



MALAWI

Women, Business and the Law (WBL), in collaboration with the Global Financing Facility (GFF), has collected data on laws affecting women's and girls' access to sexual and reproductive health (SRH), as well as frameworks supporting their implementation. Data were collected through desk research and a questionnaire administered to country experts. The analysis is organized around five indicators. For each indicator, the legal framework is assessed based on domestic laws and regulations. The supportive framework is assessed based on instruments—such as national policies, strategies, and guidelines—that are currently in effect and support the implementation of these laws.

INDICATOR

WHAT DOES IT MEASURE?

		Legal Frameworks	Supportive Frameworks
	SRH rights	Right to SRH; guaranteed access to free SRH services without discrimination	Existence and contents of an operational SRH policy or strategy
	Violence against women and girls (VAWG)	Prohibition of female genital mutilations (FGM)	Adoption of measures to eradicate FGM
	Family planning	Absence of legal restrictions on SRH services, such as the need for consent from a husband, male guardian, parent or third party	Family planning guidelines or protocols
	Comprehensive sexuality education (CSE)	Legal mandates for CSE in schools	Guidelines for delivery of CSE in schools
	Right to education	Girls' legal right to attend school during pregnancy and after childbirth	Policies to keep girls in school and allow pregnant and parenting students to attend school

LEGAL AND SUPPORTIVE FRAMEWORKS

Malawi has a comprehensive and defined framework for:

SRH RIGHTS

The *Gender Equality Act 2013* guarantees the right to SRH and access to related services.

The *National Sexual and Reproductive Health and Rights Strategy 2021–2025* aims to reduce unmet need for family planning and unintended pregnancies by increasing awareness, strengthening health care provider capacity and multisectoral coordination, and expanding access to comprehensive family planning services.

FAMILY PLANNING

No explicit legal provisions require women to obtain consent from their husbands or male guardians, or adolescents to obtain parental or a legal guardian's

consent to access SRH services. Similarly, the law does not require any third-party consent that may restrict access to SRH.

COMPREHENSIVE SEXUALITY EDUCATION

The Ministry of Education's *Syllabus for Initial Primary Teacher Education Life Skills Education* provides guidance for delivering age-appropriate, culturally sensitive, and evidence-based sexual and reproductive health education.

RIGHT TO EDUCATION

The *National Education Sector Investment Plan 2020–2030* promotes inclusive education, including measures to support girls' education, while the *National Re-Admission Policy* enables adolescent parents to return to school.

POLICY OPPORTUNITIES

The data reveal gaps in Malawi's legal and supportive frameworks across the five indicators assessed. Strengthening these frameworks can help accelerate the country's progress toward gender equality and to improve health outcomes for women, children, and adolescents.

Malawi may wish to consider translating the following gaps into policy opportunities:

SRH RIGHTS

The law does not explicitly prohibit discrimination in accessing SRH services based on sex or gender, age, or marital status.

VIOLENCE AGAINST WOMEN AND GIRLS

FGM and cross-border FGM are not criminalized under the law, and the government has not adopted any measures aimed at eradicating FGM.

FAMILY PLANNING

The law does not guarantee access to SRH services in case practitioners raise conscientious objections.

Additionally, the government has not adopted any guidelines on family planning.

COMPREHENSIVE SEXUALITY EDUCATION

The law does not mandate the provision of CSE in schools.

RIGHT TO EDUCATION

The law does not explicitly provide for the right of pregnant or parenting students to attend school. Similarly, the government has not adopted any policies to allow pregnant students to attend school.

WBL SRH LEGAL FRAMEWORKS DATA

	QUESTION	ANSWER	LEGAL BASIS
SRH Rights	1.1 Does the law provide for the right to sexual and reproductive health?	Yes	Gender Equality Act 2013, Part VI, Sec. 19(1-2)
	1.2 Does the law guarantee access to sexual and reproductive health services?	Yes	Gender Equality Act 2013, Part VI, Sec. 19(1)(a-b)
	1.2.1 If the answer to question 1.2 is Yes, does the law guarantee access to sexual and reproductive health services free of cost?	No	No applicable provisions could be located
	1.3 Does the law prohibit discrimination in access to sexual and reproductive health services based on sex/gender?	No	No applicable provisions could be located
	1.4 Does the law prohibit discrimination in access to sexual and reproductive health services based on age?	No	No applicable provisions could be located
	1.5 Does the law prohibit discrimination in access to sexual and reproductive health services based on marital status?	No	No applicable provisions could be located
VAWG	2.1 Does the law criminalize FGM?	No	No applicable provisions could be located
	2.1.1 If the answer to question 2.1 is Yes, is the individual performing the FGM procedure criminally responsible?	N/A	
	2.1.2 Is a parent or legal guardian criminally responsible for allowing FGM to be performed on a minor under their legal custody?	N/A	
	2.2 Does the law criminalize cross-border FGM?	No	No applicable provisions could be located
Family Planning	3.1 Is the law free of provisions requiring a husband or male guardian to consent for a woman to access sexual and reproductive health services?	Yes	No applicable provisions could be located
	3.2. Is the law free of provisions requiring parental or a legal guardian's consent for an adolescent to access sexual and reproductive health services?	Yes	No applicable provisions could be located
	3.3 Is the law free of provisions requiring any other form of third-party consent to access sexual and reproductive health services?	Yes	No applicable provisions could be located
	3.4 Does the law guarantee sexual and reproductive service delivery in case practitioners raise conscientious objections?	No	No applicable provisions could be located
CSE	4.1 Does the law mandate comprehensive sexuality education (CSE) in schools?	No	No applicable provisions could be located
Right to Education	5.1 Does the law provide for the right of pregnant girls to attend school?	No	No applicable provisions could be located
	5.2 Does the law provide for the right of adolescent girls to attend school after childbirth?	No	No applicable provisions could be located

WBL SRH SUPPORTIVE FRAMEWORKS DATA

	QUESTION	ANSWER	SOURCE
SRH Rights	1.1 Has the government adopted a sexual and reproductive health policy or strategy?	Yes	National Sexual and Reproductive Health and Rights Strategy 2021-2025
	1.1.1 If the answer to question 1.1 is Yes, does the policy or strategy include the provision of sexual and reproductive health services among its targets/strategic actions?	Yes	National Sexual and Reproductive Health and Rights Strategy 2021-2025
	1.1.2 If the answer to question 1.1 is Yes, does the policy or strategy include awareness campaigns among its targets/strategic actions?	Yes	National Sexual and Reproductive Health and Rights Strategy 2021-2025
VAWG	2.1 Has the government adopted measures aimed at eradicating FGM?	No	Insufficient evidence located
Family Planning	3.1. Has the government published guidelines on family planning?	No	Insufficient evidence located
CSE	4.1 Has the government published guidelines for the delivery of CSE in schools?	Yes	Syllabus for Initial Primary Teacher Education Life Skills Education
Right to Education	5.1 Has the government adopted policies to keep girls in schools?	Yes	National Education Sector Investment Plan 2020-2030
	5.2 Has the government adopted policies to allow pregnant students to attend school?	No	Insufficient evidence located
	5.3 Has the government adopted policies to allow adolescent parenting students to attend school?	Yes	National Re-Admission Policy

