

Universal Periodic Review of Malawi
50th Session
Joint submission by:

Feminist Macro-economical Alliance - Malawi (FEAM)

FEAM is a women's rights centered coalition working to deepen knowledge, capacity and skills of women and young women and their allies to engage and influence macro-economic policies and frameworks including feminist economic alternatives, debt management from a feminist perspective to achieve economic justice for women in Malawi. The alliance came about as a realization that national coordination is key to achieving economic justice for women. FEAM's founding members are ActionAid Malawi, NGO Gender Coordination Network (NGOGCN), Malawi Human Rights Resource Centre (MHRRC), For Equality (FE), and Activista Youth Network with UN Women as a vital collaborative partner since the establishment of FEAM.

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Sexual Rights Initiative

The Sexual Rights Initiative is a coalition of national and regional organisations based in Canada, India, Egypt, and Argentina that work together to advance human rights related to gender and sexuality at the United Nations.

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An introduction to the adverse impact of neoliberalism on the enjoyment of human rights by young women in Malawi

1. This stakeholder submission is a joint initiative of the Young Urban Women Network, the Feminist Macro-Economic Alliance- Malawi (FEAM), and the Sexual Rights initiative. It focuses on the need to address discrimination against young women including through addressing the public debt burden, overhauling the neoliberal economic policies in place to ensure that Malawi progressively realises the economic, social and cultural rights of all, including fulfilling women's rights to education, to work, to social security and adequate remuneration, and just and favourable conditions of work, and to health.
2. Malawi remains one of the world's least developed countries, ranking 170 out of 188 on the Human Development Index. Over 70 per cent of the population live below the income poverty line, the majority being women and youth. Malawi, functions under a capitalist neoliberal economic framework that prioritizes economic growth and supports minimal government intervention due to its core belief in the productivity of market competition and free trade. In Malawi, neoliberalism was introduced as an economic framework through the Structural Adjustment programmes (SAPs) imposed by International Financial Institutions (IFIs) such as the International Monetary Fund (IMF) and the World Bank. The SAPs formed part of the loan conditionalities to the country, and have since evolved to the current austerity measures. The IFIs recommended the Malawi government privatize utilities such as food, healthcare, and education to private entities, and cut subsidies and social welfare programmes, leading to reduced public spending on these utilities. These measures undercut the resources available to progressively realise the social and economic rights of women and girls.
3. Malawi's approach to managing its economy has created a huge internal and external debt burden that continues to cripple the government's capacity to provide essential services and cushion the poor from global financial and climate shocks. Fundamentally, neoliberal policies are designed to widen the gap between the rich and the poor, dehumanise the poor, suppress social protection, and prioritise debt repayment at the cost of wellbeing and human care processes nationally.
4. Malawi has an obligation to eliminate discrimination against women and policy makers are committed to implementing obligations on advancing gender-equality as evidenced inter alia through formulation of laws and policies. However, FEAM notes that these advances are hampered by Malawi's predatory overarching neo-liberal macroeconomic policy framework which has greatly influenced government's decision-making in allocation of domestic revenue to providing and maintaining essential public services such as healthcare, education, and decent work. While there have been efforts to improve the quality and delivery of public services, numerous rounds of austerity have infringed the State's ability to provide these services.
5. Recent data reveals alarming trends in social spending and gender disparities in Malawi's tax system. [Between 2019/20 and 2023/24](#), government expenditure on social services (education, health, and social protection) decreased from 35% to 29.3% of total government expenditure

(TGE), indicating a significant decline in investment. This reduction disproportionately affects women and marginalized communities who are typically the primary caregivers, exacerbating socio-economic inequalities and limiting opportunities for advancement.

6. Due to austerity, many advances in the provision of gender-responsive public services continue to be under threat of cutbacks, even as economic inequality is growing as exacerbated by the inadequate response and recovery from the ongoing poly-crisis.

The adverse impact of a large debt burden on Malawi's ability to respect, protect, and fulfill its human rights obligations

7. We regret that in the last review, Malawi did not receive any recommendations on addressing the adverse impact of its debt burden and neoliberal economic policies on the enjoyment of women's human rights.
8. A growing body of evidence produced by feminist researchers worldwide strongly indicates that well-funded systems of gender-responsive public services are imperative to achieving gender equality and women's empowerment (SDG 5). In fact, they form the backbone of the entire 2030 Agenda: from health and wellbeing (SDG 3) to quality education for all (SDG 4), from poverty eradication (SDG 1) to the reduction of inequalities (SDG 10), and from decent work and inclusive growth (SDG 8) to combating climate change (SDG 13).
9. While Malawi has a primarily agricultural economy, heavily reliant on subsistence rainfed agriculture, it is far from enough to sustain the country's economy. The economy also depends on domestic tax revenue, donor aid and debt from international financial institutions and domestic commercial institutions to meet the economic needs of the country. The dependence on donor aid and debt has weakened fiscal management and economic policies and created breeding grounds for numerous rounds of austerity- in turn further reducing public spending on essential public services.
10. According to official figures published by the Ministry of Finance and Economic Planning¹, as at end-September 2022, Malawi's debt stock stood at K6.18 trillion or 54.2% of GDP. As of December 2023, public debt, which comprises domestic and foreign debt, stood at a staggering K12.56 trillion, representing 84.8% of Malawi's total wealth as measured by the Gross Domestic Product (GDP). Further, external debt was estimated at K6.62 trillion, while domestic debt amounted to K5.94 trillion. Between January and June 2024, public debt astronomically jumped by K2.54 trillion, to K15.17 trillion. This means that Malawi's debt stock more than doubled within two years, on account of several factors including the devaluation of the Kwacha against major foreign currencies. The pace of accumulation of public debt is untenable.
11. The IMF predicts that this debt is likely to stay above 30% of government revenue until at least the early 2030s. As loans are mostly provided in US dollars, Malawi's debt has been intensified by recent interest rate increases in the US to curb inflation, along with the depreciation of its own currency. Over-reliance on export-oriented agriculture has led to chronic food insecurity, which disproportionately affects women, as the ones responsible for meeting the nutritional needs of their families. Climate crises, driven by the demands of the current economic model, are having devastating consequences for women, who comprise 60-80% of the agricultural labor force.

¹ [Ministry of Finance and Economic Planning Annual Report](#)

12. Malawi's major creditors are Bretton Woods Institutions, and as neoliberal lending institutions they advocate for market-oriented macroeconomic policies such as the elimination of price controls, deregulation of capital markets, the lowering of trade barriers and reduction of state influence in the economy, especially through privatization and austerity.
13. FEAM's initial mapping shows that IMF and IDA loans to Malawi come with conditionalities- a situation that fosters a return of regressive austerity policies and underfunded public services. Numerous rounds of economic reforms in Malawi since the 1980s linked to loans or policy advice from the World Bank and International Monetary Fund (IMF) have led to sustained under-investment and cuts to vital public services, and this continues to negatively affect investment in key sectors like health, education, and social protection. The on-going multiple crises have also been used to justify intensified rounds of austerity, reinforcing a racist, sexist division of labour that devalues care work, whether paid or unpaid, and diminishes the functionality of public services.
14. The huge debt stock that is owed to neoliberal institutions means that the government of Malawi has to prioritise servicing loans at the expense of meeting the human rights of Malawians and saving lives by ensuring poor people, the majority of whom are women, access crucial social services. The impact of Malawi prioritising debt servicing over the health and welfare of Malawians was clear during the Covid-19 pandemic, where the money Malawi could have used to address food insecurity, lack of access to education, sexual reproductive health rights, child marriage, and adolescent pregnancy challenges, was used to service the ever-souring debt.
15. Thus, loan conditionalities and debt payments are perpetuating a crisis in public service delivery and in the enjoyment of economic and social rights. The magnitude of the debt repayment problem in Malawi can be evidenced in the experience of the already-squeezed 2020/21 national budget, where interest repayments alone were the second largest budgetary expenditure/ priority out of ten priorities. In the current budget allocation, servicing loans is still second out of the top ten priorities of the nation. Malawi is spending K376 billion on servicing loans compared with a mere K205 billion on health. The care and reproductive economy are neglected and underfunded, with this labour being increasingly pushed into the private sphere.
16. Malawi is yet to fully recognize that gender-responsive spending on public services is essential to achieving not only gender equality but also to promoting the wellbeing of its people. What is often invisibilised is that the austerity measures cutting expenditure on public services implicitly relies on and exploits the unpaid labour and care work of women. When the expenditure cuts are made to essential public services such as healthcare, a gap is created, and the responsibility is simply transferred from the public to the private sphere, to unpaid caregivers in the home who, because of Malawi's entrenched social norms, are usually women ([ActionAid, 2022](#)). When these services are relegated to the private sector they become inaccessible and broadly unaffordable in violation of Malawi's human rights obligations.
17. The Malawi government must strengthen gender-responsive public service funding systems, adequately invest in quality public health and education services, and move towards sustainable infrastructure. To this end the Government of Malawi must reclaim the policymaking space, especially macro-economic policy, to ensure that it is relevant and sensible for the country's long-term development potentiality and needs.
18. Malawi should act in the interests of a broader cross-section of its society through creating an Economic Management Team within the country to interface with international financial

institutions such as the IMF. This team should be tasked with preparing the case for IMF country programmes, especially thinking through the memoranda of economic and financial policies and the quantitative conditions and structural benchmarks for the IMF programme. The team would provide backroom support and serve as a sounding board for the Reserve Bank Governor and Minister of Finance and Secretary to Treasury. Presently such negotiations are held primarily with the Ministry of Finance and/or the Reserve Bank of Malawi, often separately. This represents an exclusive way of economic policymaking, and the policies adopted through this arrangement lack the insights from key sections of Malawian society such as the private sector and civil society. The current practice of IMF missions holding one-hour, ad hoc sessions with civil society and private sector representatives is sub-optimal.

19. Additionally, Malawi must institutionalize a mechanism for parliamentary scrutiny of the country's draft Extended Credit Facility (ECF) programme. IMF programmes under the ECF have huge impacts on current resource allocations under the National Budget and on future allocations, as the loans become part of statutory expenditure when they mature. However, in the entire contracting process, people's representatives (through the legislature and other avenues) are left out or only cosmetically informed. Members of Parliament, especially the Budget and Finance Committee, should be provided with a statutory role that requires them to consider and validate the Letter of Intent and Memorandum of Economic and Financial Policies for any ECF supported programme. This practice would institutionalise a parliamentary accountability mechanism for the country's authorities to account for their policy discretion that has seen the imposition of public sector wage bill restraints, which have had an adverse knock on impact on the enjoyment of human rights in Malawi.

Access to education for women and girls and just and favourable conditions of work for teachers

20. During the last review, Malawi received and accepted 13 recommendations on the right to education and 21 recommendations on addressing early and child marriage including the following emphasising the relationship between access to education and preventing early and child marriage :
- 122.134 Implement the commitment made by the Government at the Nairobi Summit on the International Conference on Population and Development to provide 12 years of quality free education for every child, ensuring that girls and boys enjoy a full primary and secondary education and equal access to vocational, technical and higher education courses (Fiji);
 - 122.176 Strengthen measures to eradicate child marriage, criminalize the crimes of the sale of children and child pornography, and reinforce the conditions to make compulsory and free primary education effective (Mexico);
 - 122.178 Allocate adequate funding for the implementation of the National Strategy on Ending Child Marriage and to invest in girls' education as an important intervention to prevent child marriage (Netherlands);
21. Despite the government introducing the Readmission Policy in 1993 and its revision in 2016 removing any bureaucracy related to admission, the number of girls who drop out of school

compared to the number of those readmitted remains alarmingly high. Despite government efforts to ensure that girls are retained by the education system until the tertiary level, in the 2021/2022 academic year alone, 121,016 female students dropped out of school. Of these, 6.8 percent of them dropped out due to pregnancy, and another 6.3 percent due to (child) marriage despite the legal prohibition of the practice. According to the Ministry of Education statistics report for 2023, 103,670 girls dropped out of school with only 43,536 girls being readmitted. In addition, most girls still dropped out of school even after their readmission due to lack of support services.

22. Access to education for girls is hampered by deep-rooted patriarchal norms which put boys ahead of girls in all social spheres of life. One of the ways that this manifests in economically disadvantaged areas is through the prioritising of boys' education when there are scarce financial resources. Further, negative attitudes towards teenage mothers, socio-economic constraints, poverty and unprofessional teacher conduct create high levels of out-of-school girls and present barriers to effective readmission. Adolescent pregnancy is highly stigmatized in Malawi, with marriage of pregnant girls being presented as a means of protecting family honour, which is deemed to be undermined by girls who fall pregnant. This social status quo therefore makes readmission a challenge, even when parents are aware of the option. It is clear that there is still a persistent need to carry out consciousness raising amongst communities.
23. Child marriage and early pregnancy are not the only barriers to access to education for girls. They are also impacted by limited coverage of schools and other services in remote areas. There are severe geographical disparities in pupil-teacher ratios (PTR) across Malawi, with most teachers concentrated near commercial centers and in rural communities that have better social services. With 85 percent of the population living in rural areas, and therefore most pupils by extension, the implication of this pro-urban placement of teachers is that the ratio of pupils to qualified teachers is higher in rural areas as compared to their urban and peri-urban counterparts. The government's failure to employ more teachers due to the wage bill capping required as part of the loan conditionalities imposed by international financial institutions, has left a high pupil - teacher classroom ratio. The ratio is 1:102 in primary and 1:62 in secondary.² This makes it challenging for teachers to provide the necessary support required to pupils and address diverse needs in an overcrowded classroom such as counselling and psychosocial support to prevent dropping out after readmission. Further, a lack of access to flexible and alternative learning modalities also suppresses readmission and retention.
24. The reason teachers are difficult to recruit and retain for nationwide deployment is multi-pronged. One issue is the inadequate allocation of resources coupled with the high cost of debt servicing. The allocation to the education sector has averaged 16% of the total government expenditure since 2019/20, four percentage points below the 20% threshold in Dakar the Commitment on Education for All by the African Union. Education spending remains a top priority for the Government, but its share is increasingly being dwarfed by swelling debt servicing. Allocations to public debt services account for 24.6% of national budget for 2023/24, exceeding the size of the education sector budget for the second consecutive fiscal year.³

² For further discussion on the impact of conditionalities on Malawi's ability to hire teachers please see the Public Secretary for Min of Education speaking directly to this in her response to the CEDAW committee during Malawi's 2023 review, where she said there are IMF consequences if the Govt employs more teachers beyond the 17% Wage Bill CAP. See the videos of the review [here](#) and [here](#).

³ [Education Budget Brief 2023-24.pdf \(unicef.org\)](#)

25. Further, while the IMF is third on the list, they wield enormous power over the lives of Malawians. The IMF's condition that the government not employ more than 25 percent of the GDP has dampened the government's ability to adequately recruit workers to deliver public services such as education. Servicing of public debt is preventing the recruitment and adequate remuneration of teachers.
26. Another factor impacting the quality of education afforded students, are the conditions of service of teachers. Teachers' wages have been in sustained stagnation, and they have served at the same grades for long periods of time, causing loss of morale and utter dissatisfaction in their employment. According to the Teachers' Union, "... there is no motivation as some teachers have been on the same post/grade for 20 years".
27. There is an ongoing need to harmonise remuneration for people on equal grades across the public sector as it is confounded with discrepancies in pay structures that have come about in part, due to the imposition of wage bill restraints. For example, health workers receive more than teachers at equivalent grades because donors provide top-up allowances to healthcare workers, thereby creating a parallel remuneration structure. Furthermore, some of the allowances were taken over by the Government when donor projects ended.
28. Teachers - who are overworked and underpaid, to to prioritise what they consider 'key' subjects like English, Mathematics and Science to the detriment of subjects like comprehensive sexuality education. Adolescents lack adequate sexuality education and information, to be able to safely exercise their sexual rights and bodily autonomy.
29. The prevailing information - and indeed adolescent health services gap, contribute to a resulting rise in girls' school drop-out due to adolescent pregnancies and early marriages, even if the government is broadly supportive of comprehensive sexuality education. A problem-based political economy analysis (PB-PEA) of adolescents' access to sexual and reproductive health (SRH) information and services in Malawi highlights that, while the Malawian government remains supportive of comprehensive sexuality education (CSE), implementation is limited and is not a priority within schools. It also details how civil society organizations are augmenting the provision of health services to adolescents and their critical role in influencing policy and implementation strategies. Cultural and social norms also stand as a barrier in teachers and parents addressing sexual and reproductive health issues.

Impact of macroeconomic environment on access to sexual and reproductive health services

30. Malawi received recommendations on ensuring access to sexual and reproductive health services including the following noted recommendations:
 - 124.41 Improve access to adequate sexual and reproductive health services, in particular to antenatal, delivery and postnatal services (Fiji);
 - 124.42 Increase the delivery of sexual and reproductive health services and commodities, including through family planning outreach, to address teenage pregnancy and child marriage in all districts of the country (Iceland);
 - 124.43 Implement national legislation and policies to safeguard women's rights to sexual and reproductive health services and information, and end child marriage (Norway);
 - 124.44 Increase support for reproductive health and family planning services and access to affordable contraceptives and contraceptive methods (Germany);

31. Malawi recognizes and commits to fulfilling the right to health as outlined in key human rights treaties and declarations to which it is a party. Furthermore, Malawi acknowledges and commits to fulfilling the requirements to ensure the affordability and accessibility of healthcare in the Abuja Declaration. The State has outlined the key healthcare issues to prioritise including addressing preventable maternal mortality and morbidity, addressing the rate of adolescent pregnancies, ensuring the decriminalisation of abortion and access to abortion services, and continuing to work to the 95-95-95 HIV/AIDS goals. However, even in its planning and aspirations, the government fails to acknowledge how the existing macroeconomic decisions have influenced the shrinking national budget allocation to the health sector, which hinders the provision of essential services as outlined.
32. The State also fails to acknowledge the challenges with meeting the requirements for health financing under the Abuja Declaration which sets a target for member states to allocate at least 15% of their annual budgets to the health sector. The health sector allocations recently have stagnated and have fallen short of existing financial needs and the international benchmark as they have been below 10 per cent.
33. A recent study by Malawi School of Government (BAI Study 2022) revealed that the Malawi Government has not allocated a budget for sexual and reproductive health rights, despite its commitments as a signatory to the Maputo Protocol (African Union, 2003), the Abuja Declaration (Organization of African Unity, 2001), and the ESA Commitments (UNESCO, 2013). Furthermore, Malawi's Constitution, along with policies like the Gender Equality Act (2013) and the Marriage, Divorce, and Family Relations Act (2015), emphasizes the importance of budgetary support for sexual and reproductive health rights, a critical issue for young women. Women and young women carry the burden when contraceptives cannot be accessed adequately. When the government has not budgeted for sex education for the youth, teenage pregnancy, motherhood and marriage increases. Women and girls die from unsafe abortion and attendant problems.
34. Further, the unmet need for family planning remains at 18 percent, with a higher unmet need for adolescents and young people at 23 percent. This is evident in the increase in the number of girls dropping out of school with a 50 per cent child marriage rate, a 29 per cent teenage pregnancy rate in secondary schools alone.
35. Malawi faces challenges of affordability, availability, accessibility of health services, quality, and consistency of quality of health services in the context of public debt and austerity, and the matter of regressing policy action on key rights and services including access to modern contraception and safe abortion. The Malawian Public health system is underfunded, and characterized by shortages of medicine and essential resources, including syringes and latex gloves, with a limited pool of experts, who are often underpaid, if paid at all. Crucial medical equipment, which includes ventilators and hospital beds, is outdated. The public health sector is also heavily (adversely) affected by limited access to electricity, fuel, and clean water.
36. These challenges in the health system are linked to structural and economic challenges and State decisions. Firstly, the understaffing of the health sector is heavily influenced by the public sector wage bill CAPs that limit the State's ability to provide employment and placement for healthcare service providers in the public health system. Secondly, a steady flow with the supply chain management, information systems, and infrastructure must be ensured. However, due to several shocks that have led to inflation and devaluation of the currency, the government is unable to

maintain a steady supply of essential medicines and equipment, as well as maintenance of health infrastructure because they simply can no longer afford to meet the cost on the global market. Thirdly, the health sector needs to be sufficiently funded within the national budget, which the Malawian government has been unable to manage. Economic stability and revenue generation are important factors in meeting its human rights obligations and ultimately, the SDGs, as increased healthcare funding must be sustainable over the long term.

37. Reduced public spending on health and education lowers the quality-of-service delivery with limited resources and personnel available hence making it challenging for women, let alone schoolgirls to access healthcare services that are comprehensive, of good quality, non-judgmental and inclusive. UNFPA indicates that contraceptive prevalence rate among the adolescents in Malawi is as low as 37.5 percent.
38. The quickest illustration of the dire state of the public health system in Malawi is the devastating increase in maternal mortality. In Malawi, only 12% of the population has access to the national electricity grid with only 2% being rural households. This scenario has contributed to the challenges faced in the delivery of quality health services, particularly in the rural maternity wards where, according to the Ministry of Health, the maternal mortality rates are at 439 per every 1000 births. For example, in the rural areas of Malawi, where over 90% of health centres do not have electricity, it is often a requirement for all expectant mothers to provide a candle or a torch that will be used to provide some level of light when it is time to give birth particularly at night. Most women cannot afford to buy the candles or torches and for those who manage, the lighting provided by candles is not sufficient enough to create an ideal environment for childbirth. As a result, a high number of children die at birth contributing to a high maternal mortality rate in Malawi, which is amongst the highest in the world.⁴
39. The public healthcare system is faced with reduced State funding for maintenance and improvement, unbalanced ratio of healthcare service providers to the Malawian population, and a lack of resources. Additionally, because of the employment freezes, healthcare service providers are overworked and demotivated, and the Wage Bill Capping has often led to staff strikes for delayed salaries or a demand for salary increments. The Global Strategy on Human Resources for Health (Workforce 2030) and the HRHSP (2018-2022) identified low investment in the health workforce as one of the major factors contributing to the shortage of health workers in Malawi.

The right to work for women and to just and favourable conditions of work

40. During the last review, Malawi accepted the following recommendation:
 - 122.111 Protect and promote the rights of workers, including their right to a secure working environment (Sri Lanka);
 - 122.144 Ensure the effective implementation of the Gender Equality Act, and in particular increase efforts to improve the literacy and education of women with a view to broadening their formal employment opportunities (Belgium);
41. There is no recent accessible or reliable gender disaggregated data collected by the government of Malawi on employment statistics in the public and private sector. The most recent national statistics are from the Malawi Labour Force Survey of 2013, and the figures then indicated that

⁴ [Reducing Maternal Mortality Rates in Malawi through Solar Powered Electricity - Renew'N'Able Malawi](#)

men have a higher employment rate than women at 86 percent and 74 percent respectively. Instead, relying on data generated through the World Bank collection of development indicators, compiled from officially recognized sources, show that in 2022, women made up 49.03% of the total labor force.

42. Contractionary fiscal policies, inflation and other unfavorable economic conditions are making the job market severely competitive and inaccessible. A recent Malawi Report on Employment Statistics (November 2022), notes that of 761 jobs lost, 427 belonged to women whereas 334 belonged to men. In terms of new jobs created, by gender, 55 percent of the jobs created were occupied by men and 45 percent by women. In addition, this report also showed that 70% of new jobs created are still in the informal sector. The informal sector is marked by precarity and a lack of adequate social protections. Women are often particularly active in this arena, and there remains need to adequately recognize invisible and undervalued work for pay or profit performed by women in rural and urban areas (e.g., contributing family workers), provide contributory and non-contributory social protection mechanisms for them, and actively promote the visibility of these workers through their registration with formal social protection systems.
43. Whilst Malawi recently reported to CEDAW that it is taking active measures to ensure that employers have developed and are implementing appropriate policies and procedures in ensuring gender equality in the workplace, this isn't the full picture. Whilst Malawi asserts that the Government, through the Ministry of Labour, Skills and Innovation (MoLSI), advises the private sector to employ women, the State fails to acknowledge the issues caused by the processes of deregulation, which are in alignment to the austerity measures and conditionalities as agreed upon with international financial institutions.
44. Additionally, the Ministry of Labour itself is poorly resourced, such that it cannot and does not conduct regular inspections to ensure that workplaces are compliant with labor law and have policies in place against sexual harassment. For example, as of July 2023, the Southern Region Labour Office had gone one year and three months since conducting a labor inspection which was confirmed by the Southern Region Labour Officer through this news report⁵. The prevailing resource constraints are infringing upon statutory requirements, as per Section 17(1) of the Employment Act, the Commissioner is expected to publish an annual general report on the work of the inspection service, and there hasn't been such a report generated, or at least made public in recent years, and so there is a distinct lack of an ability to cite precise numbers of the "few" cases that may have been reported and the statistics and outcomes of relevant investigations for at least in the past year. If the Ministry of Labour is to be able to perform its inspection functions, Malawi must robustly increase funding allocated to it to ensure it is well resourced and able to conduct regular inspections to ensure that workplaces are compliant with labor law and have policies in place against sexual harassment.
45. In 2021, Malawi made a commitment under the auspices of Generation Equality⁶ to "adopt policies and implement programmes aimed at reducing and redistributing the unpaid care work through a. Adopting a paternity leave policy and b. Adopting a policy that will make care work visible and accessible."The amendment to the Employment Act (Cap 55:01) through Section 46A does indeed make provisions for flexible working hours and breastfeeding breaks without a reduction

⁵ <https://times.mw/resource-constraints-disrupt-labour-inspections/>

⁶ <https://dashboard.commitments.generationequality.org/directory/org/140/>

in pay or benefits. Currently, the minimum maternity leave is 90 days which roughly translates to 12.8 weeks, yet, “ILO standards mandate a minimum maternity leave period of 14 weeks and recommend increasing it to at least 18 weeks to ensure an adequate rest and recovery time for the mother.”⁷

46. Malawi also recently launched the National Male Engagement Strategy (2023) although Strategic Outcome 2 calls for Increased male participation in transformative forms of masculinity, there is no explicit approach that targets the redistribution of household and childcare responsibilities. In addition to this, while the amended Employment Act does provide for a minimum of two weeks’ paternity leave, this is insufficient for adequate parent-to-child bonding and for fathers to render appropriate assistance to recovering mothers, especially in the context where they cannot afford to outsource childcare.
47. This points to broader gaps with regards to the recognition of the value of care work, and access to adequate social protections within the labour and public service architecture of Malawi. Malawi needs to recognize and attach social protection rights to all care work, including unpaid care work, through both contributory and non-contributory benefits, provide the right to income support for carers, make pensions more equitable, provide access to quality public services, including health and care services, across the life course; and ensure portability of social protection for migrant workers. Malawi should extend social protection systems to adequately protect workers in all forms of employment, including informal employment, part-time employment, precarious employment, self-employment, rural and domestic work, and work in the “gig” economy
48. There is need for Malawi to strengthen the enforcement of section 7 (1) of the Gender Equality Act, 2013, prohibiting and criminalizing sexual harassment in the workplace and requiring employers in both the public service and private sectors to establish policies combating sexual harassment and to ensure that they comply with clear mechanisms for reporting violations and protecting victims. Malawi is yet to ratify the Violence and Harassment Convention, 2019 (No. 190) of the ILO but the Ministry of Labour is currently receiving support to begin the ratification process. Ratification of this convention which would in turn introduce structures provisions for gender-responsive labor inspection.

Recommendations

We call on the government of Malawi to:

1. Refrain from implementing austerity measures that harm women and those facing intersecting forms of marginalization.
2. Ensure the sustainability of policies, programmes and activities aimed at the elimination of discrimination against women and the advancement of women by mobilizing domestic resources, integrating gender equality targets into the Malawi implementation plan and gradually reducing the dependence on external funding;

⁷ (ILO, [Unknown Year] - https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_838655.pdf)

3. Enhance transparency and accountability to citizens, including women's rights organizations and feminist networks, and engage in people centered decision-making by establishing platforms to share and seek feedback on proposed economic reforms, explore alternative forms of domestic resource mobilization beyond IMF/ World Bank loans, and demonstrate how any existing loans are being utilized.
4. Increase levels of parliamentary scrutiny and oversight of IMF/ World Bank loans
5. Expand the National Social Support Policy so that social protection is universal and accessible to all, including those in the informal economy and living in rural areas.
6. Implement Gender responsive budgeting and planning nationally
7. Adequately finance gender-responsive public services (GRPS) to bolster services that are critical to wellbeing, human rights and dignity and address gendered (in)equality.
8. Recruit enough teachers so as to reduce the pupil teacher ratio, and ensure that they are well remunerated, well trained - including in comprehensive sexuality education, and deployed evenly throughout the country including rural areas.
9. Allocate 20% of the total available budget to education as per the Dakar Commitment on Education for All adopted by the African Union for all African States
10. Update and implement the national strategy to combat child marriage, coordinate efforts among all relevant government departments in collaboration with civil society, conduct public awareness campaigns and provide support services to girls in forced unions, including legal aid, shelter and psychosocial support;
11. Encourage the enrolment, attendance and retention of young women and girls in school, including during pregnancy and following childbirth, and their reintegration if they drop out, take measures to retain readmitted young women and girls in school and strengthen support services to pregnant women and girls and young mothers following childbirth, including reasonable accommodation for breast-feeding, flexibility in class schedules to reconcile care responsibilities and access to nurseries close to school facilities;
12. Fully implement Malawi's ILO Decent Country Work Programme to uphold the right to decent work for women across all sectors of the economy, including the informal sector.
13. Invest in understanding further the elements of dignified work and how this can be achieved through supporting the creation of sustainable green jobs that help foster a wellbeing economy; investing in public services such as health and education; ensuring equity in recruitment processes, living wages, equal pay and access to social protection; and freedom to form and join a union and engage in collective bargaining.
14. Ratify and implement ILO C190 on ending violence and harassment in the world of work, along with robust policies to ensure health and safety.
15. Provide adequate human, technical and financial resources for labour inspectorates to monitor, report and impose fines for discriminatory practices against women in the workplace, including in the private sector and the informal economy.
16. Ensure access to sexual and reproductive health services and recognition of rights by adopting enabling policy and legislative measures