



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

Distr.: General
19 June 2006

Original: English

**Committee on the Elimination of Discrimination
against Women**
Thirty-fifth session

Summary record of the 727th meeting

Held at Headquarters, New York, on Friday, 19 May 2006, at 10 a.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second, third, fourth and fifth periodic report of Malawi (CEDAW/C/MWI/2-5; CEDAW/C/MWI/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Malawi took places at the Committee table.*

2. **Ms. Banda** (Malawi), introducing Malawi's combined report (CEDAW/C/MWI/2-5), said that her Government was committed to the elimination of all forms of discrimination against women, as a prerequisite for achieving the Millennium Development Goals and the national growth and development strategy.

3. Although Malawi had established neither a legislative nor a judicial definition of discrimination, section 20 (1) of the Constitution, which prohibited all forms of discrimination against persons, and section 24 (1), which prohibited discrimination against women, provided the basis for the country's efforts to eliminate violence and discrimination against women.

4. Specific measures for the advancement of women included the review of laws that discriminated against women; the adoption of a policy of free primary education; a pregnancy policy which enabled school girls to continue their education after giving birth; bursary schemes for needy children; and the adoption of a 30 per cent quota for the enrolment of female students in vocational institutions.

5. The Government had also taken a number of measures to facilitate women's empowerment, including the introduction of assertiveness and leadership programmes for women and girls, business and credit management training for women, and 90 days' paid maternity leave. Those measures had helped accelerate the process of achieving equality between men and women.

6. In an effort to eliminate negative social and cultural norms, beliefs and practices, the Government had introduced a national strategy to combat gender-based violence. Working with non-governmental and faith-based organizations, it had conducted awareness-raising campaigns on women's rights and gender-based

violence, established victim-support units in all police stations, and fostered the development of community action groups and community-based organizations working in the area of gender-based violence.

7. Because women's participation in decision-making at the national level, in foreign missions and in regional and international bodies was far below 30 per cent, the Government had developed gender-mainstreaming guidelines for the management of human resources in the public sector, including the holding of awareness-raising seminars for public-sector policymakers.

8. Backed by international donors, NGOs had played a critical role in training women who wished to enter Parliament. As a result, the proportion of female MPs had risen from 8.8 per cent in 1999 to 14 per cent in 2004. Women constituted 18.8 per cent of current Cabinet members.

9. Under the Constitution, women were entitled to acquire and retain citizenship on equal terms with men. Moreover, the Government had formulated amendments to the legislation on citizenship and nationality and introduced the National Registration Bill 2006. It was also developing a nationality policy to ensure that citizens were able to enjoy their constitutional rights in that regard.

10. Since submitting its combined report (CEDAW/C/MWI/2-5) in June 2004, the Government had taken a number of additional measures. In December 2004 it had launched the National Gender Programme, which aimed to provide a comprehensive framework for mainstreaming the gender perspective by focusing on eight thematic areas: capacity-building and institutional strengthening; education; health; HIV/AIDS; agriculture, food and nutrition security; natural resources and the environment; poverty and economic empowerment; and governance and human rights.

11. In April 2006 Parliament had passed the Protection against Domestic Violence Act. Furthermore, the country's Law Commission had submitted to Parliament draft laws on succession and on marriage and divorce, and was currently preparing a Gender Equality Statute.

12. Measures had been taken to make men and women, both in rural and urban areas, more aware of human rights in general, and of women's and children's

rights, HIV/AIDS and gender, in particular. As a result, reporting on violence and discrimination against women and children had increased. The Government had introduced a policy aimed at protecting the rights of elderly persons, especially women, and was setting up shelters for victimized women and children throughout the country. It had also supported the creation of the Malawi chapter of the Network of African Women Ministers and Parliamentarians, which focused on advocacy and lobbying on women's issues, whether in Parliament or among local communities.

13. Despite those achievements, however, Malawi continued to face a number of challenges in the fight to eliminate violence against women and children. They included the persistence of stereotypical attitudes and of negative cultural norms, beliefs and practices; the inadequate capacity of service providers in public, private and civil society organizations; and the limited resources available to improve best practices for the dissemination, promotion and protection of women's and children's human rights, and for the empowerment of women.

14. In order to provide an adequate response to violence and discrimination against women and children and to promote gender equality and increased participation by women in decision-making positions at all levels, there was a need for coordinated and concerted action by Government, civil society and development partners.

15. Technical and financial assistance would therefore be required to support girls' education and women's training at all levels, to develop and strengthen the institutional and human-resource capacities of service-providing organizations, to facilitate review of existing laws and enact new laws based on human rights and gender equality, and to campaign for the elimination of negative cultural norms, beliefs and practices and stereotypical attitudes.

Articles 1 and 2

16. **Mr. Flinterman** said that there had been a number of important developments since the Government of Malawi had last engaged in a dialogue with the Committee, in 1990. Malawi had become a multi-party democratic State, based firmly on the rule of law and a progressive Constitution which enshrined a bill of rights. It had also acceded to the Protocol to

the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

17. The State party's report was frank and informative, and indicated that although some progress had been made over the past 16 years, the road to full de facto and de jure equality between men and women was still long and filled with challenges.

18. He wished to know whether the provisions of the Convention could be invoked directly by individual women and women's organizations, and whether the State party could cite any relevant cases. According to the report, it was increasingly acknowledged in Malawi that any person, including human rights organizations, who could show that an individual's human rights had been infringed could seek class and public-interest litigation. He would be interested to know whether such litigation had been used to promote and protect women's rights, and whether any relevant cases had been brought before the Ombudsman. He would also like to know why Malawi had not yet ratified the Optional Protocol to the Convention.

19. He enquired whether, under the process of constitutional reform currently under way in Malawi, a definition of discrimination on the basis of gender, in line with article 1 of the Convention, would be added to the Constitution, and whether the meaning of equality, as enshrined in the Constitution, would be clarified to encompass both de facto and de jure equality. Moreover, would the current legislative review process be used to introduce easily accessible mechanisms to hold the State accountable for living up to its constitutional obligations?

20. Although the Malawian judiciary was playing an important role in the protection of human rights, the State party's report indicated that a High Court judge had acquitted a brutal rapist on the grounds that it was common knowledge that women always pretended to resist sexual intercourse. The State party had subsequently indicated that the judge in question had retired. However, the Committee would welcome more specific information on human rights training courses provided for members of the judiciary, and an indication whether such courses included discussion of the Convention.

21. Article 2 of the Convention was extremely important, but was often misinterpreted to mean that

States parties should achieve equality and the elimination of discrimination on a gradual basis. In fact, however, State parties' obligations under article 2 were far more urgent in nature, requiring States parties to the Convention to take all appropriate measures without delay. That sense of urgency was missing in the State party's report.

22. He had been gratified to learn from the State party's presentation to the Committee that a number of important laws had been adopted by Malawi's Parliament during the two years since the report's submission. However, certain discriminatory laws remained, and the Gender Equality Statute was still pending. He therefore wished to know the time frame for the harmonization of Malawi's current legislation with the provisions of the Convention and for the adoption of new laws in that regard.

23. **Ms. Dairiam** said it appeared from the State party's report that people preferred to avail themselves of traditional legal systems, rather than apply to the regular court system. However, the report also suggested that traditional systems were often discriminatory. She therefore wished to know how the State party planned to reconcile the contradictions between the two systems.

24. The Committee would welcome information about the normative standards to be included in the planned Gender Equality Statute, and the time frame for the Statute's introduction. In particular, it wished to know whether the Statute would include the definition of discrimination set forth in article 1 of the Convention, whether it would prohibit discrimination by private actors, and whether it would include provisions for temporary special measures, in accordance with article 4 of the Convention.

25. The State party's report and presentation reflected a clear focus on women. However, the report also stated that the aim of its National Gender Policy was to mainstream gender in the national development process to enhance the participation of women, men, boys and girls. While she acknowledged that the Government of Malawi had an obligation to all its citizens, any specific policy on gender should focus on women. She therefore wished to know the State party's exact understanding of the concept of gender and whether the renaming and restructuring of the competent ministry had reflected a change of approach to the gender issue.

26. Lastly, she would welcome a response to question 31 of the Committee's list of issues and questions (CEDAW/C/MWI/Q/5), concerning trafficking and smuggling of refugee women, access to the courts in cases of alleged sexual and gender-based violence, the State party's reservations to the 1951 Convention relating to the Status of Refugees and its plans to amend the present Refugee Act.

Article 3

27. **Ms. Gabr** said that in view of Malawi's pressing social and economic problems, there was an urgent need to establish adequate mechanisms to improve the status of Malawian women. It was clear that the Ministry of Gender, Child Welfare and Community Services was working towards that end, and had the necessary expertise to do so. It was also clear that there were a number of other bodies and organizations working in the field.

28. However, she wished to know whether there was a single mechanism responsible for women's issues, and if so, what were its prerogatives and resources and the relationship between that body and the Government. She would appreciate information about the process for adopting new policies, whether the Cabinet had clear strategies, and whether there was a defined timetable for improving the status of women. She also wondered whether there was currently any related draft legislation to be submitted to Parliament.

29. She also wished to know the relationship between civil society and the Government; how, and by whom, the State party's report had been prepared; and the process for selecting the experts working on the various bodies, and whether they had specific qualifications. She wondered whether Malawi profited from expertise in neighbouring countries or in the context of the African Union. The State party should also indicate how the concepts of gender and development were promoted as part of the strategies adopted on behalf of women.

30. Lastly, she noted that the State party had failed to answer certain questions in the list of issues and questions, and had provided only very brief responses to others. The Committee would therefore like clear replies to those questions.

31. **Mr. Silungwe** (Malawi) noted that under the national Constitution adopted in 1994, Malawi had

taken a “dualist” approach to the application of international law. The courts could use international law and comparable foreign municipal law in interpreting the Constitution and national law, and the CEDAW Convention could therefore be used to that end. However, there had been no public litigation cases which attempted to entrench the Convention’s provisions in national law.

32. The constitutional review process was set in motion at the initiative of the Law Commission. The definition of discrimination as laid out in the Convention would have to be taken into account and modifications introduced to that section of the Constitution which dealt with the rights of women.

33. Training was being offered to judicial officers to heighten awareness of the provisions of the Convention and human rights generally, but much remained to be done in that area, particularly at the lower levels of the judiciary.

34. Harmonization between national and international law was an ongoing process, carried out mostly in the Law Commission. The traditional court system had been suspended in 1994. The Law Commission had recommended a complete review of the legislation on the traditional courts and supported the implementation of a new Act governing the matter, in order to achieve harmony between national and international law. The Law Commission was working on the Gender Equality Statute, which was expected to be finalized by September 2006.

35. **Ms. Nyasulu** (Malawi) reiterated that the judiciary was receiving training in women’s rights, arranged by the Malawian Human Rights Commission. The training was ongoing and had not yet reached the lower levels.

36. While the Convention had not been directly invoked in any court cases, the national Human Rights Commission had joined cases as a friend of the court, making reference to Convention positions in doing so.

37. **Ms. Banda** (Malawi) commented that the authorities had information about Somali and Ethiopian refugee boys and men between the ages of 17 and 25 being trafficked through Malawi, but only a few cases of women refugees being trafficked had been reported.

38. **Ms. Mchiela** (Malawi) stated that the Ministry of Gender, Child Welfare and Community Services followed an approach taking account of the fact that,

statistically, women lagged behind in many areas, such as literacy. Hence, the selection pool for potential women participants in decision-making was reduced. It was therefore necessary to strengthen education for girls.

39. The Ministry cooperated closely with NGOs, working on many programmes with them. The Ministry served as the single mechanism for cooperation and implementation. Many donors preferred to fund programmes through the Ministry.

40. **Ms. Banda** (Malawi), giving examples of Ministry-NGO cooperation, mentioned that NGOs and the Ministry had together lobbied parliamentarians to support the appointment of the first female Inspector-General of Police. The bill on violence against women recently passed by Parliament had originated in civil society.

41. **Ms. Mchiela** (Malawi) said that the report had been drafted by a diverse group of people representing civil society, the Government and the private sector.

42. **Mr. Flinterman** asked whether judges and individuals could cite the Convention in order to have it applied as law. It would be helpful to know whether the Convention was in fact incorporated into domestic law. In cases where national law and the Convention came into conflict, which would prevail? Along the same lines, given the confidence of the population in the justice meted out by village chiefs, information on how the Government worked to ensure implementation of the Convention at the village level would be appreciated.

Article 4

43. **Mr. Flinterman** said that the distinction between “temporary special measures” necessary to achieve gender equality and general social policies had been laid out by the Committee in general recommendation No. 25. The Committee had recommended that States parties make legal provision for temporary special measures. In that context, he asked whether such provision would be included in the Gender Equality Statute or elsewhere.

44. One example of a temporary special measure was a decision by the University of Malawi to reserve 30 per cent of its places for women, but it was hard to understand why that figure had been set at 30 per cent rather than 50 per cent.

45. **Ms. Banda** (Malawi) conceded that the Convention was not fully integrated into domestic law. The process was ongoing, but very slow, especially at the local level.

46. **Mr. Silungwe** (Malawi) said that the jurisdiction of village chiefs had been greatly curtailed. Awareness-raising programmes were needed at the local level to emphasize that the chiefs were no more than an alternative mechanism, while the main jurisdiction belonged to the courts.

47. In establishing the constitutionality of a law, the courts based themselves not on international law, but rather on the Constitution itself. Although the courts could refer to international law, comparable foreign municipal law or case law to establish the constitutionality of a law, the primary reference point was the Constitution. Provisions for temporary special measures would be included in the Gender Equality Statute, not in the Constitution.

48. **Ms. Chimzimu** (Malawi) said that the Government was planning to increase the university quota for women students from 30 per cent to 50 per cent. To enter university, students needed to be qualified and they themselves chose what subjects they were going to study. There were parallel programmes at the university where students who were not accepted to the main part of the university could study.

49. **Ms. Banda** (Malawi) indicated that regional leaders had signed an agreement stating that by 2005, 30 per cent of positions at all levels, including at universities, would be held by women. That figure was in use throughout the region. There was a move to increase it to 50 per cent.

Articles 5 and 6

50. **Ms. Simms** said that, under article 5 of the Convention, the Government was expected to modify social and cultural patterns in order to eliminate prejudice against girls and women. Girls ought to occupy 50 per cent of the places in universities in every discipline, including medicine, law and engineering. Girls were brought up to be subservient, and that situation needed to be addressed and changed. That approach was apparent in the mass media and in different traditions for boys and girls, such as the fact that girls were expected to greet people by bowing with their heads touching the floor, while boys merely squatted with their knees barely touching the floor.

51. It was important for women to attain decision-making positions, but as long as people believed deep down that women were inferior, there was still much work to be done. Men needed to take more responsibility. Programmes in parenting were required to deconstruct the traditional culture and gender stereotypes. Traditional culture was regarded as sacred, but it had been created by men to help men. Men in power needed to take a stance in favour of the Convention and incorporate the language of the Convention into the way they ran the country, for otherwise all measures would be merely cosmetic.

52. Statistics showed that Malawi was hosting thousands of refugees and asylum-seekers and that much trafficking was taking place in refugee camps, with victims being sent to other countries, especially South Africa. It was the responsibility of the Government to protect the women in its country, and the fact that many of the victims were not Malawians was no excuse not to do so. Of course, men were to a large degree responsible for trafficking and prostitution. They sought out prostitutes and engaged in polygamous relationships while women and girls were dying of HIV/AIDS. Men were not taking the necessary precautions to protect their women, and needed to behave more responsibly.

53. **Ms. Banda** (Malawi) said that her Government recognized the important role of parenting. It paid special attention to mothers, since the mistakes with the most consequences for subsequent development occurred at household level and concerned children under the age of 5. The question of approach was a delicate one; confrontation could prove self-defeating. Progress in the representation of women was not fully reflected in the 30 per cent figure cited. In most grassroots committees there was parity between the sexes, and that was now a requirement in teacher-training colleges. A careful review had been made of materials used in schools, as some textbooks were slanted in favour of boys; in such cases, the books had been withdrawn or revised. Trafficking was indeed a concern in Malawi, and while some progress in combating it had been made in the past year, a great deal remained to be done. Prostitution was a major challenge, largely due to the high number of orphans, which stood at 1.2 million. Her Ministry was making efforts to address that problem, notably through food programmes for street children, as girls who had not eaten all day were particularly susceptible to abuse.

Other initiatives that it had put in place to take children off the streets included skills training in special centres and the allocation of grants.

54. **Ms. Bokpé-Gnacadjá** requested information about the contents of the Protection against Domestic Violence Bill, particularly as to whether it covered sexual harassment and marital rape. She also wished to know whether there was any monitoring mechanism to evaluate trafficking in Malawi.

55. **Ms. Banda** (Malawi) said that the main aim of the Bill was to protect women against domestic violence. It included a protection order, an occupation order and a tenancy order and provided for monetary penalties by way of compensation. Amendments to the Bill had been introduced in Parliament in order to protect both former spouses and women living with men out of wedlock.

56. **Mr. Silungwe** (Malawi) said that the question of marital rape had been addressed by the Law Commission in the context of a review of the laws on marriage and divorce. It had not been considered in the context of criminal law.

57. **Ms. Mchiela** (Malawi) said that, owing to the porous nature of the country's borders, no mechanism existed to monitor trafficking in people, which could occur at any point along those borders without being detected.

Articles 7 to 9

58. **Ms. Bokpé-Gnacadjá** noted that the Office of the Ombudsman was intended to serve when there was otherwise no available or practicable remedy and that efforts had been made to limit its competence to complaints against public bodies. She asked what the reasons were and what happened in cases of complaints against private persons. She wished to know whether the complaints lodged with that Office had been addressed directly to it or had been referred to it by the courts. Information would also be appreciated on the remedies provided. She quoted paragraph 1.5 of the report, which stated that "an ongoing law reform process may result in stronger and clear norms to eliminate forms of discrimination against women". She queried the use of the word "may" and insisted that it should be replaced by "must". Solutions had to be sought, even at the risk of confrontation, which was sometimes unavoidable.

59. **Ms. Nyasulu** (Malawi) said that the Law Commission and the Anti-Corruption Bureau were independent bodies but that they shared some responsibilities in order to avoid overlap. The Human Rights Commission had a broader mandate and included the Ombudsman among its members. Complaints were lodged with that body directly or referred to it by the Ombudsman if he thought that a particular issue would be more appropriately dealt with by the Human Rights Commission. The remedy consisted in the determination of cases which could be subjected to a court decision. Rights could therefore be protected through those two mechanisms.

60. **Ms. Šimanović** recognized that the incorporation of the Convention into the national legal system was an ongoing process but stressed that it had not become any less an obligation since the change of that system in 1994. It was particularly necessary to abolish without delay customary law and traditional practices that ran counter to the rights of women as enshrined in the Convention.

61. **Ms. Zou** noted that the report contained no mention of action to eradicate discrimination against women in political life. She asked what the Government was doing in that regard, notably through awareness-raising or a mass media educational campaign. There had been some increase in women's participation in political life since Malawi's initial report. In 1997, at the Southern African Development Community Summit, it had signed the Gender Declaration, thereby undertaking to have 30 per cent of political posts occupied by women. It would be interesting to know what measures had been taken to achieve that goal. The report gave no indication of any temporary special measures that might have been taken in accordance with the Committee's general recommendation No. 25. She enquired what the Government had done to bring more women into the civil service and whether they had equal opportunities with men in recruitment. Since women often lacked the confidence needed to enter political life, information would be appreciated about any programmes by the Ministry of Gender, Child Welfare and Community Services to boost women's confidence. According to the report, the Government had carried out gender sensitization campaigns in collaboration with some NGOs. She would appreciate it if they could be identified and asked whether they received any support from the Gender Ministry. She also wished to know

whether there were any plans to increase women's participation in diplomatic posts and international organizations.

62. **Ms. Coker-Appiah** requested information about the legislative changes regarding citizenship rights that were soon to be proposed to Parliament. The question was whether they would enable Malawi women married to non-Malawians to retain their Malawian citizenship and to transmit it to their children, neither of which seemed currently possible. She also enquired whether any amendments would be made or recommended to the Immigration Act, which treated women in effect as minors, not allowing them to migrate except under the custody of their husbands.

63. **Ms. Banda** (Malawi) said that since 2004 efforts had been made to empower women and encourage them to stand for election to Parliament, resulting in some progress; what was needed was affirmative action or the introduction of a quota system. There was currently a debate on the issue, as there could not be any significant advances in that respect without a change in the electoral system. Visits had been organized through the Malawi chapter of the African Network of Women Ministers and Parliamentarians to countries where the participation of women in public life exceeded 30 per cent, namely, Uganda, Rwanda and South Africa, in order to learn from them. She stressed that advantage must be taken of the ongoing constitutional review process to improve the situation.

64. **Ms. Dafter** (Malawi) pointed out that NGOs had held meetings on gender equality and women's rights and that related programmes had been broadcast on national radio and television.

65. **Ms. Mchiela** (Malawi) said that in the public sector women suffered no discrimination in respect of their salaries, which were equal to those of men for the same work. The Government had issued a manual on gender mainstreaming for management of human resources in the public sector, with a view in particular to making recruitment gender-sensitive, and had held three workshops for senior civil servants in an effort to increase the participation of women in public life.

66. **Mr. Silungwe** (Malawi) said that Malawian women were no longer required to relinquish their Malawian citizenship upon marriage to non-Malawians. Although amendments to the Immigration Act had not yet been passed, women already held

passports in their own right and could travel without their husbands.

67. **Ms. Banda** (Malawi) emphasized that there were no career diplomats in Malawi. Civil servants were selected from a pool for specific diplomatic assignments, upon completion of which they returned to their former posts.

68. **Ms. Gaspard** expressed interest in receiving further information on plans to increase the participation of women at the local level, particularly in rural areas where standards of living were lowest, and women were more vulnerable to many forms of discrimination. Recalling that the focus of some States on establishing a quota system had borne fruit, she expressed the view that an increase in the number of women acting as local representatives would not only be in the interests of equality, but would stand to benefit society as a whole.

69. **Ms. Banda** (Malawi) agreed with the previous speaker and said that the Government looked forward to the upcoming local government elections as a further step for women to achieve parity with men. She said that beyond achieving equal representation on local committees, there should be more focus on ensuring that women assumed positions of leadership.

70. **Ms. Belmihoub-Zerdani** said that although Malawi was far from reaching an acceptable level in the representation of women in decision-making positions, it had made tremendous strides in that direction, particularly considering the fact that it had to contend with poverty and other economic and natural disadvantages. Appropriate levels of resources were indispensable in making headway in that regard and, to that end, she urged the Government to approach donors, United Nations specialized agencies, and other international and regional bodies for the necessary assistance.

71. **Ms. Banda** (Malawi) said her delegation was grateful for that encouragement and was aware of the critical need for Malawi to garner support from its development partners.

Articles 10 to 14

72. **Ms. Simms** welcomed the fact that teacher-training colleges had achieved parity between men and women in their enrolment. She stressed the importance of male teachers at the primary level in serving as role

models for boys at the early stages of their development. Similarly, she believed men should be encouraged to shed their reluctance to participate in distance learning, adult education and literacy activities, since their level of education ultimately influenced their attitude towards women and the sexual stereotypes they espoused.

73. Noting that a major reason for dropout among girls was pregnancy, she suggested that the Government should develop programmes to keep girls in school during pregnancy in order to avoid an interruption in their education. In that vein, she asked whether statistics were available on the average age of men who were responsible for teenage pregnancies. Was there a law governing carnal abuse in Malawi?

74. With regard to the issue of sexist roles and sexual stereotypes in education, she wished to know whether textbooks were printed in Malawi or were chiefly of foreign origin, taking into account the fact that material originating abroad could reinforce stereotypes and encourage racism.

75. **Ms. Gabr** noted Malawi's efforts in adhering to international criteria for labour standards and asked the delegation to elaborate on the policies that had been adopted to improve the competitiveness of women on the labour market, and to comment on other measures taken to protect women in the workplace. She was also interested in knowing more about strategies adopted for the enforcement of labour laws, incentives to enterprises to recruit women, the protection of the rights of women refugees and their prospects for gainful employment, the possibility of adopting a quota system, and steps taken to ensure equal remuneration for men and women in respect of work of equal value. She hoped the delegation would be able to provide further data on the informal sector.

76. In recognition of the fact that an increasing number of women were seeking business loans, she asked whether they were able to build and manage medium-sized enterprises or to satisfy the requirements for securing loans.

77. **Ms. Banda** (Malawi) said that most textbooks for primary schools were printed locally, but that at the secondary and tertiary levels they were printed abroad.

78. **Ms. Chimzimu** (Malawi) said that Malawi would strive to implement programmes focused on keeping pregnant girls in school, but that much would have to

be done to ensure that those girls were not subject to ridicule by their peers. The males who made the schoolgirls pregnant were either schoolboys, teachers or other men outside the school setting. Schoolboys in such cases were expelled, and disciplinary action was taken against delinquent teachers. Regrettably, she was not able to provide statistics on the age of men who fathered children with schoolgirls.

79. **Ms. Banda** (Malawi) said that refugees suffered no discrimination with respect to employment, and enjoyed the same rights as Malawi nationals. Most refugees were self-employed, as were the majority of Malawi women, who were primarily engaged in the informal economy or operated small businesses. As to the acquisition of loans, she was pleased to inform the Committee that there were no obstacles to women attempting to secure loans for medium-scale businesses, provided they had the necessary collateral. Approximately 75 per cent of participants in the informal sector who applied to microcredit schemes were women, and in fact a campaign had been launched to encourage men to take greater advantage of such credit schemes.

80. **Mr. Silungwe** (Malawi) said it must be stated categorically that carnal abuse was a criminal offence. He also said that labour laws were in themselves fairly adequate, but that the challenges lay in their enforcement in the informal sector. There was no specific law on sexual harassment as yet, but a process had begun in that regard, in connection with the development of a Gender Equality Statute. Furthermore, juridical mechanisms to regulate the private sector had been established in the formal labour market.

81. **Ms. Dairiam** referred to a number of health issues plaguing Malawi such as low life expectancy, the high incidence of preventable diseases and extremely high maternal mortality rates, citing some of the reasons for the situation. She wished to know how comprehensive an approach the Government had adopted in setting up programmes to combat harmful cultural and traditional practices, boost educational levels, and empower women to overcome the health issues that claimed the lives of vast numbers of Malawi women. She enquired about inter-institutional mechanisms targeting political and religious leaders and the national health plan insofar as it tackled power relations and gender roles that influenced reproductive health. Had a time frame been established for lowering

the maternal mortality rate, and had steps been envisaged to deal with the conflict between domestic law and the Convention? Were there plans in place to implement the recommendations made to the Special Law Commission on Gender on harmful cultural and traditional practices?

82. **Ms. Zou** highlighted the issue of poverty and its effects on rural women. She asked the delegation whether the Government's poverty alleviation policies had yielded benefits for rural women, particularly in improving their access to microcredit schemes and entrepreneurial advisory services, since they relied heavily on State loans, rather than on assistance from private sources.

83. Noting the extremely high rate of illiteracy and dropout among girls in rural areas, she wondered whether the provision of free primary education was not applicable to the inhabitants of rural areas, or whether there were tangible plans to address the dropout rate. Had girls in those remote areas been able to derive benefits from the various literacy campaigns, as outlined in section 10 of the periodic report?

84. She was curious to know to what extent the land policy and current legislation had resolved the problems of inequality in access by men and women to land, and how effective the delivery of health care services had been in rural areas, particularly with respect to access to facilities offering family planning and reproductive health care services.

The meeting rose at 1 p.m.