



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: AA/follow-up/Malawi/56

15 November 2013

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of Malawi at the Committee's forty-fifth session, held in January 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MWI/CO/6). You may recall that in the concluding observations, the Committee requested Malawi to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 15 and 37 of the concluding observations.

The Committee welcomes the follow-up report received in January 2013, although it was received with eleven-month delay (CEDAW/C/MWI/CO/6/Add.1), under the CEDAW follow-up procedure. At its fifty-sixth session, held in October 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15** of the concluding observations "to expedite the enactment of the Gender Equality Bill": The Committee was informed that the Parliament passed the Gender Equality Bill in February 2013. The Committee considers that the recommendation has **been implemented**.

Regarding the recommendation "to expedite the enactment of the Deceased Estates (Wills, Inheritance and Protection) Bill": The State party indicated that it was enacted into law during the budget session of 2011. The State party added that the Act entrenches the inheritance of property by women and children of the deceased family more than it was under the Wills and Inheritance Act. The Committee considers that the recommendation has **been implemented**.

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Regarding the recommendation “to expedite the enactment of the Marriage, Divorce and Family Relations Bill”: The State party indicated that the Bill was referred back to the Malawi Law Commission for further consultations through the Minister of Gender, Children and Social Welfare in 2011. However, this action was taken before the issuance of the concluding observations and the State party failed to provide information on steps taken since then. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to ensure women’s formal and substantive equality within the framework of the legal review process”: While the State party provided information on the actions taken as regards the enactment of the three above-mentioned bills, it failed to provide information on other actions taken, within the framework of the legal review process, to ensure women’s formal and substantive equality. The Committee considers that the recommendation has been **partially implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on steps taken to adopt the Marriage, Divorce and Family Relations Bill, and to ensure women’s formal and substantive equality within the framework of the legal review process.

Regarding the recommendation made in **paragraph 37** of the concluding observations “to put measures in place to reduce maternal mortality by identifying and addressing causes of maternal death”: The State party mentioned the Presidential Initiative on Safe Motherhood launched in April 2012 and indicated that, since then, the President has been encouraging traditional leaders to take their role in preventing maternal mortality. The Committee considers that the launching of the Presidential Initiative on Safe Motherhood is a significant step. As further actions need to be taken to reduce maternal mortality, the Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to review the laws relating to abortion with a view to removing the punitive provisions imposed on women who undergo an abortion, providing them with access to quality services for the management of complications arising from unsafe abortion and reducing maternal mortality rates, in accordance with the Committee’s general recommendation No. 24”: The State party mentioned its position that abortion should remain legal but restrictive and that there is need for specialized expertise to review legislation. In addition, the Committee was informed that, in May 2011, the Ministry of Health conducted a strategic assessment of unsafe abortion. The Committee was also informed that, in April 2012, Health Ministry Spokesperson Henry Chimballi indicated that the authorities were still assessing the findings of the strategic assessment before reaching a conclusion. While welcoming the conduct of a strategic assessment of unsafe abortion, the Committee observes that no decision or action has been taken by the Government towards the removal of punitive provisions imposed on women who undergo abortion. The Committee considers that the recommendation has **not been implemented**.

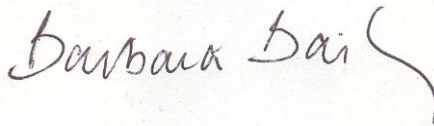
The Committee recommends that the State party provide, **in its next periodic report**, information on actions taken to:

- 1) Continue its efforts to reduce maternal mortality by identifying and addressing causes of maternal death; and
- 2) Review the laws relating to abortion with a view to removing the punitive provisions imposed on women who undergo an abortion, providing them with access to quality services for the management of complications arising from unsafe abortion and reducing maternal mortality rates, in accordance with the Committee's general recommendation No. 24.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Malawi on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women