

MALAWI

CEDAW A/45/38 (1990)

130. The Committee considered the initial report of Malawi (CEDAW/C/5/Add.58 and Amend.1) at its 154th and 158th meetings on 23 and 25 January 1990 (CEDAW/C/SR.154 and 158).

131. The representative of Malawi, in introducing the report, stated that owing to the withdrawal of the reservations entered by the Government at the time of accession to the Convention on articles 2, 5 and 16, the initial report had changed substantially. As there was no case as yet, for which the Convention could have been directly invoked before the courts, the question of direct applicability of the Convention had not yet been decided. She said that the Government recognized that women were predominant in agricultural production. In order to improve the situation of those women, a Women's Section had been created within the Ministry of Agriculture to initiate and co-ordinate agricultural programmes for women farmers. She further said that women were the major beneficiaries of the adult literacy programme launched by the Government in 1981.

132. She said that legal protection existed and was enacted by appropriate legislation. Women's projects on income-generating activities were initiated by the National Commission for Women in Development and other related organizations enhanced the participation of women in worthwhile economic undertakings. She stated that the penal laws protected women from trafficking and the exploitation through prostitution and that the stipulations of article 7 were already being fully implemented before the country's accession to the Convention. The Malawi Citizenship Act contained similar provisions for women and men, and the same provisions for education applied to girls and boys. The representative mentioned a quota system for girls in secondary education and that the education and training committee was organizing a workshop to discuss the reasons leading to the high female drop-out rate.

133. She stated that the right to work was not an absolute right. However, the Government had developed technical and vocational training programmes, which sought to reduce the incidence of unemployment. Paid maternity leave for women working in the private sector was still under review.

134. The Government had achieved some marked success in the implementation of the family planning programme. However, because of the country's current level of economic development, it was not feasible to provide adequate nutrition to mothers. She further stated that the Legal Committee was planning to compile a small booklet, which would contain issues of women's rights under the new legislation and to make women aware of them.

135. For both women and men in rural areas, extension and training services were available. Rural women had access to credit through farmers' clubs or women's groups. She said that the advancement of the status of women was a long and difficult matter, but her country felt proud at having taken the first steps.

136. Members of the Committee paid a tribute to the timely submission of the initial report and the comprehensive presentation provided by the government representative. They commended the initiatives undertaken in the fields of education and rural extension programmes, the importance attached to women in agriculture, co-operatives and individual enterprises and congratulated the Government on having withdrawn its reservations. They said that the concepts of the Convention should be disseminated to the entire population of the country and that it was very important to include in the Constitution the phrase “regardless of sex” as a basis for the enjoyment of equal rights and freedoms for all persons and to adopt legislative measures to prohibit sexual discrimination. Members of the Committee asked why the Convention had never been invoked before the courts and what the social and political status of women and men had been before the country’s accession to the Convention. A question referred to the matrilineal and patrilineal ethnic groups in the country, their geographical distribution and their size. Another question referred to the aspirations of Malawi women and their ideas about equality between women and men. It was also asked whether the Government would publicize the Convention and the work of the Committee.

137. In relation to article 2, several members raised questions referring to the National Commission for Women in Development (NCWD). They asked the nature of changes it had brought about, whether it was a governmental institution, the number and status of members it had, whether it had a separate budget, whether women were aware of its existence and its work and whether they were satisfied with its achievements. They inquired how successful the Legal Committee had been in disseminating information, and whether discriminatory practices could be punished by the courts. It was also asked whether women’s organizations were active in the country and, if so, how they co-operated with the Commission and whether they were consulted in the preparation of the report. Clarification was sought about the discriminatory laws intended to be repealed.

138. More information was sought on how the Government’s obligation under article 3 was being discharged.

139. It was asked whether the Government was undertaking temporary special measures pursuant to article 4, whether the target figure of 30 per cent for female students was correct, to which level of education that figure applied and why it was so low.

140. With reference to article 5, information was sought about what practical measures were being undertaken to change stereotypes, whether the withdrawal of the reservations was indicative of the elimination of traditional customs and practices and how school education was tackling that problem. Clarification was sought on the “woman’s noble calling” referred to in the report. The efforts made by the Family Health and Welfare Committee were welcomed, and a question was asked about the rate of the incidence of violence against women.

141. On article 6, inquiries were made about effective proposals put forward by the Government to eliminate the exploitation of women and about government programmes to eliminate prostitution.

142. With regard to article 7, statistical data were requested, in particular, about the number of women ministers, the percentage of women in management and public administration and other traditional male fields and about the number of women’s non-governmental organizations active in the advancement of the status of women. Questions were asked concerning whether quotas existed

for women in local councils and in Parliament, the percentage of women who were members of women's organizations and the ratio of women to men in farmers' clubs. A question was raised as to whether or not patrilineal ethnic groups were more hostile towards women's involvement in political life than matrilineal groups.

143. Under article 8, it was asked in what capacity and in what proportion women participated at international conferences.

144. An inquiry was made as to whether or not a mother could transmit her citizenship to her child pursuant to article 9 of the Convention.

145. More detailed statistical data were required under article 10, regarding whether the Government had considered developing further its educational system and whether the vocational guidance given to girls had yielded any particular results. Data were requested on the female school drop-out rates, on governmental efforts to counteract that phenomenon and on the response to those efforts. It was asked whether any government programme encouraged girls to enter educational areas reserved for men.

146. Regarding article 11, questions were raised on the status of unemployed women and on the percentage of women working in the agricultural sector as employees or in agricultural subsistence farming, whether women enjoyed the same rights in the public and in the private sector as men and whether the National Commission for Women in Development was looking into that question. Questions referred to the availability of child-care centres and the availability of maternity leave, to the type of diseases that prevented women from employment and whether AIDS was posing a problem.

147. On article 12, more details were asked on the results of family planning measures, whether information on family planning was widely available, whether contraceptives were distributed free of charge and whether child spacing could be decided by women alone, and the percentage of women who had recourse to sterilization. Members of the Committee inquired about efforts made to provide adequate nutrition to mothers, about maternal and infant mortality rates and about any food taboos for women in general, or for pregnant women in particular, and about traditional practices that could be harmful to mothers and children, whether pre-natal dispensaries existed only in governmental institutions and what the situation was in the private sector.

148. With reference to article 13, questions were asked regarding whether credits obtainable met the needs of women and whether the withdrawal of the reservations would improve the economic situation of women; and whether the National Commission for Women in Development was planning to undertake legal measures to protect women's rights under that article. It was noted that debts were usually contracted by men, but never needed to be endorsed by women. Information was sought about what the Government was doing to protect women from the phenomenon of "property-rushing" after the husband's death.

149. Under article 14, questions were asked regarding whether the integration of women in development also meant integration in the different sectors of the economy and also in employment, whether women and men were agreed on this issue and whether any tangible results were already

being noticed. More information was requested on the 50 per cent quota in block system for extension work in rural areas and how it was enforced.

150. On article 16, questions referred to legal measures to provide for maintenance and inheritance rights of spouses and children born within and outside of wedlock, to the statutory provisions governing the distribution of property in case of divorce and to the restrictive nature of the inheritance laws, and whether women had been made aware of their new rights and whether the laws were enacted to women's advantage. Members of the Committee asked how the double standard inherent in the civil law and customary law marriage systems was being managed, whether polygamy was permitted only for men, whether women could put an end to such a union and what reforms the Legal Committee had undertaken. Questions were asked about the minimum age of marriage, whether marriages between adolescents were being discouraged and whether data on the relative age at which marriages were contracted existed. The Government was urged to do away with the derogatory references of "bastards" for children born out of wedlock.

151. In replying to the questions raised by the members of the Committee, the representative of the Government of Malawi explained that the National Commission for Women in Development had been established in 1948 and had originally been a forum for decision-makers and governmental and non-governmental institutions for examining the situation of women, co-ordinating women's programmes and promoting greater awareness of their rights among women. The Commission had seven sub-committees, which were specialized in particular areas and had clearly defined terms of reference. Some of the major achievements were the granting of three months' paid maternity leave for female civil servants, the training of women in business skills and appropriate technology and the implementation of family life education projects.

152. Apart from the League of Malawi Women, several other women's organizations ran programmes to advance the social and economic welfare of women. There were currently no legal provisions for punishing discriminatory practices. However, a task of the Legal Committee was to identify any laws that might encourage discrimination so that they might be repealed.

153. As an explanation of how the Government implemented the stipulations of article 3, she said that the League of Malawi Women played a major role in the formulation of national policy and that through that body women were able to play leadership roles. The Government had taken several initiatives aimed at promoting the social advancement of women and the penal law guaranteed equality of opportunity to women and men. She mentioned several institutions that had established programmes to advance the participation of women in economic activity.

154. With regard to article 4, the representative said that the 30 per cent quota for women in education had been adopted as a temporary special measure to accelerate women's de facto equality as due to the limitations in existing educational facilities, there was tight competition for school places.

155. Turning to article 5, she said that the Government intended to ensure the speedy elimination of the traditional practices that had advised the reservation entered to the Convention. The most important way to work towards that goal was through the educational system, by offering, for instance, vocational training courses in areas which had traditionally been reserved for men. The

mass media also played a role in that process. The phrase of “noble calling” used in the report, referred to the stereotyped image of the woman as a good housewife and mother of many children and was sought to be eliminated.

156. Regarding article 6, she said that one of the steps that the Government was undertaking to eliminate prostitution was to make it mandatory to pay specific minimum wages to women employed as waitresses and bartenders.

157. Under article 7, she enumerated several non-governmental organizations that had become active in women’s affairs since the recent past and said that about 90 per cent of women belonged to women’s organizations. Between 1983 and 1988 the membership of women in farmers’ clubs had risen from 17 to 30 per cent. She provided some data on the participation of women in political life and said that there were no special quotas for women in local councils or Parliament. As a result of the existence of the League of Malawi Women, there was no difference between the patrilineal and matrilineal systems regarding the political participation of women.

158. Referring to article 8, she said, without giving detailed statistics, that women participated at all levels at international forums.

159. Turning to article 9, the representative said that a Malawi woman could transmit her nationality to her children.

160. Under article 10, she said that use was made of the media and of school counselling to influence behaviour patterns and as a consequence, more girls had started to enrol in non-traditional educational subjects.

161. Concerning article 11, she provided some data on women working in the agricultural sector and said that out of the total number of women working in agriculture, 85 per cent were in subsistence farming. Whereas three months’ maternity leave was currently granted by the Government in the public sector, the private sector was not yet required to provide it. Both private and public sectors offered social services to their employees. Day care centres were, however, mostly owned by the Government or private individuals and were open to women working in the public and private sectors. She also said that no person was discriminated against in the field of employment on the grounds of suffering from any disease.

162. Turning to article 12, she said, in addressing the resistance to family planning, that the Government had opted to use the concept of child spacing to implement its population programme by providing mothers with information on how to space their children. Education, the media and the political party were used to disseminate information on the advantages of the child-spacing programme. The number of births per woman in Malawi was currently 7.5. Pregnant women were provided with the necessary nutrition, free of charge, by governmental health clinics. The infant mortality rate was 151 per 1,000 and the maternal mortality rate 16 per 1,000. Traditional practices that could affect the health of pregnant women were gradually dying out.

163. Referring to article 13, she said that the widow and the children were entitled to some share of the deceased husband’s property depending on many factors, including the type of marriage

contracted. The Legal Committee was currently trying to disseminate that law through the compilation of a booklet in English in simplified language and in the native language.

164. Turning to article 14, she explained the nature of the Block Extension System, which had been introduced in 1981, and under which 50 per cent of all farmers to be reached by extension workers would be women so that women had an equal chance with men to receive agricultural education. In agriculture, women were engaged in small-scale farming in their own rights, and in commerce, women ran small businesses.

165. With regard to article 16, the representative said that polygamy existed and was accepted by both women and men, and it was expected to be eliminated through educating the people on its economic and social disadvantages. Teenage marriages were being discouraged through the educational system. Unmarried women who were pregnant or had a child could apply to the court so that the man alleged to be the father could be summoned to court for determining issues relating to paternity and maintenance of the child. A person contravening the ensuing order committed a criminal offence. She further stated that divorce laws varied according to the type of marriage contracted. She also spelled out the inheritance rights that applied in case of the death of a male head of the family. The various types of marriages had their own laws that governed them and respective instruments to regulate them.

166. While members of the Committee expressed admiration for the commitment of the Government to the aims of the Convention, they expressed the hope that many of the still existing problems be resolved and that the reservations be kept constantly under review with a view to withdrawing them.