THE RIGHTS OF WOMEN AND GIRLS IN Malawi Q

"There is no tool for development more effective than the empowerment of women." Kofi Annan



Maputo Protocol

For more information on the Maputo Protocol, Malawi's report and concluding observations and recommendations, please visit **www.maputoprotocol.up.ac.za**



Women's Rights Unit

This factsheet has been produced by the Women's Rights Unit, Centre for Human Rights, University of Pretoria, South Africa. Established in 1993, the objective of the Women's Rights Unit at the Centre for Human Rights is to contribute to the improvement of the quality of life and the status of women (and the girl-child) in Africa.



Centre for Human Rights

The Centre for Human Rights, Faculty of Law, University of Pretoria, is both an academic department and a non-governmental organisation. The Centre is an internationally recognised university-based institution combining academic excellence and effective activism to advance human rights, particularly in Africa. For more information on the Centre for Human Rights, please visit www.chr.up.ac.za

Sources

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Women's Rights Unit

Centre for Human Rights Faculty of Law, University of Pretoria Tel: 012 420 4525 womensrightsunit@up.ac.za

www.chr.up.ac.za





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African Commission's Concluding Observations and Recommendations to the Government of Malawi, with regards to guaranteeing the rights of women and girls



Maputo Protocol

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, otherwise referred to as the **Maputo Protocol** is a regional human rights treaty that was adopted by the African Union in 2003, and came into force in 2005. It is a comprehensive document that seeks to improve the status and lives of all women and girls in Africa. It addresses inequalities and discrimination against African women.



African Charter

The Maputo Protocol supplements the African Charter on Human and Peoples' Rights (African Charter). The **African Charter** is a regional instrument that promotes and protects human rights and basic freedoms on the African continent. All 54 member states of the African Union are parties to the Charter, 38 of which have also ratified the Maputo Protocol as of June 2017.



African Commission

Implementation of the rights set out in the African Charter and the Maputo Protocol are monitored by the African Commission on Human and Peoples' Rights (African Commission). The **African Commission** is a human rights treaty body established under Article 30 of the African Charter. It is made up of eleven independent experts who receive and consider periodic reports on the situation of human rights in each country and issue concluding observations and recommendations. State parties are required to submit reports under Article 62 of the African Charter and Article 26 (1) of the Maputo Protocol.



Concluding Observations

Concluding observations give an account of the positive aspects of the implementation of a treaty, the factors restricting the enjoyment of human rights and the areas of concern regarding the exercise of human rights in a country. The Commission also makes recommendations to guide State Parties in dealing with the concerns raised.



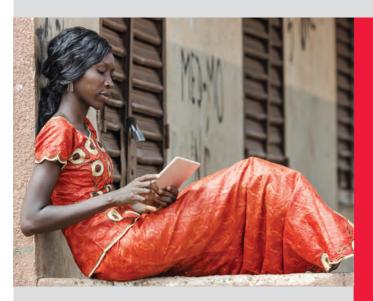
Malawi's Initial and Combined Periodic State Report

In July 2013, the Government of Malawi submitted its **Initial and Combined Periodic Report** (1995 – 2013) under the African Charter and its initial report under the Maputo Protocol to the African Commission. It outlined the steps taken to implement the human rights treaty provisions in the Country. This report comprised of Part A, which is a report on implementation of the African Charter, and Part B, on the Maputo Protocol.

This factsheet focuses on the CONCLUDING OBSERVATIONS AND RECOMMENDATIONS issued by the AFRICAN COMMISSION in 2015 relating to the implementation of the MAPUTO PROTOCOL^[1]

AFRICAN COMMISSION OBSERVATIONS AND RECOMMENDATIONS

The African Commission made several major observations and recommendations to the Malawian Government on measures for strengthening the enjoyment of women's rights as guaranteed by the African Charter and the Maputo Protocol.



DID YOU KNOW?

Women seeking political office face considerable obstacles, including patriarchal attitudes toward leadership, lack of financial support, and threats of violence and intimidation.

#SupportWomenInPolitics

On the Right to Participation in Political and Decision-making Processes



RECOMMENDATION:

The Government should enact a legislative framework the stipulation of specific female representation quotas in decision-making positions, to increase women's representation.

DID YOU KNOW?

Unsafe abortion is a major contributing factor to high incidences of maternal mortality in Malawi. **#SaveHerLife**

On Ratification and **Domestication of International Instruments**

RECOMMENDATION:

Government should Intensify and speed up ratifying and

PROBLEM:

The Government of Malawi is yet to ratify some key discrimination and gender based violence in the country.

the Convention on the Elimination of All Forms of Discrimination against Women.[2]

On the Right to Health

RECOMMENDATIONS:

DID YOU KNOW?

Young girls forced into marriage stand a high risk of pregnancy related complications, maternal mortality, contracting HIV/AIDS and other STDs.

#EndChildMarriageNow #ChildNotBride

DID YOU KNOW?

It is wrong for a husband to have sexual intercourse with his wife without her consent.

#NOmeansNO

On Legislation Providing Protection from Violence against Women (VAW)

RECOMMENDATIONS:



On Rights Related to Marriage and Elimination of Harmful Practices



RECOMMENDATIONS:

- · The Government should take concrete steps to
- raising this to 18 years, and also conduct awareness campaigns on the same, especially in rural areas;
- women, and to promote women's full enjoyment of their human rights.

PROBLEM:

the prevalence of harmful cultural practices including women in the country.

Malawi has one of the highest rates of child marriage in the age of 18. [7]

DID YOU KNOW?

Malawi has the highest incidence of child labour in Southern Africa.

On the Right to Education

RECOMMENDATIONS:

- The Government should pass the Education Bill which seeks to education and strengthen learning and vocational training programmes for all;

 Further ensure equitable access to all levels of education, especially for girls and women.

High level of girl-child dropout from schools for different reasons, including amongst others: poverty, long distance to schools, inadequate infrastructure in form

On Economic, Social and Cultural Rights

RECOMMENDATIONS:

- The Government should protect children especially the girl-child from all forms of violence by enacting laws, providing social welfare for poor families and educating its citizens on the
- harms of child labour;
 Put into effect its obligations under international and domestic laws to ban child labour.

The prevalence of child labour which is used as a means to sustain families in the country. It is one of the factors that influence the low retention and the survival rate of

in child labour in Malawi.[8]