



FEMINIST CONTEXTUAL SOCIO-
ECONOMIC AND POLITICAL
ANALYSIS FOR MALAWI

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Introduction

Given the developments in the HIV and AIDS landscape in terms of access to treatment, shifting global and national contexts around, climate change, reconfiguration of power, funding architecture and new political leadership from national to global levels, JASS is reflecting on, and reviewing its interventions in Malawi. This report was prepared to support JASS as they develop their strategic outlook for the next five years of their engagement in Malawi. The assignment was to provide a Feminist Contextual socio economic and political analysis for Malawi over the past 10 years. The contextual analysis draws upon developments over the last ten years with respect to the socio-economic and political landscape for Malawi. The analysis is aimed at informing JASS's reflections and review of its work in Malawi as the organisation works on a new global strategy for its work.

Methodology

The analysis primarily uses a two-pronged approach; the JASS power framework and a feminist lens in interrogating the Malawi socio-economic and political context. The focus of the analysis is four areas as follows: the forces/sources of power and how they are impacting women's organizing; the intersectional issues that are critical for women in Malawi over the last five years; the key actors (NGOs, CBOs, Donors etc.) that are influencing the feminist agenda in Malawi; and the thematic areas that predominantly emerge for leveraging JASS's work in Malawi.

The JASS power Framework

The JASS framework explores three interconnected sources of power to understand how different forces gain and maintain control of decision-making and resources, and heavily influence social norms and narratives. These include visible power i.e. formal laws, policies, etc., shadow or hidden power characterized by organised interests both legal and illicit and invisible power which takes the form of the internalized power of beliefs, social norms and culture which shapes peoples world view as to what is normal, together with the strategic manipulation of those beliefs to legitimize certain political ideas and actions, including violence. Ultimately JASS looks at navigating all these power dynamics to a transformative power. This framework is used for the analysis in order to focus in on the strategic opportunities, actors, gaps and unmet needs, intersectional issues that are critical for Malawian women and finally, begin to develop a strategic plan for the future of JASS in Malawi.

The feminist lens

The feminist lens is an important approach for understanding and addressing issues of power relations that perpetuate inequality between men and women, and boys and girls. These inequalities with a disproportionate impact on women/girls render them vulnerable to socio-economic and political vices. The feminist lens allows for understanding how values, behaviours, assumptions, policies and programme decisions play a role in discriminating against some people and favouring others. Further it allows for an interrogation and understanding of how power relationships and cultural constructions shape subordination based on gender among other factors. This enables an in-depth understanding of the power dynamics that are shaping the structural causes of women's vulnerability.

Employing these two approaches the JASS power framework and the feminist lens this analysis interrogates the socio-economic and political factors in relation to Malawi. The results of the analysis is presented in the ensuing sections.

The Legal and Policy Framework

The progressive legal and policy framework on women's rights in Malawi, which is in stark contrast to the lived realities of women presents a good point of departure for this analysis of the challenges and opportunities in the socio-economic and political landscape for women in Malawi. Malawi has a relatively progressive framework anchored in a progressive Constitution and relevant pieces of legislation in relation to regulation of women's issues. This is further strengthened by various relevant international treaties relating to gender, children and women's rights to which Malawi is a party. For example, Malawi has ratified most of the key conventions of: the United Nation Convention on the Elimination of All Forms of Discrimination Against Women; the Protocol to the African Charter on Human and Peoples' Right on the Rights of Women; the SADC Gender Protocol; and the African Charter on Popular Participation. There is also a relatively strong architecture of human rights enforcement institutions and regulatory bodies.

Nonetheless, the practical application of the guarantees at the normative framework, as well as the effective functioning of these institutions at both the national and community levels face a number of structural and operational challenges, hence the less optimal outcomes in relation to women's rights. In addition, there are also some fundamental flaws with the legal framework as discussed in ensuing sub-sections.

The rubric of laws and policies that forms the normative framework on violence against women comprises of:

The Constitution of the Republic of Malawi

The Constitution guarantees a number rights that contribute to creating a conducive framework for women. Notably, section 20 of the Constitution outlaws discrimination in any form on various grounds, including sex and gender. Furthermore, the Constitution categorically guarantees women's and children's rights in sections 24 and 23 respectively.¹ In addition, section 13 of the Constitution lays down principles of national policy some of which have a direct effect on GBV and access to justice.²

Acts of Parliament

In addition to the Constitution, the normative framework also comprises a number of Acts of Parliament such as: the Gender Equality Act; the Prevention of Domestic Violence Act; the Penal Code; the Disability Act; the Criminal Procedure and Evidence Code; the Family Relations (Marriage and Divorce Act); the Child Care Protection and Justice Act; the Deceased Estates (Wills and Inheritance Act); the Trafficking in Persons Act; Land-related laws; the Political Parties Act; and other on-going law review activities, including the Reform of the Electoral Laws.

¹ Section 24 outlaws discrimination of women on the basis of their gender or marital status and guarantees the right for women to (a) to be accorded the same rights as men in civil law, including equal capacity-- (i) to enter into contracts; (ii) to acquire and maintain rights in property, independently or in association with others, regardless of their marital status; (iii) to acquire and retain custody, guardianship and care of children and to have an equal right in the making of decisions that affect their upbringing; and (iv) to acquire and retain citizenship and nationality. (b) on the dissolution of marriage-- (i) to a fair disposition of property that is held jointly with a husband; and(ii) to fair maintenance, taking into consideration all the circumstances and, in particular, the means of the former husband and the needs of any children.

In particular, section 24 obligates the State to pass legislation 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. Children are entitled to equal treatment before the law, and to be protected from are entitled to be protected from economic exploitation or any treatment, work or punishment that is, or is likely to--(a) be hazardous; (b) interfere with their education; or (c) be harmful to their health or to their physical, mental or spiritual or social development.

² The pertinent areas provided for in the principles of national policy are: gender equality, in particular under this principle, the state is under an obligation to 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; nutrition; health; rural life; education; persons with disabilities; children; the elderly; the family; and peaceful settlement of disputes; Essentially, under this section, the Constitution puts an obligation on the state to actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving goals in these areas.

The body of these pieces of legislation make for a relatively strong legal framework for the women's rights, notwithstanding some gaps in some of the statutes as well as shortfalls relating to effective implementation.

Policies

A number of policies have been developed and are being implemented in the area of women's rights, including: The National Plan of Action (NPA) to combat Gender-Based Violence 2014-2020;³ National Human Rights Action Plan, which has a comprehensive section on gender; the National Gender Policy; the National Action Plan for the Promotion and Protection of Human Rights; the Gender Equality Act Implementation Plan; the Malawi Growth and Development Strategy; and Vision 2020.

Institutional Mechanisms and Interventions

There are a number of mechanisms that are in place including, courts, national institutions and non-Governmental Organisations. In terms of chapter 4 of the Constitution, the human rights guaranteed by the Constitution are justiciable. If aggrieved, people can access remedies through the Courts of law in Malawi. Section 46 of the Constitution further makes reference to the Ombudsman and the Malawi Human Rights Commission as mechanisms for protection and enforcement of human rights. Accordingly, the Constitution, as well as the Ombudsman Act and the Human Rights Commission Act (Chapter 3:08 of the Laws of Malawi) set up these two institutions respectively. The Constitution also sets up other state agencies such as the Malawi Police Service that has the constitutional responsibility over enforcement of some of the laws relating to GBV, in particular through Victim Support Units.

Relevant Ministries and Government agencies such as: the Ministry of Gender, Children, Disability and Social Welfare; the Ministry of Justice and Constitutional Affairs; and the Legal Aid Bureau, are also critical for mounting an effective prevention and response mechanism. One Stop Centres (OSCs), aimed at providing comprehensive services to survivors of GBV have been established in 4 districts and establishment of One Stop Centres in a further 9 remaining districts is at the finalisation stage.

³ The Policy highlights a number of priority areas: (i) Prevention of violence against women by addressing its root causes and promoting transformation of harmful social norms; (ii) Promotion of an early referral system that identifies violence and thus reduces its impact and continuation; (iii) Creation of an effective response mechanism supporting the survivors of violence; (iv) Coordination, implementation and sustainable financing of the NPA; (v) Research, data collection, monitoring and evaluation. The NPA includes an operation matrix with outputs, focus actions and responsible partners for each priority area with activities allocated to different Government Ministries, Departments and Agencies (MDA).

Ensuring proper functionality of the One Stop Centres is key to addressing issues of VAWG. At the moment the trends are showing low up take of the OSCs services.

Furthermore, Malawi has a relatively strong enabling environment for the operations of civil society organisations some of which carry out critical services relating to both the prevention and response to GBV. However, of late, there has been growing incidences in stifling of civil society space as discussed in relevant sections below.

There are various coordinating structures for addressing GBV and vulnerable children, including National Technical Working Group (TWG) with sub-groups and these structures are in theory replicated at District level with three TWG for the NPA on Vulnerable children.

Challenges and Opportunities in relation to the Legal and Policy Framework

The effectiveness of the seemingly progressive legal framework to a great extent depends on a vigilant and robust enforcement mechanism which at the moment is hampered by a number of structural as well as technical impediments. These include: limited sensitisation on the laws; low levels of legal literacy on the part of the citizenry; limited skill sets on the part of relevant service providers in relation to the laws; budgetary constraints on the part of the institutions with enforcement powers, as well as the lack of shelter centres for victims of domestic violence; collaboration among various stakeholders including the police, health personnel as well as judicial officers has also been noted to be a critical challenge;⁴ studies have also shown that most cases of GBV go unreported and this is attributed among other things to Malawi's cultural traditions which have long condoned most forms of domestic violence, treating them as private issues, hence, most violence against women particularly wife battering, incest and child defilement goes unreported.⁵

There is also a limited availability and accessibility of essential services when it comes to addressing gender-based violence and resource constraints especially through low resource allocation to the sector. Furthermore, considerable challenges in effectively enforcing the relatively strong gender framework manifest in the form of: weak enforcement of legislation; low and fragmented allocation of resources in support of the implementation of existing laws, policies and programmes; weak monitoring frameworks and limited evaluation of their impact, exacerbated by low levels of

⁴ This should be compared with the findings on the functionality of the one stop centres in the areas where they exist, and what modalities are in place in areas where there are no OSCs, and the effectiveness of such modalities.

⁵ Malawi Human Rights Commission Report on a Situation Analysis on Women's Rights and Gender

coordination among different stakeholders. Issues of technical shortcomings in the various laws which hamper their effective implementation have also been noted as challenges. Most importantly, the issue of the continued disempowerment of women, education and economic-wise, has serious implications on the ability of women, to have recourse to the various remedial measures that are available under the laws.

Notwithstanding the above challenges, this body of laws and polices provides a very good platform on which interventions for women's empowerment in the socio-economic and political sectors can be anchored.

Feminist Malawi: The challenges and opportunities

Women around the world are more likely to live in poverty - just because they are women. They have less access to land, education, income and decision-making – all of which keeps them poor. (ActionAid Malawi, Women's Rights <http://www.actionaid.org/malawi/what-we-do/womens-rights>).

This assertion resonates with the situation of women in Malawi who face serious discrimination in the economic, social, cultural and political sectors, with adverse effects on various developmental indicators. Thus, the gender dynamics for Malawi are characterised by considerably poor indicators across different sectors. Arguably, the Government of Malawi has undertaken and continues to undertake important actions to address gender inequalities. The Government's commitment to attainment of gender equality is demonstrated through multi-dimensional and holistic interventions including laws, policies, international commitments, programs and services. However, despite all these efforts, Malawi's socio-economic indicators are considerably low at 170 out of 188 countries ranking in the Human Development Index (HDI).⁶ Malawi's HDI rank value stood at 0.476 which put the country in the low human development category.⁷ The poor socio-economic indicators demonstrate a gendered pattern, with females disproportionately bearing the burden. This is reflected in the Gender Inequality Index (GDI) ranking for the country which stands at 124 of the world's countries.⁸ A value of 0.57 on the Gender Equality Index reflects high levels of gender inequality in reproductive health, empowerment and economic activity.⁹

⁶ UNDP Human Development Report (2017)

⁷ Ibid

⁸ NAP

⁹ Ibid

The above rankings demonstrate that there are huge disparities between men and women¹⁰ in the economic sector, including in access to productive resources, social sector (including in health, education and employment) and the political sector. Women work longer hours, with less time for income earning activities due to the burden of domestic work.¹¹ More than half of women in Malawi have not attended school (55%).¹² Girls are more likely to drop out of school than boys due to early marriage, motherhood and family responsibilities.¹³ Social norms, practices and beliefs embodied in a very conservative patriarchal society remain deeply entrenched and consist a severe impediment to promote behaviour change as well as to translate the advances in the legal and policy framework into proper implementation.

Gender-based violence, particularly against women and children, is still rampant. Evidence indicates that 28.2% women aged 15-49 have experienced physical violence and 25.3% women aged 15-49 have experienced sexual violence in their lifetime.¹⁴ The recent Violence against Children (VAC) survey found that before they turn 18, 42.4% girls and 64.5% boys experience physical violence and 21.8% girls and 14.8% boys experience sexual violence or abuse.¹⁵ Malawi also has one of the highest rates of child marriage in the world with approximately 50% of girls married before they are 18 years of age, i.e. 1 in every 2 girls.¹⁶ Furthermore, over 1 in 5 girls are sexually abused before the age of 18 and that 40% of women in Malawi have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.¹⁷ Evidence also show that out of two girls in Malawi one is married before the age of 18. In addition, there are various harmful traditional practices (HTP) that impact on widows, elderly women and never-married adult women.¹⁸

The economic costs of GBV include the reduced economic earning power of women and girls and increased costs of providing services for survivors of violence.¹⁹ A recent study of Malawi found high costs of violence, specifically intimate partner violence (- the direct economic cost of handling physical

¹⁰ UN Human Development Report 2011 cited in ICEIDA May 2012; Malawi Country Strategy Paper 2012-201

¹¹ Malawi Human Rights Commission, Literature Review on Gender and Women's Rights in Malawi (2015)

¹² Ibid

¹³ Malawi Human Rights Commission Report note 6 above

¹⁴ Demographic and Health Survey, 2010, National Statistics Office

¹⁵ UNICEF 2014, Violence Against Children Survey

¹⁶ To cite source

¹⁷ UN Women

¹⁸ Malawi Human Rights Commission Report (2005)

¹⁹ UN (2005) The Economic Costs of Violence Against Women: An Evaluation of the Literature

IPV cases in 2013 was an estimated MK 877 million (US\$2,698,462).²⁰ However, this only accounts for the costs of providing services to survivors and does not cover the wider economic and social costs.²¹

Access to and use of land by women in particular is a challenge in Malawi. According to a recent Government report to CEDAW, reported cases from property grabbing increased nine-fold between 2013 and 2014. Social inequalities in gender, income, class, location, disability, age, sexual orientation and gender identity among others tends to exacerbate the low status of women and discrimination faced by women in Malawi. Despite the progress in closing the gender inequalities in health and education, these changes have not resulted in equal outcomes for women and men in the labour market. In many communities, women perform a disproportionate share of unpaid household care work and are constrained from taking decent jobs on an equal footing with men. Due to high patriarchal values, there are fewer women than men that participate in decision-making processes and politics. Furthermore, women have also tended to disproportionately bear the burden of climate change. Malawi has continued to experience extreme weather events, in magnitude and frequency (2010 Malawi State of Environment and Outlook Report). Such shocks include dry spells, strong winds and floods. The most recent major floods which occurred in 2015, affected 1.14 million people, displaced 80,000 households and damaged 64,000 hectares of crop fields. 153 deaths were reported²². In 2016, there were dry spells as a result of the El Nino. Rural farming communities, especially women, girls, the elderly and children have been particularly vulnerable to these disasters. Climate injustice practices both within and outside the country, continue to exacerbate climate change, which is affecting weather related patterns, with adverse effects experienced by women.

Against the above background, this section provides an overview of some of the critical challenges that are exerted upon “feminist Malawi”. This is the socio-economic and political context within which feminism plays out in Malawi. The consultants reflected upon the very real and urgent challenges that they experience in their daily work within Malawi but also sought to highlight these same challenges as the actual engagement opportunities that they in turn present. Therefore the highlighted lack of a women’s movement entails that there is growing interest and even funding being dedicated to building, strengthening and sustaining such a movement. In the sections below, the consultants

²⁰ UN Women and UNECA (2013) Socio-Economic Cost of Violence in Malawi

²¹ Business Case

²² 2015 Issue of the Food and Nutrition Working Group Regional Update

provide an overview of the perceived challenges and opportunities that are presented to those working in feminist Malawi.

Building the Women's Movement

There is widespread recognition of the weakness of, and the overwhelming need for, feminists in Malawi to deliberately engage in a process of Movement Building. Currently there is no women's movement – in a sense there are “too many tables, not enough seats” there are many and disparate feminist groupings that reflect fractures along lines of age, class, location, economic status and so on. Feminism in Malawi is strangled by class-ism, ethnic tensions, racism and religion. Feminist Malawi feels like such a fractured space. We have the "Beijing Generation" (the women who fought ferociously for the current gender related laws & pushed for the ratification of regional protections like the Maputo Protocol), and we have the current feminist-out-loud generation with young women who are fighting to end child marriage, to expand the range of sexual reproductive health rights that young Malawians have access to and are constantly rebelling against the culture of silence that still permeates Malawi, even in activism. Then there are the grassroots activists. The women whose feminism is urgent and organic, driven by the challenges experienced in their daily lives. Too often they are excluded from "feminist spaces" whether in real time or in the digisphere.

Galvanizing a movement to take a joint stance against any problematic issues is challenging because of our inability (as Malawian feminists), to acknowledge and even attempt to bridge these divisions. There has not been any sustained organized intergenerational exchanges or sharing the Beijing generation opened the doors for younger women to walk through but women in Malawi are not walking together, save for a few sporadic efforts in this regard. These challenges are compounded by the weak national gender machinery despite the work of entities such as the Non-Governmental Organisation - Gender Coordination Network ([NGO-GCN](#))²³ the critical state actors (the Malawi Human Rights Commission and the Ministry of Gender) are equally at odds – example lies in the crippling of attempts to launch the gender equality commission. The lack of consistent or adequate government funding pits such institutions against each other in the effort to maintain control over donor funds. This distracting funding fight disrupts the implementation and establishment of critical

²³ The NGO Gender Coordination Network (NGO GCN) was established in 1998 with the objective of coordinating activities of NGO dealing with gender related and women's rights issues in Malawi. Its membership includes NGOs dealing with gender and women issues in Malawi. The NGO GCN is the only network dealing with gender issues in Malawi and has diversity in the membership and issues addressed.

gender institutions - as a result there remains no family division in the Malawi judiciary, no gender equality commission, and the re-establishment of local courts, which would be easily accessible by majority of Malawians, including women, despite being in the legal and/or policy framework, to mention a few gaps.

Notwithstanding the above challenges, opportunities abound in the fact that, there is already a growing recognition of the importance of the agency of women and increasing efforts at mobilisation of women, including at the grassroots to actively participate in various civic engagements. There are significant collectives and community organizing at the grassroots level but in disparate sectors. For example, organisations such as Coalition of Women Living with HIV (COWLHA) and Coalition of Women Farmers, provides a good learning basis for the women's movement building in Malawi. While founded as a result of activities of some NGOs, these grassroots women organisations have evolved and taken a life of their own over the years into sustainable and autonomous Women's organisations. The work of these organisations has influenced a number of significant legal, policy and programmatic developments in Malawi. These are groups that have built communities around treatment, VSL, mother groups etc. For example, through the work of JASS Southern Africa the leadership and organizing capacity of Malawian women was built into pressuring local and national government to make development resources accessible and to deliver on laws that support women and HIV-positive people. By organizing the power of their numbers, women made voices heard in order to confront stigma, increase access to healthcare, and improve basic livelihoods. (<https://justassociates.org/sites/justassociates.org/files/malawi2010.pdf>). Furthermore, the Coalition of Women Living with HIV also played a significant and critical role in the advocacy and lobbying efforts towards the enactment of the HIV and AIDS (Prevention and Management) legislation.

Going forward, it is very critical that these pockets of women organising at grassroots levels be galvanised into a strong women movement in Malawi rooted in social accountability models, and hence capacitated with the requisite skills and information for greater civic engagement and demand for accountability in order to increasingly articulate and aggregate women's voices and issues into the public and decision making arenas.

The socio-economic context

Malawi has a small and weak economy that is primarily agri-based. Malawi's current economic climate remains unresponsive to people living in poverty, the majority of whom are women. In 2017, real gross domestic product (GDP) growth picked up to 4% from 2.5% in 2016. Despite external shocks, the government managed to contain fiscal slippages with the deficit narrowing to 4.8% of GDP. After six years of double-digit inflation, the headline rate has receded to single digit levels (7.8% in February 2018), driven by a sustained fall in food inflation due to affordable maize on domestic markets.

Fiscal policy is being challenged by revenue shortfalls, non-availability of donor budget support, spending pressures from domestic debt servicing costs and the high costs of Farm Input Subsidy Programme. Corruption has led to withdraw of development partners' direct budgetary support. As such, government has resorted to borrowing domestically and externally. The public debt has grown to as high as 54.3% of GDP and this has more than doubled compared to 26.7% of GDP in 2007, just after the debt relief. The accumulation of domestic debt and a large amount of arrears, has led to the large amount of resources generated going into the repayment of debt and the settlement of arrears instead. Consequently this has affected the quality of public services especially education, health, infrastructure, water and sanitation, with adverse effects for women.

Government's revenue generated domestically remains extremely low. Government revenue per capita in the country is \$49, excluding grants and social contributions and \$79 per capita including grants. Tax avoidance and tax breaks are factors to the revenue loss. Malawi is losing revenue through the regressive tax system that is offering harmful tax incentives to Multinational Companies (MNCs) as well as the tax avoidance by MNCs being aided by the weak international tax system. Lost government revenues in Malawi are as high as \$38 per capita, including US\$117 million a year due to tax incentives and \$86 million due to international corporate tax avoidance. Lost government revenue is two thirds of the aid budget and nearly twice the combined government health and education budget. This is putting pressure on the limited resources that Malawi has and affecting public service delivery.

The extractive industry in Malawi has become a big opportunity for Malawi's socio economic development to complement agriculture. Nevertheless, the extractive industry is plagued with lack of accountability and transparency. The industry is being governed by a poor and outdated regulatory framework –The Malawi Mines and Minerals Act of 1981. The legal and policy framework guiding the oil and gas sector is old and the technical expertise for the sector from the government is limited.

Women have tended to bear an exacerbated blunt of the growth in extractive industry, for example as they are often to be found at the peripheral or informal sectors of the sector prone to exploitative market forces. Furthermore, the women have tended to be in the lowest cadres of the labor market in the extractive industry which often bears the blunt of exploitative labour practices. Challenges relating to compensation for land grabs/appropriation, effects of environmental pollution from the extractives have also tended to affect women in unique ways.

Financial abuse and corruption remain high at national level and local councils. Corruption is eroding governmental legitimacy because it is hampering the effective delivery of public goods and services. It is limiting economic growth because it is reducing the amount of public resources, discouraging private investment and saving and impeding the efficient use of government revenue. Overall, corruption is reducing efficiency and increasing inequality. Corruption is disproportionately affecting the poor who not only suffer from the lack of services and efficient government, but are also powerless to resist the demands of corrupt officials.

Citizen participation and accountability remain elusive ideals in public policy. Capacity constraints are a major transversal challenge faced by the public, affecting their efforts to operate effectively in their various areas of policy. This is particularly evident in the realm of accountability processes, notably in policy dialogue, public expenditure tracking and responsiveness to citizen's needs. This is rendering public participation in policy dialogue and demand for social accountability very limited.

The growing export orientation, privatization, deregulation and the push for free trade agreements often has adverse effects on the economically less-privileged, majority of whom are women, and their access to essential services including health. In the current global crisis of rising food prices, exorbitant energy costs, and the devastating challenge of climate change, feminism stands for economic policies based upon food sovereignty, clean renewable energy, and ecological soundness, in order to ensure a sustainable future for the planet, all its species and its natural resources. Given the experience of the gendered and inequitable impacts of neo-liberalism and globalization, it is also critical that economic transformation should create greater social equity and human development, rather than mere economic growth. All these dynamics that affect Malawi's economy have peculiar effects for women in Malawi as discussed in the ensuing section.

Malawi established a privatization commission which led to an increased privatisation of public companies, including those relating to service delivery. Recently, the energy sector delinked from government and the impact on the general population and broader citizenry stands to be huge. There is talk of introduction of user fees with hospitals being delinked from the Ministry of Health and the corresponding impact that this will have on access to health services.

The capital and economic empowerment models of women remain within the binaries of male and female economic spaces confining women to micro models "mandasi sales".²⁴ VSL approaches have not adequately accommodated power shifts within the household structure which becomes a source of vulnerability to violence by the women in some cases. VSLs in peri-urban areas are investing in their matrimonial homes – which raises challenges when it comes to ownership of those properties and with weak attention to inheritance plans women remain extremely vulnerable.

Male domination of "gender" spaces

The social context is overcome by male dominated spaces – even when the issues relate to women this is evidenced in the continuing dearth of women-led organizations. Malawi has limited the understanding of "women-led" to maintaining a female figure head and not to empowered women being involved in the design and conceptualization of projects/organisations. We maintain significant institutional challenges whereby the key human rights institutions are male dominated and male centric. Lack of a social accountability perspective – populace removed from the arguments around what women need in the centre of the issues.

State capture of the NGO sector – which also pits the few women in those spaces against each other. We have seen the use of the overly broad laws to censure women – e.g. Beatrice Mateyo being arrested using a law that speaks about insulting the modesty of a woman. Labelling of women activists as a part of state capture. There are NGOs that work as government operatives to mobilize and challenge any issue that actually affects women directly. Further evidence in the push by women parliamentarians against suggested legislative provisions that would increase the numbers of female representation in Parliament.

There is no focus on women human rights defenders – even when there is mobilizing to protect HRD. Women's issues and needs are erased. There are continuously shrinking space for civic engagement

²⁴ Challenges of doing business in Malawi – high taxation, inflation, lack of access to markets, no affirmative action

and the first to be stifled are women's organizations. There is a need to rigorously engage with the ways in which male engagement is harnessed for political expediency and then leveraged to further the same male-centric policies and approaches.

There are no models of creating, curating and securing "safe spaces" for women. It simply doesn't exist. There is extreme collusion with patriarchy – laws that would push women forward were heavily contested by women.

Entrenched inequalities and women existing at the mercy of political will.

The following points represent opportunities for further and more in-depth engagements to root out and combat entrenched inequalities and challenges that are linked to weak political will:

- There are areas that remain un-interrogated for their specific impact on the lives and realities of Malawian women. One such example is the gendered implications of relationships with China, Free trade agreements and aid and financial bailouts. The government has implicated the country in various international agreements that will potentially have untold effects on women.
- Extractives – the burgeoning mining industry has been plagued with a lack of transparency and access to information. What is clear is that these are sectors of the economy that are equated to abuse of labourers – largely female and underage domestic and low wage workers. Another common feature is that lack of environmental impact assessments and especially not from a gendered perspective that articulates impact on women and girls.
- Gendered challenges of decentralisation and the dual legal system. We have seen the development of Bylaws by traditional leaders (ending child marriage, learner pregnancies, giving birth in hospitals) these are ostensibly being developed to improve the plight of women but rather further harm them by increasing the layers of punishment that they are subjected to. The ongoing challenge of dual justice system is ignored and invisible as access to justice conversations remain at the formal level and overlook the wide range of injustices that occur across the "informal" or traditional legal spaces.
- The fight against harmful traditional practices such as child marriages are weakened by the lack of safety nets for women and girls that have been "rescued" from these illegal and violent unions. Superstar Chief but challenging reality of "what next" they are no longer considered to be girls, families that are already economically overwhelmed say you keep her what should

we do with her? Mother groups good model. No comprehensive model that responds to the issue of child-marriage. Traditional leaders have evolved they have learned the language of the development partners and say what people want to hear.

- Legislation on harmful practices that isn't grounded in organic recognition of harm and the need to eradicate such practices.
- The notion of the "God-fearing" nation and the role of the church/religion— there is a need to unpack the power of religion and the reasons that enable extreme abuses of women to continue unchecked whilst clothed and protected in the rhetoric of God-fearing.
- However, the potential that progressive gender related laws and policies that is seriously watered down at the level of enforcement due to a number of challenges such as: on the individual level, limited human rights awareness coupled with lengthy and inaccessible redress mechanisms.
- Increasing levels of corruption have also exacerbated the state's failure to effectively deliver its obligations in relation to provision of basic public social services. It is important that concerted programming should be directed at efforts to hold the government accountable in giving full effect to the provisions of these laws and policies through full and effective implementation.
- This should go hand in hand with efforts pressing for expressions of political will to be reflected by tangible actions to translate the various human rights aspirations into tangible gains for Malawians. In this regard, it is important that when it comes to JASS's programming in Malawi, focused attention should be directed to a citizen-driven social accountability model. In this case, the empowerment of women to engage in accountability checks with respect to service delivery. It is also critical, as will be discussed in the ensuing sections for such social accountability models to fully integrate a feminist lens.

The Political Sector

Women in Malawi remain seriously under-represented in the political sphere, notwithstanding express commitments at the normative framework level for increased and full participation of women in all spheres of life. Commitments on women's increased political participation by political parties are at best minimally translated into tangible gains for the women, and at worst reduced to mere rhetoric and campaigning strategies. While there has been increasing gender awareness, and a well-developed

legal framework for women's participation in politics, the traditional role of women still prevails, with women still largely limited to the private domain, and a prevalence of social and cultural prejudice against women's participation in politics persists.²⁵ She is the caretaker; her role is largely limited to the private domain.²⁶

Thus, overall, critical leadership spaces in the political sphere such as political parties, cabinet, parliament, local councils, continue to be characterised with acute underrepresentation of women. Over time, Malawi has therefore attained a slow but marked increase of women in participation in politics in the multiparty era as follows: in the 1994 elections women's representation in parliament was at 5.4%;²⁷ in the 1999 elections it went up to about 9%; in 2004, the representation went up to 15% and in the 2009 election it reached to 22.3% out of the 193 seats; this was followed by a sharp decrease in the 2014 elections, with a significant drop to 16.7%. The trend is not very different from women's representation at local government council level whereby in 2000, women constituted only 8% of all the councilors in Malawi, and a marginal increase was registered in the 2014 tripartite elections pushing the number to 13%.

Largely women active participation in political arena has been and continues to be through being "recruited to sing and dance at political rallies."²⁸ However, Amundsen and Kayuni notes that "now, the situation has changed, at least somewhat. Still the political parties of the multi-party era call out to their female supporters to perform "traditional dance" at their public functions, but the practice is receiving much criticism"²⁹ There has therefore been a slow but marked increase of women in participation in politics in the multiparty era in Malawi.³⁰

Yet, the question of gender equality and especially women's political participation has been on the national agenda in Malawi for many decades, going back to the late 1970s, gaining a new lease with the wave of democratisation in the 1990s that culminated in the transition from a one-party state to multiparty democracy.³¹ In the one-party state that preceded the multi-party era, 1966 to 1993,

²⁵ Amundsen and Kayuni p. 1

²⁶ Ibid

²⁷ Lewis B. Dzimbiri in Amundsen and Kayuni, p. 7

²⁸ Inge Amundsen and Happy Kayuni 2016 Women in Politics in Malawi, p. 1

²⁹ Ibid

³⁰ Ibid

³¹ Chingaipe H, 2015, Analysis of the Contribution of First –Past the Post Electoral System to the Low Numbers of Women in the National Assembly and Local Authorities in Malawi and Options for Addressing the Gender Deficit, (unpublished)

competitive political participation was seriously curtailed. Women's role in politics was generally limited to sustaining and uplifting "the cultural populism" of the Head of State through for example traditional dances at political rallies.³² In addition, women engaged in active participation in politics through the women's league. The first cabinet after independence in 1964 had one female, and the one-party state era was characterised with acutely this low representation of women such that between 1964 and 1996 only 2 women were appointed cabinet ministers, and only 3% were parliamentarians.³³

Multi-party democracy was introduced in Malawi in 1993. Since then, five multi-party general elections have been held every five years. In the first two elections, the gender debate vis-à-vis politics had not really taken roots and was to a large extent on the periphery of politics.³⁴ Prominent women's NGOs focused on micro finance. In later years women's NGOs gained prominence and increasingly actively pursued the agenda for increased women's political participation. By the 2009 elections, the first 50-50 campaign for increased participation of women in politics had been launched and registered relative success.

Thus, the representation of women in the Malawi parliament in the multi-party era still exemplifies the low representation of women through decimal but steady increases. This is attributed to a number of factors including: the enormous challenges the women in politics face which discourage other women from aspiring to join politics; discrimination against women and female youth at community level which has the effect of limiting public confidence in the capabilities of women and female youth in high-level decision making such as Parliament and Councils. According to the most recent Afro-barometer of June 2017, 72% of Malawians believe that women should have the same chance as men to be elected to public office; and yet few actually vote for women. As a result, access and participation of women and female youth in decision making of the political parties is generally low.

While data, though limited, show trends in the progression of women and female youth to higher positions in Malawi, the rate of progression is slow and not constant resulting in few women in those political party positions and unable to make constructive change to internal structures and processes of institutions in response to girls and women's needs. None of the political parties have gender policies in place. Very few political parties have adopted voluntary gender quotas in their constitutions,

³² Women in Politics in Malawi

³³ Ibid p.3

³⁴ Women in politics p. 3

and almost all of them lack mechanisms to effectively implement gender equality in party structures or in party nominations.³⁵

Furthermore, the Malawi Law Commission Report on the Development of a Gender Equality Statute puts forward the following as the reasons for women's low participation in politics in Malawi; "the reasons for the failure of women to participate in politics in Malawi despite the election race being open to both sexes are many. These include the fact that women are powerless economically, financially and often do not attain high educational qualifications. Women also have limited financial and political resources and as a consequence they lack solid political standing to push them into the political sphere". Other reasons to which the low representation of women is attributed are: rejection of women within political parties which leads to women contesting for elections on independent tickets, and sometimes with detrimental outcomes; limited financial muscle for campaign and publicity materials; limited campaign skills and strategies; and weak monitoring of elections on gender perspective.³⁶

There are also gaps in the legal and policy framework for the facilitation of women's and female youth political participation. International legal obligations on gender equality contained in CEDAW have not been domesticated and there is no comprehensive engendering of electoral laws that have a direct bearing on the political empowerment of women and female youth. It remains to be seen if the proposition of the 28 reserved seats (quota) for women in the electoral law reform process will be enacted into law.³⁷ There is also a lack of comprehensive coordination mechanism set up to handle Political empowerment of women and female youth at national, district and local levels. The existing gender machinery has been hampered by various factors such as limited human resource capacity, high staff turnover, poor funding, and weak coordination mechanisms as well as weak and ineffective CSO coalitions. Although there is some capacity on the ground to implement political empowerment of women programmes in terms of human resources, infrastructure and institutional set up, it is far from adequate for a comprehensive 50:50 campaign programme.

³⁵ Women in Politics book, p. 5

³⁶ Malawi Human Rights Commission Report

³⁷ As of the June 2017 seating of Parliament, Cabinet had taken out the recommendation of women's quotas in the Bill that it presented to Parliament in relation to the on-going electoral reforms for Malawi. This was a huge lost opportunity for Malawi.

Thus as observed for women's participation in politics globally, i.e. that although women make up slightly over 50% of the world population, it is widely accepted that they receive only a small proportion of the world opportunities and benefits.³⁸ The status of Malawian women's representation in politics typifies this widely accepted observation.

Intersectional issues that are critical for women in Malawi over the next 5 years

- Poverty and deep inequality
- Health care – access to quality SRH services – safe abortion still a challenge; HIV and AIDS, disability especially mental
- Climate change and Resources – land and water; food sovereignty and security; women confined to the bottom rung of value chain – low and domestic wage/informal employment;
- Illicit financial flows and corruption ³⁹ - less investment in social services, Malawi heavily dependent on donor funding.

³⁸ Dzimbiri in Amundsen and Kayuni p. 12

³⁹ Malawi is grappling with a limited resource envelope which results in failure to invest in development and public services. This can be attributed to the sustained loss of resources through illicit financial flows and harmful corporate tax incentives. According to the Global Financial Integrity (GFI), illicit financial flows through corporate commercial transactions, money laundering and corruption contribute a significant amount of resources lost, amounting to over a third of the national budget. Malawi lost between \$2.26 billion (about Kwacha1.6 trillion) and \$7.32 billion (about K5.3 trillion) in past 10 years due to illicit financial outflows. Illicit Financial Flows represent a major barrier to domestic resource mobilization as they prevent the government from collecting and reinvesting valuable tax revenues into communities. This represents vital sources of funding to help tackle structural issues within the public service such as increased spending on teacher training, classroom provision, and education resources such as teacher's salaries, stationary and textbooks. Tackling these flows is crucial if Malawi is to ensure that its people receive quality and effective public services. Due to the inadequate revenue raised government has resorted to borrowing. As such debt levels have also been increasing with government pursuing this alternative to cover national budgetary deficits. According to the Country's financial statements as of end December 2017, the total public debt amounted to MK2.7 trillion. This accounts for 55 percent of Gross Domestic Product (GDP). The Malawi government is spending a projected at K183 billion (3.4 percent of GDP) as interest payments for the debts. The high interest repayments attracted by the huge debts are eroding the national budget. The proposed allocation for Debt payment equals the combined share of the economic and social sectors including Ministries of Agriculture, Health and Education. Poverty still remains high in Malawi with 50.7% living below the poverty line and women being the most hit despite their huge contribution to agriculture (70%), the Malawi's economy back bone that contributes 29% of the country's GDP. The economic performance of the Malawi economy remains sluggish with the overall GDP at \$6.565 Billion as of 2015. This is a gradual decrease of 2.75% from 2014. The GDP per capita is \$381 which is a decrease of 2.66% from 2014. (World Bank Data) The inflation rate remains stubbornly high, averaging 22.8% (Reserve Bank of Malawi)). This is adversely affecting the economic outcomes and also having a significant negative impact on real incomes particularly for the people living in poverty. There is still limited accountability and

- Public space, public life – especially as we head into an election year and then deepening citizen engagement generally.⁴⁰
- Violence – permeates all spheres
- Access to justice – in particular access to civil justice
- Access to information – needs to be gendered and problematized.

Key actors influencing the feminist agenda in Malawi

- Government and its agencies – including MoGCDSW, MoJ, Civic Education and Culture, Foreign Affairs, MHRC, Ombudsman, Law Commission, Legal Aid. Hold mandate but low funding, implications of Cashgate lingers, capacity challenges
- Significant funding in the country dedicated to violence and transforming harmful cultural norms. Engender Health running a project aimed at transforming social norms and engaging gatekeepers in preventing and responding to incidences of GBV. There are two separate upcoming UN Family through Spotlight; OXFAM, PLAN, Save the Children, PLAN and ACTIONAID – close to the communities. Church Aid. Significant embassy funding and outreach. Girl Effect and the use of mass media campaigns to reach youth and create new and varied narratives of what it means to be gendered and build up the power of platonic relationships in the national imagination. Offer alternatives to violence and abuse as being the norm of male-female interaction.
- EU through Chilungamo Project also Spotlight – clearly defined gender agenda;
- DFID and USAID – LGAP, VAWG and TRACTION (gender as a crosscutting issue)
- Global Fund and PEPFAR (relies on Trump's foreign policy directions and interests) – DREAMS, impact of global gag rule as a threat but also an opportunity. Fatigue in the programming on gender and especially HIV
- Private sector domination of social justice issues – KPMG etc.
- Local NGOs.

transparency in public financial management. Citizen participation in public policy remains elusive ideals. Capacity constraints are a major transversal challenge faced by the public, affecting their efforts to operate effectively in tax policy. This is particularly evident in the realm of accountability processes notably in tax policy dialogue, domestic resource mobilisation and responsiveness to citizen's needs. The absence of this is rendering public participation in tax and illicit financial flows policy dialogue and demand for social accountability very limited.

⁴⁰ Legacy of the one party system and the manipulation of women by Banda and his regime. Women in leadership positions carefully selected. Any dissent is taken as betrayal of the dominant senior male leader of the party. Who gets to be a leader – it's always a young man. Role of the 5050 campaign? Gendered implications of cash handouts.

- Private sector.
- Politics, elections and the political machinery/climate.
- The Church!
- Traditional and faith-based leaders, community gatekeepers.
- Women themselves.

Give 3-5 pointers/ themes that would be the key opportunities and moments for JASS to tap into as it continues to have a presence in Malawi – issues and processes based

Where are the positives? What can we latch onto as JASS continues to work in Malawi? Is there something we should be deliberate about? What can we take up that would talk to the nature of power from these various sources (church, traditional leadership, donors or international communities).

- Growing NGO sector that has still managed to push back
- One critical aspect is that institutions, mechanisms and laws – all progressive policies and laws;

Adolescent Girls and Young Women and harnessing the demographic dividend

Some of the major influencing factors for the low status of women is critically linked to the status of adolescent girls and young women, where by: adolescent girls experience early sex debut, early child bearing and early and/or forced marriage and school dropout, while reporting high GBV incidence. These are worrisome trends given the growing body of evidence that show that keeping AGYW in school can help reduce HIV incidence by delaying sexual debut, preventing child marriage, reducing risk of sexual abuse, and increasing independence from patriarchal power structures. There is also critical power dynamics at play whereby, when the situation of adolescent girls and young women (AGYW) is compared with that of adolescent boys and young men, trends show that adolescent girls and young women are more likely than their male peers to drop out of school; to marry at an early age; and to bear the blunt of poor sexual and reproductive health outcomes. Furthermore, AGYW are faced with distinct physical and social vulnerabilities that threaten their human rights and livelihoods

for the rest of their life. Gender norms further limit girls' mobility, selection of peer groups, and access to important social capital and financial assets.

Gender-based violence

The scourge of gender-based violence which disproportionately affects women and girls has also exacerbated the impact of HIV and AIDS. GBV prevention, impact mitigation and comprehensive post-GBV services is a continuing gap in the HIV response.⁴¹ Invisible power presents itself through social and cultural norms that reinforce violence against women and girls in ways that render them to heightened vulnerability to HIV and AIDS. Discrimination, sexism, and societal constructions of masculinity and femininity legitimize violence against women in its multi-faceted forms, i.e. physical, sexual, economic and psychological. The dominant narratives of what is normal and what is not normal, and what it means to be a "woman" or "bad woman" justify the need for strategies that challenge these narratives and building of contrasting narratives. At the visible power level Malawi has made progress in addressing gender issues, including enactment of progressive legislation, policies and programmes. However, capacity issues at various levels affect the effective implementation of this enabling framework. For example, as observed by PEPFAR, there are significant challenges to delivering comprehensive clinical, legal, At the invisible and hidden power levels, and psycho-social support services.

Enhance women's legal and economic empowerment

Enhancing the women's access to ownership, control of land and other resources. Harnessing the power of the legal and policy framework to engender lasting change in the resource structures. Empowering women with civil justice and knowledge of key/critical legal tools that would help them to take ownership and pass on ownership of their resources and

Natural resources and transnational corporations

Including growing extractive industry.

Women's movement

Mobilizing women – mobilizing women from the ground up and across the various divides/fractures. Have them work together to deepen state accountability and to enhance their own and general citizen

⁴¹ PEPFAR

participation. Deliberately pushing to capacitate and enhance women's confidence and skills to participate politically, develops their capacity for autonomous decision-making, and expanding the social recognition of their work

Transforming gendered social norms and practices

Especially through the empowerment and growth of women in leadership and political participation. Engage with women in political spaces and this as a path to agitate and create genuine and sustainable transformation of the problematic social norms and practices

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