

PA-ABY-856

Women's Empowerment in Malawi

A Collection of Speeches and Papers from a
Conference on Raising the Status of Women.



— Richard Mushi —

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Organized by the Society for the Advancement of Women

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EDITOR'S NOTE

This book is a collection of speeches and papers presented at a conference entitled "Women's Empowerment in Malawi." The conference was an attempt to address the relatively low status of women in Malawi by drawing upon experiences and resources from both in Malawi and in the region. The Society for the Advancement of Women, a Malawian NGO, was the primary sponsor of the event. Funds for the conference and this book were provided by the United States Government's Human Rights Fund and technical assistance to both projects was given by the National Democratic Institute for International Affairs. The speeches and papers in this book have been edited to conform to the style and structure of the publication; however, all attempts have been made to prevent alteration of the content. Opinions expressed in the papers or speeches in this book are the solely those of the speaker or author and not of the organization hosting the conference or the funders.

INTRODUCTION BY CATHERINE MUNTHALI
Executive Director, Society for the Advancement of Women

On May 17, 1994, the people of Malawi voted to end over thirty years of one party rule and to embrace democracy. More than half of those who cast their vote ushering in this historic change were women. Malawi's women willingly and eagerly stood in line for hours for a chance to have their voices heard in the hope that this act would bring about fundamental change in their lives. Their bold statement was a milestone in the fight to improve the plight of women in Malawi.

Now, over a year after the election, the danger is that women will be left behind yet again. While women understand that change in their status in society and quality of life will be gradual, they nevertheless want to ensure that their rights as enshrined in Malawi's new Constitution and the commitment of political parties who called for a better life for women will not be forgotten. They also want a chance to improve their economic situation. Women activists throughout Malawi are calling for government officials, political leaders, and community activists to place special emphasis on women's issues and to remain true to the democratic ideal of a society based on equality.

The distance women will have to travel to achieve such a society is great. Compared with men, women have significantly lower levels of literacy, education, political representation, employment opportunities and access to credit. Female-headed households are disproportionately represented in the bottom 25% of income distribution. Malawi has among the highest fertility and maternal mortality rates in Africa. Only 9% of women have more than four years of schooling with the literacy rate for women at half of that of men. And in the political realm, only two cabinet positions are filled by women and women represent only 6% of parliament and 5% of Local Councils members.

For two days in March 1995, over 150 women gathered in the capital to begin the daunting task of determining the root causes for such startling statistics and of identifying the obstacles still preventing the empowerment of women in the new democratic Malawi. The conference brought together women from government, parliament, the media, nongovernmental organizations and private business. Women who hold the rank of chief in Malawi's traditional structure also participated. To enhance the discussion and to learn from our neighbors' experiences, women leaders from the Southern Africa region presented speeches and papers as well.

The goal of the meeting was to review the barriers to women's empowerment and make recommendations to overcome those barriers. Issues regarding women and the law, women and culture, women and health and women's participation in the political process were addressed. With these discussions in mind, the participants then set about working on solutions. The ideas flowed freely with over 100 recommendations for various sectors to assist in making basic improvements in women's lives. Some participants offered suggestions which would change attitudes: revising school curriculums to promote gender awareness and sensitivity; working to

change the negative way women are often portrayed in the media; and forming a partnership with traditional authorities to change the socialization process for the girl child. Other participants urged women to wield greater political power by fighting for quotas within political parties and Parliament, by forming a women's caucus in Parliament and by organizing a strong lobby group. All of the contributions were valuable and focused on practical solutions in the Malawi context. The ones upon which there was general agreement are listed in the final chapter of this book.

The energy and enthusiasm exhibited by the women at the conference was inspirational. The participants often worked well into the night debating issues and devising strategies. This publication presents the full proceedings of that conference entitled "Women's Empowerment in Malawi" and hopefully reflects the atmosphere of cooperation and good will which came out of it. The papers presented at the conference are reprinted here. Where no paper was offered, speeches have been transcribed and included. Also included is a petition signed by conference participants which called for the retention of the Senate, a Malawian legislative body which guarantees the representation of women. As a result of the awareness raised during the conference and the submission of the petition to parliament, the Senate was retained in Malawi's new Constitution.

The conference and this publication would not have been possible without the generous support of the United States Embassy and the United States Agency for International Development (USAID)'s Human Rights Fund. In addition, I would like to thank the USAID for their general support of the Society for the Advancement of Women (SAW) and Stephanie Funk of USAID for her invaluable advice and assistance throughout the conference. Both the U.S. Embassy and USAID have been reliable friends and allies for Malawi's women and we are eternally grateful for their continued support.

As the primary sponsor for this conference, SAW has also received contributions to the conference from other donors. For this I would like to thank the Netherlands Embassy based in Lusaka, Zambia, UNIFEM based in Harare, Zimbabwe and the Chinese Embassy in Malawi.

A special thanks must go to the National Democratic Institute for International Affairs (NDI). Traci Cook, Director of NDI's Malawi Project, provided overall guidance to the conference and to SAW and has served as the major editor for this book. NDI staff members Gillian Flies, Brent Preston and Foster Mijiga provided technical and logistical assistance to the conference and additional editing support. Thanks also to the staff of the SAW who worked so tirelessly to make the conference a success. They are Taona Mwenya, Jane Msungama, Georgina Chirwa and Mrs. Mlumbe, the Chairperson of SAW.

I want to express my deep appreciation to the women from Zambia, Zimbabwe, Tanzania, South Africa, Botswana and Uganda who abandoned their important commitments in their own countries to share their experiences and insights with us. Each and every one was a dynamic presenter and imparted knowledge which we have continued to benefit from well after their departure. The quality of work from my Malawi colleagues, both men and women, who contributed to the conference was equally exemplary, particularly the excellent guidance provided by Mrs. E. Kalyati, the Chair of the conference. I owe them a special debt of

gratitude. Finally, my sincere thanks goes to the government of Malawi for creating an atmosphere in which it is possible to discuss the critical issues that concern women and to the Honourable Edda Chitalo, Minister of Women's & Children's Affairs, Community Development & Social Welfare, who took time out of her busy schedule to open the conference and to assure the participants that our government is committed to women's empowerment.

The challenge facing the women of Malawi is difficult, but not insurmountable. This conference brought together women to begin a very long, painstaking process, but I believe that if we let the words of the opening speaker, "let us draw strength in unity of purpose" guide us, Malawi's women will find their way. Women comprise over 50% of Malawi's population and through their vast contribution to agriculture production, are at the center of our social and economic well-being. Without empowering our women and including women in decision making roles, Malawi can not hope to achieve its development goals. The democratic transition in Malawi offers all of us, the government, women activists and community leaders, a unique opportunity to bring about fundamental change both for women and for our country now. We must seize this opportunity. We must act now. It is my hope that this publication will make a contribution, however small, toward initiating and shaping that action.

Chapter One:

Opening Remarks

Official Opening

by Edda Chitalo

It is a singular honor and privilege for me to address such an august gathering of esteemed ladies from East and Southern Africa as well as Malawi, and specifically to reflect on the status of women in the region. Many of you are members of nongovernmental organizations (NGOS) which are engaged in fighting for women's rights. Malawi recognizes and appreciates the role of NGOs in mobilizing the rural community for development, fostering equality between men and women, and promoting women's participation in decision making. This gathering, therefore, is most welcome.

This seminar must be seen in the broad perspective of the world wide effort on the empowerment of women. It must be seen in the context of the 1975 Mexico Conference on Women, the 1985 World Conference that formulated the Nairobi Forward Looking Strategies on the advancement of women, the International Conference on Population and Development in Cairo and the recent World Conference on Women scheduled for September in Beijing, China and the preparations for that conference being conducted on the local, regional, international levels. Malawi has actively participated in these conferences and will continue to participate. As I am speaking now, there is a conference meeting at the United Nations in New York which is finalizing the preparations for the Beijing conference because we are convinced that the subject of women's empowerment is critical to economic and social development.

Malawi, therefore, takes the issue of women's empowerment very seriously indeed and is committed to putting programmes in place to ensure progress in the economic, social, political and cultural status of women in this country. Already there are programmes in place which Malawian women should and must take advantage of. The Malawi government has established the Malawi Rural Finance Company (MRFC) specifically to assist the rural community to engage in income generating activities. From the records in the Malawi Mudzi Fund it is clear that the repayment record of loans by women is most encouraging. Women must be encouraged to take advantage of this facility. Our government has also introduced free primary education, recognizing that education is crucial to raising the social status of the nation.

In addition, our government is implementing GABLE - Girls Attainment of Basic Literacy and Education Project augmented by the Social Mobilization Campaign project. While the introduction of free primary education is for all children, GABLE is specific to the girl to encourage her to develop her full potential. Women must take advantage of this facility.

Malawi NGOs here know that the government runs an Adult Literacy and Education programme throughout Malawi. This programme has been based on voluntary instructors who are receiving K15 per month. I am happy to announce that with effect from April 1995 these instructors will be employed and will receive K200 a month. We believe that such an important programme must be based on firm teaching principles. Most of the people who benefit from these programmes are women. Above and beyond these programmes, there are many facilities which women can take advantage of as a beginning while the government is examining other areas.

Concerning women's rights, it is indeed vital that women must know what exists today so that if these are found to be weak, appropriate action can be taken to strengthen them. In this connection government through the National Commission on Women in Development has published a book entitled Women and the Law in Malawi which highlights the law as it relates to women. The book is vital to every woman, and one hopes it will be distributed as widely as possible. It is also my hope that on the basis of the recommendations in this book an effort will be made to improve those areas of the law which need to be strengthened to ensure equality before the law for both women and men. In addition, Malawi has ratified the convention on the Elimination of All Forms of Discrimination Against Women, and contrary to what some literature persistently indicates, Malawi has removed the reservation it made at the time of ratification.

I am saying all this to indicate to this august gathering that contrary to the thinking of many skeptics, the government is doing everything possible to improve the social, economic and political status of women in this country. It would help, and this is where we encourage the establishment of many NGOs such as the Society for the Advancement of Women, if the women were sensitized, particularly the rural women, to make use of the facilities the government is currently providing. NGOs could assist by advising the government of any bottlenecks identified in such facilities and together, we should look for solutions.

On this allow me to express my Ministry's concern and perhaps put a challenge to NGOs here. Since the onset of the multiparty system of government in this country, there are NGOs mushrooming every day, particularly on women's issues. This is a welcome development, and the Malawi government encourages it. However, we should not lose sight of the fact that the main target of all these efforts is the rural women. Most of the women's organizations established so far are concentrating their activities in the urban areas. I believe it is time our campaign focused on the rural areas as well. There are many opportunities for urban women to take advantage of. Let us move our effort to the rural areas.

As we go on sensitizing the Malawi women we must realize that a lot of the problems faced by women in Malawi stem from strongly held cultural values accepted by women themselves. It is my strong view that the cultural factor is the most formidable obstacle to

women's emancipation not only in Malawi, but perhaps in the region, if not the world. Laws can be amended today and the legal status of women can equal that of men. The current Constitution removes all discrimination based on sex and goes further to indicate that any regulation made under it which stipulates discrimination in any form is itself illegal. My view is that as long as our efforts do not have any impact on the cultural practices, emancipating the woman shall be impossible. We must recognize that this is our challenge and it will take time, effort and patience to achieve our objectives. This challenge is not for government only. It is for each one of us and each NGO interested in women's advancement.

Finally, let me state that while government welcomes the proliferation of NGOs dealing with women's issues (and this is enshrined in the Constitution as a democratic right), I would appeal that this must be a coordinated manner. Duplication of effort must be avoided particularly where resources, financial or material, are so limited. Currently it is clear that there is very little, if any, consultation between and among the established organizations. Let us draw strength from unity of purpose.

Introduction to Agenda

By Esnat Kalyati

Two weeks ago when I received a letter from Ms. Catherine Munthali, Executive Director of the Society for the Advancement of Women, asking me to chair the sessions for this workshop, I was not quite certain how to react. Frankly, I felt honored especially when I learned of the presence of eminent participants from within the sub-region as well as from Malawi.

I honestly appreciate the confidence bestowed upon me. It is my sincere hope that by all of us working together coupled with free and logical contributions, this workshop shall achieve its desired goal and produce the required recommendations and aspirations.

Allow me first of all to ponder the theme of our workshop, which is the "Empowerment of Women." We have come a long way discussing women's issues. Mostly we have been talking and complaining, in the hope of expressing our concerns. The women in development or the WID approach discussed a lot about the role of women as beneficiaries, as participants, as contributors, etc. When we went deeper into these issues we found that quite a bit had already been covered on what I may call needs assessment, analysis of women's issues, and identification of issues concerning women. The one important thing that has been lacking is *action*.

This is why the workshop's theme of empowerment is very crucial and critical. The process of empowering should always linkup with appropriate and relevant actions. To me empowering of women really means making tools accessible and increasing opportunities to enable women to enhance their overall capacities while managing the available resources in a sustainable manner.

These tools can in the social, cultural, political, economic and even psychological areas. During the next two days we must endeavor to discover more of these tools as we relate each agenda item to the subject of our theme. In sum, we must translate all the expressed concerns about women into implementable actions.

Chapter Two:

Women and the Law

Women and the Law in Malawi

By Modesai Msisha

When the book, *Women and the Law in Malawi*, was being prepared, Malawi had a different Constitution and that particular Constitution did not contain an elaborate bill of rights like we now have in Chapter 4 of the current Constitution. So in looking at this book now one has to relate it to the premises that are laid down in the new Constitution. Issues that concern women are to be found in certain sections of the Constitution that start in my assessment with Section 13 of that document, which deals essentially with gender equality. So that is a constitutional premise for the nation, that there shall be gender equality. In the same section you have the premise that there shall be full participation for women and men in national life and thirdly that there shall be nondiscrimination. That is Section 13(a) of the Constitution. The next section of concern is Section 20 which prohibits discrimination based on sex and also allows for the passing of legislation to address social inequalities. So the Constitution is mandating that lawmakers to pass laws, including affirmative action, to deal with issues relating to gender and perceived and real inequalities. Then you have Section 22 which deals with family and marriage rights. Naturally that affects the interests of women to a very large extent. The premise in that section essentially is that people shall not be forced into marriages and that the family is the fundamental unit of society. The next relevant Section is number 24 which deals directly with the rights of women. That again should be of real concern to women because amongst other things it deals with some of the issues that were addressed in the book including issues relating to marriage, inheritance, distribution of property on divorce and custody of children. In accessing the current status of our legislation we must always go back to the Constitution so that we may determine what laws offend against the constitutional prescriptions, as well as what customs, practices (governmental or nongovernmental) go against the prescriptions of the Constitution as set out in the sections to which I have referred.

Let me start with the issue of marriage and divorce. The Constitution recognizes the right of all adults basically to marry freely and without force. If you look at the present position in Malawi, we have several forms of marriage. We have marriages under the Marriage Act. We have customary marriages, we have Asiatic marriages (these are essentially Islamic marriages) and there are other forms of marriage. Each type of marriage has different attributes. If we are dealing with issues of empowerment for women we need to ask ourselves, "What is the essence of marriage?" Do we need different forms of marriage with different

attributes? Or do we want to recognize that there might be different processes of attaining marriage but the ultimate end in marriage must be the same? In other words, the meaning must be the same.

Whatever process has been gone through, whether it is customary or statutory, at the end the result should be the same with the same consequences for everyone. So that when a woman is married or a man is married, we all know what it means and the meaning should be the same whatever the process might have been to get there. This is an issue that needs to be addressed. Go back to the section in the Constitution which allows for legislation to address social inequalities and discrimination. This is an area where there is probably need for legislation to define the essence of marriage and the basic rights that attach to that institution. The process of attaining should be separated from the ultimate result. That is something that you need to debate. My own opinion is that some of the reasons why women may feel less empowered arise from the marital relationship. It is in the marital relationship where some form of security is supposed to be derived for both parties. Part of the security is financial, part of the security is residential. If a woman is always at the mercy of the husband where control of the matrimonial home is concerned, are you going to get empowerment for women? Are you going to get a woman standing up on certain issues? What if the consequence of doing so would be a husband saying, "Get out you know I am not going to put up with you." Or does marriage involve equal control of the matrimonial home so that the sense of security arising from owning or living in any matrimonial home is protected by law? I think that is an issue of empowerment that you need to seriously consider.

There is also the question of when things go wrong and there is a separation of the parties. Note that in Section 24(1) subsection (b) paragraph (i) of the Constitution, it talks about fair disposition of property that is held jointly with the husband. In the event of marriages breaking up, there will be fair distribution of property that is held jointly. You should consider taking issue with the use of the words "held jointly," because it might suggest that only those things which are somewhere recorded as being jointly held by the husband and the wife are subject to equal distribution. What the husband or wife might choose to record as being held individually may not be covered constitutionally. I think the correct prescription probably ought to be that all property that is acquired during matrimony should be jointly distributed in the case of divorce.

Now look at the issue of inheritance. The Wills and Inheritance Act in Malawi was a fair attempt at providing for the protection of widows. The problem with that Act is, of course, that the administrative machinery for protecting widows is nonexistent and until that is put into place I think the law is in large measure dead. Assume that a husband has left no will on his death. What happens in my experience is that most wives are in grief during the period and those dealing with property issues tend to be the relations of the husband. While the wife is sitting in the village going through some mandatory moaning period, something else is happening regarding the matrimonial property. By the time she returns there is nothing or there is very little. It is all done on the premise that the husband's family owns the children or have family control over the children, so the family is going to take care of the children and therefore, needs the property. The real truth of course that the wife will have to take care of the children but

with no assets. There is need for clear legislation prohibiting interference with family property on the death of a husband. -Immediately when a person dies, the house should be "no go" area until the law can be followed in dealing with the assets.

The government office of the Administrator General is intended to take on the administration of estates where no one applies for the authority to administer an estate from the court. So the Administrator General should automatically step in and play a certain role. If you go to that office you are going to see a queue of women every day, waiting to beg for some money that belonged to the family or to the husband which is now under the control of the government. So effectively, in my judgement, you have the government lending its weight to the deprivation of assets belonging to a woman or family in the name of proper administration of the estate. That can only be wrong. The machinery needs to be reformed so that it is an enabling process to ensure that families and widows have access to the resources that belonged to the deceased. That process should have very few impediments.

There is also a need to decentralize the functions of the office of the Administrator General. Even for women who are based in a village if the husband has some assets, they are going to be administered by the office of the Administrator General. That office is in Blantyre and there is no other office throughout the country. Occasionally, the office of the Administrator General acts through District Commissioners as agents of that office. They have no training, and they have no knowledge of what the Act prescribes. Quite often all that happens is that relations are called together and the property is distributed. That is said to be our custom and that is the end of the matter. Again the woman is stripped of that which she might have acquired together with her husband and that which was family property. There is probably a need to have the Magistrate Court all over the country. These courts should have some authority to protect estates from relatives of the deceased, as well as against the administrative machinery of the government. There should be a clear statement in the law of some timeframe within which estates must be distributed to the wife and the children. Some wives simply give up they do not know if there is any money held for them. The end result is a mine field for fraud. If no one is laying claim to the money in public coffers, someone else is going to take it.

If in protecting the estate we are going to reduce women to beggars of that which belonged to them before the death of the husband, then there is something wrong with the administrative machinery and perhaps there is something wrong with the law. When people are deprived of resources, they are deprived of power in the process. You can not expect them to debate issues of empowerment, issues of social concern, and issues of family concern when they are reduced to nothing at the financial level. Therefore, the Wills and Inheritance Act needs revisiting in order to ensure that it aims at releasing assets as quickly as possible to the widow and family. The premise which needs to be clearly stated in that law should be that the property continues to belong to the family. Why must that change merely because a husband has died? Before he died, things belonged to the family. As soon as he is dead, somehow these things no longer belong to the family. If that is the premise then something is wrong, and we need to restate the premise that property continues to remain family property even after a death. The

premise now is that the property is owned by the larger extended family, and they have an interest in it. That is why they feel empowered to come and grab what they can. It must be made very clear in the law on inheritance that the property belongs to the immediate family.

Another issue addressed in this book is the issue of land and land ownership. I believe our land law is fair. It allows for anyone to own property. However, certain administrative processes or institutionalized processes still stand in the way of women acquiring property. It still remains a requirement of most lending institutions that if a woman is going to borrow to buy land (land is expensive so neither a man nor woman is able to buy land generally with cash), she is usually required to bring in a guarantor; in other words a man has to feature somewhere in the process. If the Constitution says we have to do something about practices and laws that are discriminatory, there is need for clear legislation prohibiting this kind of prescription in commercial contracts with lending institutions. If necessary, laws should be made to criminalise any attempt to impose conditions on women that have nothing to do with their ability to pay but are sorely related to the fact that they happen to be female. If that issue is addressed we will have a clearer situation in our land law.

The issue of criminal law is also addressed in the book. The main issue that is dealt with is the law relating to rape. Under the law as it stands, if a woman makes an allegation that she has been raped, there is a fairly heavy burden on her to prove that it did in fact happen. The statement that one sees through various legal texts in the common law is that the allegation of sexual misconduct can be made very easily and therefore out to be made difficult to prove. You will see that the premise is that if men can be easily accused, they will have difficulties in defending themselves unless the law makes it more difficult for the woman to prove his accusation. If we assume equality, equality between human beings, I think the premise is wrong. This premise assumes that we are out to protect men against marauding women. In other words we must take the word of a victim of rape with suspicion, we must start with the premise that she is probably lying. I think it is a wrong premise. Why should she probably be lying? If I have a complaint of theft and I present it to police, there will be no question that I am telling the truth. They will accept that I am making a complaint of theft, and the machinery will begin investigating. When we go to court I have no burden other than to show what has happened to me. In a rape case the premise is that the woman is probably lying, so something more than her words must be put forward before a court can convict. Invariably, the courts will say her word alone are not enough. We need to work on this problem. The premise is scandalous and needs to go. If a woman says she is raped, it is an offence. It should be treated at par with any other offence, and it is just a question of evidence to substantiate that something of that nature has happened.

The other issue that our criminal law might need to address is the question of sexual harassment. The Constitution outlaws harassment and domestic violence. But at the practical level if a woman is walking along a street and is wearing pants rather than a dress and men are harassing her, who is going to protect her? It is happening every day. It does not matter what opinion one has about wearing pants. That is not the issue. The issue is if a woman has decided to wear pants whether you approve of it or not, she has the right to do it, and the law must protect her rights. There is need for very clear legislation that prohibits insults toward women simply because they are women.

The same thing applies to work environment. I have yet to come across serious prescription for men to come to work dressed in a certain manner. But for women it is not uncommon for things of that nature to be imposed by employers who will say in this place we are all free people but you shall not come here in pants. It might sound a very simple thing, but it is the premise on which it is based and it is wrong. It is the control of a woman by a man. That is the fundamental question that you need to address.

If women are to be emancipated and empowered, I think society must start to believe in that concept. Privately, we might have different viewpoints, but in so far as those viewpoints are expressed through publicly-owned forums and institutions, there must be a clear prohibition against suggestions that women can be beaten or harassed in the home. I listen to the Malawi Broadcasting Corporation quite a bit, and I am amazed at the amount of the program material that has as a theme a husband slapping a wife because he perceived that she has misbehaved. We have these scenes where women are screaming for mercy. This is a publicly-funded radio station, funded by your tax money, and my tax money. In a country where the Constitution is laying the premise of equality, laying the premise that there will be no violence against women, these things are happening at the cost of the taxpayer. When people listen to that kind of message, then of course something goes into the national psyche and the belief may take hold that it is quite acceptable to discipline wives through the use of physical force. This is something that needs to be addressed. The law should clearly prohibit at least in publicly funded institutions and materials give people the view that it is the right of men to discipline women in that way.

There is also need for security for women in the sense that they must be free from the fear of eviction in their own homes, and they must have some assurance that if they might be subjected to violence, actual or threatened, the machinery of the state will react to protect them. There is need for a statement in very clear terms that no woman shall be sent away from the protective arm of the state merely because she happens to be someone's wife.

The issue of resources must be addressed as well. If the premise in the Constitution, for instance, is that there shall be a President for the Republic, Parliament votes money to support that institution. If the premise is that there shall be no violence against women and there shall be programmes to ensure empowerment for women, Parliament must vote money to support that. I think NGOs that deal with women's issues are entitled to public funds to carry out their work, just as hear that political parties are going to be entitled to public funds to carry out their political activities.

Lastly, I think that women need to consider setting up some permanent committee to come up with legislative proposals on a continuing basis to deal with the issues that concern women. It is not enough to say "eliminate discrimination," there is need to identify areas of discrimination, draft the legislation that can address those particular issues and present the legislation to Parliament. That committee would say to Parliament, "Here is the law in case you do not have the resources to draft the law, or in case you think you have more important matters. We have drafted it, now you can debate it and we ask you to pass it."

Those are the general areas in the law which require further attention. The *Women and the Law in Malawi* book was a good beginning, and now we have a Constitution which guarantees equal rights. A coordinated and concerted effort to eliminate all forms of discrimination in the laws and procedures of this country is what remains to be done.

The Legal Position of Women in South Africa: With Special Reference to Inheritance Laws

By Pansy Tlakula

Although my brief is to address you on inheritance laws in South Africa, I am going to attempt to give you, in the short time has been allocated to me, a general picture of the legal status of women in South Africa. Like in any other African country, gender discrimination is deeply embedded in our society. For centuries, men have maintained control over women by appealing to tradition. The following arguments have, among others, been advanced against those who advocate for equality of women:

"Gender equality is a western thing. Subordination of women is naturally African."

The proponents of this argument lose sight of the fact that human dignity is a fundamental value in African culture. In fact, the traditional African concept of humanism, unequivocally asserts the dignity and worth of human beings. In keeping with this, many African cultures held women in positions of high status. Colonialism and apartheid eroded the African concept of humanism and distorted African tradition.

Because of our history, African women in South Africa suffer triple oppression. Their struggle is still against race, gender and class. There is, however, a tendency in my country, to treat women as a monolithic group. It is my belief that South African women will be able to challenge the hegemony of male domination effectively if we can recognize the fact that our situations, as women of different race, culture and class, are not necessarily the same.

The Legal Status and Position of Women in South Africa

Gender discrimination in South Africa has for many years been legally endorsed by both the legislature and the courts. In recent years, a number of progressive and gender specific statutes have been enacted. Until December 1993 a husband could not be convicted of raping his wife. Now, in terms of the Prevention of Family Violence Act (133 of 1993), a husband

may now be convicted of the rape of his wife. Until 1992 the common law of domicile which required a married woman to follow the domicile of her husband applied. Now in terms of the Domicile Act (3 of 1992), all persons over the age of 18 years can acquire a domicile of their choice.

Before the enactment of the Guardianship Act 192 of 1993, a father was the natural guardian of his legitimate children to the total exclusion of the mother. This Act grants both parents of legitimate children equal powers of guardianship over their children. Another area in which there was glaring inequality was in marriage. In terms of common law, upon marriage, a wife became a minor under perpetual tutelage of her husband, unless the marital power was excluded by an antenuptial contract.

In 1984, in terms of the Matrimonial Property Act (88 of 1984) the marital power was abolished. This Act did not, however, apply to marriages of the African people. The marital power in respect of African marriages was abolished only in 1988, in terms of the Marriage and Matrimonial Property Amendment Act (No. 3 of 1988). This Act, like the 1984 Act, was made applicable to marriages entered into after its commencement. It took until 1993, when the General Law Fourth Amendment Act (132 of 1993) abolished marital power in respect of all marriages, irrespective of the date on which the marriage was entered into. This Act put to rest the situation where the date of marriage and the race of the parties determined the applicability of the marital power.

In 1994, the Interim Constitution embodying a Bill of Fundamental Rights was adopted in South Africa. Equality is one of the underlying values of our Constitution. Equality of men and women is upheld in the preamble, which states, *inter alia* that there is a need to create a new order in which all South Africans will be entitled to common South African citizenship in a sovereign and democratic constitutional state *in which there is equality between men and women...* (emphasis added). The Constitution further provides that every person shall have the right to equality before the law and to equal protection of the law. It further prohibits unfair discrimination, direct or indirect on the grounds of, *inter alia*, race, gender, sex, sexual orientation, etc. (Section 8 of the Constitution).

The Constitution calls for the establishment of the Commission on Gender Equality which will promote gender equality and advise parliament or any other legislature on laws affecting gender equality and the status of women. There is a divergence of opinion among human rights activists in South Africa on the necessity of such a Commission. Those who are against the establishment of such a Commission are of the opinion that there is no need for such a body because women's rights are human rights and should be dealt with by the Human Rights Commission. Whereas the Constitution stipulates the time frame within which the Human Rights Commission should be established, and elaborates on the function, powers, and reporting mechanisms of such a Commission, the same is not true of the Commission of Gender Equality.

Although none of these Commissions has been established, the process for the establishment of the Human Rights Commission has already begun. We are all waiting to see whether women's issues will be confined to the Gender Commission or whether the Human Rights Commission will also entertain these issues.

We welcome the provisions of the Constitution and other legislation intended to promote gender equality in our country. We regard these as strategies rather than goals for achieving the emancipation of women and gender equality. For it is our belief that the "emancipation of women requires more than a declaratory commitment to equality and legislation prohibiting discrimination. A declaration that there shall be no discrimination on the basis of gender is necessary and serves as a statement of intent and has a normative value. However, such a declaration, whether or not is entrenched in a constitution, can amount to no more than a token gesture, if the material, ideological, educational and cultural underpinnings of gender oppression are not simultaneously addressed so as to provide a basis for giving reality to equality." (F. Ginwala 1989 - Formulating National Policy Regarding the Emancipation of Women and the Promotion of Women's Development in Our Country, Lusaka: In-house Seminar on Women Children and the Family in a Future Constitutional Order).

The Inheritance Laws in South Africa

The policies of apartheid legalized and institutionalized racism. As a result, a person's race, marital status and type of marriage are some of the factors which determine how a person's estate devolves upon his or her death.

African people in South Africa can either conclude a civil marriage or a customary law marriage. If parties concluded a civil marriage and the husband died intestate, then his estate will devolve according to the provisions of the Intestate Succession Act 81 of 1987.

If the marriage was out of community of property, in terms of this Act, the surviving spouse is entitled to a child's share or R125,000 which ever is greater. If the marriage was in community of property, then the surviving spouse is entitled to a child's share from the half share of the estate of the deceased. The legal position is, however, complicated if parties were married according to African customary law.

Until the enactment of the Marriage and Matrimonial Property Amendment Act in 1988, African customary marriages were not recognized as valid marriages in South Africa. The result was that a husband in a customary marriage could marry another woman by so-called civil rights during the subsistence of his customary marriage. The civil marriage, in such a case, automatically dissolves the customary marriage. The subsequent civil marriage could, however, only be out of community of property.

The law offered a vague protection to the wife and children of the defunct customary law marriage. The material rights which the customary law wife and her children acquired were protected upon the death of the husband. In addition, the widow of the civil law marriage could not acquire any greater rights to the estate than she would have had if her marriage was a customary marriage. (Section 22 (7) of the Black Administration Act 38 of 1927). This, in actual fact, meant that the civil marriage wife retained the same rank she would have occupied had the marriage been a customary law marriage.

Upon the death of the husband, apart from the vague protection mentioned above, the customary law wife received nothing from her husband's estate. As far as the civil marriage wife was concerned, if the husband died intestate, his estate devolved according to customary law unless the estate was exempted from its application in which case his estate devolved in terms of the Intestate Succession Act. If the exemption was not granted, then the system of primogeniture applied and the eldest male descendant of the deceased became the exclusive heir.

You will agree with me that apart from the difficult position in which the nonrecognition of customary marriages placed both the civil and customary law wives, it also created serious conflict of law problems; hence, the decision by the legislature to recognize customary marriages in 1988 in terms of the Marriages and Matrimonial Property Law Amendment Act.

This Act prohibits a spouse in a customary marriage from contracting a civil marriage with a third party during the subsistence of a customary marriage. This Act does not apply retroactively, and customary marriages entered into before its enactment are still not recognized.

Despite the enactment of this Act, a woman married in terms of customary law is still in an invidious position. She remains a perpetual minor under the guardianship of her husband. The vast marital power which her husband exercises over her allows him to have a final say in matters affecting both her person and property. Not even her husband's death releases her from the status of perpetual minority because after his death, she falls under the guardianship and protection of her deceased husband's heir, who may be her own son or a distant male relative of her husband who, theoretically, has a duty to support her. Because of this, a few years ago in my country, a customary marriage widow could not institute a dependant's action against a third party who caused her husband's death. This position has been changed, and she can now institute such an action provided that she can produce a certificate which proves the existence of the marriage. Failure to do so deprives her of an action for damages.

You will agree with me that the application of customary law, especially in the area of succession, causes a lot of hardship to African women. The system of primogeniture functioned effectively and could be easily enforced in traditional, pre-colonial society where there were sufficient resources. Because of strong kinship bonds which existed at that time, men had an obligation to provide for women and children. This ideal situation no longer obtains in my country. Colonialism and apartheid introduced policies which are completely incompatible with the traditional African social structure. The failed political and economic policies of apartheid, in particular, created poverty and unemployment. Because of this, the value of mutual support between members of the family and the obligation to share family resources have been seriously undermined.

The introduction of the apartheid system of migrant labour, which confined black people to rural areas, forced men to leave the rural areas to look for jobs in the urban areas. This resulted in the rapid growth of female headed households in the rural areas. Although women in these areas are responsible for the cultivation of the land and the production of food, the land tenure systems and the inheritance laws governing their situation debar them from owning land.

The application of archaic systems such as the system of primogeniture is, in my opinion, largely responsible for the poverty which many African women are currently experiencing. It is my belief that the introduction of a Bill of Rights in South Africa, which makes equality one of the important constitutional values, demands that all traditional and cultural values should be subjected to constitutional scrutiny. The incentive to do so is made difficult by the recognition of customary law in our Constitution.

The Constitution, on one hand, provides for equality and outlaws discrimination on the basis of *inter alia*, sex and gender. On the other hand, it also gives all the people the right to use their languages and to participate in the cultural life their choice (Section 31). In addition, it also recognizes traditional authorities and indigenous law (Section 181, 1), and provides for the establishment of a House of Traditional Leaders in each province in which traditional authorities exist (Section 183).

By recognizing customary law on one hand and prohibiting discrimination on the other hand, our Constitution has brought about conflict between two principles; namely, the right of an individual to equal treatment and the right of a group to pursue its culture. The patriarchal nature of customary law, however, discriminates against women.

Traditional and cultural values which are discriminatory and oppressive to women should be abandoned simply because tradition, by its very nature, is dynamic and evolves. We should identify positive African values, reconceptualise and adapt them to the social reality we find ourselves in. Only the African values, which comply with the minimum standards laid down in the international human rights instruments should be preserved. In our struggle to preserve these values, we should come up with strategies that will change prevailing attitudes towards the position of women.

Conclusion

After many years of a very painful struggle against racial domination, we achieved our political liberation. Today I can stand in front of you and speak proudly and with a strong sense of patriotism about my beloved country South Africa.

We do recognize that we have a long road ahead of us. There are many issues affecting women which still need to be addressed. The issue of violence against women is one of them. There is fortunately a very strong women's movement in my country, and all the successes and inroads that we have made are as a result of the hard work of women.

We also have a government, which so far, has shown the political will to put the rights of women on its agenda. Above all, we have a Constitution which is imperfect as it is provides us with a framework for achieving true liberation. This Constitution declares itself to be a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violation of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. With this Constitution and these commitments, we, the people of South Africa, open a new chapter in the history of our country and we say:

Nkosi sikelela if Afrika
God seen Suid Africa
Morena boloka sechaba sa heso
May God bless our country
Mudzimu fhatutshedza Afrika
Hosi katekisa Africa.

Women and the Law of Inheritance

By Beauty Movete

Introduction

This paper discusses how the Law of Inheritance affects women in Malawi. It will look at the Wills and Inheritance Act in Malawi and analyze what provisions there are for women and whether or not women are protected by these provisions.

In cases where these provisions are inadequate, an attempt will be made to put forward suggestions with a view to putting in place a more comprehensive and fairer Wills and Inheritance Act than the present one. It is hoped that these modest suggestions will accord Malawian women the protection most needed under the present democratic climate.

To this end, the discussion is restricted to a situation whereby the husband has left his family without a will for the orderly administration and distribution of his estate. In Malawi the Law of Inheritance is governed by the Wills and Inheritance Act.¹ It comes into operation when dealing with the disposal of the property of a person who dies leaving a domicile or property in Malawi. A brief look at the regimes on the devolution of property in operation in Malawi will shade some light on the scope of the Wills and Inheritance Act.

Regimes on the Devolution of Property in Malawi

There are three main regimes on the devolution of property. The first one is a Scheduled Regime.^{1a} The second is the Nonscheduled Regime² and the third regime is for people married under the Marriage Act and other types of marriage according to the type of marriage contracted. The Wills and Inheritance Act largely depends on family law.

Scheduled Regime

This regime concerns all people whose "marriage was arranged in an area arranged in the schedule."³ The areas in this schedule are all districts in the Northern Region, Northern Kasungu, Chikwawa and Nsanje. For this regime property distribution will be as follows:⁴

All household belongings used before the husband died will be the widow's property.

- Half of the estate will be shared between the widow and her children as well as other direct dependents of the deceased.⁵
- The remaining half is to be shared amongst the deceased's relatives who are entitled to a share under the customary law.⁶
- If the widow re-marries she ceases to have a share in the undistributed property of her deceased husband which will be distributed amongst her children with the deceased.⁷

There are a number of problems raised by the Act. These problems arise from the question of whether the marriage should comply with marriage formalities prevalent in the area or whether it is enough if substantively people around the area know it as a marriage.⁸

Nonscheduled Regime

This regime concerns those people whose marriage was arranged in any of the districts in the Central Region except Northern Kasungu and in any of the districts in the Southern Region except Chikwawa and Nsanje.⁹ The property in this regime is distributed as follows:

All household belongings such as doors, windows, frames, roofs of the house belongs to the widow provided she wishes to continue to reside in the house.¹⁰

Two-fifths of the husband's estate will be shared between herself and the children of the deceased and direct dependents of the deceased in equal shares except where there are special circumstances.

There are some special circumstances which have been recognized by the law so far:^{10a}

- any wishes made by the deceased
- marital status of the beneficiaries

- contribution to the estate by the widow
- assistance rendered by the deceased to some person in his life

In the case of a polygamous marriage, the widow's share of the property and her children's share will be from the property in the area where she lived.¹¹ This does not include money in banks or private land.¹² The rest of the deceased's property is divided among persons who under customary law are entitled to a share.¹³

Widow from Marriage under the Marriage Act

Marriages under the Marriage Act are monogamous. The estate under the regime will be distributed as follows:¹⁴

- The surviving spouse is entitled to the first K10,000.00¹⁵
- The remainder will be divided equally between the remaining spouse and the children of the deceased spouse.¹⁶
- Children include both legitimate and illegitimate ones and even children from earlier marriages in cases where the husband divorced from earlier marriages or his earlier wives died before he married the spouse now remaining.
- If the husband left no children, the widow could be entitled to the remainder of the property provided that her husband left no father, mother, brothers or sisters. If the deceased husband left a father, mother, brothers or sisters, the widow will be entitled to half of the remaining estate and the other half will be left to them.¹⁷

Institutions that Administer Deceased Estates

District Commissioners

Institutional money¹⁸ is defined by the Wills and Inheritance Act as any money in or from any of the following institutions.

- (i) Post Office Savings Bank
- (ii) any other bank established under the Banking Act, a Building Society
- (iii) any insurance company under a policy
- (iv) a provident fund from the deceased's employment contract, e.g. terminal benefits, leave pay, gratuity; or
- (v) money coming from outside Malawi realized from the property of a person who died outside the country.

Where institutional money does not exceed K10,000.00¹⁹ it is dealt with as follows:

- The widow or relative of deceased reports the death of the deceased to the District Commissioner of the district where the husband was resident before his death. The pass book or any evidence of institutional money is also deposited with the District Commissioner. If there is a will, the District Commissioner will take no further steps. If there is no will, the matter will be referred to an appropriate traditional court. Circumstances of the deceased and request for directions of distribution will also be

referred to the same appropriate traditional court. The appropriate traditional court in question is usually in the area from which the deceased came. The traditional court will then prepare a certificate showing names of persons entitled to the estate and their respective shares. When the District Commissioner receives the certificate, he will direct the institution holding the money to issue cheques to each of the beneficiaries certified by the court.

Where the beneficiary is a person under the age of 21 years (a minor), the cheque for his shares shall be payable to Malawi Government. The District Commissioner is required to open a trust account in a Post Office Savings Bank for each minor. Where institutional money exceeds K10,000.00, the widow will be advised, and the money shall ultimately be dealt with as directed by the High Court.

Insurance Companies

People often take policies of assurance on their lives. When they die the money becomes payable to the beneficiaries named in the policy. When the husband dies the insurance company should be informed as soon as possible and a death certificate or evidence of death should be deposited with the company. Where the husband has named other people as beneficiaries in the insurance policy and has left out his wife and his children, there is a very strong presumption that the policy is for the benefit of his wife and children²⁰ and not for the benefit of the persons named in the policy. If a widow discovers this situation after her husband's death, she can apply to the High Court so that the presumption works in her favour and in favour of her children. This is a very strong presumption that would need very strong evidence to be rebutted.

Administrator General

The office of the Administrator General is a public office created under an Act of Parliament²¹. The duty of the Administrator General is to apply to court to administer those estates in which no other persons apply for letters of administration.²² The Administrator General can also apply to administer provisions of a will if he is named as executor of the will. The duty of a widow will be to contact the Administrator General as soon as her husband dies. The widow can also apply for letters of administration of the estate of her deceased husband.

Any major beneficiary can apply to court for letters of administration²³. The advantages of using the Administrator General are that there is no potential conflict with customary heirs. Every District Commissioner at the request of the Administrator General can act as an agent of the Administrator General.²⁴ The Administrator General does not administer estates which are less than K10,000.00 in value. Those are administered through traditional courts. Usually such estates are administered by District Commissioners as agents of the Administrator General. If the widow wants some money to assist her whilst the letters of administration are being processed, she can apply through the District Commissioner or straight to the Administrator General. The disadvantages of using the Administrator General are that matters take ages before letters of administration are granted and sometimes by the time the said letters are

granted, the property will have already been distributed amongst the relatives to the detriment of the nuclear family which most needs the property.

Gender Discrimination

Section 16 and 17 of the Wills and Inheritance Act only provides for situations where a man dies. There is nothing in the Act concerning people who are married at custom which provides for situations where a women dies. It is our considered view that this is gender discrimination. Although it can be argued that most women do not have property which can warrant distribution upon their deaths, still there are some women who have property and this reasoning does not go well with modern thinking. It is also our submission that whilst we argue that the percentage accorded to the widow is lower than that accorded to other heirs at customary law, it does not correspond with a situation where everything can be taken away from the widower upon the death of his rich wife.

Problems and Suggested Solutions

The tying of family law to the Law of Inheritance creates problems for women, in that women who considered themselves as married to their husbands may be surprised that on the death of their husbands they can claim as dependents only and not as wives. Furthermore, the tying of family law to the Law of Inheritance prejudices the entitlement of other women. For example, a woman married under the Marriage Act will get more than her two counter-parts who are married according to customs and whose marriage was arranged either in the Northern Region, North of Kasungu, Chikwawa and Nsanje or from the rest of the country. It is our suggestion that the tying of family law to the Law of Inheritance should be abolished. It is our further suggestion that there should be no distinction based on what type of marriage was contracted when dealing with the Law of Inheritance.

The second problem created by the Act is that the provisions are inadequate for the woman whose marriage was arranged in a scheduled area (i.e. half of the deceased's estate to be shared between her, her children and direct dependents of her husband) and for the nonscheduled widow whose share together with her children and dependents of her husband is composed of two-fifths of the husband's estate. These provisions are inadequate for the nuclear family. Ironically, they are unnecessarily generous to the extended family members who can fend for themselves. This type of thinking is also not in line with the urban setting where a man mostly looks after his nuclear family only and not his extended family. The customary heirs' percentage should be reduced to approximately 15 to 20%, and the people entitled should only be the father, mother, sisters and brothers of the deceased person. These people should only be entitled to such a share if they were benefiting from the deceased during his lifetime.

Another problem arises due to delays in implementing the provisions of the Wills and Inheritance Act. The Administrator General generally takes time in dealing with matters pertaining to letters of administration, and in the process the customary heirs would be helping themselves to the estate of the deceased. Some of the delays on the part of the Administrator General are caused because he is not informed of the death in time. Sometimes the delays are also caused by the shortage of manpower in his department and sometimes the delays are due to distance from the place of death to the Administrator General's office. It is therefore our humble suggestion that there should be a body of persons which shall engage in civic education to the public to tell them what to do in cases where somebody dies and what the Law of Inheritance says on this. The extended family members should also be told about the provisions of the Act. It is our further suggestion that people should be educated on when to start sharing the property of the deceased and who is responsible for the sharing. It should also be made a criminal offense punishable by a prison sentence for any person tampering with property of a deceased person before proper distribution is made.

- Another problem concerns institutional money. When institutional money is sent to a District Commissioner even relatives of the deceased person are invited to take a share in the money. This money would have been readily available to help the nuclear family. We therefore suggest that institutional money should only be used for the benefit of the wife and children of the deceased.
- The gender discrimination running through the Act might have applied in the past, but at present many women own property. The Act is therefore out of date and must of necessity be abolished in order to reflect the will of the people in the present political, social and economic environment.

Conclusion

Whereas the Wills and Inheritance Act has gone a long way in addressing problems of estates of the deceased, there is still much that needs to be done in order to minimize the plight of women. From the above discussions, it is clear that Malawian women are not protected by the provisions in the Wills and Inheritance Act in that their inheritance to property is tied to the type of marriage; and their share in their husbands' estates is inadequate and in reality they sometimes receive nothing because their share is practically at the mercy of their husbands' relatives. It would therefore assist to separate matters of inheritance from those of marriage in the Laws of Malawi. In addition, the Act is biased towards women in that it does not provide for the widower in cases where his wife dies leaving behind property. This bias in the Act creates uncalled for problems for women because men feel that the women are unduly overprotected by the Wills and Inheritance Act. This is open to debate.

End Notes

1. Cap 10:01 Laws of Malawi
- 1a. Section 2 (a) Wills and Inheritance Act
2. Section 16 (2) (b) and S17 Wills and Inheritance Act
3. Section 16 (2) (a)
4. Section 16 (2) (a) (i) - (ii)
5. Ibid section 16
6. Ibid section 16 (2)
7. Ibid section 16 (2)
8. *Namero vs Mero and others*, CA 78/80 (wife was able to claim as dependant as she could not claim as a wife because the marriage had no *ankhoswe*)
9. Section 17 and section 16 (2) (b)
10. Section 17
- 10a. Section 17 (d) Wills and Inheritance Act
11. Women and The Law in Malawi page
12. Supra
13. Supra
14. Section 18 Wills and Inheritance Act
15. Section 18 Wills and Inheritance Act
16. Ibid section 18
17. Ibid section 18
18. Section 63 Wills and Inheritance Act Cap 10:02 Laws of Malawi
19. Section 63 (2) + (3)
20. Section 11 Married Women Property Act 1882
21. Administrator General Act Cap 10:01 Laws of Malawi
22. Ibid section 7
23. Supra Wills and Inheritance Act
24. Administrator General Act section 4

Human Rights and the Status of Women in Malawi

By Vera Chirwa

Background

Malawi is a landlocked country and one of the least developed. Moreover, it is one of the poorest of the poor countries and yet is the "warm heart of Africa," a phrase which has something to do with the warm hospitality it offers to its guests! Its social indicators are also amongst the worst. Sixty-five percent of its ten million people live in abject poverty and women, who form 52 percent of the population, are the most affected. If you can just branch from Lilongwe city for a distance of about three kilometers, you will witness it yourself. And one wonders whether the former president, Kamuzu Banda, was serious or was he ignorant of his own country when he announced several times, "I have developed this country beyond recognition."

There was a reign of terror for 30 years in this country by the one party regime. The terror was effected by arbitrary arrests and killings, disappearances, mass detention without trial, wanton destruction of property and houses (in some cases the whole village was either set ablaze or bulldozed down), false imprisonment and the like. In addition, freedom of speech, of association, of press, etc., were suppressed. It was virtually a police state.

However, we thank the Lord that the one party dictatorship rule came to an end on May 17, 1994, when the first free democratic general elections since independence in 1964 were held, and in its place a multiparty democracy was established under the presidency of Bakili Muluzi. This government has a positive attitude towards human rights so that now in Malawi we have freedom of speech, press, association, etc. The President has made it clear that his government accepts criticism from every angle: human rights bodies, religious organizations, the media, and individuals.

Human Rights

Women's rights are human rights and violations of women's rights are violations of human rights. Therefore, men or society should not dismiss women when they claim their rights.

It is notable that we women have our rights infringed from two sources. The state/government through laws and policies; and through the male gender. Women of Malawi and of the whole third world, if not the whole world, have suffered and their rights are suppressed and/or violated in various ways either by: repressive laws which have disregard for the various international declarations and conventions on human rights; and repressive attitudes of and oppression by the male gender. However, with the present political environment in Malawi, the women of Malawi, whose rights were suppressed by the previous government, are claiming to see the end of all forms of abuse of human rights and seek to enjoy their god-given birthrights.

During the transition from a one party system of government, the women fought hard in the making of the new republic. The result was that under the new Constitution, women have the constitutional right to full and equal protection and may not be discriminated against on the basis of their gender or marital status. In practice, however, women continue to experience some discrimination and do not have opportunities equal to those available to men. It is true that violations and nonrespect or recognition of rights, human as well as legal, affect the status of women. Let us examine some of these rights.

Freedom of Speech

This fundamental right is enjoyed by Malawians now. But are the wives and other women generally enjoying it in full? Traditionally, the duty of a woman is to listen, agree and act. There has been a number of cases where fathers, husbands, brothers or uncles have exerted themselves in their capacities as guardians, over their daughters, wives, sisters or aunts and have imposed decisions on them. Up to now some fathers still choose husbands for their daughters.

A girl, divorcee, or widow cannot marry without consent of the father or a male guardian to the marriage, e.g. among the Tongas and Ngonis. Where men are discussing and making family/clan decisions, a woman, even if present, does not take part in the deliberations. Of course there are those in urban areas who are educated and brave enough to exert themselves against men's attitudes, but those are few. It is not uncommon to see a highly educated wife very submissive to her husband.

Right of Access to Education

The talk of improvement of status of women or equal rights for all does not make sense unless these are accompanied by efforts to equip the woman or girl child with the ability to fend for herself. Education is a key factor to uplifting women's lives and status. In Malawi the overall education status of the country is very low. The illiteracy rate is estimated at 58.4 percent, and 68.4 percent of women are illiterate. There are various factors which contributed to women's education being lower than that of their male counterpart. Some of them are:

- o *Traditional/Customary Practices and Beliefs*

Parents and society believed that the place of a girl is in the kitchen and that a boy is more useful than a girl as a breadwinner and guardian. Therefore, the boy must be educated to perform these duties effectively. It was thought that there was no need to educate a girl because she was to be looked after by her husband. As a result, once she got her basic education and could read and write, her schooling was stopped. This was the case in my school days and the result was that I was the only girl out of 75 pupils in Standard Six and also in Form One until I completed my education. Where resources were inadequate parents preferred to spend them on the education of boys. However, now financial constraints can not be an excuse because the government has introduced free primary education.

- o *Early Marriages and Pregnancies*

In Malawi once a girl was pregnant she was expelled from school but the boy was not. This was the practice until recently. She is now allowed to go back to school after delivery.

- o *Customs such as "Chinamwali" in the Southern Region*

This practice influenced a girl to be interested in early marriage and disinterested in education.

- o *Parental Arranged Marriages*

This practice is also a source of early marriages.

It is encouraging that the new government puts emphasis on equal education of girls and boys. Parents and teachers are urged to encourage girls in higher education, secondary and university, and to choose nontraditional subjects such as science.

Access to Business and Employment

Women in Malawi continue to bear the burden of managing the household and caring for the family. For example, she is a housewife, a cook, foodgatherer, water and firewood collector, farmer, teacher, etc., and yet in terms of monetary economy of the country her work is not counted as that of her male counterpart. This kind of contribution to economy is rarely appreciated or acknowledged.

As far as employment is concerned, it is not uncommon to see some advertisements for employment put conditions such as "applicants should be male." Moreover, there is a bias or even a jealousy against women, so that even if a woman has merit and proper qualifications, she is never promoted to higher level posts. If you ask them why, the answer is "the trouble with women is that during pregnancy they go on leave and during nursing of their children they absent themselves frequently, thereby reducing production." Is that a woman's fault? Lame excuses.

In business Malawian women are taking great interest in becoming small entrepreneurs. The Business Advisory Service (BAS) and the National Association for Business Women (NABW), products of the National Commission on Women in Development (NCWID), are doing a lot in encouraging and sensitizing women in this field. Also credit facilities are provided to the women by bodies such as Women's World Banking, which was established especially to cater for women small entrepreneurs.

Right to Participate in Politics and Decision-Making

Although Malawian women were generally excluded from participation in decision making, specific and critical measures are being taken by government, NGOs, women's organizations and Malawi society as a whole to enable full participation in decision making. President Bakili Muluzi has made steps toward implementing some of the Nairobi Looking Forward Strategies by appointing three women diplomats and five women to head parastatals and statutory bodies. However, there is only one full woman cabinet minister and two juniors out of a cabinet of over 30. We still have only one woman judge.

Women's organizations including the National Commission on Women in Development, Women's Voice, and the Society for the Advancement of Women are calling for, and putting pressure on the government, nongovernmental organizations and institutes to make, a deliberate effort to involve women at every decision making level and also to make use of a quota system for representation in Parliament, Cabinet, Senate (if it survives), District Councils, etc. We are also calling on our fellow women to come up and take up responsibilities and not shy away and also do away with jealousies and backbiting. When you educate a woman, you educate a family and society. We are also campaigning to have more women in the next Parliament by sensitizing them to realize the importance of voting in the elections for fellow women and of standing as candidates. At the moment there are only 10 women out of 177 Members of Parliament.

Violence Against Women, Sexual Abuse and Exploitation of Women

Violence against women is a violation of women's rights, such as the right not to be molested, the right to life, liberty, mental and physical health, the right not to be subjected to torture or to cruel, inhuman and/or degrading treatment, and the right to equality within the family.

Recently, violence against women and sexual abuse have been on the increase. Cases have been reported in the media where women have been violently killed, and where women and girl children have been violently sexually abused or raped or harassed. Our society is alarmed as this is spreading to schools, places of work, and in the streets, etc.

In Malawi domestic violence is mostly due to traditional beliefs. For example, beating of a wife is accepted as chastisement, just as a child is chastised by the father. Beggary, forced marriages, a widow's inheritance, etc., are all subtle forms of violence against women psychologically/mentally.

Most of the violence against women, such as rape or domestic violence, goes unreported for fear that the husband who is the breadwinner may be imprisoned, but usually also for fear of embarrassment, as it is a shameful thing to be beaten up. However, all forms of violence should be condemned by women, the government and society as a whole.

Right to Own Property

Malawi does not discriminate against women in so far as the ownership of land and other real property is concerned. However, due to men's chauvinism this right has been denied in some cases. For instance, research has shown that male-headed households own more land for cultivation than female-headed households.

Inheritance, Custody and Maintenance

Women are often victims of discriminatory practices as far as inheritance, custody and maintenance are concerned. Although there are laws governing inheritance, custody and maintenance, in practice, relatives take all the property of their deceased relatives and leave the wife and children helpless. In the case of a divorce, husbands are preferred to be given custody of the children because they are seen to be economically able to care for them. In addition, husbands usually ignore maintenance orders without facing any consequences. There is need to publicize the laws relating to these issues so that women know them and take advantage of them.

Women's Health

Women of Malawi face various health problems associated with child bearing responsibilities. Various factors contribute to the risks of maternal morbidity and mortality. Studies have shown that pregnancy and its associated problems of abortions, hemorrhages and anemia, coupled with the high possibility of complications of child birth, are the main causes of maternal mortality (250 per 100,000). Added to this is the problem of AIDS which has preferred women as its main victims. The only way to alleviate these problems is to give women more information, education, skills and resources. Hence, the National Commission on Women in Development initiated the establishment of the National Family Welfare Council of Women which together with United Nations Fund for Population Activities are looking into these issues.

Conclusion

As we can see, on the whole, the status of women in Malawi is not up to an acceptable standard. The government, NGOs, women themselves and society as a whole have a lot to do to advance and uplift the status of women in this country. Deliberate action should be taken to involve women at every decision making level in the country. Moreover, the government is urged to enforce all human rights affecting women provided for in instruments such as the African Charter on Human and People's Rights, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, etc., to which it is a party.

Chapter Three:

Women and Culture

Culture, Customs and Tradition vs. Women's Advancement

By Cecilia Malekano Mwansa

Culture is not easy to define. However, for the purpose of this presentation I will restrict myself to saying culture is a set of norms of given people covering their beliefs, laws, moral obligations, custom, arts and indeed their dispositions and habits accrued in relation to their habitat and neighborhood. Culture is a plan to which a society adapts itself in terms of its physical, social and ideological life.

Tradition is an indivisible component of culture and deals mainly with the past do's and present don'ts in relation to what the cultural concept of life which covers. For example, such areas as marriage, organization of the family system, parenthood, social status, mode of government, war, religion, witchcraft, language, etc.

Customs are norms identified in our traditional life evolve into customs which govern our future conduct. However, these norms are subject to change, due to the fact that humankind is dynamic through voluntary migration, work pursuit, war, intermarriage, etc. So customs are liable to change, and indeed this will have an effect on traditions and consequentially on culture. Examples of this dynamic quality are the Lunda Luba migrations and the Ngoni migrations due to wars perpetrated by the Shaka empire.

Culture which encompasses traditions and customs has its own variable hindrances ranging from suppression of women's social status and rights to relegating women into second class citizens of a given society. The cultural hindrance is cited as those aspects of a society which can be construed as being negative in so far as they inhibit or restrain women from exercising or attaining their right to health, education, political participation, and economic well-being.

Empowerment and other social and cultural advancements are frustrated by the adverse effects of cultural hinderance. This is compounded by the economic and political discrimination which exists and persists in society today.

Education

Girls are hindered from academic advancement by not being encouraged to go to school in preference to boys. Girls are groomed for domestic roles and marriages and their worth is measured in terms of the cattle or goats they fetch as bride price.

Economic

As a consequence of the above customary notions, females in a given tribe in Africa are denied the right to own land, live stock, or any property as they are expected to be shadows of their husbands or brothers. Yet when these die, the females are disinherited as not being fit to own or run such on behalf of their family, tribe or society.

Political

Under cultural traditional organization, women were not expected to be part of the village council and as consequence were not expected to be heard or indeed participate in the affairs of the community in which they lived, other than being used as a source of cheap labor, tillers of land, collectors of firewood and as bearers of children.

Health

Women's health was equally not addressed in the traditional scenario; hence the perpetration of genital mutilation under the guise of circumcision. Other examples are poor child spacing approaches and female infanticides as practiced in countries like India and China and some parts of Africa.

What is Women's Advancement?

Given this brief account of customary, traditional and cultural setbacks, it becomes necessary to highlight what women's advancement is. Women's advancement is the integration of a gender perspective into all our politics, programmes and projects, strategic needs and capabilities in national development. This would enhance women's contributions and participation in fields such as education, health, economics, politics and other forums; thus enabling them to advance towards self sustenance and equality with the male gender.

Women's advancement can not be perceived in isolation of the legal concept of gender equality as enshrined in the 1948 Universal Declaration of Human Rights and the 1979 United Nations Declaration on the Elimination of All forms of Discrimination Against Women. I quote from that document, "discrimination against women shall mean any distinction, exclusion or restriction made on the basis of gender which has the effect or principle of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status and on basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." At the time of my writing this document, over 100 countries had ratified this declaration.

Women's Advancement: Where, What, How, When, and Why

Society may ask this forum questions regarding women's advancement:

To where do women want to advance?

Women want to advance to a state level where women's rights are recognized that in a country and put into practice through sensitization of fellow women so that where they are not practiced women shall demand then and where they are lacking they shall be introduced and fused into legislation.

In education, women want to advance to a level where there is equal academic opportunity in all institutions of learning.

In policy formulation, women want to advance to a level where there is equal representation at all levels of decision making bodies, e.g. political parties, parastatals, government ministries.

In economic participation, women want to be recognized in their own rights and not as shadows of the male gender as demanded by banks and other institutions.

In health, women want the right to marry and have children regardless of the sex of the child.

How will this advancement be achieved?

This will be achieved by ensuring that all legislation which bars or inhibits a woman's right to full participation in the affairs of their country are removed. This can only be achieved by a concerted effort of women themselves and gender sensitive men.

When will this be achieved?

This should be achieved now through sensitization, mass communication and improved education facilities for women. For example in all institutions of higher learning there should be 50/50 quota system of entrants as opposed to the current situation of inequality in these institutions. In parliamentary elections, political parties should adopt a similar attitude. For example, if a given party has contested for all the parliamentary seats in that country, it should be possible for that party to field 50% women candidates and 50% men.

Why do women want to achieve this?

Women want to advance in order to overcome constraints created by the existing social and cultural norms through which they are perceived as inferior or second class citizens.

With these questions, women can define which way they wish to travel and state why they wish to travel on that journey--the journey to gender equality. Africa's political and economic ills affect a large share of women on the continent and that is why the women are calling for concerted effort and action from all quarters to put into place legislation which does not discriminate against women. This legislation must be seen to be something which will be put into practice as opposed to simply lip service which is seen across the continent.

As mentioned earlier in this paper, women want to advance to a level of equal footing. Because parliaments and other policy making bodies are largely made up of men, they are currently in a state of chaos. Indeed the current state of affairs with regard to meeting women's needs is morally wrong and politically unacceptable.

African governments must quickly and urgently orient their policy strategies and public attitude in a new direction. This new direction should lead to confidence in women, self-reliance, partnerships and equitable sharing of the fruits of the nation among the masses without discrimination on a gender basis. Women's economic empowerment and social advancement is of vital concern to Africa and the rest of the world.

In conclusion, I would be failing in my presentation if I did not draw to the attention of women that we run the risk of failure if we do not put into place a barometer to measure what we have achieved since that historic pronouncement of 1948 United Nations Universal Declaration of Human Rights and the 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

For surely, since then we have held many forums that have strived to foster women's rights. The continuation of underdevelopment and nonadvancement of women transcends into the fabric of world's economic growth and political stability. Therefore, its continued perpetration by various governments in Africa and the world undermines the quest for peace and peaceful co-existence among nations.

Strategies to Address Cultural Barriers

By Assumpta Tibamwenda Ikiriza

Background

This paper seeks to highlight major cultural barriers that impede women's advancement while offering alternatives (not explicit solutions) for curbing the problem. The paper draws heavily from the experiences on Uganda, whose steps toward the deliberate to attempt to empower women is quite substantial. I have also done some research on women in Uganda and reviewed literature on women in the region and used ActionAID's own experience accumulated through working with rural women in Uganda and in 20 developing countries in Africa, Asia and Latin America. It is hoped that the recommendations made in the paper, although not totality in themselves will assist our sisters in Malawi to forge a meaningful strategy for the advancement of women.

Introduction

Africa's greatest heritage is her people and their great potential. Females make up 51 percent of the total population while girls under 20 constitute nearly 60 percent of the total female population.

It is increasingly recognised that development in Africa cannot succeed without promoting the welfare and productivity of women. To develop the women to become autonomous agents of change and empower them to contribute more fully to economic and social progress, increased emphasis is being put on given to women's concerns and gender issues in analytical and sector work in the African region. A clear understanding of gender roles, different constraints (particularly structural and systematic biases) affecting men and women, and different gender needs is essential if gender actions are to be "gender responsive."

Women's problems are interlinked. Unfavourable traditions and customs, beliefs and practices do enhance women subordination and subservience. Traditionally (in most parts of the world) women do not have control over major factors of production save for their own labour but which they do not control! An analysis of literature on women shows great commonalities in culture and the consequent problems that they face although these may be shaped by political, economic, and ecological variations.

Rationale

One will wonder why women in general and why the Society for the Advancement of Women (SAW) at this critical point of development has women as their mandate at all! The following extract from Development Alternatives for a New Era (DAWN) gives the rationale.

NOTE:

Every where, women as a group, enjoy fewer advantages and work longer hours than men. Women's work and opinion is undervalued. In many of our countries women earn less than men, are not owners of land, face numerous obstacles to holding positions of authority and face many threats of violence just because they are women.

AND:

Women perform 67 percent of the world's working hours

Women earn 10 percent of the world's income

Women form 75 percent of the world's illiterate

Women own less than 1 percent of the world's property

*Sen and Grown-Development Alternatives for a New Era (DAWN)
1987*

Cultural Barriers

Women and men have historically played different roles in society. As a result they often face different cultural, institutional, physical and economic constraints and have different (corresponding) needs. Studies in Africa show that Africa's very strong cultural heritage is (ironically) probably the biggest impediment to the advancement of the African today!

There are outstanding cultural barriers that impede women's advancement which include:

- ◇ gender biases during the socialisation process
- ◇ traditional customs, norms and practices including harmful practices and superstitions
- ◇ social stigmatisation of women in certain categories, such as
 - > female heads of households
 - > single mother(s)

- > widows
 - > career women
 - > women pioneers and leaders
- ◇ ethnicity and tribal differences
- ◇ the marriage institution and related customs which include:
 - > dowry and bride-wealth
 - > polygamy
 - > forced submission
- ◇ unfavourable or total lack of policies
- ◇ omission of women in the decision making process
- ◇ lack of control over crucial resources
- ◇ low incomes and the growing feminisation of poverty
- ◇ inheritance laws
- ◇ ambiguities in the laws: statutory and customary laws
- ◇ inadequate access to education and other key social services
- ◇ negative portrayal of women by the media and the effect of such images

The Family: Socialisation

The roots of gender discrimination are often planted in minds of young people by the nature of the socialisation processes that children are taught, observe and experience within the family. It is during socialisation that we entrench our respective gender identities, roles and biases. Our parents as custodians of culture have a big role to play in the process although this is later reinforced by our peers at school and elsewhere.

The individual woman in a family has a big role to play. The mother is the educator and in most case the role model of the home. To a large extent, her handicaps become almost automatically the handicaps of her children. Because of this:

- ◇ Increased roles and responsibilities within the family should be promoted through community sensitisation and training in family life education and in socialisation; and
- ◇ Innovative media campaigns which emphasize gender equity and non-stereotyped gender roles for women and men within the family should be developed so that women may participate in public spheres and activities.

If women in the region are to aspire for justice and fair play, then the sanctity of domestic privacy can no longer be used as an excuse for continuing human rights abuses against women within the family nor for perpetuating the subservience. Efforts must be made by governments and other agencies to ensure that gender discrimination is confronted where it is least visible to the public eye and perhaps most pronounced in its reach and impact.

1994 was declared by the United Nations General Assembly as the International Year of the Family with the motto of "*Building the smallest unit of democracy at the heart of society.*" If the family in our respective countries is aspiring to be a democratic unit then gender equity within the family is a must. Instead of being the hierarchical structure of domination and subordination, of control and subservience, the family should become a closely-knit kin group where burdens and responsibilities are equitably shared and partnership between women and men ensured.

Gender Stereotypes and Invisibility

Gender stereotypes upheld by various cultures prescribe certain behaviors for women and men. Gender stereotyping does not take into account personal abilities and potentials. They include society cultural expectations like women doing all the cooking, girls not being allowed to ride bicycles or climb trees and several others.

Gender stereotypes have a far reaching effect on girls and women. They affect the girl's perception of self through certain tendencies like lacking esteem, self prophecy (which she gives up) ambition and stamina. Two possible solutions to this are the following:

- ◇ Parents should endeavour to bring up children in an equitable situation eliminating any likely sex biases they may cherish. Attempt should be made by mother to always give positive messages to daughters and break gender stereotypes which lead girls to always regard themselves as of underdogs. This tends to follow the girl into adulthood.
- ◇ Stereotyping can also be corrected through education formal and non-formal, (see education).

Family Roles and Gender Division of Labour

Another dimension of gender inequality derives from the excessive burdens women have traditionally been expected to bear. Such expectation continues to govern women's lives even under changing economic demands. Work outside the home is in most cases an addition to the domestic chores, resulting in excessively long working hours.

Activity schedules of women drawn in various parts of Uganda indicated a 14-16-hour day for the rural Ugandan women against 3-8 for men! The culture of sharing housework with men of the household has not as yet acquired much social acceptability in the region as such moves would be condemned as feminist or even attributed to witchcraft! To counter this:

- ◇ Research and technology development should be encouraged to bring affordable labour saving equipment that can also reduce the drudgery of household work for women in the region. Caution must taken however not to introduce yet another problem of gender displacement.

Gender based labour displacement refers to situations where machinery was introduced in activities traditionally done by women with the result that either men completely replaced women or the activity became so fragmented that men took over the tasks that used technology and required greater skill, while women were relegated to lesser menial tasks. In most cases these shifts are accompanied by loss of income earning opportunities or marginalisation of women.

Case Study One

Although we do advocate for labour and energy saving technologies, critical analysis of the gender implications must be made to avoid solving one problem to create another.

There have been some cases in Zimbabwe where gender based labour displacement has occurred and been observed. The introduction of the cultivator in Zimbabwe is a case in point.

Women are traditionally responsible for weeding the fields. The Cultivator (an "appropriate" technology) can only weed along, not across the field. Men now use the cultivator to weed along the fields while women have been pushed to manually weed across the field!

Kenya has had a similar experience with the sugar cane. What is the case for Malawi especially with sugar cane?

There is also need for governments to intervene in cases of overt discrimination against girl children while ensuring their education. This can be done through local administrative structures or even paralegals set up and trained to handle such issues.

Traditions, Customs, Norms and Practices

Africa has a range of practices and norms including superstitions which affect women's advancement. Food taboos in certain cultures have lead to women's nutritional deficiencies and the resulting poor health. Superstitions such as those that say women should not clean wells because their menstruation will dry the well or should not use latrines because they will not bear children are clear indications of such impediments.

Female Genital Mutilation

Female circumcision, excision and infibulation are common practices in the region. Although female proponents of the custom have warned us not to interfere with this purity rite of passage without which the woman would be regarded as childish, irresponsible, outcast and importantly impure, it remains our prime responsibility to condemn this painful act. The morbidity and suffering caused by genital mutilation place it in a similar category with other factors of maternal morbidity and mortality. The accompanying sexual insensitivity subject women to perpetual subordination. There is the risk of AIDS to think about too. Women should:

- ◇ create awareness of the problems related to the practice; and
- ◇ work through tribal structures and government to induce changes in the system.

The Marriage Institution: Dowry and Bride Price

Dowry and bride wealth are still strongly upheld by several ethnic groupings across the region. In Uganda bride wealth is a major cause of school girl drop-out (in certain tribes) as fathers pressure their daughters into early marriages. Educated women although seen as a bigger bargain are often regarded as "delayed returns" since even their marrying cannot be relied upon.

- ◇ Increased education for girls and constant conscientisation of parents are some of the solutions to the deeply entrenched custom. Experience from Uganda reveals tremendous attitude change among the more educated communities with regard to bride-wealth.

Early Marriages

- ◇ The mean marriage age recorded for most African girls is 15 years. Bride wealth and inadequate access to education are big factors that lead to early marriages. Apart from the obvious health implications of early pregnancies and related complications, early marriages subject the girl child to a longer period of social suffering (she lacks the ability to fight certain oppressions).
- ◇ Education for the girl child should be emphasized. Governments should aim to meet the needs and aspirations of young women, particularly in the areas of formal and non-formal education, training, employment opportunities, health and others thereby ensuring their integration and preparation for leadership roles.
- ◇ The social responsibilities entailed in marriage should be reinforced through respective educational programmes.
- ◇ Governments should enshrine in their Constitutions clear guidelines on who is a girl child and what age this corresponds to. Pregnant girls should be protected against unnecessary stigmatisation and where possible supported to return to school. There are of course the ambiguities between customary and statutory laws, but a balance can be struck.

Polygamy

Polygamy is a quite common and an almost accepted norm in Africa. It is further enhanced by believers of certain faiths. Although defended and proclaimed as a sign of power and affluence in society, polygamy has its own ills of subjecting the wives to utmost subservience, humiliation and of course competition for ever scarce resources. Polygamy has served as a big conduit for HIV/AIDS infection through sharing of partners.

- ◇ Communities should be educated: polygamy can no longer be upheld with its problems of household numbers and the greater population issues. Health and economic constraints are all against increased family sizes. Some religions may strongly agitate for polygamy but they cannot ignore the constraints mentioned.

Widows

The widow, whatever the causes of her widowship, is often a subject of exploitation by in-laws and other relatives.

- ◇ The widow should be consciously targeted for educational and other development programmes.
- ◇ Governments should institute family law provisions (reforms) in matters such as property inheritance (and others to be covered under the legal session). Current ambiguities in the law should be ironed out. At times what is condemned in statutory law is actually condoned in customary law!
- ◇ Countries should enact laws to protect the widow. The Uganda Succession and Inheritance Amendment Decree of 1972 gives the following allocation of properties of a man who dies intestate:

Children	75 percent
Wife/Wives	15 percent
Relatives	9 percent
Customary Heir	1 percent

This is quite lopsided considering that the properties are a combination of efforts (to be covered by inheritance laws). Widow inheritance, a practice where the widow is taken on by the relatives of the deceased, should also be outlawed as it perpetuates exploitation and is another conduit for the transmission of AIDS.

Social Stigmatisation and Harassment of Women in Certain Categories

Because society has formed certain gender inclinations over time, it tends to isolate women who are seen to be "having their way." The career woman, the woman leader, and the female headed of household are among the biggest victims of social stigmatisation. Often this has led to very pronounced effects of *role casting* which in turn is disadvantageous to women's development.

- ◇ Social stigma is corrected through change of attitude which in turn results from conscientisation and exposure of individuals to alternative situations. NGOs and governments should always look out for the problem and try to address it through educational programmes.

Sexual Harassment

This problem is mainly faced by the girl child and the working woman and arises from the belief that women are sexual objects to be used for men's pleasure. Although there are laws regarding rape, defilement and incest, most of our countries have nothing explicit on subtle forms of sexual harassment like say in America or else where in the West.

- ◇ The girl child and the working woman should be made aware of their rights to their own sexuality and where to appeal for redress.
- ◇ Employers should put into place laws that protect women at the work place.
- ◇ Revitalize the implementation of laws on rape, defilement and incest which crimes are often hushed as domestic issues because in most cases the offenders are male relatives, friends to the family or even important community leaders. An example of such laxity exists in Uganda where the punishment for defilement is mandatory death. Defilement cases have been reported in local newspapers and in almost all cases they have disappeared off the public scene just as they came!

Female Headed Households (FHH)

The FHH is a very vulnerable group because of the kinds of circumstances that surround it. The inherent lack of access to and control over crucial resources of production, psychological trauma on loss of spouse and societal stigmatisation all render this category very vulnerable. All these have far reaching consequences for agricultural land use and other development efforts.

Female headed households are a common phenomenon in Africa as is illustrated by the following examples:

In Uganda	18 percent of the total households (UNICEF Situational Analysis on Women, 1989)
In Zambia	31.2 percent of rural farm households (Zambia 1982-3 Survey)
In Malawi	28.8 percent (country average) (See Case Study Two)

The rate of increase of female headed household has been aggravated in some instances by dictatorships which eliminated opposition, taking away mainly husbands or fathers and the increasing AIDS pandemic. Of course migration (labour reserves) and various wars and armed conflicts have led to severe loss of male soldiers and other individuals; hence, the heavily increasing the toll.

- ◇ Governments and NGOs should explain the double vulnerability of the female maintained households against economic and cultural hostilities in order to reduce stigmatisation.
- ◇ These households should be targeted for government assistance (where such is available) or development interventions in case of development players.
- ◇ Special Interest Group (SIG) schemes should be designed for the FHH among other vulnerable categories bearing in mind the competing demands of their domestic responsibilities.

Case Study Two

Incidence of female headed households in Malawi by the Agricultural Development Division (ADD):

ADD	FHH Percentage of total number of households
Karonga	15.8
Mzuzu	21.9
Kasungu	14.1
Salima	28.4
Lilongwe	27.4
Liwonde	36.6
Blantyre	34.3
Ngabu	24.8
ALL MALAWI	28.8

Source: Malawi Government, National Statistics Office, National Sample of Agriculture 1980-81, Zomba 1984.

Inadequate Access to Education and Other Social Services

There are severe inequalities, lack of access to education and literacy among the women and girls of the region. Lack of literacy and basic skills precludes large sections of women from productive employment opportunities, erodes the woman's confidence and affects her the quality of life as well as that of society as a whole. A significant number of studies from several parts of Africa (United Nations African Regional Profile 1991) have conclusively shown that female literacy is the single most important factor in determining the success of family planning and primary health care services.

Education is a key strategic need for the African woman because through it she can increase her awareness of the circumstances and problems that surround her and devise means of averting them. Lack of access to adequate education almost co-terminus with cultural beliefs, traditions and norms which constitute one of the biggest barriers to women's advancement.

- ◇ Local administrative structures as well as NGOs need to be involved integrally in education efforts. Adequate provisions should be made for follow-up activities and in-built monitoring of literacy programmes in order to ensure continuity of the process.
- ◇ Where the services are not within geographical reach, measures should be taken to ensure widespread dispersal of educational facilities across geographical space at least up to secondary level to cater for remote areas.
- ◇ All countries, especially those with high illiteracy levels should strive to set up national literacy missions and endow them with adequate resources to fight adult literacy and school girls drop-out.
- ◇ Efforts should be made to eliminate the depiction of gender stereotypes roles through the revision of syllabi and curricula, conscientisation of teachers and parents. Examples of such reforms exist in many countries of the region such as the Zambian curriculum review and the Uganda Government White Paper on educational policy which among several things suggests reforms in curriculum and promotes coeducation.
- ◇ Governments should also plan innovative affirmative action programmes for girl students. These should, however, be matched with such support actions as a general improvement of the education system, and a firm government policy on girls' enrollment. The affirmative action programmes should have a life span with a clear goal.

Uganda has such a (institutionalised) scheme that allows standard six girl students an additional 1.5 scores in order to increase enrollment into university and post secondary institutions. Although this act has been condemned and criticised by many Ugandans, women inclusive, it has greatly helped in turning out more employment and later decision making roles for women.

- ◇ Where affordable and acceptable governments should take measures to promote: universal education and equal participation in secondary education.

- ◇ Gender education should be part of formal education curricula at all levels of education and all fields. This should be enhanced by similar trainings which teachers, tutors or instructors from primary school onwards should undergo in order to ensure articulation of the right gender messages to their pupils during the formative years.
- ◇ The already existing careers and guidance function in schools and educational facilities should be revitalised to include gender roles analysis and guidance to avoid stereotyped career choices. Where such a facility does not exist, then it should be established with the immediate consideration that it warrants.
- ◇ Special literacy programmes to cater for the needs of women, especially rural women should be established. These should put into consideration such aspects as appropriateness of methods of instruction, workload and the women's own seasonal calendars.

Accessibility and Acceptability of Appropriate Labour Saving Technologies

- ◇ Girls should be encouraged to study science and technical subjects in schools, universities and other institutions of higher learning. Efforts should be made by governments and NGOs to break down gender stereotyped notions about scientific and technical subjects being the sole prerogative of men through proper curricula revision and innovative use of the media and sensitisation of teachers and parents.
- ◇ Girls' and women's participation in all areas of technical, scientific and nontraditional training should be promoted and avenues of employment in these areas should be available.
- ◇ Provide women with equal access to on-the-job skills development (such as computer use) and career advancement in the public as well as private sectors.
- ◇ Special affirmative action measures (including scholarships) should be taken to promote entry of young girls and women students in formal education and vocational training as well as public and private enterprises into scientific fields especially the newly emerging ones such as Dental Surgery and Pharmacy degrees and to ensure that women are on equal footing with their male counterparts. One such example is a key objective of the African Women in Agriculture and Environment (AWALAE) programme of Winrock International which offers scholarships to African women in agriculture and the environment and runs continent-wide leadership training for women leaders. National chapters exist in Kenya, Tanzania, Uganda and West Africa.

Negative Portrayal of Women in Public Media

Although Malawi may not have access to television services, there is a need to examine the general media critically so that Malawi women know what to look out for. While the increase in sophisticated media equipment offers greater interaction among the peoples of the region, it also has created and reinforced images, attitudes and behaviour that are often

contradictory to the advancement of women. Destructive images of women do not offer an accurate and realistic rendering of their multiple roles and value in the changing society. There is a lot of mudslinging of women leaders and politicians, and the media is always out to relay the negative aspects of their personalities.

Media image affect women's lives in several ways: they perpetuate stereotypes and create bad self-images. Myths and misconceptions enforced by the media also affect the thinking and attitudes of government planners, thereby further marginalising the role and contributions of the women, as well as compromising the future of young women and the girl child.

- ◇ Media should be used selectively to promote cultural values, ideology and where appropriate, religion to justify the promotion of women by social and state institutions. The progressive forms of cultural values and religion have also been effective means to promote women at grassroots level and these should be enhanced.

Media ownership patterns show a strong link between business, especially multinationals and political movements and groups. At the same time the control of media is largely in male hands and therefore reflects a lot of male perspective. While the number of women employed in the media is increasing, there are still very few of them at decision making levels, and they do not yet have the power to control and significantly influence decisions.

How can media coverage of women improve?

- ◇ Ensure that the true role and full range of women's contributions in development are reflected in the media.
- ◇ Encourage and subsidize media producers to create quality gender sensitive media material and provide the means of sharing such materials at local and regional levels.
- ◇ Provide gender-sensitive training to media professionals including owners and managers to encourage use of positive images. In Uganda a series of gender sensitisation workshops for policy-makers in the Ministry of Information and Broadcasting has yielded fruitful results and earned an extra 30 minutes of air time on the state-owned Uganda Television. This is in addition to an already existing 15 minutes of women's news.

- ◇ Encourage media to develop a gender perspective on all issues particularly those that are considered to be a domain of one sex. Such examples include national and international debates on foreign debt, environment, science and technology and sustainable development which to date are still looked upon as a purely male domain, but who actually does the debt servicing especially in agricultural economies? Who protects the environment and for that matter who is its biggest abuser through lack of awareness on environmental issues and concerns?
- ◇ Governments should strive to link women at national, regional and other levels in mainstream and alternative media to share experiences, knowledge and strategies in addressing gender and other development concerns.
- ◇ National mechanisms on specific gender concerns should forge closer links with the media providing journalists with the necessary gender orientations with which to view and analyse development issues.
- ◇ Explore ownership arrangements, such as cooperatives and consortia and develop measures for preventing monopolisation of media by business and political interests. Governments should develop policies on communications to effectively respond to the influx of inappropriate media images and where necessary states should have a hand in censoring programmes offered.
- ◇ Governments should encourage and provide the means for creative use of indigenous cultural forms in the media especially at national and regional levels. The media would have to develop analogies and images that are harmonious with existing traditions.
- ◇ Put in place career development plans in media organisations for young women through curriculum programmes and in-service. Several countries have this. Uganda offers a diploma in journalism and other certificates at the Uganda Institute of Management but the good intentions are often blocked by "insensitive" male bosses and lack of funding as these courses are not free!

Case Study Three

Jacqueline Namusaazi, 25, is a living victim of such misfortune.

I met Jacquie at one of the Winrock organised women in leadership seminars in Kampala in July 1994. The seminar was very much tailored to the needs of women from all walks of life. Part of the instruction was for participants to give live case studies of themselves and how certain incidents in their lives had affected them as leaders. Jacquie told her story:

"I have been working for Radio Uganda as assistant producer, Rural and Farm section for the last 6 years, and I am also a member of the Uganda Media Women Association (UMWA). On three occasions I have approached my manager, who is a man, to allow me to go to UIM but all occasions he has declined, giving me an excuse or another. I am frustrated and yet I realise that without the diploma I may soon lose my job with the current retrenchment exercise...."

This year in February Winrock held a follow-up workshop for us all and again we all asked to make briefs on how we have fared since the '94 workshop. Jacqueline reported some more pleasant news:

"My colleague Kevin somehow managed to get the funding and is now at UIM but I failed to make it. I have got a new and quite understanding manager. Our relationship is so good that I am now referred to as her escort!"

From Jacqueline's brilliant look and obvious change in personality, there is no mistake her new supervisor is quite supportive and she (Jacqueline) may actually acquire sponsorship for her diploma !

General Recommendations

- A. Governments and NGOs should influence the empowerment of women in order to change negative patterns of gender roles and relationships in families and socio-economic spheres by training women and children towards self reliance.
- B. Educate men to understand the rights of women and children and as well as promote the relationship between men and women.
- C. NGOs and Governments should enhance the exchange of information and experiences, sharing the resources necessary and making use of a wide variety of media--especially traditional and folk media in popularising local and global women's development strategies.
- D. Governments and NGOs should identify and reaffirm those positive cultural practices that which foster gender equity while re-orienting people away from those negative practices that hinder development.

- E. Ratification and implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. The Convention has been frustrated by substantive reservations. At the Dakar conference many countries like Sudan were still opposed to embracing the Convention and understandably so because of their cultural and religious inclinations but then that is the whole essence of the Convention!
- F. Ratification and execution of the requirements of the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and other conventions relevant to the women's lives. These should be implemented through legal, administrative and other reforms.
- G. Governments should promote knowledge and implementation of conventions through community education, legal literacy, legal aid and counselling programmes. FIDA Kenya and Uganda Chapters are engaged in a series of community legal education programmes. What exists elsewhere in the region?
- H. Governments should institute subsidiarity in decision making as a necessary step towards increasing women participation. This could be done through the establishment and institutionalising committee whose composition caters for both women and men.
- I. Women should be equitably represented in all decision making consultative and advisory bodies by governments, trade unions, chambers of commerce and industry, other national machineries and community groups by encouraging the availability of information on women qualified for appointment to senior decision making, policy making advisory position.
- J. Provide opportunities for young people to prepare for leadership roles.
- K. Use of legislation and quotas where required to address cultural impediments and providing special assistance such as training and information.
- L. Sensitise policy makers to allow for a supportive institutional framework. This can be enhanced by training key personnel in gender analytical tools and methodologies which would have to be used in developing plans and programmes (probably this is the most important solution to cultural barriers that impede women's advancement).
- M. Gender responsive planning by governments and other development players backed by well researched data. Gender concerns should also not be driven by sentiments and mere activism!
- N. Strengthen the capacity of all governments and agencies to integrate gender concerns in their work.
- O. Sensitising other sectoral ministries and maintaining focal point contacts in these ministries to ensure the full integration of women's concerns.
- P. Facilitating the active participation of and coordination with nongovernmental organisations and institutions conducting gender-related research.

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Chapter Four:

Women and Health

Women's Reproductive Rights

By Mary Shawa

Background Information

Reproductive rights is one of the basic human rights which the world has recognized since 1968. The efforts which started in 1968 were followed by a number of other conferences and consultations. All these culminated into the recent Vienna Declaration which was the product of the 1993 United Nations World Conference on Human Rights. This was the first summit of its kind for the 25 years since 1968. This development signals the latest recognition of women's rights which have come to occupy a special place on the international development agenda. The 1968 Teheran Human Rights Declaration set forth gender neutral terms, while the Vienna declaration which followed later makes explicit reference to equal status and women's rights. These reinforces the commitments to ending gender inequalities that are mainly demonstrated by the lower status of women, and the gender gap which exists in many fields, including within households, in the world.

Enshrined into human rights are the reproductive rights. In order to realize the reproductive rights of all individuals, means of regulating fertility had to be put in place, including the whole question of planning one's family. Family Planning (FP) is therefore a fundamental human right. This implies that, "all individuals and couples should be able to decide freely and responsibly on the number and spacing of their children. They should have access to the information, education, and means to enable them exercise these rights."

This basic right came as a recommendation in the 1974 World Population Plan of Action known as the Bucharest Conference. The recommendation was also reiterated in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted by the United Nations General Assembly in 1979. Yet women in most of our countries are denied of this right, possibly due to cultures which value women on the basis of their reproduction role rather than their productive role. To emphasize and demonstrate this fact, currently, over 300 million couples in the world, most of whom are in developing countries, do not have access to family planning services or information.

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Introduction

Women's reproductive rights entails women's growing command in managing their own fertility, improving their health and opening up a range of options regarding education, marriage, employment, housing and migration. It also means extending women's choices about if and when to get married, get pregnant, and how big the family should be or not to have a family at all. Education influences the number of children a woman wants. It is therefore important that the girl child should have equal access to education and specialized training outside school.

From the above background it is clear that issues related to bodily integrity and women's health are fundamental human rights questions. Hence, all policies affecting these areas, particularly around reproduction and population should be held accountable to economic, social-cultural and political human standards. This is very vital because women are givers of life and transmitters of culture and play a very important role in child education. Unfortunately, this concept has been modified due to disruption of values, such as men regarding women as property, lesser citizens among others.

The indigenous culture, however, recognizes the importance of women's reproductive health. In the old days in Malawi and Kenya if, I am not wrong, as soon as a woman gives birth to a baby, she was not allowed to do any household work for three months. This enabled her to recover fully. The extended family catered for the required labour. Hence, women's reproductive health was regarded important and fundamental to the country's human development.

In the modern days, on the other hand, women's reproductive rights and health are often neglected. The low status of women has been identified as the root cause of maternal deaths, poor health and high fertility in many societies. For instance, continuous girl child sexual abuse and raping of women is a good example of neglect. Women lose their liberty. The high maternal mortality and morbidity rates bear witness to such injustice towards women as demonstrated by United Nations Fund for Population Activities in 1992. They cited a report that gave the following statistics. Every year half a million women die from complications related to child pregnancy and child bearing. This could be translated as one maternal death per every minute every day. About 98 percent of these deaths occur in developing countries. In addition, nearly 200,000 women die from illegal abortions. Most of these deaths are preventable. In Malawi, maternal mortality is at 620 per 100,000. This is translated as one in every 29 women of child bearing age. Illegal abortion may account for 35 percent of all these deaths or even more.

A substantial proportion of women seeking abortion as a result of unwanted pregnancy are adolescents. According to the World Health Organization, over one third of women hospitalized for pregnancy complication due to unsafe or induced abortion are less than 20 years old. This is a waste of manpower especially the girl child.

For every woman who dies, between 10 and 15 are handicapped. An estimated 25 million women suffer severe complications during labour, often losing the baby and permanently impairing their health.

Teenage pregnancies are on the increase. Approximately 50 percent of African women, 40 percent of Asian women and 30 percent of Latin American women are married by age of 18. In Malawi, however, the 1992 Demographic and Health Surveys and World Bank reports reveal that 68 percent of all women have had a baby before the age of 20. Consequently, the fertility rate is very high especially in developing countries at about 4:2. In Africa, Latin America and Asia, it is 6:8. In Malawi it is currently at 6:7, having decreased from 7:6 in 1987. This is a reflection of women starting child bearing in early adolescence and having no access to family planning information and services.

Fifteen to 19 year old mothers are twice as likely to die in child birth as mothers age 20 to 24. Furthermore, babies born to teenage mothers are more than twice as likely to die in their first year of life. This could be one of the main contributing factors to the high infant mortality levels in Malawi, currently at 134 per 1000 having range between 151 per 1000 in the 1977 census to 159 per 1000 in the 1987 census.

Current research has shown that rates of maternal and infant mortality are correlated with pregnancies that occur too early, too late, too frequent in the woman's reproductive cycle. If women make choices as regards their reproduction, in relation to the spacing and the number of children they want, there are immediate benefits to the family and long term benefits to the society. They will be more involved in development work and less in nursing the sick or being sick themselves.

Between 20 and 45 percent of women in child bearing age suffer from chronic malnutrition in developing countries. This means that a high proportion of their babies are born with a low birth weight, one in every five in Asia, one in every six in Africa and one in every nine in Latin America. In Malawi low birth weight babies are estimated at 15 to 25 percent.

Reproductive Rights for the Adolescent and the Girl Child

Adolescents lives are in upheaval as they undergo a degree of physical, psychological, emotional and intellectual development changes not experienced before in their lives. In most cases however, they are denied the right to biologically correct information by parents and the society, and they essentially become children of the street. They are mostly misinformed by people who want to benefit from their lack of information and are more vulnerable. On the other hand, these children are sexually active and they start practicing sexual intercourse at a very early stage. In a pilot study done in one traditional authority in Malawi, the girl child of 8 years has had a sexual intercourse experience with a fellow child or an older man because of poverty. This is child sexual abuse, although one can argue that they have the right to their reproduction. The question is how much knowledge do they have on this right?

The girl child is mostly looked upon first and foremost as a woman. The household and society look at the girl child as "the woman of tomorrow," as property, a reproduction machine. Women who choose not to bear children or not marry are stigmatized by the society. Some cultural practices emphasize the fact that the woman is there to satisfy the need of the man as far as reproduction is concerned (e.g. pulling of labia and genital mutilation). Unfortunately, the girl child is always blamed for such happenings. It is her fault. There is no one who stands for her. The boys are encouraged to look at her in that way. Who is there to speak for her? What about the new phenomenon of the sugar mummies? How wide spread is it?

Factors which force the girl child into such behaviour include:

- legal, social and economic status of the girl child
- undervaluing of girls leads to early marriages
- illiteracy
- lack of information and skills and ignorance on sexual matters
- lack of sex education and family planning
- poverty which results in early work, exploitative sex and prostitution, early sexual activity

The consequences of these are many to the girl child. They suffer from unsafe abortion; sexually transmitted diseases, HIV and AIDS (5 out of 6 people who die with AIDS in Malawi are women); waste of manpower; lost education opportunities; and societal ostracism among others.

How to Overcome Women's Denial of Reproductive Rights

In the women's reproductive rights discussion it is very important to ensure that all voices are heard. Hence, on the reproduction side let us view women's empowerment as a process and not a single event. It is a series of steps by which individuals gain access to critical educational resources such as information, and assets like the family planning methods and services. Unfortunately, women often lack the autonomy to make decisions on contraceptive use. Spouses, partners or mother-in-laws may make those decisions and choices on their behalf.

Women need to be empowered in order for them to be able to use contraceptives, and men must be supportive and should not be antagonists. The experience of the Ministry of Women and Children's Affairs, Community Development and Social Services in Malawi has shown that women who have a child under five every now and then cannot join women homecraft groups nor the small scale entrepreneurship undertaking. However, when they get out of the home, their outlook on life is different. In order to overcome the denial of reproductive rights then:

- women need to be mobile, that is move outside the home
- women need to have economic security and own property
- women need to have purchasing power
- women need to live in a nonviolent home and have freedom from domination
- politically, women should have knowledge of the government, marriage, inheritance laws, and participate in the political process

Conclusion

Any nation which is serious about improving women's status has to recognize women's individual rights and realize that women are able to make free and informed choices regarding their reproductive behaviour. Government must ensure that women, men and adolescents have ready access to comprehensive quality reproductive health care, including voluntary family planning information and means. These should be responsive to women's needs, counselling and services. Readily available family planning services are essential for effecting this basic human right of reproduction. Women's reproductive rights, therefore, challenges female subordination in the sexual and reproduction spheres.

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Girl Child Early Motherhood: A Barrier to Participation

By Motsei Doreen Sejo-Galetshoge

The Draft Platform for Action for the Fourth World Conference on Women scheduled to be held in Beijing, China in September of 1995, has identified ten (10) critical areas of concern in which the advancement of women is inhibited. In almost all the critical areas, proposals to alleviate these have some common trends, but the most prominent seem to be that women's issues have to be addressed in relation to the following to empower women: _

- Promotion of women's economic self reliance;
- Increase in women's access to quality education and health services;
- Development of gender sensitive national education policies;
- Development of mechanisms to help women and girls to enter science and technology;
- Development of action programmes that ensure women's equal and full participation at the family, community, and higher levels of decision making;
- Enactment of legislative and administrative actions to ensure equality of opportunity for women to enter the public service and private sector; and
- Establishment of information gathering, dissemination and monitoring mechanisms to encourage mainstreaming of gender equality.

Out of a host of action plans proposed, I have arbitrarily picked out these few which I thought may be more relevant to our present topic. Our main concern at this workshop is how we can empower women. The fact that girls are and will be deprived of taking advantage of some or all the proposed empowering schemes because of early motherhood is worrying.

Causes of Teenage Motherhood

As much as there is a call for recognition that African societies are enriched by diverse cultures, there equally seems to be a growing and widening gap between gender roles. Women continue to shoulder their traditional roles of transmitting societal, cultural values as well as increasing new roles of modelling the new type of family and society. This is proving to be various quarters with growing children at crucial stages.

Today, families do not take the precautions of teaching their children, both boys and girls about sex, family planning and family welfare. There is a general reluctance to facilitate any discussions between parents and children about their biological and physiological changes in their bodies. This is especially so with regard to girls. As a result there are growing family facilitation gaps which are leaving a large vacuum in societal procedures and the traditional education process. African parents are shy of the role of grandparents in traditional societies. Therefore children remain with no sources of information.

Early school-going age in many cases denies children from growing up in the presence of their parents. This particularly so where secondary schools are far and few in an area. Efforts by parents to register children in schools at the same time take the children away from parental care and supervision.

Early maturity of children is a welcomed feature of our children's development. Its positive side is that it makes children grow up to become independent sooner than before. A child of 6 years can now travel from Africa to Europe with the help of Air Hostesses, who are strangers to her, without fear. However, its negative effects are that for many children maturing that fast, mainly in boarding school, they are denied the opportunity to be under their parent's guidance; however insufficient that guidance may be.

This particular period is crucial because it is the time when adolescence starts. It is a time when hormonal changes take place in the body causing unfamiliar features such as menstruation and wet-dreams. It is also a time when the adolescent wants to get answers for those strange happenings in her or his body. As a result of not being able to approach the parent, he or she turns to peers for guidance which is often not guaranteed too. Sometimes because of emotional stress, even good guidance is rejected because of lack of parental support.

High mobility of families from rural areas to towns also disturbs the family cohesion. Fathers move to get better paying jobs; however meager the pay might be. Children lose a father figure in the household. Very often now children of many such families look up to the mother for their needs. On the other hand such mothers often do not have the means to sustain the children and the children seek employment at a very early age. This exposes them to the cruel world of competition and promiscuous connections without access to family planning or contraception.

The youth we are concerned with are aged between 12 and 18 years. This group is extremely vulnerable to various of life's pit-falls. One major pit-fall particularly for girls in this age group is early motherhood or what is generally referred to as teenage pregnancy.

This has become a very serious problem. Past research done in a number of countries reveal that parents are not giving information to their children on family planning and the consequences of reproductive changes occurring simultaneously with their adolescent transition. Children are often unable to manage and control their sexuality because of inadequate information. The result is that many girls drop out of school because of early unwanted pregnancies. In a number of instances they are tempted to dump those unwanted babies in garbage bins.

Who do we or should we blame for the occurrence of these pregnancies?

- Must we blame the boys and men for it?
- Must we blame ourselves as defeated parents?
- Do we have the time and technology to address the problem of teenage mothers?

Teenage pregnancy is more common among those who are less educated. It is similarly more common for girls living in rural villages than in urban townships. Studies reveal that about 40% of teenagers with no education give birth at least once as teenagers compared to 18% of girls with secondary education. From the above it is evident that teenage motherhood is not only detrimental to education, but also to their status as young women, to their employment opportunities, and to their community and society. This situation creates a whole world of semi-literate young mothers who produce uneducated future citizens because of lack of information and condemns those mothers to an undetermined destiny.

I take it that the fact that we are meeting here today and discussing this problem of early motherhood for girls is a good sign. Facts show us that even though we are striving for the advancement and empowerment of women, but the women we are trying to empower are the same ones that are becoming teenage mothers before completing the empowering tool of education. They can not participate in any meaningful development without that education. To me, lack of education is the biggest and the strongest barrier to participatory development. Early parenthood is actually a by-product of it and not the root of it. On the other hand we may be dealing here with the chicken and egg situation. In that case which do we consider first? My candid opinion is that we tackle the education problem first with a view to creating an understanding of:

- the individual's environment
- the politics of power
- the traits of economic liberation
- the benefits of a healthy nation

Because the problem of early parenthood is so disempowering to girls in particular, I would like this gathering to consider a few examples of what countries have done in trying to address this problem.

South Africa: The Church Institution as Platform for Empowerment

Certain communities, considering that the church has been a uniting factor for people of various ethnic groups, are trying to use the church to address amongst other problems, the problem of early parenthood outside wedlock. This now is the case that has created a group of young people who call themselves "the Dobsonville Interdenominational Youth Club."

Dobsonville is a suburb of Johannesburg. Besides taking care of the spiritual person, the ultimate purpose of the group is to address the problems of the daily lives of the youth. Lives which need direction at the critical time of their development and which are in fact vulnerable to exposure to temptation, if these are not monitored and curbed. This seems a relevant and appropriate institution to be used because it was the church that first condemned the traditional and cultural ways of transmitting family welfare and cited community participation processes as heathen and vulgar. The youth seem right therefore to explore this avenue of empowerment for practical as well as spiritual conscientization.

Botswana

The Botswana Family Health Survey done by UNICEF in 1994 found that by the age of 19 years, 85% of teenage girls were sexually active, often without recourse to contraceptives. This was the same for both urban and rural areas. The result was also that in a high proportion of female headed households, many teenage girls fall pregnant out of wedlock. The negative effects on the girl child are that she does not reach her full potential in education. Equally jeopardised are her career and professional prospects of becoming economically empowered and liberated. In the light of all available information the persistence of teen motherhood the girls dropping out of schools, the Youth Women Christian Association (YWCA) Botswana undertook a Teen Mothers Education Project. From tracer studies done at the end of 1993, there is full evidence that the YWCA Education for Adolescent Women (ECAW) project, as it is now known, is achieving its objectives. The table below gives the following information:

ECAW GRADUATES TRACED BY ACTIVITY

LOCATION	NUMBER	PERCENTAGE
Senior Government Schools	25	50
Private Commercial Schools	5	10
Employment	5	10
Unemployed/not in school	15	30
TOTALS	50	100

The study shows that out of the 50 graduates, 30 were in Government and Private Secondary Schools and 5 were employed in the service sector. Unfortunately, others could not adequately be traced for various logistical reasons.

What I would like to draw like to your attention to through the Botswana experience is that educating girls through conventional and unconventional systems like the above yields tangible results. They may be small but they are there. What we need is motivation and determination to work out a programme and to implement it. Above all we the forerunners need the determination to give these girls support fully in self esteem, equality and professionalism to participate in any development affecting their lives.

But the Botswana story continues. The YWCA simultaneously started a guided Peer Approach Counselling by Teens (PACT) programme. Peer educators are trained so that they can interact and educate other youth (their peer groups) referred to as the outreach youth, on sexuality, use of contraceptives and AIDS. The project applies the concept that young people often hero worship their peers in many instances and rely on information from them. Peers have been proved to have a stronger influence on the behavior of their age mates, than adults can have.

The broad objective of the programme was to enable young people aged between 13-19 years (both boys and girls) to make responsible decisions about their own sexual behavior in an effort to prevent unwanted pregnancies, AIDS and sexually transmitted diseases. At the start of this programme in 1990, the focus was on school pupils, in upper primary, Junior Secondary and Upper Secondary as well as others and out of school youths through peer approach. It was estimated that over 80% of the school population aged between 13-18 years (the most vulnerable group) would be reached.

Despite the fact that the Government of Botswana has only given moral support for these two main empowering projects, it has itself undertaken a very meaningful project in the form of a Financial Assistance Programme. The scheme is open to anybody, i.e. youth from the age of 18 years who wish to undertake any productive enterprise. The significant aspect of it is that it gives 40% direct incentive to any women entrepreneurs who manage their own business no matter what type.

Conclusion

We have tried to look at problems that may be barring the participation of our African girl child in the development of herself, her community and her nation/country. We have identified the most aggressive barrier as her early motherhood due to lack of information and education. We have similarly tried to identify ways and programmes that could be introduced and emulated from other countries to address the nagging problem of early motherhood and to restrict and retard its conflagration. I think we now need to briefly consider how to get a commitment from our governments to include these vital educational programmes in the national budget when Parliaments allocates resources. Up to now NGOs have relied on donor funds. To me the importance of these youth and teen projects, surpass even the Adult Literacy Programmes, because as we the adults go out of this world, the youth become new adults. Therefore, we cannot afford retrogression of these youth through their lack of information, knowledge and skills. It is time we recognised their potential and build on it in order to break the barrier of early motherhood. Our children are our future and I believe all efforts must be made to break through any barriers that inhibit their participation and progress on this earth.

Women and AIDS

By Bridget Macrerey

I am a counselor at the Lilongwe AIDS Counselling and Education Centre, where we provide AIDS education, offer anonymous HIV testing and distribute condoms. We do not excuse ourselves about using straightforward language when it comes with the job. If you want people to get the impact of what you are saying, you shock them by using the words they would rather not hear.

Coming to my topic about women and AIDS, I realize that in Malawi and other countries in Africa, people have heard about the numbers, that we are number one in the world for HIV infection rate. As a result we have ended up paralyzed about what we are supposed to do. I will not go into how AIDS is transmitted. I will instead address what we, as women, should do about AIDS.

We have the duty of seeing to it that as women we have exposed ourselves to informative education about HIV and AIDS. I know that everybody has a certain amount of information about this disease, but I am referring to the correct information, not the myths. If we are going to get the correct information, where are we going to get it? Currently we have education centres, but unfortunately, these are not distributed throughout the country yet. My organization will, in the very near future, become the Malawi AIDS Counselling and Resource Organization, and one of our first projects will be to set up satellite centres where women, or anyone else, can go to get correct information about HIV. There will be people available at the centre to provide the correct and latest information on prevention and to counsel people who have problems concerning HIV and AIDS. So the first duty we have as women is to expose ourselves to informative facts about HIV and AIDS.

Our second duty which we as women must take upon ourselves is to break the silence. It is time we break the silence. For over thirty years in Malawi women have been the species to be admired and not heard. It is time that you realize and make other people around you realize that while you want to be admired, you also want to be heard. How do we make ourselves heard? Through communication. How do we communicate? I am sure you are going to say, "its against our culture, we can not talk about sex and sexuality to our children, we can not confront our husbands. We are afraid. We do not have the time." All that is just a matter of hiding. We find all these excuses because we are cowards. We do not want to face reality, so we hide. But the time for hiding is gone. If you hide, you die.

Communicating with our spouses, our lovers and our partners is always very difficult. First you must choose the right approach. Most of the time accusing your husband will never work. It will simply drive him away. Talk about sex and HIV must be done when you both are calm and when the man does not feel threatened. I deal with a lot of men. Do you know what I've discovered? Apologies, gentlemen, but they are actually small boys in big pants. Many times it is just a matter of how you approach the problem.

You also have to create the opportunity to talk to your husband. Most of us here are working, so it is an effort to find the time to talk with our husbands about serious matters. But we must create the time. It is a matter of life and death. You should try asking him to come home early one day to discuss your life together. Do any of you think that he will say he doesn't have time for that? We must learn to share everything with our husbands to ensure that communication is regular and natural. Instead, we deal with it on a daily basis and tell our friends what is important to us instead of our husbands.

The same idea of communication applies to our children. We hardly have time to pat our children on the back and say, "How was your day?" If we want to have open communication with our children, we can't accuse them either. We can't get angry when we suspect that they are becoming sexually active. You do not want to lose the opportunity to say, "Let me talk to you about sex and sexuality because you are growing into a woman. Let me talk to you because I never had the opportunity to talk with my parents about sex. During that era it was not allowed, and I realize what a problem it gave me as an adult. I do not want that to happen with you." You want to have this talk while your children will still listen, so you must not make them withdraw by accusing them. There is no mother that does not wish her child well. If you notice that there is a change in your girl, then express to her that you are concerned, say that you are concerned that about what is happening with her body. Tell her that you want to see her come out of this struggle alright. Tell her that you are there for support, not to accuse her.

The third duty that I place upon your shoulders is to protect yourself. As an individual, you have got the right to life. In a lot of diseases we say prevention is better than cure. But when it comes to talk about AIDS, there is no cure, so if you do not protect yourself and prevent it, you will die. I know that many of you feel that you can not actually prevent AIDS because you do not know what your partner is doing. You do not know if your husband says he is at business meeting or he is out with his friends, that he is really with another women. You can not monitor your husband constantly because you have other commitments, not the least of which are your children. For you women who are not yet married, I also want to warn you that your lover may also be with other women. I am not trying to make you untrusting, but this is your life and you have got to protect it with all that you have. If you suspect that your partner is sleeping with other women, ask him if he ever thought of using a condom. We must face the fact that many men sleep with women other than their wives. For married women these days, finding a condom in a husband's pocket is not a bad thing. That's because at least your husband is aware of the risk of HIV infection with other women. If you do not find condoms, there is no way for you to know you are being protected. We should always encourage the use of condoms by our partners, even if that is difficult. By doing so, we are protecting ourselves. If your partner goes to another woman without a condom, you are at risk. Women are the first to die in most cases, so take care.

We can't make ourselves younger, so we must start now to protect ourselves and to communicate with our partners. Everything has a beginning. We are all scared of trying because we fear the unknown. But if we do it properly, if we do it with love, if we do it with sincerity and we do it with a mind toward preventing HIV infection, somewhere along the way, there will be light at the end of the tunnel.

Those are the three duties I am giving you as women. Make it your duty to become truly informed about HIV and AIDS. Break the silence through positive communication with your partner and your children. Above all protect yourself.

Chapter Five:

Women's Participation in the Political Process

Women's Participation in the Political Process

By Joyce Kazembe

"Women's central role in human survival places them at the centre of the balance between population and land, reproduction and production, between sustainable development and ecological disaster, between a more human world and one which denies a common humanity to the majority of the world's population. Unless their values, views and visions serve as a central focus for our policy-making, we cannot achieve the ultimate goal." (Women in Development: An Alternative Analysis, Peggy Atrobus in Development Journal of the Society for International Development, 1989:1, p. 26)

A process denotes a "series of acts or changes, proceeding from one to the next; a moving forward, especially as part of a progression or development." (The New Lexicon Webster's Dictionary of the English Language, 1991 Edition) Thus, when we talk about a political process, we envision a series of political activities, progressing from a lower to a higher level, where "progression" means a positive gain. Democracy, on the other hand, ideally defined as government of the people, by the people, and for the people implies an inclusive political system which is only realizable where there is a democratization of political processes; where all adults, except those deemed mentally unfit, are afforded equal opportunities to determinate the distribution of national opportunities and of national resources. But what is politics that we should be concerned about it?

According to Robert Dahl, a renowned political scientist, politics is: "why? get what? when? and how?" Whether we like it or not, we are all touched by politics, one way or another, for politics pervades all aspects of our lives, from the domestic level to the community level, from the national level to the international level. Hence, when we discuss the role of women, or the lack of it, in the political process, we are talking about their level of participation in decision making processes - like elections - which decide who (woman or man) gets what political post; we are talking about when she or he gets the political resources, and we are talking about the "how" factor. In other words, we are referring to a transparent system in which there is an authoritative allocation of resources, a system that is democratic enough to allow the existence of an enabling environment for the exercise of politics. Resources include both tangible (money, land, houses, cars, etc.) and intangible assets.

1 Dahl, Politics
2 David Easton
3 Dawn "Challenging the Given" in Development Journal of the Society for International Development, 1995 1

Having said this, therefore, the concepts of politics and political determination become even more complex when considered within the broad spectrum of the state and its structures. Particularly where the concept of "state" is used in the broad sense of the word to encompass four elements, namely, (1) a country of with a defined border; (2) a people or nation; (3) legitimacy; and (4) a government. Let us then examine some of these elements within the context of the topic "women's participation in the political process."

A country is a political unit with a defined border which is usually accorded international recognition by other similar political bodies, provided it fulfills the basis minimum requirements that enable it to participate as a member of the international community. The creation of what is termed a country in Africa, as we know them today, were a creation of colonial administrations in Europe. Through various forms of nationalistic efforts that ranged from nonviolent means to armed struggle, we, as blacks, were able to attain political independence from the former colonial masters and have, in the last 30 years or so, been self-governing. Those who are old enough to remember will know that the battle for independence was long, hard and painful, a battle that was fought by nationalists who were prepared to lay their heads, sometimes literally, on the block. However, what seems to elude most of our historians who are engaged in chronicling this period of resistance is the role that women played in the fight for independence. There is almost a defining silence in some books, a black out as it were, on the contribution of women in the struggle. It is as if women were shut up behind iron doors to shield them from the gory activities that constituted the liberation struggle. Women are invisible, because the writers have been men, but if the truth be told, our annals of history should abound with histories of women, not just faceless women. One of the challenges women must face is the rewriting of history to give our female children names of women who will act as role models in their future political struggles.

Self political determination was a national effort involving women as half the population. This moves us to the second element of a state, a people or nation. Here, we are not talking of a people en masse, the cove in denigrating terms, but a people that have a say in the running of the country; a people whose wishes, needs and desires are reflected in the policies emanating from the government. We are referring to the whole nation where popular participation is the norm, rather than the exception.

In most of the countries in the Southern Africa sub-region, if not in all other parts of the world, women constitute more than half the population. As such, it is only fair that they be accorded the right to decide how they want their countries to be governed. In other words, they deserve the same consideration when it comes to decision making processes that determine the use of a country's resources, be they natural, created or acquired. The right to have a say in the policy begins at the domestic level, within the home, however defined or conceptualized, and then moves from the various gradations at local level as manifested in local structures (village, district, provincial) that are created for this purpose, on to the government and state level, before transcending the borders to the international fora.

The experience in our countries is that women have at best been marginalized and at worst excluded altogether from participating in political structures which are vital for the equitable distribution of resources. It is only in the last two decades that some semblance of representation by women has began to take root, beginning at the local level and moving on to the national level. Even then, this has taken the form of tokenism to appease the demands of

those women who have been prepared to articulate, demand and fight for the right to be heard. Politics begins, as already indicated, at the domestic and local level, and it manifests itself in the very decisions by women at the home base to be involved in local politics. We are all aware that domestic responsibilities have been cited as a cause for the minimal participation of women in politics, at whatever level, where men are viewed as the political animals. The private/public sphere realm is being challenged as baseless. Women have been emerging from this cartoon to demand their rightful place in local politics. However, before any noticeable gains can be recorded, an enabling environment must be created to make this possible. This must of necessity to release the energies of many women who have the zeal and capability to engage in politics. A number of challenges face us.

First, we must cease seeing ourselves as appendages to the male folk, in whatever form of relationship, be it as daughters, mothers or wives. Let us not fool ourselves into believing that men will represent our interests, because experience has taught us otherwise, however well-meaning and sympathetic some of the men may be. Women are concerned, first and foremost, with basic necessities that are vital to the sustenance of a nation, which together is the family at large. It is therefore imperative that we as women develop strategies on how to enter the public realm, by empowering ourselves for the ranks. Our brief, therefore, should include, *inter alia*, the following:

- o The development and/or reinforcement of the capacity to enter into politics, however much other people may try to detract us from involvement. This implies that we should know what politics is all about, despite and in spite of the often quoted cliché that politics is a dirty game. We need to dispel and diffuse the myth that women shy away from politics because of its nature, because politics has been a male domain from time immemorial. One way of counteracting this claim is to mount a civic education campaign on what is politics and on the importance of exercising of those political rights that are enshrined in all our constitutions: the right to vote, the right to association, and the right to representation. We need to understand that there is a responsible and irresponsible use of a right, and so far, we have not invested our right to vote wisely.
- o The education of women with regard to the use of their vote. Women constitute the majority of the voters both at the local and national level, but there has been very little to show for it. Cultural and other constraints stand in our way, while others are of our own creating. First and foremost among these is the socialization process that we have gone through, a socialization process that has installed into us the belief that men are the decision makers. Thus in the faithful exercise of our right to vote, we have, either through gross manipulation (we can be very gullible!) or through our own volition, voted men into power at the expense of women. We have been socialized into believing, erroneously, that women cannot exercise political power rationally; we have been portrayed and stereotyped as irrational and emotional, psychologically too weak and feeble to survive the challenges inherent in politics. However, the situation in the Nordic countries, for example, where between 25% and 40% of MPs are women, a number of whom are capable Cabinet Ministers, has demonstrated that this is a myth.

We have to learn to use our strength in numbers to vote other women into decision making bodies, as mobilization and solidarity behind other women is the first step towards the realization of our goal to have a say in politics. But note that we should not just elect any woman--some women turn into queen bees once they are in power, others get coopted as female "men" and are used as pawns in the political game, while a few others get completely muzzled. Our aim is to get the best among us who will represent not only the female interests, but other marginalized groups.

- o The development of mechanism to support our words with action. To date, the picture is dismal. For example, in the mid-1980s in Zimbabwe, only 10% of rural district councilors were women, while the situation was worse in the big towns. Today, there is only one woman in the biggest local governing structure, the Harare Municipality. And yet, district councils have the authority to allocate that very important resource called land. No wonder, therefore, that women have found themselves only accessing communal land through men, except in very few instances where the woman may be a single parent. How can we influence policy changes if we are outside those very structures that determine who gets what, when and how? We should understand that none will give us what we want on a silver platter. There are many women out there who are quite capable and willing, but we as women have not played our role in supporting them.

The excuse that women are not as educated as men to understand politics is as archaic as the myth that blacks cannot govern themselves, and this should be rejected with the contempt that it deserves. And the argument that women are only made for the nurturing roles of motherhood and wifery is ideologically stale and bankrupt. If we are not involved in local politics then we are doomed at the national level because the local level is the training ground for national politics--we graduate from the local to the national level, to the government level. And how have we fared at the national level?

The size of the population in the modern world has made it impossible for everybody to be involved directly in national policy making. This has entailed a system of representation through elected individuals. This representation marks the beginning of the marginalization and exclusion of women from national level politics. Take political parties, for instance, and their glowing party manifestoes. Drawing from the Malawi experience in the last elections that saw the demise of the last regime, most political parties promised at least 25% female representation in Parliament and government, but to date, only 6% of the 177 MPs, that is, 10 MPs, are women. To add insult to injury, there is only one Cabinet Minister, nicely appointed Minister of Women and Children's Affairs, Community Development and Social Welfare, what some would term a nurturing Ministry. Believe me, this is not to demean the incumbent and her role, but simply to demonstrate the marginalization of women in government. The same situation prevails in Zimbabwe. As a matter of fact, we have retrogressed from a Cabinet contingent of three female Ministers.

One of the reasons that President Mugabe gave publicly, during his Meet the People Tour, for the lack of a single female Cabinet Minister was that he failed to find a woman within the current Parliament who had the qualities to become a Minister; he had searched high and low

among the 17 female MPs and found them lacking! One can imagine what this revelation did to the 17 women MPs. He then challenged professional women, however they may be defined, to engage in politics and afford him with the resource from which to choose cabinet Ministers. We suspect that the President might not have bargained with the seriousness with which women responded to his call. Fortunately, or unfortunately, depending from which angle one views the challenge, 47 women took up the gauntlet and challenged men in the just-ended ZANU(PF) primary elections organized to determine the party's candidates in the forthcoming general elections. Twenty have won against stiff male competition. We are getting there, and if political analysts are correct, we can already declare them elected, the opposition camp being what it is in Zimbabwe at the moment, in disarray, unorganized and a joke.

Women have began to show their mettle, and those in the women's movement have formed a Women's Voters Association, which, though in its formative stage, has the potential to mobilize women, if not for the April 1995 elections, then for the next parliamentary elections in the year 2000. Yes, the so-called professional women have tended to shy away from politics partly because they understand the manipulation that goes on in politics, but we have to understand that only by getting involved in politics can we be in a position to change the rules of the game and to cleanse it of the dirt. Yes, there are costs to political involvement, a negative stereotyping of women who engage in politics as loose, prostitutes, single, divorced, frustrated, etc., not only by men, but by women as well. The political rights that we enjoy today, even if they are nominal, were won by pioneering women who did not care two-pence what they were called, who sacrificed their reputation so that all of us can exercise even that right that we take for granted today, the right to vote.

Having said that, the exercise of politics is not limited to elected individuals; those outside Parliament and/or government have a role to play in constantly reminding the representatives that they are where they are to represent not their individual interests, but the interests of their constituents. Advocacy and lobbying MPs and Ministers should become one of our major concerns, while solidarity with women and men MPs fighting for our rights should be instilled within us. We know that some of our women MPs may not be as informed in some of the issues that come before Parliament as their male counterparts.

It is incumbent upon professional women to supply that information to the female MPs so that they engage in parliamentary debates from an informed base. We need to have regular consultations between and among us if we are not to become window dressing in Parliament and political parties. On the other hand, female politicians should also seek relevant information from whatever source, before embarrassing everybody either by saying nothing or talking off the target. Every woman has a responsibility to play some role in politics; apathy will not get us anywhere.

Indeed, the system might be such that the opportunities are limited or nonexistent, but whether a political regime is repressive or pluralistic, other avenues exist within an organized civil society, through overt or covert trade union movements, women's organizations, religious groups, consumer groups--the list can be inexhaustible depending on the number of interested groups. So there is no excuse for disengaging from political activity. Our problem is that we tend to have a narrow view of politics, and yet it should be seen in generic terms.

State reform should aim at achieving good governance, informed by a new vision of human participation, sustainability, and development. Transferring power and responsibility to people at the community (and national) level to enable them to have decision making authority over the distribution of resources implies a system of governance which is vital for fostering relationships among people and promoting the values of justice and equality.

Equality in theory does not help anybody. This has to be translated into reality. Once governments recognize the dignity of a human beings, irrespective of sex, colour or cree, half the war is won. Then it has the legitimacy to govern and run affairs in our name. But how do we determine whether government has legitimacy or not?

The concept of legitimacy can be very elusive, because it is a relative term. Legitimacy is bestowed on a government by people within a nation state. In the prevailing political structures, it is the authority given to representatives in government, in a social contract emanating from a political process called elections, to represent the people's interests in this complex modern world. International recognition should come as secondary, based on the fulfillment of a set of minimum standards. If women are not represented in the government, are we our own detractors, by giving legitimacy to a government that has very little to offer in return?

In conclusion, I would like to end this paper by saying that we need to re-conceptualize gender roles: they are a social construct and they can equally be deconstructed. Compartmentalizing ourselves into mute organizations that have little or no impact on the political system will get us nowhere. However, let us remember that we can win some of the battles by coopting sympathetic or feminist men. In the final analysis, let us always bear in mind that the outcome of the war rests in our hands. Mobilization, organization, solidarity, advocacy and lobbying are the artillery that we need before we can begin to change our life conditions. These strategies will reinforce our participation in the political process.

Annex 1: HUMAN RIGHTS, WOMEN'S RIGHTS THE PAST TWENTY FIVE YEARS

Over the past twenty five years, women's and reproductive rights have made notable incursions into the international legal and human rights agendas. A review of selected benchmarks in international law shows that progress has been gradually and incrementally.

1968, United Nations International Conference on Human Rights (Teheran): The United Nations explicitly addressed the issue of "human reproduction." The Teheran Declaration states: "Parents have a basic human right to decide freely and responsibly on the number and spacing of their children and right to adequate education and information in this respect."

1974, World Population Conference (Bucharest): From "parents" the focus shifts to "couples and individuals" who have a right to adequate education needed to decide on the number and spacing of their children. The notion of responsibility is also introduced: "The responsibility of couples and individuals in the exercise of this right takes into account the needs of their living an future children, and their responsibilities towards the community."

1975, International Women's Year Conference (Mexico City): Launching of the UN Decade for Women, the conference emphasizes reproductive choice, bodily integrity, and reproductive autonomy: "The human body, whether that of woman or man, is inviolable and respect for it is a fundamental element of human dignity and freedom."

1979, Convention on the Elimination of all Forms of Discrimination Against Women (the Women's Convention): An unambiguous goal of the Convention is equality between women and men in their right and ability to control reproduction. The Convention's 30 articles address educational, economic, social, cultural, civic, and political discrimination. Article 12 refers to women's reproductive rights and calls on countries that have ratified the convention to "take all appropriate measures to eliminate discrimination against women, access to health care services, including those related to family planning." Article 16 urges the elimination of "discrimination against women in all matters related to family planning." Article 16 urges the elimination "discrimination against women in all matters relating to marriage and family relations."

1984, World Population Conference (Mexico City): Conference recommendations emphasize the responsibilities of both governments and individuals: "The experience of the past 10 years suggests that government can do more to assist people in making their reproductive decisions in a responsible way." Making family planning more available is viewed "as a matter of urgency."

1992, United Nations Conference on Environment and Development (Rio): Agenda 21, the draft of the meeting's official document, includes discussion of family planning and highlights quality, calling for "women-centered, women-managed, safe and accessible, responsible planning of family size and services."

1993, United Nations World Conference on Human Rights (Vienna): Women are described by journalists as the "strongest and most effective lobby" at the Vienna conference. The Vienna Declaration includes nine paragraphs on "The Equal Status and Human Rights of Women" and, for the first time, violence against women is recognized as a human rights abuse.

Challenging the myriad forms of discrimination experienced by women, the framework of international law is only a first step towards guaranteeing women's rights: Rights are worth little to women where there are no corresponding duties on the part of governments, organizations, and individuals to respect those rights. Nonetheless, women's increasing visibility in the human rights arena ensures that attention will focused on strategies to promote equality between men and women.

1 Cook, Rebecca J. 1993. International Human Rights and Women's Reproductive Health Studies in Family Planning, 24(2): 73-86; Freedman, Lynn P. and Stephen L. Isaac. 1993. Human Rights and Reproductive Choice. Studies in Family Planning, 24(1): page 18-30.

2 Cohen, Susan A. 1993. The Road from Rio to Cairo: Towards a Common Agenda. International Family Planning Perspectives, 19(2), p. 62.

3 Flanders, Laura 1993. Hard Cases and Human Rights: Mackinnon in the City of Freud. The Nation, 257(5): pp. 174-77. August 9/16 1993.

4 Cook, Rebecca J. 1993. International Human Rights and Women's Reproductive Health. Studies in Family Planning, 24(2); pp. 73-86

Annex 2: THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Adopted on June 25, 1993, by the World Conference on Human Rights, the Vienna Declaration and programme of action states that "the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights." The following are excerpts from the nine paragraphs that address the equal status and human rights of women.

The conference urges the full and equal enjoyment by women of all human rights and that this be a priority for governments and for the United Nations. The Conference also underlines the importance of the integration and full participation of women as both agents and beneficiaries in the development process.

The equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity.

The conference stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

The conference urges the eradication of all forms of discrimination against women, both hidden and overt.

Treaty monitoring bodies should disseminate necessary information to enable countries to make more effective use of existing implementation procedures in their pursuits of full and equal enjoyment of human rights and nondiscrimination.

The conference reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health care and the widest range of family planning, as well as equal access to education at all levels.

Treaty monitoring bodies should include the status of women and the human rights of women in their deliberations and findings, making use of gender-specific data.

The conference urges government and regional and international organizations to facilitate the access of women to decision making posts and their greater participation in the decision-making process.

The conference welcomes the World Conference on Women to be held in Beijing in 1995 and urges that human rights of women should play an important role in its deliberations.

¹United Nations, 1993: World Conference on Human Rights: The Vienna Declaration and Programme of Action, June 1993, (With the Opening Statement of United Nations Secretary-General, Boutros Boutros Ghali) New York: United Nations).

The call to active participation of women in politics and decision making is not limited to national boundaries only, but is expanded to the global level in article 8 of the same convention where it states that parties are called upon to "undertake all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their government at the international level and to participate in the work of international organizations."

In terms of this paper, the human rights of women are analyzed by looking at their participation in decision making and politics. An attempt is made to evaluate the global situation generally and the Malawian situation in particular. Political participation and decision making of women is an important way of empowering and realizing the human rights of women. This is because it acts as a tool to prevent marginalisation of women into certain specific interests, and it facilitates the achievement of issues of special concern to women. This is important for reasons of equity and efficiency (Dorota Gierycz, 1991:7).

Marginalisation of women is characterized by economic dependence, lack of skills and education, heavy workload, inappropriate technology and inadequate representation in the political and decision making positions from the local to the national and international levels. Thus the Nairobi Forward Looking Strategies (FLS) have provided a definition of women in terms that "requires that women play a central role as intellectuals, policy makers, decision makers, planners, contributors and beneficiaries of development" (Pietla and Vickers, 1990:47). This has far reaching implications in the political, social and economic spheres. Specifically, the FLS calls for elimination of *de jure* and *de facto* discrimination, as well as observance of equal rights of women. A strategic means of eliminating discrimination against women is through their participation in decision making and politics. Women's participation is not only good for women, but it is an integral part of enrichment of the entire society. This is because women tend to have different life experiences from men. If they join the process of decision making and politics, they bring with them all these values which will in the end enrich the entire process. This is of particular importance at this time when most countries, especially the third world are moving towards pluralism. Societies being created should therefore be those where interests of various groups, particularly women's interests, are an integral part of the process.

In terms of equity and efficiency, women's participation in decision making and politics is a human right which is based on the principle of equality. Furthermore, women form 50% of the world's population. Therefore, the simple logic of efficiency calls for the participation of women. After all, women have the capacity to mobilize which is an essential feature for success in development projects. This will be further facilitated if women are going to be involved in making decisions that are women-friendly decisions thereby increasing the likelihood of success.

The Situation of Women in Political Participation and Decision Making

The Global Situation

Throughout the world, women are subject to varying conditions, the most common being that "they are not full participants in the public choices that affect their lives and they are grossly underrepresented in politics and the civil service."¹ Various perspectives have been adopted to explain this phenomenon. In the Western industrialized society, patriarchy, capitalism, and

Decision Making and Political Participation as a Tool Towards Empowering Women and Realizing their Human Rights

By Linda Semu

Background Information

The call for women's participation in politics and decision making is a human right whose legitimacy is sanctioned by the existence of various legal provisions at the national and international levels. Contained within these provisions are clauses affirming a commitment to the equality of all sexes. The Charter of the United Nations in its preamble reaffirms equality between men and women. Similarly, the Universal Declaration of Human Rights, article 2 states that:

"everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

This provides a theoretical basis through which action to facilitate the realization of equality between men and women can be undertaken. The practical meaning of these rights is obtained from the translation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the convention on the civil and political rights of women. Within CEDAW provisions, article 7 mandates states that parties to the convention should ensure that women are equal with men concerning the right:

- to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and
- to participate in nongovernmental organizations and associations concerned with the public and political life of the country.

industrialization are said to have kept women away from the public sphere. In the just ended socialist world, stereotyping and limitation of women's role within the household are said to have led to gender inequality in politics. For the third world, colonialism and culture, particularly the macho tradition are viewed as the causes of female exclusion from politics (Jill Bystydziński, 1992:1). Whatever the explanation may be, the causes for this situation are due to inequities between women and men. These are in the form of access to health services and education, and the inability of institutional arrangements to relieve women of the burden of child rearing (ECOSOC, 1989 Report on World Social Situation: 9). Most importantly, women's limited or nonexistent access to and control of resources implies they have no power and or ability to influence the form and direction societal development takes.

Historically, women's political activities have been in the area of construction of their countries. This has taken the form of the struggle for independence, social justice, fundamental reforms and reconstruction after war. However as soon as the struggle is over, "the number of women in visible political positions declines drastically as the pre-existing factors impeding women's political participation reassert themselves" (ECOSOC, Theme: Equality: 9). These factors include gender division of labour which assigns women household and child rearing roles that make it difficult for them to combine political careers with these traditional roles; economic dependence; insufficient education; lack of exposure to political participation; and the prevailing negative attitudes towards women's participation in public life.

A striking characteristic of political parties in most countries therefore is the discrepancy between the proportion of women in the top party leadership and in the membership at large. Women form a large proportion of membership in most political parties. In effect this means women are involved in various political activities at the local/grassroots level. Yet leadership is monopolized by men. This is best illustrated by the fact that few women are able to participate in national politics as parliamentarians. Yet national goals, policies and programmes are decided by political leaders on behalf of the people in parliament. Thus despite being the major factor in the workforce and the mainstay in the home, women have little say in public policies that affect them. As a result, issues of special interest to women remain peripheral in the formulation of policies. This is illustrated by the fact that the level of women's political participation is related to indicators of equality such as female literacy, and participation in the labour force, especially agriculture and industry. The relationship is cycling in that an increase in the general level of equality in a society leads to a growth in the number of women in decision making positions which increases the likelihood that policies that promote equality are adopted (ECOSOC, *ibid*: 34).

Similarly, women seldom occupy jobs at the management and decision making level. Reasons for this state of affairs are from both within the internal dynamics of organizations as well as those from the general societal and cultural practices. Some of the internal factors have been discussed in the ECOSOC's report on its theme of Equality (E/CN.6/1990/2/Corr.1). Listed in it are a number of factors that act as constraints to women's participation at senior levels of the civil service. These range from marginalisation of women into areas considered as applying to women (female ghettos) or positions intended to implement affirmative action policies; bias in job evaluation and classification; unequal opportunities in training and career development; insufficient participation of women in selection or promotion panels; and a general lack of sensitivity to women's issues.

¹Report of the Secretary General, E/CN.6/1989/7 and E/CN.6/1990/2 respectively

Outside organizations, women are yet faced with societal attitudes and cultural practices that are not conducive to their developing careers in high profile decision making positions. Generally, women are exposed to a gender biased educational system that in essence hinders their entry into challenging positions that yield authority to make decisions. Added to this are traditional roles in the family where division of labor along gender lines means women are not free to embark on a career outside the home that is time consuming. This situation is reinforced and perpetuated by the mass media that tends to uphold the traditional view of an ideal woman.

The legal provision of equality in political participation and decision making is illustrated by the fact that in 1945 when the United Nations Charter came into force, 31 of the 50 countries which signed it had granted women their political rights. By 1988, most countries had granted women the right to participate in politics through the ratification of the Convention on the Political Rights of Women. As such there are no formal barriers in most countries to the exercise of political rights by women. This is illustrated by the fact that there have been limited attempts to incorporate women into politics. Women have this demonstrated their ability to assume responsibility within high level political institutions in India, Norway, Israel, Pakistan, the Philippines, Portugal, Sri Lanka and the United Kingdom. Whilst not undermining their capabilities, these figures are too few such that they do not in any way correlate with the number of women in the world. Specifically, women suffer from *de facto* inequalities despite all the conventions that have been signed by countries as a means of ensuring equality between men and women. Thus, dominance of religious and customary laws over civil law, women's economic dependence, and limited reproductive rights (Gierycz, 1991:8-9) all operate to bar women from entry into careers that lead to decision making positions.

Women's participation in decision making in the employment sector is strongly related to their participation in the political arena. The relationship is such that where there are few women in decision making positions in the employment sector, there will be few women in important political positions. Since there will be few female politicians, decisions made will not take into account women's special needs thereby perpetuating the conditions that lead to less participation of women in decision making positions. The United Nations' Division for the Advancement of Women has collected information on women in decision making worldwide. From the data set, it has been shown that within the executive posts, that is those posts having policy making and administrative authority, women are very few and are limited to those areas considered less strategic, thereby limiting their decision making potential. This is best illustrated by Annex 1 which shows the percentage of women in top government and ministerial positions. The data given indicates that overall there are few women involved in decision making and executive political positions. The figures are even lower when strategic departments (economic, politics, legal affairs) are considered. Throughout the regions that have been analysed in the data set, there are few women who are ministers.

Similarly, the WISTAT data set based on information from 125 countries indicated that the average participation of women in parliament in 1988 was 9.7% (ECOSOC, *ibid*:8); yet it is known that political participation of women and its impact on development is important for the advancement of women in all areas. As women advance, they get involved in various development activities, thereby ensuring a gender balanced development that will be sustainable in the long run.

The Situation in Malawi

The state of women's participation in politics and decision making in Malawi is not different from the global one. As a result, there has been limited empowerment and realization of human rights of women. When Malawi presented the country's statement on human rights at the World Conference held in Vienna on 22nd June, 1993, it was emphasized that Malawi is a signatory of the Universal Declaration of Human Rights which is enshrined in the country's Constitution. Furthermore, it was mentioned that Malawi has acceded to the Convention on the Elimination of All Forms of Discrimination Against All Women (CEDAW). It was also mentioned that institutions had been put in place to facilitate the implementation of the objectives stipulated in the conventions (Daily Times, July 5, 1993:8-9). This in effect means that there should be no formal barriers to women's participation in politics and decision making.

The Constitution of the Republic of Malawi clearly stipulates that as a matter of national policy the state shall obtain gender equality for women with men through: (i) full participation of women in all spheres of Malawian society on the basis of equality with men; ii) the implementation of the principles of nondiscrimination and other such measures as may be required; and iii) 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 (Section 13:a). The Constitution further grants all citizens the right to take part in public affairs, and to vote and be elected for public offices (Section 40). These provisions are in line with what is provided for in the International Covenant of Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against women.

An evaluation of the current situation shows that despite the legal provisions, and the fact that they form 52% of the population, women in Malawi suffer *de facto* discrimination both at the decision making and political participation levels. Thus, the history of Malawi on this issue is one that is characterized by a Cabinet and Parliament with very few women (see table 1 below).

Table 1: Women's Participation in Parliament and the Executive: 1966 - 1992

YEAR	Ministers		Dep. Ministers		Elected Members of Parliament		Nominated Members of Parliament	
	M	F	M	F	M	F	M	F
1966*	11	..	9	1	47	1	4	..
1972	13	..	1	3	50	1	7	..
1977	13	..	2	..	64	5	..	9
1982	12	..	..	..	49	8	14	23
1987	11	..	..	..	74	5	12	1
1992	12	1	3	2	79	3	15	7

* there were no Deputy Ministers from 1966 to 1977, but parliamentary secretaries instead.

The figures above clearly indicate how governments will at times initiate activities to suit international demands but will revert to type once the pressure to conform is no longer there. Thus in 1977, there were for the first time 7 female nominated Members of Parliament. It must be noted that this was two years after the launching of the United Nations Decade for Women when governments were required to initiate action that would enhance the status of women. Similarly, in 1982 there were 23 female Members of Parliament that were nominated. And this too was two years before the Nairobi Conference in Kenya that would mark the end of the women's decade. It is not surprising therefore to note that the number of female nominated Members of Parliament drastically dropped to one in 1987. One would safely conclude that in 1992, as there was mounting pressure for political change in the country, the number of female nominated Members of Parliament increased to seven as this would guarantee the government of continued support from women. What comes out clearly, therefore, is that despite their active participation in political party activities, women were used to create a mass based political party and for political campaigns whilst they were left out in the decision making positions.

In 1993, Malawi became a multiparty democracy with several parties competing to rule the country. There were parliamentary and presidential elections in June, 1994. The results are such that very few women were elected into Parliament as is reflected in Table 2. This is the case despite the fact that being 52% of the population, women have the potential to vote and elect fellow women into public positions. The question being posed therefore is, if women have that potential power to influence results in their favour, why is this not the case? Generally, reasons for this situation are similar to those that have been discussed when the global situation was being examined. Specifically, Malawi is characterized by a high birth rate (TFR is 6.9), and an average age at marriage of 18. Furthermore, the majority of the female population resides in rural areas where there are limited facilities for education and employment. Thus, the country has a high illiteracy rate which is even higher among women. Only 32% of females aged 5 years and over are able to read and write English and Chichewa which are official languages (National Statistical officer, 1987:11). On the basis of these factors, women face a lot of obstacles to getting a good education, which is an important factor in determining entry into decision making positions. For the few that manage to go through all the obstacles, there are yet obstacles within organizations as has already been discussed. Added to this is the fact that, culturally, leadership positions are assigned to men such that it does not cross the minds of both men and women to consider women as candidates for those positions. Thus despite equality between men and women, in reality, the situation is such that this is not the case when women's participation in decision making and politics is examined.

The government is, therefore, called upon to translate Section 13 of Malawi's constitution into tangible action that will address this issue. Currently, government endeavors on this front have been very minimal as reflected in the composition of the cabinet where there is only one female cabinet minister and two female deputy ministers. Similarly, despite there being at least 2,500 women who have graduated since the University of Malawi was established, there are very few women in top decision making positions. Thus, up to 1990, there were only 82 women in the civil service who were in the superscale. Their positions ranged from principals secretary (one at that time) to senior personal secretary. What is important is that these women are well qualified as is reflected in Table 3.

Table 2: Members of Parliament by Political Party and Gender: October, 1994

POLITICAL PARTY	MALE	FEMALE	TOTAL
AFORD	32	1	33
MCP	50	4	54
<u>UDF</u>	<u>79</u>	<u>4</u>	<u>83</u>
TOTAL	161	9	170

Source: Clerk of Parliament, Zomba, October 1994.

Table 3: Number of Lady Civil Servants by Highest Qualification: 1990

Qualification	Number
Masters ² Degree	8
Bachelors Degree	58
Diploma	10
Other	6
TOTAL	82

Source: Department of Personnel Management and Training, 1990 (Government of Malawi)

²The category of Masters degrees includes those with Medical and Veterinary Science Qualifications. Under Bachelors category is included those with post graduate diplomas and certificates. The category of other refers to those with secretarial training who have risen due to experience, particularly long service, as such their positions end to be personal to holder.

Summary, Strategies and Conclusion

This paper set out to examine the extent to which Malawi has translated and implemented the requirements enshrined in the Bill of Rights, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, especially articles 7 and 8), and the country's Constitution. The major argument being that women's participation in politics and decision making are important factors in facilitating empowerment and the realisation of their human rights. The paper has shown that at the global level, men are far ahead of women in their participation in politics and decision making. The same situation has been observed at the national level where Malawi was used as case study. There are no formal barriers to women's participation as is evidenced by the existence of laws and conventions at the national and international levels. The major factors, therefore, have to do with the implementation of those conventions. It has been shown in the paper that factors hindering women's participation in politics and decision making are centered around cultural, attitudinal, and structural factors. There is therefore a need to change these practices and to sensitize the population (both men and women) about gender issues, in particular the "special" position of women in society.

- o Women should be educated on all their rights, and they must be informed of important political issues which affect them.
- o It should not be argued that if the wife dies that she had no property since there are no laws on the distribution of property between the widower and children.
- o There should be a remedy to the fact that if a couple did not follow any of the types of marriages then the widow does not inherit anything. This is discrimination.
- o It should be remembered that tradition is dynamic, and therefore women should not be bound solely by those who say that, "it is tradition and therefore, it can't be changed."
- o The government should show a willingness to enforce the rights of women including inheritance laws.
- o There should be a change to the law that requires a teacher who becomes pregnant to be suspended or dismissed.

Women and Culture

- o Gender equality perspectives should be added to all government programmes and projects increasing women's capabilities should be developed to enhance self-sufficiency.
- o Women rights need to advance to a level where rights are enforced. Action should be taken when there is a violation. If this is not practiced, we should demand it.
- o There should be equal academic rights between boys and girls.
- o There should be equal representation at all levels, especially the political level and in management in the private sector.
- o To overcome constraints of cultural norms, women should no longer accept being treated like second class citizens.
- o Widows are a venerable group in our culture; therefore, there is a need for targeting this group.
- o Education quality for girls must be improved.
- o Media, government and NGOs all must be involved in disseminating women's rights information actively.
- o Decision-making should be decentralized so that women are included.

Women's Empowerment in Malawi

Plenary Session Findings and Recommendations

Women and the Law

- o The law defines several different types of marriage, but ultimately the definition of marriage should be the same.
- o The type of marriage should not determine the distribution of property at the end of the marriage.
- o The functions of the office of the Administrator General should be decentralized.
- o Land laws or procedures surrounding land acquisition which are prejudiced against women should be revised.
- o Women should not have such a heavy burden in proving rape.
- o There is a need for clear legislation on harassment because, while it is prohibited by law, in practice it happens quite often and women are not protected.
- o There is a need for women to be protected in the home in order to protect freedom of speech, freedom of movement, etc.
- o Women should draft legislation on important women's issues and provide it to Parliament.
- o There is need to make domestic rape an offense in Malawi. A plan of action should be developed regarding what constitutes rape and what should be done to combat it.
- o Men, women and society as a whole must recognize that women's rights are human rights.
- o We should recognize that women are hindered in two ways: repressive laws and repressive attitudes by men.

WOMEN'S EMPOWERMENT IN MALAWI

**March 25-26, 1995
Lilongwe, Malawi**

Saturday, March 25, 1995

Welcome

Catherine Munthali, Executive Director, Society for the Advancement of Women

Official Opening

Edda Chitalo, Minister of Women and Children's Affairs, Community Development and Social Welfare

Introduction to Agenda

Esnat Kalyati, Principal Secretary, Poverty Alleviation Program, Ministry of Economic Planning and Development

Women and the Law in Malawi

Esnat Kalyati

Modecai Msisha, Partner, Nyrienda and Msisha Law Firm

Traditions/Customs/Culture vs. Women's Advancement

Cecilia Mwansa, National Women's Lobby Group in Zambia

Human Rights and the Status of Women in Malawi

Vera Chirwa, Chair, National Commission on Women in Development

Strategies to Address Cultural Barriers

Assumpta Timbamwenda, ActionAID in Uganda

Inheritance Laws

Beauty Movete, Attorney, ESCOM

Pansy Tlakula, Black Lawyers Association, Legal Education Center in South Africa

Women and Reproductive Rights

Mary Shawa, Ministry of Women and Children's Affairs, Community Development and Social Welfare

Women and AIDS

Bridget McCreery, Lilongwe AIDS Counseling and Education Centre

Early Motherhood

Motsei sejoje Galetshoge, Emang Basadi in Botswana

Sunday, March 26

Women's Participation in the Political Process

Joyce Kazembe, Programs Administrator, Southern African Regional Institute for Policy Studies in Zimbabwe

Wanda Williams, Program Officer, National Democratic Institute for International Affairs in Kenya

Linda Semu
Sociology Department, University of Malawi

How Women's NGOs Can Employ Networking to Increase Their Influence

Zippora Shekilango, Gender Program Network in Tanzania

How Women Can Influence the Legislature

Lilian Patel, Member of Parliament

Matembo Nzunda, Member of Parliament

Louis Chimango, Member of Parliament

Working Groups to Develop Strategies on Women's Issues

- o Effective and & Organized Advocacy Strategies for Women
- o NGO Mobilization and Coordination
- o Civic Education for Rural Women
- o Law Reform on Women's Issues
- o Working with Traditional Structures

Report Back

Working Group Participants

Final Recommendations and Summary

Esnat Kalyati

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Appendices

So I thought I will point out these two approaches that we use in Tanzania as case studies for information sharing, for input and maybe through this information Malawi can come up with a much better system of coming together, networking for efficiency.

We come together a lot as NGOs. I am glad its been pointed out that its not only talking. We have even put pressure on government because we take these messages through our women MPs, and we were going to have bills drafted through our own pressure as women. So my dear friends in Malawi I thought it would be good for us to share these few ideas because as I say there is no prescription. If you have a goal that is the most important thing. If you have that goal you must seek NGOs that are friendly, that you can work with and come together and decide how to we reach that goal.

development (WID) technical committee. This committee monitors and coordinates the activities of women's nongovernmental organisations. To give an example of what we did last year we asked ourselves, how do we make sure that the people at the grassroots are aware of issues of concern such as sex education, inheritance, and land acquisition. Tanzania is blessed with is the language. We have Swahili as a common language, and this you can use up to the village level and people will understand you. As the WID technical committee, we took the three thematic areas of peace, equality and development, and we looked at all the women's nongovernmental organisations. We identified as many strong NGOs as we could and then sent a letter to them asking that they apply to go into the regions and talk to the grassroots women. We got these applications back and categorised them by thematic area. Then we brought the experts together, trained them or talked to them and shared information. After that we divided-up the whole country into 7 regions. We got the women's NGOs to go into each and every district to talk to the women. In every area there was somebody talking about peace, somebody about development and another one about equality. We also had a lawyer in each and made sure there was the media person because it is very important to publicize your work on women's issues.

We went to the districts then we came back and held workshops at the regional level. And here although women have been empowered, we still discovered more problems; that's why this process is a long one and it will not come to an end very easily. We discovered more about the problems of women. We discovered women who did not know that some customary laws were bad, for example genital mutilation. It is us women taking our daughters to be mutilated. For whose interest? We say to keep our chastity but for whom? For men. You harm your body because you want to please a man and when it comes to giving birth the nurses tell you the problems it causes. So in some cases we are our own enemies. It was working together as NGOs that we got this information. We shared it at the regional level, we shared it at the national level and then we decided what to do. And in areas where we found we still had to do a lot of work, the government also assisted us in validating that the information was true. So by way of one example this is what networking we are doing, and I think its getting us somewhere.

Another case study I can give you is the Tanzania Gender Network Program and that is my NGO. The Network is an NGO that invites different nongovernmental organisations irrespective of whether they are for women or for men for discussions. We talk about gender and the problems of women, and we try to transform our men by showing them the problems that are facing women from a woman's point of view. Now during these gender seminars under the Tanzania Gender Network Program, we even target the policy makers. Recently we heard the parliament was in session in Dodoma, and we had to come up with a quick skit to go and point out something to the policy makers. You have to be that aggressive. We thought there was something wrong about the way they were using the donor money. So we created this skit which actually pointed out the difference of the level of MPs and the grassroots. There is this gap in society, but the MPs are the people who are supposed to represent the interest of the grassroots. In a such way the Gender Network Program is just pointing out that there is something wrong and that it is the Members of Parliament's job to do something about it.

On International Women's Day, I don't know what happened here in Malawi, but again the nongovernmental organisations in Dar es Salaam, under the Tanzania Gender Network Program, came together. And because we are approaching the multiparty elections, we got all the different political parties together and asked them what their policies were so that we could support them. We said, "we don't care what your label is, what we want to know is are you able to represent us?" We needed to give them that message.

How Women's NGOs Can Employ Networking to Increase Their Influence

By Zippora Shekilango

I am glad to say that all through this conference, one way or the other, we have been talking about networking. You start networking when you have empowered yourself, and the reactions I am starting to see here are a result of that empowerment. Maybe some of us did not exactly understand what empowerment was. We have been given now and we are still being given the tools of empowerment. We've been empowered through education, psychologically and an empowered person really becomes strong and articulates what she wants to be.

When we talk about networking for empowerment, what exactly do we mean? I would like us to reflect back on the fact that we're here as women because of movements that started way back. Our mothers and our grandmothers were crying for empowerment, they wanted their own rights and they started movements. We also know that we are heading towards Beijing and that the three thematical areas of peace, equality, and development will be discussed there. Now the question is how do we network to make sure that we also are taking actions in those critical areas which have been identified by the NGO forum. We know that Gertrude Mongela from Tanzania is the Secretary General, arranging and doing all that she can to make sure that the conference in Beijing is a success. She has been empowered; she was a minister, a member of National Executive, an ambassador and now she is doing everything to make sure conference is a success. We can also do the same, but we can't all go to Beijing. So how do we network to make sure that we filter back to the grassroots what we want to achieve as women? We are all here as NGOs, and again I repeat, the topic is how can we network for effective influence? There is not one proper way.

What is networking? Networking is solidarity. Networking is creating an alliance. It is learning to listen. It is capacity building. It is coming together when you have a common goal to achieve. All of this, is networking. When you are talking to friends, when you write to them, when you have a name from a publication and you write to that person, you are networking. But now that we are here in Malawi, how do we network? As I said I don't have a prescription for that, but I will try to share what we do in Tanzania as a case study and whether it suits Malawi is for you to decide.

I would like to talk of two approaches. I come from an NGO known as The Tanzania Gender Network Program which is affiliated to the umbrella body, the Tanzania Association of Nongovernmental Organisations. Now in the Tanzania Association there is a women in

Chapter Six:

Women and Networking

A new Member of our Parliament, fortunately she is a delegate as well, has quickly grasped the way of doing things as the example below shows. It is taken from the notice of amendments to the second report of the Constitutional Committee on the Provisional Constitution:

Recommendation [from the National Constitutional Conference (NCC)]: Human Rights Commission Chapter XI Section 131 - Composition of the Human Rights Commission

Amendment: There should be an additional paragraph to include women on the composition

Recommendation [from the NCC]: Women's Rights Chapter IV sub-section 24(1)

Amendment: An extra paragraph "women should have the freedom to choose their residence and domicile."

This illustrates the issues I have been belabouring. Mastering procedures and using them to advance particular causes is critical, just like it is with law, you win or lose a case on procedures and pleadings. Specializing on the issues and not attempting to be the master of everything is also key because no one takes that seriously.

Finally, I would urge that lady Members of Parliament or those canvassing women's issues must be strongly backed by the nongovernmental organizations which are focusing on gender equality. It is important to have this back-up for more than one reason. Resources are required, know-how is important, and strategic advice is necessary, not to mention the sequencing of the issues.

In Parliament itself, the lady Members of Parliament must be active - constructively active, of course. Take for example, Question Time. Properly targeted, this strategy can be useful as a political weapon. The point about Question Time is not so much the content of the question. It is more the theatrical aspect, the drama, the fanfare. It is not so much how the Minister will answer. They, the Ministers, are of course powerful. They are demi-gods in terms of information and capacity. The entire government machinery and muscle is in their hands. The Member of Parliament must be aware of all these and still strike the advantage. Properly targeted, a humble back bencher's question is headlines in the papers the following morning. Her picture may appear side-by-side with the Minister's. The radio would have picked-up the question and the answer. That alone will do immense good in the constituency, not to mention the wider constituency for the women's agenda. I still remember the sting of a lady Member's supplementary question to me in 1982, just before a general election. She was interested in *katundu boys* on our buses. The Minister had the restraints, how was he going to instruct a private bus company to do this or that? Who would bear the costs ultimately, anyway? The lady Member of Parliament would not have all that. The supplementary question in Hansard reads: "Is the horrible Minister aware that he has been wasting our time all along?" Consider the impact of such a comment in a multi-party chamber on a carefully chosen women's agenda on a population that is already zeroing in on 1999.

Parliament is already becoming cumbersome. It is not the place where business will necessarily be transacted all the time. There is already developing a committee structure and modalities. In recent months, for example, the Constitutional Committee of our Parliament did much work outside the plenary meetings of Parliament. We have provisions, for example, in the Constitution for the funding of political parties, just as we have constitutional guarantees that protect women's rights. They on their own can not be expected to work. Parliament also does not work automatically. What was needed in the case of the issue of funding parties was a motion to establish an ad hoc committee to perfect the issue. What was needed was careful lobbying in party caucuses. I was myself careful in this. I had first to get the Minister of Finance on my side. Once he nodded (remember I have said that Ministers are demi-gods), I had no difficulty in getting the whole House to approve that the issue be resolved in a favourable manner. After that, there was need for careful follow-up and at the end of the day 10 million kwacha was agreed for the funding of political parties, and my party would benefit proportionately to its strength at the polls and in the House.

I also believe that we need a Committee on Gender Sensitivity. I would support this myself. It is the only way to make gender issues a priority.

Lastly, the Members of Parliament can not be masters of everything. Not everything is crucial or of interest to all. This is the age of specialization. No one will take a Member of Parliament seriously if he attempts to be the spokesman on each and every issue under the sun. On the other hand, the House would quickly respect an Honourable Member who is known to be a champion of a particular cause, say the issue of women's equality. And one must also master the rules, procedures and processes in Parliament. One can fail or succeed purely because of procedures at every stage.

How to Make an Impact in Parliament: The Case for Gender Equality

By L.J. Chimango

This conference is important. Given encouragement and support, more could be achieved for the betterment of mankind. I was, in my most formative years, brought up single-handedly by a wonderful woman, my mother, because my father was *mchona*. I am therefore keenly aware of the contribution women can make in their individual or collective roles, given the opportunity.

I believe that to be of impact on Parliament, to get their agenda fully endorsed and advanced by Parliament, the number of women Members of Parliament must increase. This means fighting the men and beating them at the polls. This would enable women representatives to have a much-needed power base. Such representatives would not be at the mercy of the powers that be. They would earn the respect of all because of the constituencies they represent. They would then be true representatives. And women should succeed because they are closer to the majority of 87% of the population who are in rural areas and who are at least 51% women. Female Members of Parliament can and should get the vote because they are closer to their women folk. They interact more closely with this powerful force. As a matter of fact, they are or can be more credible candidates than most male candidates, whose grip on the people's lives can, to say the least, be tenuous.

Secondly, and if they are to get the backing of their male counterparts in order to push their agenda, women legislators will need to be sensitive to their party caucus. Parties are a way of life and between or among them, there are often trade-offs. Without the party, one's contribution in Parliament is doomed. There is little or no room for those who want to go it alone. The chemistry of politics requires a strong linkage with the party of one's choice to get the backup, let alone the financial resources to enable one to fight an election and to master the propaganda to convince the electorate. Through party caucuses, the Honourable Lady Member of Parliament can influence the party ideology which ultimately one wants accepted by the House.

The recent example of the issue of Senate is perhaps a good illustration. The Malawi Congress Party which was for a long time not interested in the question of a Senate changed because of the lobby initially by the Party's Director of Women's Affairs. It works. The party or inter-party caucus is an important strategical and psychological setting for advancing women's issues.

Once you get into Parliament, you can form a women's caucus which should be an all-party women's caucus. Whether a woman is in UDF, another is in AFORD, a third is in MCP, they are all women, and women's issues do not take party colours. The women parliamentarians ought to have time in Parliament where they will meet across party lines to discuss and support women's issues. Now, the public can also be very unfair. They sometimes think that caucuses are bad. They say that Members of Parliament should vote according to their conscience. If you insist on voting according to your conscience always, then the so-called women's caucus will not be effective, because caucuses bring out particular issues upon which you agree how you should vote through give and take. It is a perfectly legitimate thing to do. We should not be criticized if we have a caucus in Parliament. This is the stuff of politics. A women's caucus is a good thing. I am glad Honourable Patel also said that we need a parliamentary committee. I would support her if she proposes a resolution that there shall be a parliamentary committee dealing with women's issues. I shall be the first one to second that motion. The Constitution provides in Section 56(6) that Parliament can set up as many committees as necessary. It is time we set up a committee such as this one.

Now the crucial issue, which is very topical of course, is whether to increase the presence of women in Parliament through the Senate. Some people oppose the Senate because they say it will cause delays. Others say it is too expensive. But I have said elsewhere that delay is not always a bad thing. If delay can make you think better, if it gives you more time to think properly of something which you rushed through, then I think delay is a good thing. The argument about cost never appeals to me. Because democracy, as I have always said, is an expensive enterprise. We are not saying we want to have a grand or large Senate, but something which increases the participation of women and other interested groups in this country will be fine. Before the Senate is established, we need to rework its composition, we need to rework the way in which people find their way into the Senate. When the draft provisions on the Senate came for consideration to the National Consultative Council last year, one of the drafts said that there shall be one man and one woman elected from each district. Towards the end of the debate somebody mentioned something as a joke, but it may have carried the day. He said, "You are saying one man and one woman will come from Chitipa going to a meeting. They reach Mzuzu. The first time, they book two different rooms. The second time they book two different rooms, but the third time they will book one room because they say it is cheaper." No person challenged him or supported him, but when it came to voting, some of this kind of thinking must have weighed very heavily on these men. You see that is the magnitude of the problem here in Malawi. There are quite a number of secondary school teachers, many of whom are women, who are not in Parliament. Before they become parliamentarians they rely on their salaries for their living. They are encouraged to take risks, for better or for worse. The University in my case had to discuss whether it was a good decision. They said, "No, you do not have to resign and were voted into office. Now the University has decided to encourage women to take risks, we ought to remove these barriers."

political parties. It was Wanda Williams who said that for one of the parties in America for certain positions, for every man there must be a woman. I think that is very good. If we could have parties adopting that as policy, we would move forward.

Women's issues must become electoral issues. They must become electoral issues because the only thing a politician is afraid of is that which might make him or her lose the election. If politicians begin going to Parliament and asking questions concerning women, it is not because they love women, not because they care about women, no. It is because they want women to feel that this person cares. Politicians would do that because they want women to vote for them. Politicians want to be voted back into office. You may think this is cynical, but it works. Politicians talk about environmental issues. They talk about water. They ask lots of questions about roads, about telephones, about hospitals. Not necessarily because they want those things, but because they know that the voters care about roads, even if we don't care. They care about hospitals, even when we don't care. They care about telecommunication, even when we don't care. If we talk about it, we believe they will vote us back. So women's issues must become electoral issues to produce change.

If you want to work through your party and are elected into the National Assembly, there may still be barriers. I, myself, am extremely unhappy about us as Malawians. Mrs. Patel brought up a very important point. Somehow people think that you will not look after their interests unless you come from that little area where they also come from.

I am told that one time there was a campaign, a vicious campaign, between two persons from Arusha. One of them was born in Arusha city itself and another one was born outside the city. This man from the city was saying to the voters that the person from outside Arusha can not take care of you because he was not born and brought up here. And Nyerere, when he was in power, sided with the man who was from outside Arusha. He said, "Do you think you would take care of these people because you come from Arusha? No, if you care about Tanzania, you will care about Arusha." So we must move in that way. The barriers which our parties put in the way of certain credible candidates because they do not come from a particular locality are unacceptable. So I would say that these barriers should be removed. The barrier of language also has to be looked at.

Another barrier which we have not talked about is this provision in the Constitution, 51(2)e. That provision says that you are not qualified to stand for Parliament if you hold or act in any public office or appointment, except where the Constitution provides that a person shall not be disqualified. That particular disqualification is very bad. There are quite a number of capable women who may be primary school teachers, may be secondary school teachers, may be nurses, may be civil servants, but they must first resign before they become parliamentary candidates. In this way many women who are in public office and rely on their salary for their livelihood are automatically disqualified, unless they are prepared to take risks, for better or for worse, to stand for elections. Maybe we are demanding too much. The University in my case had quite a number of candidates running for Parliament. The University had to discuss whether we should resign or not. I think the University made a very good decision. They said, "No, you do not have to resign. So we were allowed to go and campaign and were voted into office. Now the University has allowed us to take leave of absence. If we want to encourage women to run for these offices and increase their numbers in Parliament, we ought to remove these barriers.

will feel. It does not have to be composed entirely of women. You will find men who are very sympathetic. I, myself, have been sometimes labelled by my friends as a feminist, and I am not ashamed of it. So, first of all, you need a lobby group.

We have a Human Rights Commission provided for in the Constitution. We must put pressure on the government to appoint the commissioners. We have already said that women's rights are human rights. When your rights as women are violated, it is human rights that are violated. The Human Rights Commission has a statutory duty to make recommendations and these recommendations will find their way to the National Assembly. The National Assembly will debate these recommendations, and they will put them into legislation. So when the Human Rights Commission is in place, I would urge that you bring to the attention of the Commission as many violations of women's rights as possible.

We also have a Law Commission provided for in the Constitution. The Law Commission is a commission which has a duty to look at the laws of Malawi and see where these laws are unsuitable. If it is brought to the Commissioners' attention that certain laws and practices of this country stand in the way of women's rights, then again the Commission has a statutory duty to report to the National Assembly. The National Assembly will debate these recommendations and possibly change the law so that the barriers to women are reduced, if not eliminated.

The same applies to the Ombudsman, who has now been appointed. The Ombudsman would be an extremely useful institution for you to go and complain to when you think that you, as women, are not being treated as equals with men in this country. If you can not easily find a judicial remedy, the Ombudsman will come to your assistance as he has a statutory duty to report to the National Assembly to see what legislative action can be taken.

There are also the political parties. I notice, particularly from my colleague Linda Semu and Mrs. Kachingwe, a hatred--I am using the word hatred in a very light sense--a hatred for parties. Mrs. Kachingwe said she would rather support an independent candidate instead of a party candidate. Parties will soon, if they are not already, be a fact of life in this country. If we hate them, I don't think we are going to achieve much, perhaps we have to tame them. We may have to domesticate these bodies if they don't accommodate women. We will have to make them ours. Women will have to tame these parties and influence party politics. Let me give you an example. Last year we had a number of independent candidates. Not one of them got a seat in Parliament. Voting was strictly based on party lines, which means if you want to influence the legislature, you must get some of these parties to adopt policies which are women-friendly. One party had a Secretary General last year who was a woman, but soon she resigned. I have yet to find out why she resigned from that very influential position. We, in AFORD, have a Deputy Secretary General who is a woman. When our Secretary General was resigning he recommended to the party that the Deputy Secretary General should become Secretary General. I am told her response was that she was quite happy to remain Deputy Secretary General. Assume that this is true. If it is true that she does not want to be Secretary General, I think this is not good enough. We should be ready to accept these offices. They are very challenging, they are very time-consuming, and they are sometimes very unrewarding. You spend your own money, you spend your own time and you get not a tambala in return. But if you are fighting for a cause, I think it is time and money well-spent. So let us as women tame

Influencing Parliament

By Matembo Nzunda

I shall also organize my talk in the manner in which Hon. Mrs. Lilian Patel has organized hers: influencing the legislature from outside Parliament and from inside Parliament. Now, Mrs. Patel talked about influencing Parliament by using seminars. I agree with her fully; those of us who have attended these seminars have benefited immensely.

Many times women think that men behave the way they do out of spite. I think that is not true. We have been brought up and socialized in an extremely autocratic, oppressive way. Our mothers have brought us up to believe there are male roles in our society. We are victims of society as you are; so we need to support each other, and this is why I appear before you today. The more you organize these seminars, the better, especially for men, for whom it is going to be extremely helpful. We need to be liberated. I was listening to a programme on BBC, entitled "The Liberation of Men." I enjoyed it enormously, so do help us to liberate ourselves. Sometimes we don't want women to go to campaign because we are afraid that if you go, there will be no one to cook for us. The reason we do that is because somehow we were brought up so badly that we don't know how to cook. If when I am growing up my mother says, "You will have to cook, I am not going to cook for you." I would learn how to cook, and I wouldn't be dependent on my wife for cooking. I would say, "Go, you can spend two or three days on the campaign trail. I shall be cooking for myself and for the children." I would be liberated. We are too dependent on women, so I think these seminars are extremely important.

Lobby groups: I think Cecilia Mwansa is an extremely good lobbyist. We need that sort of person here. I was talking to Catherine Munthali when we were at the New State House and I said, "Are you going to follow up the issue of the Senate with a lobby group when we meet in Zomba?" She said they were going to try to do it. Yesterday I said, "I have not seen any lobby group in Zomba for women, what's happening?" She said "Well, we tried to organize a lobby group at the last moment but everyone said, 'I am sorry I am too committed to go.'" If you have a cause, and this is a very good cause, you will have to find time for these things. If you can not give these things time, then your cause will not succeed. I urge you that one of the practical ways of moving forward is to form an effective lobby group. Let me say something about this lobby group. It will have to have information, it will have to be factual and it will have to be credible. If you form a lobby group which is rather like an evangelist, if you are going to be preaching to Members of Parliament about rights and things, it will fall on deaf ears. You will need to convince. You will need to negotiate, give and take. You will have to accept that men feel threatened, but the more credible you are, the less threatened they

telephone, there is nothing. But I went through all that so I could win my campaign. So I advise other women that if you want to win a campaign it is not easy, you've got to go into villages to get a vote from those rural people, but you can do it.

Another way that women can influence the legislature inside parliament is having a parliamentary committee on women. At the moment we don't have one, but I think the next time we go to parliament I will bring up the fact that we should have a parliamentary committee on women. Since we are only 10 I don't know whether it will be possible to have a committee made up only of women, but I will ask the Clerk of Parliament whether that is possible. Maybe we shall include men as well in that committee.

Another way we can influence the legislature is that women should aspire for everything. We should aspire for the big positions which are held by men. We are not just talking on the political side only. If we have a lot of women general managers and women accountants heading these big organisations, those can influence us in parliament also.

I think I have covered the areas that I should have talked about, but before I wind up perhaps you would like to know how I managed to achieve what I have achieved. To become a Member of Parliament is a very difficult thing for we women. Maybe I should tell you from the beginning how it all started. As I said I was a councillor during the Malawi Congress Party government, and I rose up to become the chairperson of Mangochi Town Council. But after the referendum I decided to choose the party I liked, and I chose United Democratic Front. That was the first step, identifying myself with a party. Then comes campaigning. Campaigning is not an easy thing, especially for women because it's all dominated by men. I went around everywhere in Mangochi, and Mangochi is a very big district. There are 10 constituencies. I know if it hadn't been for the fact that I have my own money it wouldn't have been possible. But because I had my own money, the men accepted me because I could finance them as well. When I was campaigning I was using my car together with other male candidates. I know it would have been a handicap, and it may not have been possible if I was a poor person.

There are sacrifices too. I ran down my business, sacrificed my business to go into the campaign. I used my car and I was up and down, up and down daily going to rural areas, going to where the women are. I knew that for me to get the vote, I had to go to the women first. Although in the villages women still don't trust us, if you talk to them they are very easy people to convince, very easy. I went around everywhere, campaigned everywhere. I didn't even know that in the end if I would be a candidate, but I wanted to help towards this struggle of democracy. When the time came for selection of candidates, I had a problem in that I was born in Blantyre. I went to Mangochi, although it is my mother's district, in maybe 1982. I was staying in town, doing my business in town, but when it came to producing names for candidates, the town didn't accept me. I was eventually accepted in my village in Namwera because that's where my roots are. That's a handicap as well because instead of me standing for a constituency that I live in, I stand for a constituency where I don't live and which is far away.

In terms of campaigning, if you go to church there are people there. Go on Sundays and talk to people and you'll get a vote from them. It is a secret ballot, so you can't count that people are going to vote for you even if they say they are. So you've got to go to each and every place where you can get people who you think will vote for you. I went to all the churches in my village. Sometimes on Sundays I would go to a village church. Sometimes I had to stay the whole weekend at the village, and it's hard for we women who are raised up in town. In my constituency there is nothing; there is no electricity, there is no piped water, there is no

The other issue that is very important, which all my other colleagues especially I think Joyce Kazembe touched upon, is the grassroots. If we are not going to do anything about going down to grassroots I can tell you ladies that there is no way we are going to achieve anything. When we go to the grassroots, my experience is that it is a woman who suffers walking long distances to fetch firewood, she walks long distances to collect water, she has to carry a baby on her back to go to the hospital. It is the women themselves who are faced with these problems and yet when we look at all the committees at grassroots level, women are not represented. You go to school committees, it is the mother who knows how a child performs at school, it is the mother who knows what goes wrong, whether there are enough classroom blocks or children who are not getting text books. It is the mother who knows all this, and yet women are not on the committee at that level, it is only men. You go to the health committee in a village, it is the same thing. Yet it is the mother who goes to a maternity clinic and it is only a woman who knows the problems of maternal care. You look at that committee, and there is no woman there. In all the committees you can think of at village level women are not there. Some of us who have gotten chances to talk to women in our constituencies are trying to rectify this, but for the whole of Malawi to be rectified when there is only 10 lady parliamentarians, it is going to be very difficult. We also have to find a way of sensitizing these women. If we don't find a way there is nothing we are going to achieve in the end because the women themselves in the village can't say that anything is wrong, up to now they have believed that the man has must have the final say.

Another issue which can influence the legislature is women in local government. In local government you have district councils and wards. In each ward, a councillor looks after the development of the wards, the services provided to the area and the social welfare of the citizens. If we have women in district councils and town councils, this will definitely influence the legislature. Women are guilty of continuing to think that its the men who are suppose to do this or that we shouldn't start from the bottom. We all want to aim at the parliamentary level, but what about the lower levels? I am telling you that we've got a golden opportunity in front of us. Local government elections are going to be announced sooner or later. Let's all try to field some women candidates for local government. I was a councillor before I became a Member of Parliament (MP), and the experience that I gained as a councillor equipped me to stand for elections in parliament. It was easier because what you are doing as a councillor is exactly the same as what you will do as MP. So I would urge you women to stand as a candidate in the next local government elections. We want mayors, and we want town council chairpersons. If we can do these then in the end we will influence the legislature on the national level as well.

The next question is how do we influence parliament from within. One answer is that the more women in parliament, the better it is. Right now it is just 10 of us against 177. It's a very big difference. But how do we work with the women who are already in parliament? I think of the South African experience where an MP there told me that in every parliamentary session, they have a caucus of people who are interested in women's issues, all NGOs and lady parliamentarians. During that the NGOs will tell them, "we want this, we want that." Without such a caucus, we as lady parliamentarians don't know what women want because we don't have that communication. I think that is another way where we should try to come together to influence parliament. Otherwise, if we as lady parliamentarians don't meet with the existing NGOs, there is no way we are going to know what you want us to talk about in parliament.

How Women Can Influence the Legislature

By Lilian Patel

This afternoon I will talk about how women can influence the legislature and what that means in the Malawian context. I didn't have time to research or to read books but what I will talk about are the realities here in Malawi. I will talk about how women can influence the legislature both outside parliament and inside parliament.

I will start with talking about mechanisms outside parliament. Namely, how the women outside parliament can influence the women inside parliament and, in turn, influence legislation. One of the things that can influence the legislature is forums like this one. This forum or other women's forums help to educate parliamentarians. For example, because I have attended this symposium, it will help me when I go back to the parliamentary session which is currently in progress. There are a few things which I may put before the assembly as a result of this women's forum which may, if we manage, make it through. Also from this particular symposium, there is something that I have learned from Modesai Msisha who told us yesterday about the Constitution Section 24 where it talks about the disposition of property. The enlightenment he gave on that issue was very important, and if I hadn't come here, it would probably mean that no one in parliament would be aware of the issue. I don't know whether it's too late to take action on the matter when I go back to parliament tomorrow, but it was very important that I at least be informed of the problem. So I just want to ask for you honourable ladies to realise that every time you have anything to do with women, you should try to invite parliamentarians, particularly women parliamentarians. There has been a tendency, I don't know if it was intentional, not to invite us. But you have to remember that some of us Members of Parliament are new to our jobs, we just went to the legislature for the first time in 1994, and as a result, we don't know about a lot of issues.

We are basically getting on-the-job training. We haven't gone for any courses, we haven't gone for any seminar, we've just gone into parliament and a lot of times quite frankly, we don't know what we are suppose to do. The only way we as women parliamentarians can advance ourselves is by you fellow women equipping us with information. There has been this gap between us and especially the professional women, so now let's try to seal it. Let's forget about the past. For the future let's seal it, let's all work together. Of course I am answerable to my constituency, but as a woman I need to talk about women issues in parliament as well.

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Annex 1: Distribution of Female Government Officials by Type of Ministry & Region 1990

REGION	Economic, Political Legal Affairs		Social Affairs		All ministries		All Ministers	
	No.	%	No.	%	No.	%	No.	%
Devd Regions	144	5.6	78	13.2	222	7.0	58	7.5
Africa	34	1.7	54	8.9	88	3.4	35	2.9
L. Amer., Caribbean	63	5.5	56	16.8	119	8.1	33	5.5
Asia Pacific	42	1.7	38	5.3	80	2.6	24	2.2

Source: Extracted from "Women in Government," Data Base (DAW. United Nations, 1990:6-8)

- o Existing women's departments within ministries and departments should be strengthened and where these are not existing, there should at least be women's desk officers. The National Commission of Women in Development should be strengthened by granting it independence from political interference and soliciting membership from individuals who are committed to the question of women's development.

Some strategies are thus being offered as a means of changing the situation at the international and national levels. At the international level, change should begin from within the United Nations, thus well-qualified women should be given an opportunity to participate in "strategic" United Nations bodies instead of leaving them in the traditional "female ghettos" which in essence removes them from mainstream participation in politics and decision making. Furthermore, there is a need to create better way of enforcing countries in implementation of conventions. It is hoped that these will go beyond "mobilization of shame" which is simply a diplomatic pressure that may not necessarily result in significant change.

The ECOSOC's theme of Equality (E/CN.6/1990/2/Corr.1) has made a number of recommendations on ensuring equality between women and men. Of specific interest to this paper are the following strategies on overcoming barriers to women's participation in politics and decision making which need to be implemented.

- o the enhancement of women's educational qualifications, especially in nontraditional areas, and the maximization of training and career development opportunities for both women and men without discrimination;
- o the creation of flexible working arrangements;
- o the review of personnel practices, including job classification and leave provisions, to remove any systemic discrimination, as part of this all civil services should clearly set out their personnel practices (i.e. leave entitlement, appeal mechanisms, promotion and appointment);
- o the enactment of relevant legislation to improve equal employment opportunities, affirmative action strategies and improved arrangements for workers with family responsibilities, including the establishment of a machinery for dealing with women's issues; and
- o the creation of mechanisms to ensure that women are distributed throughout all levels of the administrative hierarchy, including the decision making level, and in all functional areas.

Specifically for Malawi, it is suggested that while the above strategies are being incorporated, the following should be done:

- o Attempts that have been made to facilitate women's participation in education are being appreciated. However this is a remedial strategy, and there is need to deal with deep rooted factors that hinder women's access to education; retention in the education system, and entry into nontraditional and decision making areas.
- o Women's issues are political issues. Our political leaders should therefore make a conscious decision to have these as a priority on their agenda. Belatedly, attempts must be made to remove structural and cultural barriers to women's participation in the running of government and other organizations.

- o Strategies need to foster attitude changes to produce real change.
- o Girls should be encouraged to go beyond primary school.

Women and Health

- o Government and NGOs should try to tackle the problem of lack of civic education on reproductive rights.
- o Action needs to be taken on the problem of lack of access for women to family planning services.
- o Education empowerment on health issues should be an ongoing process, so there is need for full participation in this area in development work.
- o Because of peer pressure and early initiation ceremonies, it is difficult for the girl child to act independently. Thus, this cultural barrier should be addressed.
- o Women should be exposed to the *correct* information about AIDS.
- o Satellite centres where women can get information about AIDS should be created.
- o Husbands and wives should increase their communication so that their relationship promotes honest exchange about sexual matters.
- o Girls should be given the opportunity to communicate with their parents about sexual activity.
- o Women should be free to talk to each other about AIDS issues.
- o Girls and boys should be talked to and counseled on sex education.
- o Parents should know their responsibilities and should talk to their children about sex.
- o The question of timing of pregnancies should be addressed technologically.
- o Churches should be used as a platform for empowering youth to make smart choices with regard to sexual activity.
- o Interdenominational youth clubs should be formed to deal with the problem of early pregnancies.
- o Girls with babies should be allowed to register with their babies at schools.
- o Women should act as forerunners in educating girls.

- o Programs like GABLE (Girls Attainment for Basic Literacy in Education) should be encouraged in Malawi.
- o There should be strategies to get street girls off the street or to at least educate them about AIDS and early pregnancy.

Women's Participation in the Political Process

- o Politics begins at the domestic level, so therefore women should not just be laborers, but should be involved in the day-to-day decisions made at home.
- o Women should be educated on the importance of voting for other women.
- o Women should get involved in running for local races as a training ground for the national level. These women should be conversant and sympathetic to the problems of rural women.
- o Women must coordinate and collaborate and build networks to be effective.
- o Young women should be nurtured at an early age to become active in politics.
- o Women who are active in politics should be identified district by district.
- o A better way to force countries to implement the international conventions they have agreed to should be created.
- o Women should be encouraged to pursue careers in nontraditional areas and training and career development opportunities for women should be maximized.
- o Flexible working arrangements should be provided.
- o Personnel policy practices including job classification and leave provisions should be reviewed to remove any systematic discrimination.
- o Relevant legislation to improve equal employment opportunities, affirmative action strategies, and improved arrangements for workers with family responsibilities should be enacted.
- o Ways to ensure that women are distributed throughout all levels of the administrative hierarchy should be developed.
- o Our political leaders should make a conscious decision to have women's issues as a priority on their agenda.
- o Existing women's offices within ministries and departments should be strengthened. The National Commission on Women in Development should be strengthened by granting it independence from political interference and by soliciting membership from individuals who are committed to the question of women's development.

- o Women should help parliamentarians become knowledgeable about issues affecting them.
- o Women should make a very big effort to be elected to district councils. However, women should also aspire to high office; and therefore should be encouraged to run for national offices as well.
- o There should be a parliamentary committee devoted to women's issues.
- o Women should find the time to lobby Parliament, but they must also lobby with information that is factual and credible.
- o Women should make recommendations to the Human Rights Commission which will submit them to Parliament. The same is true of the Law Commission.
- o Women must be active in political parties. They are a fact of life, and women must make parties accommodate their views.
- o Women must be ready to accept challenging posts.
- o Women's issues must become electoral issues. Women must vote for or against an MP at least partially based on his stand on women's issues.
- o The Senate should be retained in the Constitution to ensure that women have fair representation in Parliament.
- o Two barriers to women's participation in Parliament should be removed: the English language requirement and the requirement to resign from your job if you choose to stand for election.
- o Women MPs should master the rules and procedures of Parliament and should use Question Time wisely to make sure that Ministers are actively considering gender issues in their policies.
- o Women MPs should be strongly supported by NGOs.
- o Women should keep inviting MPs to forums where their issues are discussed.

Women and Networking

- o Women's NGOs should begin networking now and should develop common goals to be achieved.
- o Women's NGOs working together should assist the government in solving the problems women face.
- o The Ministry of Women's Affairs could serve as a focal point for women's group.
- o A national committee of all women's groups could also be formed.

- o Roundtable forums of NGOs should be held.
- o Networking should begin immediately to prevent duplication of effort.
- o Mechanisms to coordinate with the government should be developed by NGOs.
- o NGOs should also coordinate with institutions at the University of Malawi that could help them.
- o NGOs should be encouraged to focus their efforts on educating rural women.

Women's Empowerment in Malawi

Working Group Findings and Recommendations

Group One: Organized and Effective Advocacy Strategies for Women

- o Obstacles to women rising within the political party structure should be identified. Some obstacles may include that women feel timid and inferior; that women are less aware politically than men; that women do not support one another; that some women feel political jobs are for men; that women lack encouragement, resources and education.
- o School curriculums should be revised to promote gender awareness and sensitization.
- o A media campaign through radio programs, newspaper articles and drama plays should be conducted to promote gender awareness and sensitization.
- o Seminars and workshops should be conducted at the grassroots level to promote gender awareness and sensitization.
- o For true action on gender issues, NGOs, donors and government structures must work together.
- o NGOs, the government and donors should promote the education of girls.
- o A women's lobbying group should be established to monitor Parliament, to initiate action on legislation and to overcome the problems of selective reporting of the media. The group should include women MPs, NGOs and other women activists.
- o Women should work to gain political appointments through encouraging popular participation in politics and by demanding accountability from the government on inclusion in such appointments.
- o NGOs need to work harder to communicate with women MPs and to provide them substantive information on issues, so that they may better represent women's interest in Parliament.

Group 2: NGO Mobilization and Coordination

- o Activist women who are not currently members of any NGO, should be invited and encouraged to join the women's NGO of their choice.
- o NGOs should make a greater effort to coordinate their efforts.
- o NGOs with interests in a specific area (such as women's rights) should be identified and mechanisms for coordination should be instituted.
- o A forum on a single, common issue could be held, for example, to facilitate coordination.
- o NGOs with common interests should share resources, expertise, and wisdom to promote efficiency.
- o On a topic such as civic education where there is a likelihood of duplication, NGOs should meet and assign responsibilities for specific areas.
- o On civic education projects, a target group should be selected, an NGO should be identified to conduct the project, the tools to implement the project should be identified, and the cost implication of the project should be assessed.
- o Existing structures, such as traditional authorities, should be utilized.
- o In lobbying Parliament, efforts should be made to inform and involve women MPs, information on the issue should be disseminated to all interested or affected NGOs, and NGOs should coordinate on resource mobilization.
- o NGOs should also identify an MP to lead the lobbying effort within the chamber. This could be a woman MP. NGOs should target influential decision-makers within Parliament to sensitize them on their issues. In the end, though, the lobbying effort should try to reach every MP.
- o On legal reform, NGOs should first make an assessment of the legal literature, then organize a forum, prioritize issues, identify resource persons with areas of specialization, and finally draft legislation for reform.
- o The legal reform effort should have support from influential people in the legal and political community.
- o In working with rural women, NGOs should first make an effort to identify what rural women feel are their biggest problems and then work to identify programmes for solving these problems.
- o Development NGOs should be brought into the civic education process by inviting them to women's rights forums, informing them about how they can be involved in educating the public, training them in civic education techniques, and then working with them to reach women in the rural areas.

Group 3: Civic Education for Rural Women

- o Rural women need to be educated on many critical issues. Several of the most important ones are: legal rights, inheritance rights, reproductive rights, HIV and AIDs, and gender education.
- o Several groups should take the lead in educating rural women: chiefs (through meetings), NGOs (through a multisectoral approach), government, the District Development Committee and private companies.
- o A Media Commission on Women in Development should be established, and it should promote the positive portrayal of women in the media. In addition, women should know the importance of media and be sensitized to the use of media messages.
- o On family planning issues, organizations should encourage communication between couples and the right of both the man and wife to agree on the number of children.
- o On HIV and AIDS, the government and NGOs should encourage couples to communicate and negotiate concerning sex. The government should provide counselling facilities and home care and support. Parents must be encouraged to talk to their children about sex, and civic education should be offered to clarify myths and to instruct on the handling of dead bodies.
- o First and foremost, women must be informed of their legal rights. They should know what laws directly affect them as women, and where and how to get legal assistance.
- o There should be a Legal Women's Action Group. Women attorneys should go into the villages to educate rural women about the law.
- o Women should be educated on their role as citizens and the functions of the government.
- o A plan of action on disseminating legal rights information to rural areas should be developed.
- o Women should be educated on their reproductive rights. Women should know that they can and should have control of their fertility, and that they do not have to tolerate rape and defilement. Women should also be educated on sex in general, menstruation and rights within marriage.
- o Women should know about their right to vote and their right to stand as candidates.
- o Women should be made aware of gender stereotypes.
- o Women should look at the distribution of work in any development undertaking.

- o The Ministry of Women's Affairs should be more diligent in publicizing its activities.
- o Women should make sure that the people they place in power by their vote are responsive on gender issues.
- o The government's major role in educating rural women should be resource allocation, community mobilization and skills training.
- o Traditional authorities should be trained to educate rural women on their rights. The TAs should be monitored to ensure they are disseminating the information correctly.

Group 4: Legal Reform on Women's Issues

- o Laws within marriages should be grouped into two sections: those under the Marriage Act for christian and monogamous marriages and those which are customary or polygamous and Asiatic marriages.
- o The custody of children should be determined in the interest of the welfare of the children.
- o Women must be made aware of their rights concerning property in divorce settlements.
- o Upon the death of a husband, most of the estate should go to the widow and children and a small percentage should go to others who were his dependents. The Administrator General should be able to attend a widow's estate within six months.
- o Those who interfere with the estate while a woman is in mourning must be criminally liable.
- o If a husband has made a will on property that is the wife's, she should be informed so that she has the option to take him to court.
- o Any battered woman should be protected by being given the option of going to the Magistrate to obtain a restraining order.
- o A forum between women and the police needs to be held to discuss the issue of domestic violence and women should be encouraged to contribute to the law reform of the police.
- o The minimum period of imprisonment for rape should be eight years. Rape cases should not be handled in public. Spousal rape should be an offence.
- o The Law Commission should have 50% representation of women.
- o There should be a committee of women who research legal issues and make recommendations to the Law Commission.

- o There needs to be more consultation among women on the abortion issue.
- o Sexual harassment on the job is a pervasive problem. It must be addressed.

Group 5: Working with Traditional Authorities

- o Chiefs who are willing to work to educate rural women must be given the training they needed.
- o The Constitution should be translated into vernacular languages so traditional authorities can educate the people on their rights.
- o The *Women and the Law* book should be translated into vernacular languages to help traditional authorities educate women on their legal rights.
- o NGOs must formulate a system of networking with traditional authorities so that important information can reach the rural areas.
- o NGOs should conduct meetings in the rural areas so that the chiefs and village headmen can understand how to disseminate the information.
- o Culture is important, but if it contradicts the law, the government should interfere.
- o Traditional authorities should encourage girls to go to school. Rural women also have to encourage girls to go to school.
- o Traditional authorities should be involved in enforcing the current inheritance laws.
- o Traditional authorities should help ensure that boys and girls are given equal opportunity and should not promote the boy child as superior to the girl child.

ourself to be missionaries of supposedly universal values? we have to speak for them. Can they appreciate our adopted high-tech values? Do we take such remarks these fundamental questions in mind. Can we then speak for them? What right do oppress women. I heard one woman say that women in the villages are not just but slaves. Each village. Some of us have the only thing the extreme view that traditional and our there to in sharp contrast. We are in a position to do so. We have a right.

I have harsh words for women who claim to be spokespersons for all women and yet look down upon traditions out there. They are selfish people. In Malawi, for example, currently 22% of the population are women. Therefore they deserve a much larger share of the national cake. Do you want the larger share for the 80% of the women in the villages? Or do you want

Civic Education for Rural Women

By Queen Caroline Gondwe

Introduction

The purpose of this paper is to present personal reflections on the empowerment of women in the villages. They should be seen as ideas of a keen social observer and a conscientious political activist. I do hope they will provoke critical comments. That is how it should be. My ideas have developed out of Malawi as it is. Consequently, they are not quite in tune with high-tech concepts on the "empowerment of women." My focus is on building the village as the base of "power" for women. I contend that a strong base quota system as a level for gender equality can only be used as an interim measure in specified areas.

Malawi As It Is

I am cognisant of the fact that few people may be familiar with the background of my ideas and for them to fully understand and appreciate them, I have to start with my conceptional context. Over 80% of the Malawi women live in rural areas in a largely subsistence economy. Thousands upon thousands of them still scratch the soil for their living. They dominate the markets. They walk long distances, sometimes in the hot sun, with babies at their backs, in search of water or firewood. Close to 75% of them are illiterate. They do not know where the United States, China, Japan, British, India, Germany and other countries are. Their value systems have evolved very little over the ages. In the village I am not Mrs. Gondwe but Nya Chirambo (daughter of Chirambo). In the village my husband cannot call me Queen but only Nya Chirambo. In the village they do not wear wigs to look beautiful. They are in a world of their own.

In sharp contrast, we are the so-called modern Africa women. We have acquired high-tech values. Some of us have already taken the extreme view that traditions are out there to oppress women. I heard one woman say that women in the villages are nothing but slaves. Such remarks raise fundamental questions in me. Can we then speak for them? What right do we have to speak for them? Can they appreciate our acquired high-tech values? Do we take ourselves to be missionaries of supposedly universal values?

I have harsh words for women who claim to be spokespersons for all women and yet look down upon traditions out there. They are selfish people. In Malawi, for example, currently 52% of the population are women. Therefore they deserve a much larger share of the national cake. Do you want this larger share for the 80% of the women in the villages? Or do you want

to ride on their backs to get to fat positions? Do not get me wrong. For equity and utilitarian arguments women should, by all means, compete vigorously to win critical positions in our societies. Women in critical positions will also become models for girl child. But, I strongly believe, we should make a clear distinction between fighting for the social returns for women and fighting for high private returns.

Women in the villages will not become general managers; cabinet members; they will not become principal secretaries; they will not become ambassadors; but they are there, and they are by far the majority. If we shall not focus our attention on them, then count me out.

Striving for a Newer Society

My guiding philosophy has been neatly expressed by Eleanor Roosevelt. I quote:

"Where, after all, do universal human rights begin? In small places, close to home--so close and small that they cannot be seen on any maps of the world. Such places are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity, without discrimination. Unless these rights have meaning there, they have little meaning anywhere."

Spokespersons to Live in the Villages

As far as I am concerned, those of us who have been inspired to become spokespersons for all women should accept the traditions out there as the cornerstones for the participation of women in public affairs. We should go out there culturally and psychologically if not physically, and live with them, work with them. Their dreams and nightmares, hopes and despairs, aspirations and fears--all social rhythms, really--should become ours. Then, and only then, can we have the moral urge to become their spokespersons so as to articulate the social rhythms I have just outlined.

Whether we like it or not, the first power order is public affairs. I am advancing that we want to become spokespersons of women in the villages so that they can get a large share of that power. Now mark my words, we want power not promote the so-called women's interests. There is no such a thing. We want political power to create a newer society with strong elements that women see as humane and just.

We can now turn to ask, "What makes eyes of women different from those of men? I believe it is social dynamism. That's why I insist we should go out there. In Malawi, for example, it is women who carry babies on their backs; it is women who sit around coffins during funerals; it is women who take care of the disabled, the elderly, the sick and so on. As they do so, they see corners of hell that men do not see and create elements of heaven that we should attempt to bring down to real life. I want political power for this purpose. Our ultimate goal should be, of course, to create a society in which the interdependence of women and men is total and harmonious, where together we can strive for fellowship with all things created by God.

Attempts to Contribute to Building a Newer World

There is another reason for the necessity of exploiting the village traditions. Humans are far from achieving the universally proclaimed goals of minimizing suffering, establishing justice, narrowing the gap between the rich and the poor and so on. Furthermore, we see a sting in the high-tech values. Families breakdown and social abuses are on the increase and so on.

Therefore we have to continue striving for the ideal of a perfect world. Accepting that we are normal human beings who desire not only to imitate but also to create, not only to follow but also to lead, we have to fall on our traditions to find material for creativity and for inspiration to lead. Only then can the African woman make meaningful contribution towards the building of newer world.

Mechanisms for Empowering Women in the Villages

As I have already explained, to create a newer society and to contribute towards a newer world, we need power. My special interest lies, of course, in one aspect of power and that is political power. How can women in the villages acquire and use political power? Several strategies have been advanced. Some women think the government should take a leading role by formulating appropriate policies. Others think that the government together with nongovernmental Organizations (NGOs) should promote grassroots association to realize women's latent potential. Still others advocate women's pressure groups. Of late modern women in Malawi have pushed for a quota in the proposed Senate and in the Cabinet. I accept these strategies. However, I want to add news ones.

I start with my earlier suggestion that we go it there [to the villages]. Those of you who are not Christians will have to excuse me for quoting from the Bible to emphasize this point. Jesus said, "When the Holy spirit comes upon you, you will be filled with power and will be witnesses for me in Jerusalem, in all Judea and Samaria, and to the end of the earth" (Acts 1, Verse 8). I believe that is the best way to proceed. Without the commitment similar to that of the Apostles, there is little we can achieve, except for a few women getting fat posts. We need apostles. Therefore, it is important to explore mechanisms for identifying them. It will be a shame if the apostles (spokespersons) will be women only, or mostly women. They should be women and men, adults and students. It should be a movement for creating a newer society. The spokesperson should go to their home village to spend some holiday or weekend there, not only to see their relatives but also to fulfill a clear agenda.

Spokespersons to Fulfill a Specific Agenda

I am talking of going there to campaign or organize "grassroots associations." I am talking of fulfilling a clear agenda. A few examples, I believe, will make this point clear. The agenda might be girls who do not go to school. If it is your village, you do not require research assistants. The whole village will assist. If you put yourself to their level, they will not be suspicious of your motives. You are a home person. With rapport established, you will easily learn genuine reasons for those girls not going to school, and you will easily discuss what you think they can do for themselves. In this process, you will 'discover' problems that require the attention of relevant authorities, MPs and so on. A week in your village might be more than enough to fulfill such an agenda (researchers might need several weeks and never achieve half of what you would achieve in a week.) Another agenda could be family planning or a simpler one such as malnutrition. You could follow the same pattern in speaking to your targets.

Recognizing Cadres

Four or five such 'homecomings' would produce wonders. By then you will be ready to initiate the second phase which will have two stages. The first stage is to recognize 'cadres' that will emerge as bridges between you and the village while you are away. The second stage is to take the agenda to other villagers through the network of the extended family (assuming your cousins or cousins of your cousins have not already taken similar steps in those villages; if fellow spokespersons are working in the area, it would zero down to exchanging notes, agenda by agenda).

Establishing Communication Channels

The third phase will involve the establishment of formal and flexible communication channels; first among the spokespersons and cadres. For example, spokespersons might get together and with the help of well-wishers publish a simple and interesting newsletter about their area. It could be circulated among the cadres. Some of the stories could raise issues that would definitely provoke discussions among themselves.

Sustaining the Power Base

The fourth phase will automatically evolve, women will know what is good for them. Cadres will become spokespersons for issues that have been systematically organized for them during discussions with the spokespersons and among themselves. They will know how to present their cases to relevant authorities. The machinery for identifying leaders will emerge. Frequent visits by spokespersons will sustain and, in some cases, improve such a power base. With such effective participation of the people at the grassroots level and two way communication among the spokespersons and cadres, the Malawian society will be ensured of greater participation by the womenfolk politically, socially and economically.

In conclusion, let me echo my main message by quoting Lord Tennyson:

"The lights begin to twinkle from the rocks; the long day wanes; the slow moon climbs; the deep moans round with many voices. Come, my friend, tis not too late to seek a newer world. Push off, and sitting well in order smite of all the western starts until I die. The sounding farrow for my purpose holds to sail beyond the sunsets and baths."

Knowledge, Attitudes, Belief and Behavior Regarding Sexual Activities of Girls in Traditional Authority Kalolo, Lilongwe District, Malawi

By Anne Domatob

I would like to share the results of a study done by The Society for Women and AIDS in Africa, Malawi Branch. This was one of the group's first activities in their effort to join the fight against AIDS in the country. My brief presentation complements Mrs. Shawa's speech.

Objectives of the Study: The Society for Women and AIDS in Africa-Malawi gathered baseline data for designing information, education and communication interventions to help girls delay sexual intercourse. Specific areas of interest were: problems, responsibilities and aspirations of girls; knowledge about sexuality, pregnancy and STDs; attitudes and beliefs about sexual intercourse; age of first sexual intercourse; and reasons for starting sexual intercourse.

Methods: Thirteen focus groups consisting of 99 participants were interviewed in Lilongwe District. The groups were composed of school and out-of-school girls (8 to 16 years old), school and out-of-school boys (8 to 18 years old), parents, traditional counsellors, teachers, and three groups of religious leaders.

Results: All children interviewed indicated that they had sexual intercourse. Reasons included money, pleasure, desire and force. Parents and traditional counselor attributed early sexual behavior to disobedience and lack of discipline.

Factors leading to early sexual intercourse included opportunities for sexual pairing, peering and parental pressure, community leniency, lack of parental guidance, early initiation ceremonies, social changes which destroy traditional ways, and difficulty in dealing with sexual desire.

Misconceptions included beliefs that pregnancy can not result from "bush sex", from sexual intercourse lasting less than five minutes, if girls remain still and hold their vaginas tight, or if a string of herbs is tied around a girl's waist. Myths included beliefs that girls must sleep with men to make their breasts grow and to induce menstruation. Semen is believed to contain vitamins and is thought to be essential for female orgasm.. All groups were aware that AIDs is sexually transmitted and has no cure. They also understood that HIV-infected people may not show signs of AIDs. Condoms were blamed for bursting, sticking inside women, and encouraging promiscuity.

Suggestions for delaying sexual intercourse included: reviving traditional values, involving government in moral education, educating traditional counselors, increasing discipline among youth, and encouraging people living with HIV/AIDS to testify.

Conclusions: This study has revealed that some girls start sex as young as 8 years. Reasons and contributing factors were identified, as were myths and misconceptions about sexuality. People were aware of STDs and HIV/AIDS. Suggestions on how to delay sexual activity, and recommendations for designing education and policy initiatives were made.

One way of resolving the problems identified, would be exploring ways of empowering girls at a very early age, even before the age of eight to "say no" and delay the onset of sexual activity until they are ready for it and all its consequences. We also need legislation and above all education about women's rights to support individual efforts.

This study was conducted by: Chaima, C; Chilambe, T.**; Domatob, A.* Samu, S.M. ***; Shawa, M.*; Sulanowski, B.K.***. AIDS Secretariat; **SWAA-M; ***University of Malawi; Lilongwe, (November, 1994). The complete report can be obtained from SWAA-M, Malawi; C/O AIDS Secretariat, P.O. Box 30622, Lilongwe.*

PETITION ON RETENTION OF THE SENATE

It has come to our notice that Parliament will be voting on the issue of Senate amongst other constitutional matters during the week beginning 27th March 1995.

This petition comes as a special appeal to all Members of Parliament to **seriously consider the resolution of the National Constitutional Conference in favour of the retention of the Senate.**

Women and other interest groups, including our chiefs, believe that Senate will offer an opportunity for fair representation and offer an avenue for special interest groups to fully participate in the legislative process, especially considering that in the case of women, there are only 10 female Members of Parliament against 167 male parliamentarians though women constitute 52% of the population. Women's position on the issue of Senate is further confirmed by the following factors:

- (a) The Provisional Constitution already provided for this chamber which was a move in the right direction and which was approved by the National Consultative Council before the election.
- (b) The National Constitutional Conference reaffirmed the need to retain the Senate.
- (c) The 1995/96 budget has already catered for the Senate financially dispelling fears that it is unaffordable. In any case democracy is expensive.
- (d) The financial constraints could further be reduced by the lowering the total number of members of the Senate.
- (e) There is no basis for judging that the Senate would be ineffective since it has not been tried in Malawi; it should, therefore, be given a chance.

It is our hope that Members of Parliament will look into this issue with the seriousness and essence it deserves. This is our special appeal, and **we look forward to your votes in favour of the Senate.**

Signed:

Name

Organization*

* Organizations are listed for identifications purposes only.

Quotes from Women's Empowerment in Malawi

"Any nation which is serious about improving women's status has to recognize women's individual rights and realize that women are able to make free and informed choices regarding their reproductive behaviour."

From Women's Reproductive Rights Paper by Mary Shawa

"We have to learn to use our strength in numbers to vote other women into decision making bodies, as mobilization and solidarity behind other women is the first step towards the realization of our goal to have a say in politics."

From Women's Participation in the Political Process Paper by Joyce Kazembe

"Despite being the major factor in the workforce and the mainstay in the home, women have little say in public policies that affect them. As a result, issues of special interest to women remain peripheral in the formulation of policies."

From Decision Making and Political Participation as a Tool Towards Empowering Women and Realizing their Human Rights Paper by Linda Semu.

"We are convinced that the subject of women's empowerment is critical to economic and social development. Malawi, therefore, takes the issue of women's empowerment very seriously indeed and is committed to putting programmes in place to ensure progress in the economic, social, political and cultural status of women in this country"

From Official Opening Speech by Edda Chitalo

That is a constitutional premise for the nation, that there shall be gender equality. the Constitution is mandating that lawmakers to pass laws, including affirmative action, to deal with issues relating to gender and perceived and real inequalities.

From Women and the Law in Malawi Speech by Modecai Msisha

We should identify positive African values, reconceptualise and adapt them to the social reality we find ourselves in. Only the African values, which comply with the minimum standards laid down in the international human rights instruments should be preserved.

From The Legal Position of Women in South Africa With Special Reference to Inheritance Laws Paper by Pansy Tlakula