	%M		
Female sources by sex of reporter	N/A	24	19	31	15	28	22
GENDER VIOLENCE AND THE MEDIA	2003 GMBS MALAWI	2010 GMPS MALAWI	2010 GMPS REGIONAL	2010 GMMP GLOBAL			
GBV stories compared to total	N/A	3	4	N/A			
Advocacy and protest stories	N/A	11	11	N/A			
Who speaks on GBV	% women	% women	% women	% women			
% of women in stories on and mentioned in GBV	N/A	34	27	N/A			
Function of GBV sources	%	%	%	%			
Victim/survivor	N/A	26	19	N/A			
Alleged perpetrator/perpetrator	N/A	13	11	N/A			



Who reports on GBV	% women	% women	% women	% women
Percentage of women reporters	N/A	23	35	N/A
GENDER, HIV AND AIDS AND THE MEDIA	2006 STUDY MALAWI	GMPS MALAWI	GMPS REGIONAL	2010 GMMP
	%	%	%	%
HIV and AIDS coverage compared to total	5	3	2	N/A
<b>Subtopics</b>	%	%	%	%
Prevention	69	35	26	N/A
General	9	39	37	N/A
Treatment	11	4	12	N/A
Care, support and rights	4	12	14	N/A
Impact	7	10	12	N/A
<b>Geographical scope</b>	%	%	%	%
International	8	14	12	N/A
Regional	2	6	8	N/A
National	65	51	56	N/A
Local	24	29	15	N/A
<b>Function of sources</b>	%	%	%	%
Official and UN Agencies	20	7	19	N/A
Civil society and NGOs	43	14	18	N/A
Experts	17	19	17	N/A
Traditional and religious leaders	16	6	2	N/A
People living with HIV and AIDS	0	3	7	N/A
Person affected	4	51	36	N/A
<b>Sources</b>	% women	% women	% women	% women
Who speaks on HIV and AIDS	48	21	20	N/A
<b>Reporters</b>	% women	% women	% women	% women
Who reports on HIV and AIDS	37	23	37	N/A

Overall, there has been a marginal improvement in the proportion of women sources in the news in Malawi, but there are wide differences among media houses. Women as news sources in the country increased from 11% in the 2003 *Gender and Media Baseline Study* (GMBS) to 20% in *Gender and Media Progress Study* (GMPS). The proportion of women sources is slightly higher than the regional average of 19%, but lower than the global figure of 24%.

There is little coverage of gender-based violence which accounts for 3%, slightly lower than the regional average of 4%. While gender violence receives more coverage than gender equality, coverage still tends to be sensational, with little information on advocacy campaigns and where to go for help.

The volume of HIV and AIDS coverage has decreased from 5% in the 2006 HIV and AIDS and Gender Baseline Study to 3% in GMPS compared with earlier studies, but the proportion of those affected has increased from 4% to 51%. People living with HIV and AIDS still speak less, at 3%.

### Media practice

**The media in Malawi uses more primary than secondary sources:** Malawi at 85% primary and 15%

secondary sources is one of the best performers in the region.



Media Officer at GL Tarisai Nyamweda interviewing Francis Chikunkhuzena lecture the University of Malawi Journalism school.

Photo: Jabulani Sithole

**A significant number of media sampled do not identify sources:** Of the 12 media houses monitored only five identify its sources, while seven media houses use more anonymous sources. The worst performers are TV Malawi with 96% anonymous sources, MBC 1 (98%) and Radio Islam (99%). The findings point to the need for media in Malawi to improve on its sourcing for news.

**Experts or commentators and subjects dominate the news in the country:** Most stories in the country come from expert or commentator sources (34%) while in the region they emanate from spokespersons (32%). In Malawi, 32% of stories come from subjects while spokespersons account for 20%. The findings show that a large proportion of those whose voices are heard are considered “powerful people” because of their knowledge (experts); they have been appointed spokespersons or they are the main subject of the story.

**Sources lack diversity:** The Guardian newspaper is the best performer with 73% multiple sources followed by TV Malawi (67%), The Nation (64%), Malawi News (57%) and Radio Islam (50%). The worst performers are MBC 1 with 30% multiple sources, ZBs (27%) and Capital Radio (15%). Overall, the figures point to lack of diversity of sources in the media in Malawi compared with the regional average of 53%. A lack of diversity of sources helps to explain why there are few women as news sources. When the media rely on single sources for stories, chances are higher that only men are quoted since they are invariably deemed to be the voices of authority in society.

## Gender in media content

**There has been a significant increase in women sources:** Women sources increased from 11% in GMBS to 20% in the GMPs, an increase of nine percentage points over seven years.

**The proportion of women sources in the country is slightly higher than the regional average but lower than the global average:** At 20% women sources, the figure is slightly higher than the regional average of 19% but lower than the global average of 24%.

**The community media does better:** There are more women sources in the community media (23%) than public media (21%) and private media (20%). The findings show that community media gives access to women than other media.

**There are variations across media:** There are high proportions of women as news sources in the Malawi News (70%), Daily Times (46%) and Nation on Sunday (31%). The lowest proportions are in Capital Radio (9%), the Guardian (13%), Joy Radio (14%) and MBC 1 (15%). TV Malawi also has few women as news sources at 24%.

**Gender equality is not news worthy for media in Malawi:** Gender equality accounts for 2% of total coverage compared to politics (11%), sports (18%) and economics (9%).

**Women's voices are heard in soft beats while men's voices are in hard news:** In Malawi women speak more on soft beats, such as gender equality,



Journalist reads the Daily Times in the Daily Times newsroom, Blantyre - August 2010.  
Photo: Dumisani Gandhi

gender violence, health, housing and children while men speak on hard beats like sport, economics, land, politics and disaster/war/conflict. Women's voices are absent in mining.

**There is a clear division on occupations of women and men:** The occupations in which women dominate as news sources are as sex workers, beauty contestant, homemakers and students. On the other hand, men dominate as religious figures, scientists, politicians, government officials, miners and royalty. This shows that there is a clear division along sex on occupations of men and women as news sources.

**There have not been any significant changes since the GMBS, but women have made inroads in occupations previously regarded as men's:** Although women still dominate as beauty contestant (100%) and homemaker (100%), they have made inroads in areas which previously were the preserve of men. Interesting gender benders are the increase in women as businesspersons, from 12% in GMBS to 20% in GMPs, activists (14% to 20%), health workers (22% to 35%), politicians (6% to 12%), sportspersons (6% to 13%) and government officials (6% to 18%).

## Gender in newsrooms

**There are more men than women reporters and presenters:** Women account for 21% of reporters and 44% of presenters.

**There has been progress on beats women reporters cover:** Women now report more on children, which increased from 4% to 50%, HIV/AIDS (9% to 39%) and economics (8% to 27%). There are new areas on which women now report - crime (24%), gender violence (14%), religion (39%), culture/tradition (27%) and housing 25%.

**But women reporters are more likely to consult women sources than men:** In Malawi, women reporters are more likely to quote women sources (24%) than men reporters (19%). When compared with other

countries, women reporters in Lesotho (46%) are the highest. The findings indicate the need for more women reporters in the newsrooms to increase the voices of women in media content.

### Gender-based violence

**Gender-based violence (GBV) has a lower proportion of coverage in Malawi than the regional average:** Stories on GBV account for 3% of total coverage compared to 4% in the region. The country is one of the worst performers in the coverage of GBV.

**More men than women speak on GBV:** In Malawi 34% women and 72% men speak on GBV. Generally women speak less on GBV than men across countries, except in Seychelles.

**A big proportion of survivors speak on GBV:** Most stories in Malawi come from police/judges/legal system (27%) and victim/survivor (26%).

**More men than women across the media in Malawi report on GBV:** More men than women report on GBV, with the exception of Malawi News at 50/50. The country is one of the worst performers in the region on who reports on GBV.

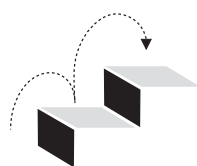
### HIV and AIDS

**The proportion of HIV and AIDS coverage has dropped:** The coverage in Malawi fell from 5% in 2006 to 3% in the GMPS. At 3%, the country ranks among the poor performers.

**Voices of people affected by HIV and AIDS are now heard:** Voices of people affected by HIV and AIDS increased from 4% in 2006 study to 51% in GMPS. The figure is higher than the regional (36%).

**People living with HIV and AIDS are not heard:** People living with HIV and AIDS only account for 3%, though coverage has increased from 0%. This is lower than the regional average of 7%.

**Official voices on HIV and AIDS are on the decrease:** Since the previous study in 2006, people affected now dominate the discussions, with a marked rise from 4% to 64%. The voices of civil society and NGO's, who were the highest in the 2006 study, dropped from 43% to 10% and traditional and religious leaders from 16% to 0%.



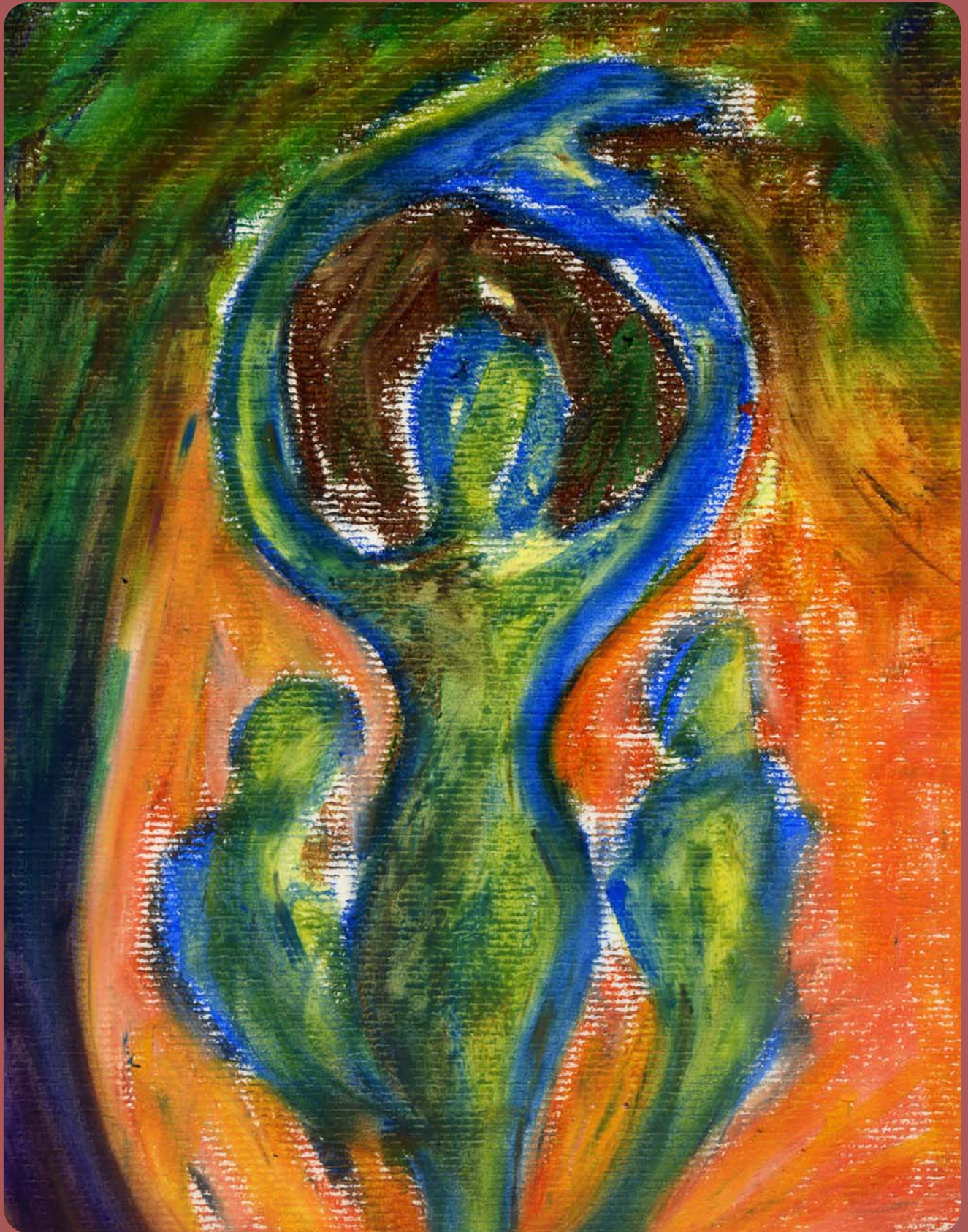
### Next steps

- The development of gender-responsive editorial and employment policies and guidelines is an important first step towards directing and managing change in media houses to address many of the gaps and inequalities identified in gender and media studies.
- Those media houses participating in the COE's process can serve as best practices and provide examples of how gender mainstreaming in the media improves accountability to the public; strengthens media practice and enhances the elements of good journalism; and makes good business sense as new audiences are tapped.
- Malawi also needs strategies and resources to develop a strong gender and media advocacy and lobbying movement that is linked to media, communications and Information and Communications Technologies (ICT) law and policy reform.
- Ongoing activism within the gender equality and women's empowerment sector must broaden its focus to include the media as one of the institutions for changing mindsets and attitudes.
- Gender and media literacy for the wider population largely remains uncharted terrain in Malawi and the media training institutions are a critical partner. This sphere of work is critical for building a broad base of informed citizens who can engage with the media and use their voices to demand accountability, media professionalism and high ethical standards.
- Malawi institute of journalism that participated in the audit of gender in media education are part of a wider network of tertiary institutions in Southern Africa collaborating through the GMDC to incorporate gender into media education teaching, learning and research. Incorporating gender in media education and journalism training is essential for sustainable change in newsrooms.

### What the Government of Malawi can do

- Pledging to mainstream gender in all information, communication and media laws.
- Pledging statutory regulatory authorities, and encouraging self-regulatory authorities, to use whatever leverage they have at their disposal, especially in relation to publicly funded media, to ensure gender accountability. This could include requiring gender balance and sensitivity in institutional structures as well as editorial content part of licensing agreements, as well as annual reports stating progress in this regard.
- Pledging to ensure that gender will be mainstreamed in all publicly funded media training institutions, and where they exist encouraging privately funded media training institutions to follow suit.





"Isabella"

Anushka Virahsawmy

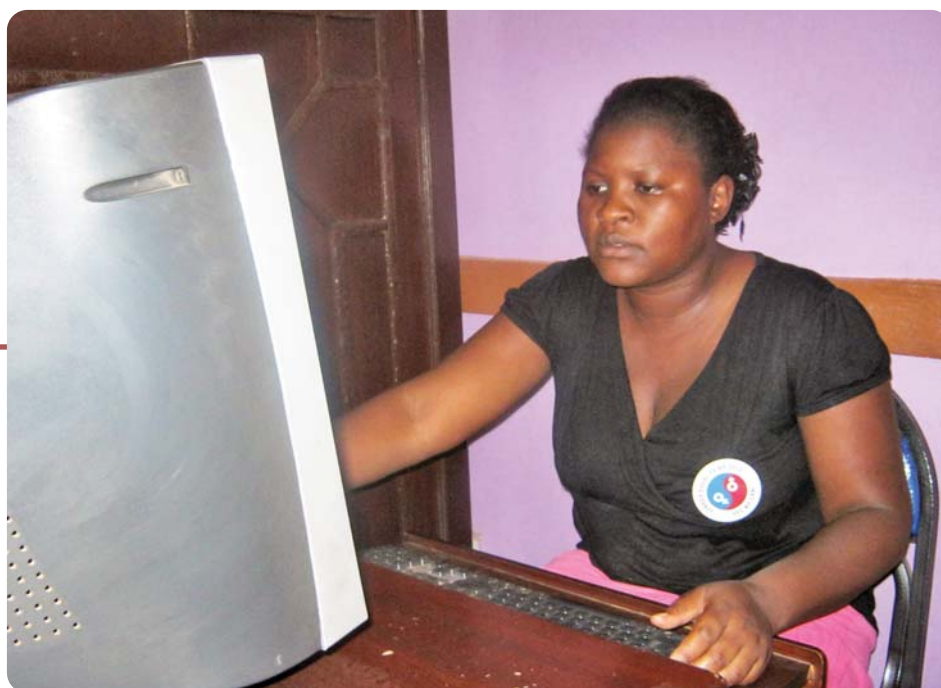




# CHAPTER 10

## *Implementation*

### *Articles 32-36*



With two years to go Malawi should ratify and accelerate implementation . Women participating in thematic cyber dialogues including discussing key provisions of the SADC Gender Protocol during 16 Days campaign - Malawi, November 2010.

*Photo: Emma Kaliya*

#### **KEY POINTS**

- Malawi has signed but not ratified the SADC Gender Protocol.
- A Ministry of Gender, Child Welfare and Community Services coordinates gender mainstreaming within line ministries
- Civil society have begun a campaign for an Addendum to the SADC Gender Protocol on gender and climate change
- The NGO Gender Coordinating Network is the national focal point of the Southern Africa Gender Protocol Alliance - a regional network that monitors implementation of the SADC Gender Protocol.
- Current efforts to develop a multi-sector gender strategy provides an opportunity to mainstream key targets of the SADC Gender Protocol by relevant line ministries.
- Costing and ensuring adequate budgetary allocations is key.

## Background



Women's empowerment key to accelerating the realisation of the key targets of the SADC Gender Protocol - women at a market in Blantyre.  
*Photo: Gender Links*

Protocols are the cornerstones of the SADC regional integration agenda. Once ratified, they are legally binding on state parties, providing a framework for accelerating and strengthening policy, legislation and other measures in SADC member states. They set regional norms and standards for enhancing measurable change in the lives of SADC citizens.

For their part, members of civil society and citizens have a duty to shape the SADC development agenda and closely monitor its implementation. Article 23 (1) of the SADC Declaration and Treaty states that: "SADC shall seek to involve fully, the people of the Region and nongovernmental organisations in the process of

regional integration. It also calls for cooperation and for member states to support people-led initiatives that contribute to the objectives set out in the SADC Treaty, especially when it comes to forging closer links between and among communities, associations and people in the region.

Articles 32-36, covering "final provisions" include:

- The remedies entitled to citizens should they feel their rights have been violated on the basis of gender;
- Ensuring gender mainstreaming in financial allocations and in the implementation of the Protocol;
- The institutional arrangements to be established by the SADC Secretariat for the implementation of the Protocol that include a Committee of Ministers Responsible for Gender or Women's Affairs; Committee of Senior Officials Responsible for Gender or Women's Affairs and the SADC Secretariat;
- Actions to be taken at the national level, including national action plans, with measurable timeframes, and the gathering of baseline data against which progress will be monitored and reports submitted to the SADC Executive Secretary every two years;
- Mechanisms for the settlement of disputes through the SADC Tribunal;
- The fact that any party may withdraw from the Protocol after submitting 12 months notice;
- Ways in which amendments can be made to the Protocol;
- Signature of the Protocol;
- Ratification; entry into force within 30 days of two thirds of the member states depositing instruments of ratification;
- The fact that the Protocol remains open for accession by any member state; and
- The depositing of the instrument with the Executive Secretary of SADC who shall register

## Signing



*Article 39 provides that the Protocol shall be duly signed by the authorised representatives of Member States.*

Malawi is among the SADC Heads of State that have signed the SADC Protocol on Gender and Development. While 11 out of the 15 SADC countries signed the Protocol in August 2008, Malawi eventually signed in

October 2009 bringing the total number to 13 countries. Mauritius and Botswana are still to sign with the hope that peer pressure will get the countries to change their minds.



## Ratification



*The Protocol states that it shall be ratified by the signatory states in accordance with their constitutional procedures and shall enter into force 30 days after the deposit of instruments of ratification by two thirds of the member states.*

**Table 10.1: Legal progress of the Protocol by country**

COUNTRY	SIGNED	RATIFIED	DEPOSITED INSTRUMENTS
Angola	✓	✓	✓
Botswana			
DRC	✓	✓	
Lesotho	✓	✓	✓
Madagascar	✓		
Malawi	✓		
Mauritius			
Mozambique	✓	✓	✓
Namibia	✓	✓	✓
Seychelles	✓	✓	✓
South Africa	✓	✓	
Swaziland	✓		
Tanzania	✓	✓	✓
Zambia	✓		
Zimbabwe	✓	✓	✓

Source: Gender Links 2012 and SADC Gender Unit.

Table 10.1 shows that Malawi has not yet ratified the SADC Gender Protocol, an important step for the Protocol to become enforceable. The country is one of the three countries that have signed but not ratified including Madagascar and Zambia. In September 2012, Swaziland became the latest to join two other countries (South Africa and DRC) that have ratified but not yet deposited the instrument with the SADC Secretariat. In total, 10 countries have ratified thus barring these technicalities; the Protocol is to all intents and purposes in force.

It is important though that all countries ratify and deposit their instruments to signify that, as a region, SADC has committed not only to intensify efforts to achieve gender equality, but is duty-bound to do so and to report accordingly.

### Implementation at national level

The Ministry of Gender, Child Welfare and Community Services coordinates gender mainstreaming within line ministries as well as of the national gender machinery. Gender has been integrated in the national development plans such as the 1996 - 1999 one. However there is a

need to update the National Gender Policy (2000-2005) and the Gender Action Plan that covered 2005 - 2008. It will be important that the country aligns its National Gender Policy with the SADC Gender Protocol targets a model used by Seychelles for example.

Malawi is currently developing a multi-sector gender strategy that will bring all line ministries together in the different sectors. This provides an opportunity to mainstream key provisions of the SADC Gender Protocol.



Deputy Director, Gender Affairs Department, Mr  
Cyrus Jeke.  
Photo: Loveness Jambaya Nyakujarah

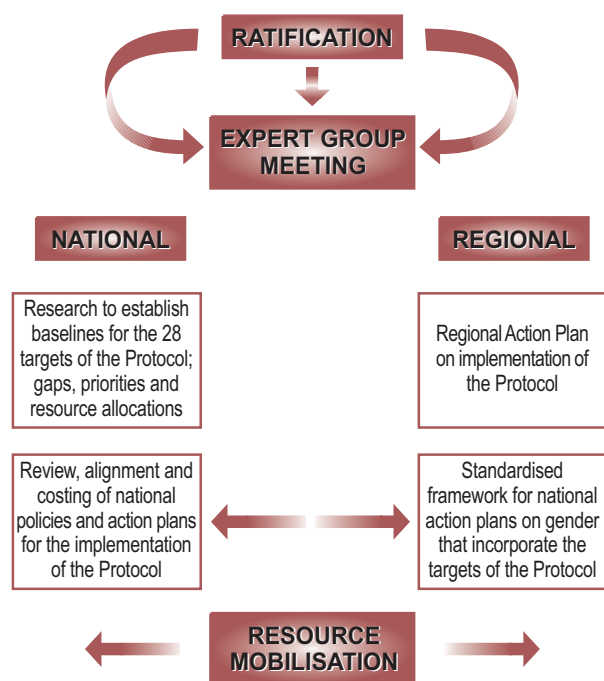
## Costing and gender budgeting



*Article 33: Financial Provisions: State parties shall ensure gender sensitive budgets and planning, including the designation of necessary resources towards initiatives aimed at empowering women and girls. State parties shall mobilise and allocate the necessary human, technical and financial resources for the successful implementation of this Protocol.*

The SADC Protocol underscores the need for signatories to ensure adequate resources for its implementation. This prompted a regional meeting of to **discuss implementation of the SADC Protocol in February 2011**. The Southern Africa Gender Protocol Alliance, SADC Gender Unit and UN Women hosted an expert group meeting on costing the implementation of the 28 Protocol targets. Attendees agreed on a process for aligning national gender policy/action plans to the Protocol; identified key gaps and action points for meeting the 2015 targets; devised an overarching plan that identifies actions, and costed implications within the timeframes.

Figure 10.1: Roadmap to equality



**SADC gender ministers agreed to a roadmap for implementation in early 2011:** The SADC Gender Unit hosted a SADC gender programme review meeting for the SADC Gender/Women's Affairs ministries in Windhoek in June 2011. Gender ministers agreed that there is a need for a systematic approach for implementing the Protocol at both regional and national

levels. The Secretariat and Alliance partners agreed to devise a standardised framework and process for reviewing, aligning and costing the national action plans. Figure 10.1 illustrates this roadmap.

Member States committed to aligning gender policies and action plans to the Protocol and to costing these actions during the SADC Gender and Development Conference in October 2011. Senior officials responsible for gender/women affairs, and leading civil society organisations attended the conference, convened by the SADC Gender Unit. The Alliance and other gender NGOs provided technical assistance. In the process, Gender Links developed the SADC Gender Protocol Barometer- Policy-Gender action plan-Gender Responsive Building-Capacity Building Model that brings several components together.

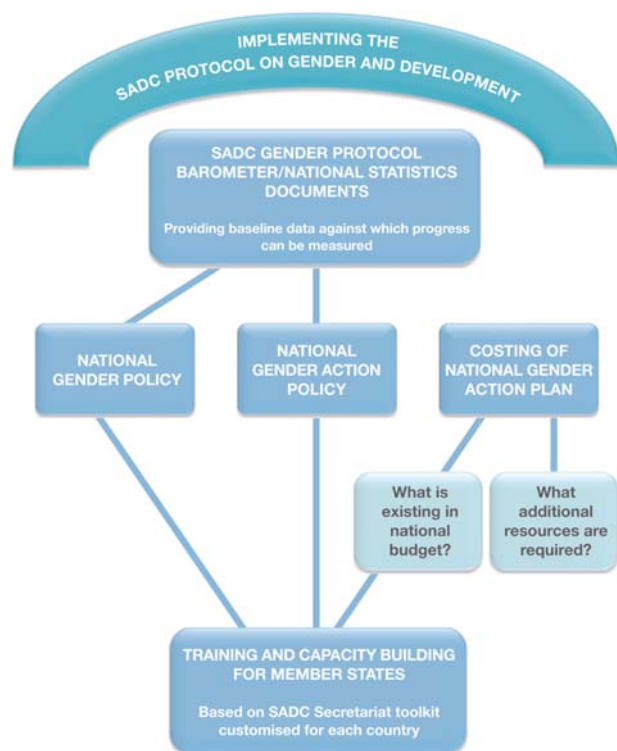
**The implementation of the SADC Gender Protocol requires a multi-sector approach** as illustrated in Figure 10.2. The implementation of the SADC Gender Protocol is the broad objective. This should include:

- Gathering baseline data: Information in the Alliance's SADC Gender Protocol Barometer provides a wealth of data that gender ministries and activists are using in these processes.
- Training and capacity building: The development of national gender policies and costed gender action plans requires capacity-building on gender mainstreaming, gender budgeting and costing implementation of policy at national levels. The value of integrating training into the process is that learning is contextualised and applied.
- Resource allocation for implementation of key provisions of the SADC Protocol: It is important for the national gender machinery to lobby for allocation of resources to ensure the implementation of the costed gender action plans. This should include examining existing resources within national budgets to find gender entry points and assessing what additional resources may be required. This strategic approach to budgeting helps to ensure resource mobilisation.

As Malawi develops a gender strategy it will be important to consider costing implementation of the SADC Gender Protocol provisions in the country building on previous work on gender budgeting by various

stakeholders including UN agencies, government and civil society organisations.

**Figure 10.2 Costing model developed by Gender Links**



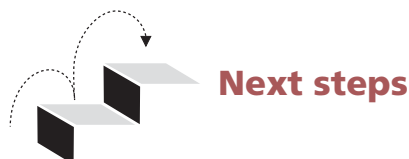
### Civil society - The Southern Africa Gender Protocol Alliance

The NGO Gender Coordinating Network (NGOGCN) is the focal network of the Southern Africa Gender Protocol Alliance. The Alliance is a “network of networks” started as a coalition in 2005 when the

campaign for adoption of the SADC Gender Protocol began. As the campaign shifted from signing to ratification to lobbying for implementation the network reorganised in order to be effective in monitoring implementation.

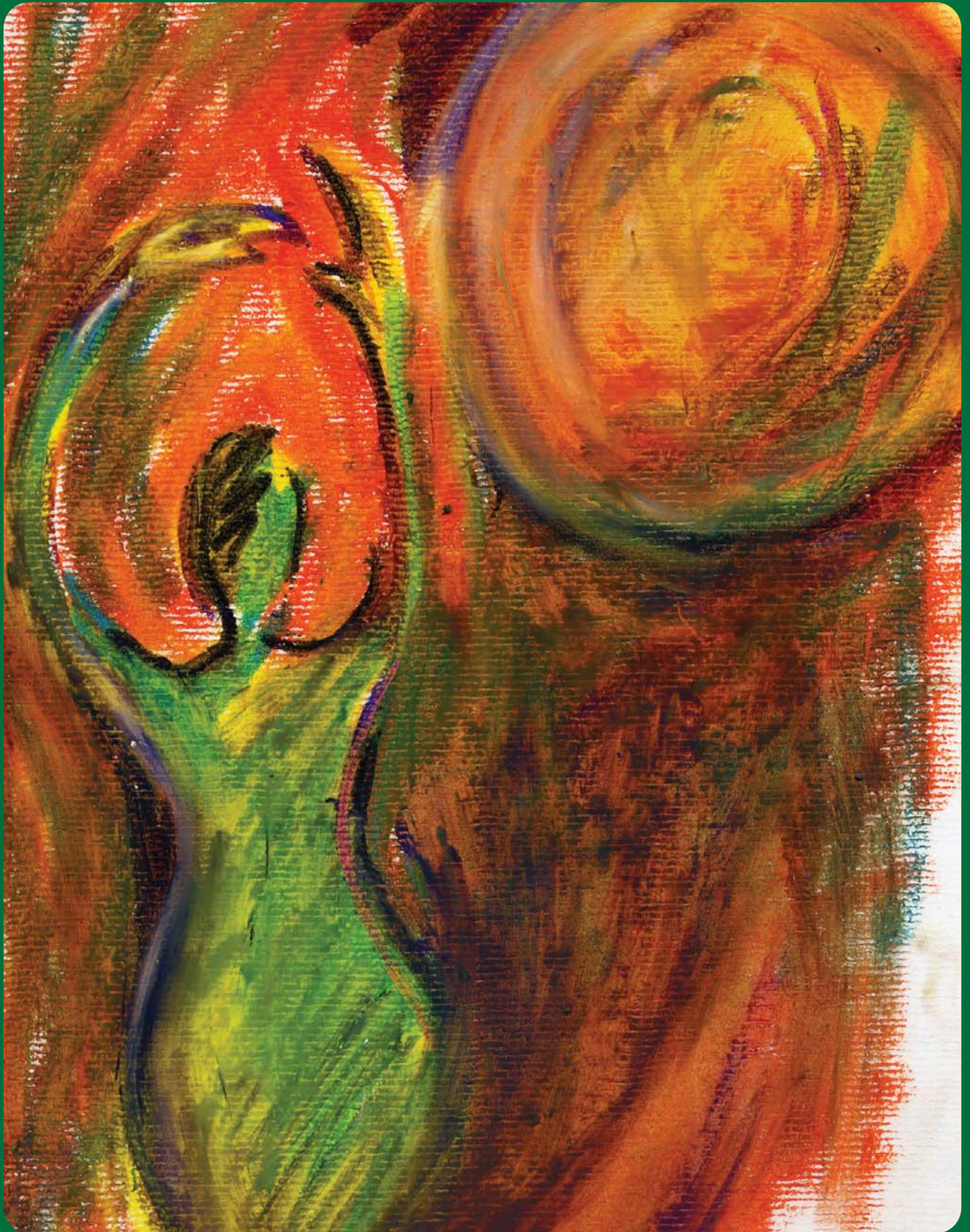
The role of country networks is to:

- Organise and mobilise around monitoring implementation of the SADC Gender Protocol using various tools such as the annual SADC Gender Protocol Barometer.
- Develop gender champions at national level for advocacy work on key provisions of the SADC Gender Protocol.
- Organise thematically as a strategy to link to regional level and global level campaigns
- Advocacy campaigns of hot button issues such as 5050 campaign for increasing women's representation; GBV campaigns; gender and climate change
- Gather and document good practices that demonstrate the SADC Gender Protocol @ Work.



- Malawi should ratify the SADC Gender Protocol and deposit instruments of ratification.
- Accelerating implementation through a multi-sector costed gender action plan that is aligned to the SADC Gender Protocol building on existing initiatives.
- Budgetary allocations from the national treasury to achieve the key targets
- Concerted campaigns in the run up to 2015, the deadline for achieving the 28 targets and the MDGs.
- Pushing the envelope on gender and climate change.





Anushka Virahsawmy





## Gender and climate change



A community leader stressing a point at a Nature's Gift permaculture project meeting in Malawi.  
*Photo: Colleen Lowe Morna*

### KEY POINTS

- Climate change policy and strategy documents in Malawi are not gender responsive despite the fact that women disproportionately bare the brunt of climate change.
- The Southern Africa Gender Protocol Alliance Network is campaigning for an Addendum to the SADC Protocol on Gender and Development on gender and climate change. They have used the draft Addendum to begin tracking country progress on mainstreaming gender in the sector.

### Regional context

There is no doubt that the overall climate is changing, and this poses serious global challenges. This is because climate change is an environmental, social, economic, energy, food, political, ethical and moral challenge. It is a crisis perpetuated by the endless pursuit of growth and prosperity.

Ultimately, the world faces not just a climate crisis, but also a crisis of sustainability. The key contributor to global warming is human-induced climate change, because of exploitative, unsustainable economic growth, consumption and production patterns, applied especially by the global North and the elites in developing

countries. Women in the south contribute the least to climate change yet feel its effects the most.

SADC states are committed to addressing climate change. Malawi is among countries that have identifiable adaptation and mitigation programmes. Others include

Botswana, Namibia, Madagascar, Mauritius, Mozambique, Seychelles and South Africa have. Malawi, Mozambique, Madagascar, Namibia, and Seychelles have National Action Programme(s) for Adaptation in line with the United Nations Framework Convention for Climate Change (UNFCC).



COP17 marchers in Durban, South Africa.

Photo: Trevor Davies

SADC Ministers responsible for environment and natural resources management approved the "SADC Support Programme on Reducing Emission from Deforestation and Forest Degradation (REDD+)" at a meeting held in Windhoek, on 26th May 2011. This groundbreaking initiative to support member states in their efforts to combat climate change and achieve their development goals through reduced emissions in the forestry sector is the first of its kind by a regional organisation in Africa.

Against this background, the Southern African Gender Protocol Alliance has embarked on a campaign for an Addendum on Gender and Climate Change. This underscores the fact that like a constitution, a protocol is a living document that should be open to amendment, reflecting specific needs and concerns at any given time. This is yet another example of how - by being organised and strategic - civil society is prying open democratic spaces and getting gender into key areas of the regional agenda.

There are precedents in the region to governments elaborating on gender instruments in response to civil society demands. In 1998, a year after the signing of the SADC Declaration on Gender and Development, Heads of State adopted an addendum on violence against women and children. Just as women's organisations drafted this addendum, so the Alliance has drafted an Addendum on Gender and Climate Change for consideration by Heads of State through their ministers.

Even before the adoption of this addendum, the Alliance decided in 2012 to track SADC governments' response to gender and climate change in the regional and country Barometers. This measures the performance of governments against the draft provisions of the Addendum. The message is simply that there is no time

to waste. While governments prevaricate on legal niceties, citizens - especially women - demand accountability.

### Gender and climate change

The increase in natural disasters and extreme climate variations in the SADC region have already begun to point to serious threats to the livelihoods of Southern Africans. Coupled with increased income inequalities, unemployment, skyrocketing inflation and depressed production levels because of the global financial

crisis, the effects on women and other vulnerable groups are severe. It is therefore impossible to imagine a SADC that has achieved economic justice for women outside of considering climate change and sustainable development imperatives.

While climate change affects everyone, it does not affect everyone equally. The poor and vulnerable in Africa and other developing countries that have the least responsibility for climate change suffer the most as they experience violence, exclusion and loss of sovereignty over natural resources. Women make up 70% of the world's poor and this places them on the frontline of coping with disproportionate climate impacts on their livelihoods.

Of the people who die in climate-induced natural disasters 85% are women, while 75% of environmental refugees are women. Owing to these and other vulnerabilities that emerge from women's social role and status, their voices and interests need amplification within policy-making around climate change.

Peace begins @ home



Gender and climate justice by 2015!



It is important to understand the human face of climate change, not least because climate change has particular gender characteristics. Women suffer more from the impacts of climate change because of their limited access to services and goods. A growing body of literature on the gendered impact of climate change highlights aspects such as:

- Food insecurity - the stresses placed on women to provide sufficient food for their families;
- Water - the added effort required to secure sufficient water for family and access to clean water to prevent water borne diseases;
- Health - interruptions to health services delivery for example anti-retroviral treatment or TB treatment,

and impacts on those caring for the terminally ill (unpaid care work);

- School drop out - girl children who drop out of school because of responsibilities on the home front; and
- Migration and displacement - threats to women's safety and security because reliable water sources are further away or forced displacement owing to natural disaster. In the case of floods and tsunamis, for instance, women are the majority of victims because they stay to protect children.
- Women are more likely to be the unseen victims of resource wars and violence as a result of climate change.

### Impact of climate change in Malawi<sup>1</sup>

Action Aid Malawi conducted a study on the Impact of Climate Change on Women Farmers as one way of developing evidence based messages for COP 17. It is notable that women in Malawi are bearing the blunt of climate change impact. Women have given their say on how climate change is affecting their farming.

Eleanor Kenti, a 55-year-old mother of five has experienced the combination of floods and drought in Nsanje District that has resulted in the disruption of people's livelihood and ability to produce adequate food for their families.

"I used to grow maize, beans, rice and vegetables twice a year during the rainy and winter seasons. In the past, I was able to harvest food with a lot of surplus that I could sell for income to meet other needs like sending my children to school.

"Things began to change in the late 1980s and it got worse in the early 1990s when we experienced frequent floods and droughts. These changes have disrupted my ability to farm.

"Although I manage to find food to feed the family every day, it is barely enough. We manage to eat three

meals a day but we get no surplus to sell. We now have floods every rainy season. The river banks burst and the fields get destroyed. Government and other organizations like Action Aid Malawi come to our aid but it is never enough." says Kenti.

Because of these problems, the food production in her house dwindled from all year round to four to six months. Kenti, a mother of five, worries about the welfare of her family. Because of the high interest rates in lending institutions, Kenti is unable to borrow money to support the needs of her family.

According to Kenti, the families that live too close to the river banks face far worse problems during the rainy season. Their children are unable to go school and when they do go, they sometimes go without breakfast. Kenti belongs to a Community Based Organization and they managed to express their grievances to the District Assembly.

"What I want the most is to be self reliant even if the climate is changing. I want to grow rice, maize and keep poultry, so that I am able to feed my family. I also need subsidized fertilizers to supplement the compost manure I make," says Kenti.

### Policy

Bolstered by a multi-stakeholder approach **Malawi** has embarked on several initiatives in response to the country's climate change challenges. The Malawi Climate Change Programme (CCP) (2010) is aimed at mainstreaming climate change issues in the national development agenda through: National Programme for Managing Climate Change in Malawi, and part of the regional response, Africa Adaptation Programme Building Capacity for Integrated and Comprehensive Approaches to Climate Change



Photo: Colleen Lowe Morna

Adaptation in Malawi (AAP - Malawi).

The aim of these programmes is to develop a national climate change response framework and strategy to support national and local government institutions in delivering long term climate resilient and sustainable development. There are no gender considerations within these policies. The National Environmental Policy (NEP)

<sup>1</sup> <http://www.actionaid.org/malawi/stories/climate-change-malawi>

holds government and other stakeholders responsible for a decrease in gas-house emissions.

The Malawi National Strategy on Sustainable Development (MNSSD) compliments NEP and the National Biodiversity Strategy and Action Plan (NBSAP) focuses on protection and preservation of wildlife and other species. The Malawi Growth and Development Strategy (MGDS II) is an overarching development strategy that prioritises environmental concerns. Malawi has a National Action Programme for Adaptation (NAPA).

Despite these comprehensive policies, no clear indication of the extent of gender mainstreaming within them. References are only made to vulnerable communities and there is a need for monitoring the implementation of these policies.

## Women and men in decision-making in environment and agriculture



*It is proposed that the Addendum on Gender and Climate Change makes reference to ensuring women and men equal participation in all decisions related to climate change at all levels by 2015, as specified in Article 12-13 of 2008 SADC Gender Protocol.*

Environmental affairs affect a range of issues that fall under the responsibility of SADC national governments. It is rare for SADC countries to have government ministries that focus on environmental issues in isolation. In Southern Africa, environmental affairs ministries often fall under tourism, water affairs, fisheries, and wildlife. In other instances environmental affairs cover issues related to energy, mining, natural resources and geological affairs.

Figure 11.1: Proportion of women and men in the environmental and sustainable development sector in Malawi

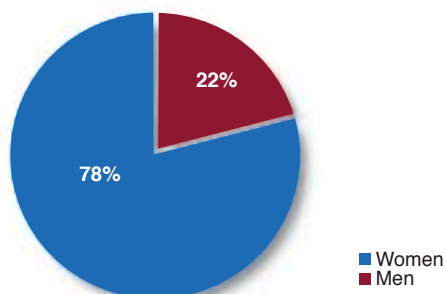


Figure 11.1 shows that women make up only 22% of key decision making positions in the environmental and sustainable development sector. This is far from the 50% target in the SADC Gender Protocol which calls on States to ensure gender parity by 2015. The Draft addendum builds on this already existing provision. This is however, one percentage higher than the regional average of 21%.

## Public education and awareness



*It is proposed that the Addendum calls on all SADC States to conduct gender sensitive education, training and public awareness campaigns on climate change and sustainable development and; ensure that public media plays a significant role in sharing information on gender dimensions of climate change and sustainable development.*

In addition to government efforts, civil society formed the Civil Society Network on Climate Change (CISONECC) with a goal of building communities resilient to the impacts of climate change. This network focuses on activities including research, policy analysis, lobbying, advocacy, capacity building, information sharing and monitoring and evaluation. The Centre for Environmental Policy and Advocacy (CEPA) is a public interest organisation that provides advice and conducts research in climate change. Little to none of these efforts have a specific gender focus

## Gender and climate change financing



*It is proposed that the Addendum calls on member states to ensure that women and men can equally access climate change financing vehicles available to SADC.*

Based on available information Malawi is yet to successfully collect or collate comprehensive sex disaggregated data on effects of climate change or natural disasters. In order to develop robust systems for collecting gender disaggregated data the following are key: Co-ordination of all relevant government institutions, humanitarian agencies and UN agencies; emphasis on protection of individuals; and development of effective early warning mechanisms.

## Sustainable technology



*It is proposed that the Addendum calls on all SADC States to develop, deploy and disseminate sustainable technology that is responsive to women and men, for example, promoting cleaner burning fuel for household use that will reduce air pollution and cut annual cooking costs for women by 25%.*



Energy saving stoves promoted by ADRA in Malawi. [adramalawi.blogspot.com](http://adramalawi.blogspot.com)

In the majority of SADC countries women and men have traditionally relied on wood for cooking: Campaigns are underway to shift citizens to use cleaner energy sources but success will clearly depend on the extent of populations' involvement and interest in the initiatives in

addition to the associated costs of these alternative sources. In Malawi initiatives include: eradication of the use of wood for cooking, a shift to use of gas, use of solar heating systems, and research on large scale renewable energy sources. This will however take a long time given the limited resources and the high price of alternative technologies. The African development Bank Interim Country Strategy Paper (ICSP) 2011-2012 notes that biomass fuel use is widespread because only 7% of households have access to grid-supplied electricity in Malawi and that in rural areas where 85% of the population lives, access to electricity is less than 1%.

### Climate adaptation

In light of the commitment for all Least Developed Countries to receive support from the United Nations Framework Convention on Climate Change, in 2006 Malawi prepared its National Adaptation Programme of Action (NAPA). The NAPA sought and continues to seek to increase the adaptive capacities of vulnerable communities to adverse effects of climate change. In summary; the adaptation focus areas include:

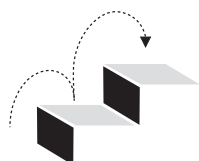
- Improving community resilience to climate change through the development of sustainable rural livelihoods;
- Restoring forest in Upper, Middle and Lower Shire Valleys catchments to reduce siltation and the associated water flow problems;

- Improving agricultural production under erratic rains and changing climatic conditions;
- Improving Malawi's preparedness to cope with droughts and floods; and
- Improving climate monitoring to enhance Malawi's early warning capability and decision making as well as sustainable utilisation of Lake Malawi and lakeshore areas resources.

### Financing climate change in Malawi

A study of Malawi's 2012/2013 national budget by the Centre for Environmental Policy Advocacy (CEPA) and the Malawi Economic Justice Network revealed a general stagnation in the allocation of public resources towards Ministry of Natural Resources, Energy and Environment and the Department of Environmental Affairs.

There is no indication of resources earmarked for addressing the gender dimensions of climate change. More advocacy in the area of financial allocation to climate change interventions is required. The situation is expected to improve following the creation of the Ministry of Environment and Climate Change Management.



### Next steps

- Lobby for the Addendum to the SADC Gender Protocol on Gender and Climate Change and nominate gender, climate change and sustainable development champions and ambassadors amongst relevant government ministers to run with the campaign for an Addendum.
- Increase women in sustainable development decision-making through partnerships with the women already occupying strategic positions, for example in agriculture and rural development and land resettlement.
- Map climate change effects on women through an initial qualitative study that can be developed into country and region specific quantitative frameworks.
- Intensify public awareness campaigns.
- Build capacity of women from different contexts on climate change issues; and
- Together with women from communities, develop adaptation and mitigation programmes that are replicable.
- Governments to commit to gender concerns in national budgets with specific regard climate change and environmental affairs.
- Set clear short and long-term targets for reducing carbon emission that keep average global temperature increases well below 1.5 degree Celsius, and support a shared vision that enables gender equality and avoids adverse effects on vulnerable groups - especially women.



# Annex A

## COMPARATIVE ANALYSIS OF THE CSC AGAINST THE SGDI

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
<b>ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS</b>			
✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.	6		
✓ Review, amend and or repeal all discriminatory laws.	6		
✓ Abolish the minority status of women.	6		
Average	61%	N/A	
<b>ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)</b>			
✓ Endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.	5	32	<p><i>What this score consists of:</i></p> <ul style="list-style-type: none"> <li>• Parliament: The percentage of parliamentarians who are women. The measure includes both upper and lower houses of parliament for countries that have more than one house.</li> <li>• Local government: The percentage of local government councillors/representatives who are women.</li> <li>• Cabinet: The percentage of members of the Cabinet who are women. The measure includes deputy ministers and ministers of state where they are members of the Cabinet. Similarly, it includes the President if s/he is a member of Cabinet.</li> </ul>
Average	52%	32%	
<b>ARTICLES 14: EDUCATION AND TRAINING</b>			
✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and Training and the Millennium Development Goals.	7	100	<ul style="list-style-type: none"> <li>• Primary school: The number of girls enrolled in primary school expressed as a percentage of total primary school enrolment. Source:</li> <li>• Secondary school: The number of girls/women enrolled in primary school expressed as a percentage of total secondary school enrolment.</li> <li>• Tertiary education: The number of women enrolled in tertiary education institutions expressed as a percentage of total tertiary enrolment.</li> </ul>
✓ Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender based violence, amongst others.	7		
Average	68%	100%	
<b>ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT</b>			
✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies.	6	87	<ul style="list-style-type: none"> <li>• Female share of economic decision making: The number of women occupying high-level economic decision-making positions expressed as a percentage of all such positions in the country. The positions included in the measure are Minister and Deputy Minister of Finance, Minister and Deputy Minister of Trade and</li> </ul>

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
			Industry/Commerce, Minister and Deputy Minister of Planning Commission, Central Bank, or their equivalents, permanent secretaries.
✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.	5		
✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.	6		
✓ Review national trade and entrepreneurship policies, to make them gender responsive.	5		
✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including through public procurement process.	5		
✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.	6		
✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.	7		<ul style="list-style-type: none"> <li>• Female LFP/ Male LFP. The Labour Force Participation rate of women expressed as a percentage of the labour force participation of men. The labour force participation rate is calculated as the (number of women/men of working age (usually 15+ or 15-64) who are either employed or looking for work) divided by the total number of women/men of working age.</li> <li>• Female/male unemployment rate. The unemployment rate of women expressed as a percentage of the unemployment rate of men. The unemployment rate is calculated as the (number of women/men who are looking for work) divided by the (number of women/men who are either employed or looking for work).</li> <li>• Female share of non-agricultural paid labour. The number of women employed in paid work outside of agriculture expressed as a percentage of all people employed in paid work outside of agriculture.</li> <li>• Length of maternity leave: The number of weeks leave to which a woman is entitled in respect of pregnancy and childbirth.</li> </ul>
Average	58%	74%	
<b>ARTICLES 20-25: GENDER BASED VIOLENCE</b>			
✓ Enact and enforce legislation prohibiting all forms of gender-based violence.	6		
✓ Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault.	6		
✓ Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence.	6		
✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.	6		
✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.	6		

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
✓ Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence by half by 2015.	6		
Average	62%	N/A	
<b>ARTICLES 26: HEALTH</b>			
✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.	7		• Women using contraception: The percentage of women aged 15 to 49 years reporting that they use a modern form of contraception.
✓ Reduce the maternal mortality ratio by 75%.	7		• Maternal mortality ratio: The number of women who die while pregnant or within 42 days of termination of pregnancy for every 100,000 live births of babies.
✓ Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men.	7		• Births attended by skilled personnel. The percentage of births in a given year in which the women is assisted by trained staff such as midwives or nurses.
✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.	6		
Average	64%	72%	
<b>ARTICLES 27: HIV AND AIDS</b>			
✓ Develop gender sensitive strategies to prevent new infections.	7		<i>What this score consists of:</i> • Comprehensive knowledge on HIV and AIDS: The percentage of women aged 15-who can correctly answer specified questions about HIV and AIDS. • Living with HIV as proportion of total: The number of women who are HIV-positive expressed as a percentage of all people who are HIV-positive. • HIV-positive pregnant women receiving PMTCT: The number of HIV-positive pregnant women receiving prevention of mother-to-child transmission treatment expressed as a percentage of all HIV-positive pregnant women.
✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.	8		
✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care-givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with HIV/AIDS.	7		
Average	74%	69%	
<b>ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION</b>			
✓ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.	6		
Average	56%	N/A	
<b>ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION</b>			
✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.	6		• Women employees as % of total: The number of women employees working in media institutions expressed as a percentage of all employees in media institutions. • Women as % of board of directors:



SPECIFIC TARGETS TO BE ACHIEVED BY 2015	CSI SCORE/10	SGDI SCORE	WHAT THE SGDI MEASURES
			<p>The number of women directors of media institutions expressed as a percentage of all directors of media institutions.</p> <ul style="list-style-type: none"> <li>• Women as % of management: The number of women managers in media institutions expressed as a percentage of all managers in media institutions.</li> <li>• Female % of staff in institutions of media learning: The number of female staff in institutions of media learning expressed as a percentage of all staff in institutions of media learning.</li> <li>• Female % of students in institutions of media learning: The number of female students in institutions of media learning expressed as a percentage of all students in institutions of media learning.</li> <li>• Percent women news sources: The number of women referenced as sources in the media expressed as a percentage of all people referenced as sources.</li> </ul>
Average	59%	71%	
<b>OVERALL SCORE</b>	<b>62%</b>	<b>70%</b>	

# Annex B

## BACKGROUND NOTE ON GENDER AND RELATED INDICATORS

This background note provides information on the various existing indicators considered in developing the **SADC Gender and Development Index (SGDI)** that is introduced for the first time in this Barometer.

The **Human Development Index (HDI)** - which is **not** a gender indicator - has four components which are meant to reflect Amartya Sen's "capability" approach to poverty rather than a simple income/expenditure monetary measure of poverty. The HDI components are (a) life expectancy at birth for health, (b) adult (15+ years) literacy rate and (c) combined gross enrolment rate for primary, secondary and tertiary education for education, and (d) gross domestic product (GDP) per capita for income. The four component scores are averaged to get the HDI number. The HDI thus gives a single simple (some would say simplistic) measure of the average achievement of the country in terms of human development. A league table was published in the annual Human Development Reports of the UNDP until 2009, and is widely quoted.

The HDI - like all measures - can be criticised on many grounds. Some of the criticisms are relevant from a gender perspective.

Firstly, composite indices are appealing because there is only one number. But having a single number is not useful for policy-making purposes unless one knows WHY the single number is lower than one wants it to be. For example, South Africa's HDI has fallen in recent years. The main reason for this is a significant drop in life expectancy, which is one of the four components. The HDI indicator cannot tell you this. It is only by looking into the components that you can see it.

Secondly, there are data problems. UNDP uses international data-sets in the interests of having a uniform approach. This is probably the only feasible approach for an index covering so many countries and compiled from a single office. However it results in the use of data that are relatively old, and thus indicators that are out-of-date. It also results in individual countries contesting the indicators. The need to have indicators for as many countries as possible can also lead to the use of lowest-common-denominator variables, rather than the variables that would best reflect what the indices aim to measure. Where data are not available, sometimes heroic assumptions have to be made. In the case of the **Gender-related Development Index (GDI)** (see below), this is especially the case in relation to sex-disaggregation of GDP.

Thirdly, the indicators are all based on averages, and thus do not capture inequalities within a single indicator.

In 1995, at the time of the Beijing Conference, UNDP developed two gender-related indices - the Gender-related Development Index and the **Gender Empowerment Measure (GEM)** - to complement the HDI.

The GDI uses the same variables as the HDI, but each of the components is adjusted for unequal achievement between women and men. The GDI thus shares all the problems that the HDI has, but also has some further problems.

One problem with the GDI is that it assumes that equality on longevity would mean equal life expectancies for men and women. However, biologically women can expect to live longer than men. So when life expectancies are equal this suggests that women are disadvantaged in some way. This is not reflected in the GDI.

A confusing feature of the GDI is that the method uses only the male-female gap, without considering whether it is males or females who are "doing better". So a country where women outperform men in education will have the same penalty as a country where men outperform women by the same amount. We might think this is not a problem (in that men and boys should not be disadvantaged), but it does complicate how we interpret the GDI if the index combines some components where males are advantaged and others where females are advantaged.

Probably the biggest problem with the GDI is that it is heavily influenced by the income variable, so that wealthier countries will - all other things being equal - be reflected as having less inequality than poorer countries. Analysis has shown that for most countries the earned-income gap is responsible for more than 90% of the gender penalty. Exacerbating this problem is the fact that the income estimates are based on "imputed" rather than real data. Thus for many developing countries the earned income gap is assumed to be 75% because reliable data are not available. The 75% was chosen on the basis of 55 countries (including both developed and developing) for which data are available. Yet another exacerbating feature is that the data for the 55 countries relate only to formal non-agricultural wages. Yet in many African countries only a small proportion of the workforce - and an even smaller proportion of employed women - is employed in the formal non-agricultural sector.

The final problem to be raised here is lack of sex-disaggregated data in some cases. As a result, each year there are fewer countries that have GDI scores than have HDI scores. This means that a higher place in the inter-country ranking for the GDI than the HDI does not necessarily mean that the country is doing relatively well on gender.

The GEM focuses on political, economic and social participation rather than Sen's capabilities. The components are women's representation in parliament, women's share of positions classified as managerial and professional, women's participation in the labour force and their share of national income. Fewer countries have data on all of these elements than on the GDI elements and each year there are therefore fewer countries in the GEM index than in the GDI index.

The GEM measures income in more or less the same way as the GDI, so this component has the problems described above. The influence of the absolute level of income - and thus the bias favouring wealthier countries - is, in fact, stronger for the GEM than the GDI. The political component is problematic in that a parliamentary quota for women will automatically increase the GEM score, but will not necessarily mean that women exercise greater political power in the country.

The **Millennium Development Goals (MDGs)** are eight goals that 192 United Nations member states and at least 23 international organisations committed themselves to achieving by 2015. One or more targets have been agreed in respect of each goal, with one or more indicators for each of the targets.

Goal 3 is to promote gender equality and empower women. Target 4 is assigned as the measure of achievement in respect of Goal 3. Target 4 is expressed as eliminating gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015. There are four indicators, the first of which has three elements.

The third and fourth indicators relate to employment and decision-making respectively. These additional indicators were included by the team which proposed the standard indicators to emphasise that education is not only an end in itself, but also a means to other ends. The third and fourth targets thus reflect back on the goal, which is about "empowerment" as well as equality. The targets attempt to measure the economic and political aspects of empowerment. The four indicators are: (a) ratio of girls to boys in primary, secondary and tertiary education; (b) ratio of literate females to males of 15-24 year olds; (c) share of women in wage employment in the non-agricultural sector;

and (d) proportion of seats held by women in national parliament.

These indicators are very similar to those used in the other well-known international indices. The second education indicator differs from most other indices by focusing on 15-24 year olds. This focus captures changes in education levels better than a measure that covers all adults, as the all-adult measure will be biased downwards by past discrimination against women rather than reflecting what is happening now within education.

The MDG Gender Task Force proposed that further indicators be added to the standard set to measure (a) gender gaps in earnings in wage and self-employment; (b) the hours per day or year that women and men spend fetching water and collecting fuel; (c) the percentage of seats held by women in local government bodies; and (d) the prevalence of domestic violence. These additional indicators were not added to the standard set.

Development of the **Gender Equality Index (GEI)** was motivated, at least in part, by the standard measures' lack of attention to issues related to the body and sexuality, religious, cultural and legal issues, ethics, women's rights and care.

The index was called the GEI, rather than the **Gender Inequality Index (GII)**, so as not to focus only on gender imbalances. Instead, the index would measure the extent to which gender equality was achieved in any country.

It was recognised that as a global, comparative measure, the GEI would lose cultural and national specificity and would not capture gender equality in all its dimensions. It was thus proposed that each country also describe the historical and cultural context, and develop country-specific "satellite" indicators to complement the GEI.

The GEI covers eight dimensions, each of which has a number of indicators. The dimensions are:

- Gender identity;
- Autonomy of the body;
- Autonomy within the household;
- Political power;
- Social resources;
- Material resources;
- Employment and income;
- Time use.

The availability and adequacy of the GEI indicators have been tested only in Japan and Indonesia. These tests revealed the especial difficulty of measuring the first two dimensions quantitatively.



In the early 2000s, the United Nations Economic Commission for Africa (UNECA) developed the African **Gender Status Index (GSI)** and the **African Women's Progress Scoreboard (AWPS)**. The AWPS is based on more qualitative judgments, although these are given numeric scores. The existence of the AWPS alongside the GSI is noteworthy, as it highlights the realisation that some aspects of gender equality cannot be adequately captured by quantitative indicators. The GSI is similar to the GDI and GEM in being computed from quantitative data. A major difference is that there are far more indicators - 43 in all!

The use of 43 indicators has two major drawbacks. Firstly, it means that most countries are likely to lack data on at least one indicator, or be forced to use unreliable data from small samples. Secondly, it means that the meaning of the index - and its direct usefulness for policy-making purposes - is even more obscure than for the HDI, GDI or GEM as one has to examine all the elements in detail to work out why a country is scoring higher or lower. The developers of the GSI acknowledge that there may be too many indicators.

UNECA tested the index in twelve countries (Benin, Burkina Faso, Cameroon, Egypt, Ethiopia, Ghana, Madagascar, Mozambique, South Africa, Tanzania, Tunisia, Uganda). The process took substantially longer than predicted. The delays in part reflected the challenges involved in collecting and checking so many indicators. Even with these delays and despite specifying five-year periods for each indicator, it was not possible to find all the indicators for each country.

The indicators are divided into three blocks, namely social power, economic power, and political power. The indicators all deal with gender issues, understood as the relations between women and men, and thus as needing to compare indicators for men and women. This means that maternal mortality and violence against women are not covered because they only concern women.

Each indicator represents a simple arithmetic comparison of the number of women to the number of men, thus reflecting the gender "gap". (A few of the indicators need a bit of manipulation to be able to get a gap.) Unlike the HDI and GDI, the GSI does not take the overall level of achievement into account. As a result, a good score on the GSI could reflect a high level of equality, but at a level of achievement that is poor for both women and men (girls and boys).

For weighting purposes, each of the three blocks - social, political and economic - has equal weight. Further, within each component of each block, each of the indicators has equal weight. In effect, this means that indicators that are in a component with relatively

few indicators "count" more than those in a component with a greater number of indicators. The developers of the GSI suggest that other weighting approaches could be considered, such as:

- Weighting more heavily the components or blocks where there are the biggest gaps.
- Weighting more heavily those that can be changed more easily in the short term so that one can more easily "see" the impact of advocacy and policy changes.
- Giving less weight to the "political power" block because it deals with a small population than the other two blocks.

The table shows all the GSI indicators, and the component and sub-component into which they fit.

In the 2010 Human Development Report the GII replaced the GDI. This measure, unlike the GDI, is not influenced by the absolute level of achievement or development. Instead, like the GSI, several of the components focus on the degree of inequality in achievement between males and females on different measures while others focus on levels of women's achievement. The consequence is that a country can score well on this measure even if absolute levels of achievement are low as long as the measures for females and males are equally low.

The three equally weighted dimensions covered by the GII are reproductive health (maternal mortality ratio, adolescent fertility rate), empowerment (share of parliamentary seats held by women and men, attainment at secondary and higher education levels) and labour market participation (labour market participation rate). The rating works in the opposite direction to that of the GDI i.e. a level of 0 indicates no inequality while 1 indicates extreme inequality.

The SGDI on the status of women in SADC countries is based on 23 indicators. The indicators are grouped under six categories, namely Governance (3 indicators), Education (3), Economy (5), Sexual and Reproductive Health (3), HIV and AIDS (3), and Media (6). There are, unfortunately, no indicators for the Protocol articles on Constitutional and legal rights, gender-based violence and peace building and conflict resolution. The fact that there are no indicators for some topics reflects the difficulty in finding appropriate indicators with reliable data for these. These are areas that the Southern African Gender Protocol Alliance hopes to address these gaps in future years.

Within some of the categories there are disappointing gaps. Ideally, the SGDI would have included an indicator measuring the disparity in pay between women and men doing paid work. Unfortunately, as discussed in the section on other indicator measures such as the GDI, the

available datasets of disaggregated earned income are heavily based on assumptions rather than on empirical data. In respect of the maternity leave indicator, the time given to a woman worker does not necessarily mean that she will receive pay while on leave. In some cases, no pay is guaranteed, in other cases only a proportion of the pay is guaranteed, and in some cases paid leave is only available to certain categories of employees, such as those employed by government. For next year's index, more detailed information on maternity leave as well as paternity leave will be included.

To create the composite index, two challenges needed to be addressed. The first was the differing number of indicators in the various categories and how this should be dealt with in weighting. This was necessary so that, for example, media was not given twice the importance ("weight") of governance or education because it had six indicators while governance and education each had three indicators. The second challenge was the difference in the range of "raw scores" that were possible for each indicator and how these could be standardised so that averages were not comparing apples and giraffes. If this standardisation were not done, an indicator for which the score could range from 0 to 50 would have only half the weight of another indicator for which the score could range from 0 to 100.

#### *Weighting*

Each category was given equal weight by calculating the average score across the indicators in that category. So, for example, for categories with three indicators, the score for that category was the average across the three. This approach also solved the problem of how to deal with countries for which some indicators were missing, as the average was calculated on the available indicators for each country. Nevertheless, while this generated a score for all categories across all countries except for media in Angola, the averages for countries with missing indicators should be treated with caution as they are not exactly comparable with those of countries for which all indicators were available. The number of missing indicators ranged from zero for Madagascar, Mauritius, Namibia, South Africa, Tanzania and Zambia, to nine for Angola.

#### *Standardisation*

Standardisation aimed to convert all "raw scores" into values that range from 0 (for the worst possible performance) to 100 (for the best possible performance). The indicators consist of several types in terms of what they are measuring:

- Many of the indicators measure the female percentage of people with given characteristics. All the

governance, education and media indicators have this form. For these indicators, the raw score could range from 0 to 100. However, if our aim is to ensure that women do not face discrimination, then a raw score of 50 is the target. In standardisation, all scores of more than 50 - of which several were found, for example, for tertiary education - were therefore changed to 50.

- Several of the indicators measure the percentage of women and girls with a given characteristic. Two examples of such indicators are the percentage of women using contraception and the percentage of women aged 15-24 with comprehensive knowledge on HIV and AIDS. For these indicators, the raw score could range from 0 to 100 and the score therefore did not need further standardisation.
- Several of the indicators measure the female rate for a given characteristic as a percentage of the male rate. Examples here are female labour force participation as a percentage of male labour force participation, and the female unemployment rate as a percentage of the male unemployment rate. In these cases possible scores could range from 0 to more than 100 where the female rate is more than the male rate. In the one case where the score was more than 100 (unemployment rate in Zambia), the score was changed to 100.
- Finally, two of the indicators that relate specifically to gender or women's issues have scores that fall outside the above categories. The first is the number of weeks of maternity leave to which employees are entitled. The second is the maternal mortality rate, which is expressed as the number of deaths for every 100,000 live births. For the first of these indicators, we assumed that the possible range was from 0 to 16 weeks, and calculated the actual number of weeks as a percentage of 16. For the second of these indicators, we set the possible range between 0 and 2000 out of 100,000 (see [http://en.wikipedia.org/wiki/Maternal\\_death](http://en.wikipedia.org/wiki/Maternal_death)), and calculate a score out of 100 by dividing the raw score by 20.

A further challenge in the standardisation process was that while the majority of indicators measure a desirable characteristic, for which a high score indicates good performance, there are a few indicators that measure undesirable characteristic for which higher scores reflected poorer performance. The negative indicators are the ones relating to unemployment rate, female share of people living with HIV, and maternal mortality rate. For these indicators the rate was inverted by subtracting the standardised rate from 100.

## Components of the Gender Status Index

Block	Component	Sub-component	Indicator
Social power 'Capabilities'	Education	Enrolment	Primary enrolment rate
			Secondary enrolment rate
			Tertiary enrolment rate
		Dropout	Primary dropout ratio
			Secondary dropout ratio
		Literacy	Ability to read and write
			Primary school completed
	Health	Child health	Stunting under 3
			Underweight under 3
			Mortality under 5
		Life expectancy at birth	
		New HIV infection	
		Time spent out of work	
Economic power 'Opportunities'	Income	Wages	Wages in agriculture
			Wages in civil service
			Wages in formal sector (public and/or private)
			Wages in informal sector
		Income	Income from informal enterprise
			Income from small agricultural household enterprise
			Income from remittances and inter-household transfers
	Time-use or employment	Time-use	Time spent in market economic activities (as paid employee, own-account or employer)
			Time spent in non-market economic activities or as unpaid family worker in market economic activities
			Time spent in domestic, care and volunteer non economic activities
		Employment	Or: Share of paid employment, own-account and employer in total employment
	Access to resources	Means of production	Ownership of urban plots/houses or land
			Access to family labour
			Access to credit
			Freedom to dispose of own income
		Management	Employers
			High civil servants (class A)
			Members of professional syndicates
			Administrative, scientific and technical
Political power 'Agency'	Public sector		Members of parliament
			Cabinet ministers
			Higher courts judges
			Members of local councils
	Civil society		



# Bibliography

---

- The Constitution of the Republic of Malawi  
Report on Parliamentary and Presidential elections - May 2009, Malawi electoral Commission  
Ott, M. Dr. and Kanyongolo, F.E. Phd, Editors, (2009) Democracy in progress: Malawi's 2009 Parliament and Presidential Elections  
Population and Housing Census 20008: Main Report - September 2009  
Population and Housing Census 20008: Analytical report, Vol. 10, Economic Activity - December 2010  
Draft MGDS II - 2011-2016  
Extended NAF, 2010-2012  
Newspapers and News websites  
EMIS Report, 2009-2010  
The Worlds Women 2010 Trends and Statistics, United Nations-Department of Economic and Social Affairs  
The PDV Act 2006  
The Malawi Demographic and Health Survey (MDHS) 2010 Report  
The World's Women and Girls Data Sheet 2011 by The Population Reference Bureau (PRB) web: [www.prb.org](http://www.prb.org)  
CSCQBE 2010, Gender Responsive Budgeting Malawi, an Analysis of 2010/11 National Education Sector Budget  
CSCQBE 2011, Gender Responsive Budgeting Malawi, an Analysis of 2011/12 National Education Sector Budget  
Malawi Education Country Status Report 2008/09  
<http://www.opportunity.org/blog/what-were-reading-women-find-freedom-through-land-ownership/>  
<http://www.landcoalition.org/global-initiatives/womens-land-rights/womens-land-rights>  
Women's Land Rights in Southern Africa: Consolidated baseline findings from Malawi, Mozambique, South Africa, Zambia and Zimbabwe  
GoM and World Bank (2006) Malawi Poverty Vulnerability Assessment  
Ngeyi Ruth Kanyongolo PhD, *Economic Empowerment of Women: Law and Policy Review, Final Report 2011*  
Kanyongolo, et al, Human Rights, Gender and Governance, November 2011  
[http://www.zodiakmalawi.com/zbs%20malawi/index.php?option=com\\_content&view=article&id=4239:mhrrc-hails-police-on-gender-mainstreaming&catid=44:news-top&Itemid=123](http://www.zodiakmalawi.com/zbs%20malawi/index.php?option=com_content&view=article&id=4239:mhrrc-hails-police-on-gender-mainstreaming&catid=44:news-top&Itemid=123)  
2012 Global AIDS Response Progress Report: Malawi Country Report for 2010-2011  
Matilda Marcia Katopola, *The Role of Law Reform in Strengthening Legislative Processes: The Malawi Experience, a paper*  
Dr. Burnett Lunan, Zoe Clements & Scott Mahony, Maternal Health in Malawi: Members' Report (2011 - 2012)  
Hurdles of cross border trade - Chikondi Chiyembekeza, 28 February, 2011 [http://www.cbtcomesa.com/noticeboard.php?noticeboard\\_id=47](http://www.cbtcomesa.com/noticeboard.php?noticeboard_id=47)  
Climate change and smallholder farmers in Malawi: Understanding poor people's experiences in climate change adaptation; A report by Action Aid October 2006  
Climate Change Policy And Legal Framework In Malawi Towards A Comprehensive Policy Framework, Issue 1 Vol. 7 October, 2011, CEPA and Christian AID  
2011/2012 Malawi National Budget Analysis With Focus On Climate Change, CEPA and MEJN



# The SADC Protocol on Gender and Development



## Encompasses

commitments made in all regional, global and continental instruments for achieving gender equality.

## Enhances

these instruments by addressing gaps and setting specific, measurable targets where these do not exist.

## Advances

gender equality by ensuring accountability by all SADC Member States, as well as providing a form for the sharing of best practices, peer support and review.





In August 2008, Heads of State of the Southern African Development Community adopted the ground-breaking SADC Protocol on Gender and Development. This followed a concerted campaign by NGOs under the umbrella of the Southern Africa Gender Protocol Alliance.

By the 2012 Heads of State summit, 13 countries had signed and nine countries had ratified the SADC Gender Protocol: two-thirds of the signatories. South Africa and the DRC, two of the countries that have ratified the Protocol, still need to deposit their instruments of ratification with the SADC Secretariat. Barring these technicalities, the Protocol is to all intents and purposes in force. The clock is ticking to 2015, when governments need to have achieved 28 targets for the attainment of gender equality. In keeping with the Alliance slogan: "Yes we must," this 2012 Barometer provides a wealth of updated data against which progress will be measured by all those who cherish democracy in the region. The SADC Gender and Development Index (SGDI) introduced in 2011 complements the Citizen Score Card (CSC) that has been running for four years to benchmark progress. While there are several challenges, the successes to date strengthen our view that change is possible.

***"2015, yes we must!"***

