

# Pack 120

Type: Backgrounder

2022

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Backgrounder: Rights of rural women in Malawi, Mozambique, and Zambia**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Introduction**

The status of women in the Southern African Development Community (SADC) is much the same as in other countries in Africa. This backgrounder focuses on the situation in Malawi, Mozambique, and Zambia, SADC countries that have signed regional and international agreements on gender equality and women’s empowerment, including the Maputo Protocol on the Rights of Women in Africa and the Convention on the Elimination of All Forms of Discrimination Against Women.

Each of these three countries has also enacted national laws and implemented national policies to increase gender equality. For example:

* Sections 13 and 24 of the constitution of Malawi mandate gender equality and promotion of women's rights, respectively.
* Zambia has enacted legislation which includes the 2016 amended Constitution, the Gender Equity and Equality Act No. 22 of 2015, The Anti-Gender-Based-Violence Act, and the National Gender Policy.
* Zambia's 2022 national budget provides a special focus on women and youth empowerment.
* In the revised Mozambican Constitution of 2004, several clauses emphasize gender equality, including universality without discrimination (including gender), and promotion and support for women’s participation, role, and empowerment in all spheres of the country’s political, economic, social, and cultural life.
* The Family Law in Mozambique was revised in 2004 and the Law on Domestic Violence Perpetrated Against Women was formulated in 2009.

**Key information**

* The Zambia Demographic and Health Survey indicates that 27% of Zambian households are headed by women.
* In Zambia, about 56.7% of people in female-headed households are poor compared to 53.8% in male-headed households.Unemployment among women is 41% compared to 33% for men.
* According to 2016/18 reports, 81% of women in Malawi, 63% of women in Mozambique, and 56% of women in Zambia live in rural areas.
* In Malawi, the World Bank reported that there were 25.6% female-headed households as of 2017.
* More than 70% of women in Mozambique live in rural areas and derive their livelihood from agricultural production.
* In Mozambique, the Family Budget Survey shows that 63% of female-headed households are poor and exposed to food insecurity, compared to 52% of male-headed households.
* In Zambia, women play a critical role in sustaining key livelihood sectors such as agriculture. Women account for 60.6% of the labour force in agriculture, commerce, and trade. However, women continue to perform poorly due to their inability to move beyond subsistence farming. One key contributing factor is women’s significant challenges with regards to access to and control of resources such as land and financial capital.
* It is estimated that only 4% of the agricultural land in Malawi is registered to women, despite 80% of Malawians depending on agricultural activities for a living.

**Child marriage**

Malawi, Mozambique, and Zambia have laws in place to deal with early child marriages. But these countries continue to experience high rates of child marriage.

* Zambia has one of the highest child marriage rates in the world with 42% of women aged 20-24 years married by the age of 18. The rates in Malawi and Mozambique are 31% and 40%, respectively. In Mozambique, 17% were married by 15, compared to 9% in Malawi and 5% in Zambia.
* While the Marriage Act in Zambia specifies that the legal age for marriage is 18 and the Penal Code specifies that sex with a girl under the age of 16 is a crime, customary law maintains that the age requirement for marriage is puberty, and is thus in conflict with statutory law.
* In Zambia, there are reports of child weddings in urban areas, attributed to rural people migrating to the capital and unable to meet the cost of urban life. Because of poverty, many parents remove their girls from school and give them in marriage to older men (in most cases) in exchange for a *lobola* payment (a dowry for the bride).
* Mozambique has one of the world's highest rates of child marriage, affecting about one of every two girls. In Mozambique, 48% of women aged 20–24 were married or in a union for the first time before the age of 18, and 14% before the age of 15.
* Following a two-and-a-half-year campaign by gender equality organizations, Mozambique enacted a new bill in 2019 prohibiting underage marriage. The bill, which sets the minimum age for marriage at 18, closed a loophole in Mozambican family law that allowed children to marry as young as 16 with their parent's permission.
* A 2017 Malawi constitutional amendment raised the marriage age to 18 for both boys and girls. But there are still many examples of child marriage. Approximately 46% of women marry before the age of 18, and 9% before the age of 15. Poverty, cultural and religious traditions, and peer pressure are the main causes of child marriage. Child marriage is generally connected with limited educational and employment options, and is viewed as a measure to prevent women from having children outside of marriage.

**Women’s right to own and access land**

In developing countries, women provide the bulk of labour in subsistence agriculture and account for an estimated 70% of unpaid labour on small-scale farms. Women’s work also tends to be more continuous throughout the year than men.

* Though most women’s livelihoods and that of their families depend on the land, insecure land tenure and limited access to land continue to be the norm for most women. In Zambia, even where women can access land, they experience short-term problems accessing inputs and resources such as animal traction.
* Though women enjoy the same legal rights in land as men under customary tenure in Zambia, fewer women hold land in their own right in rural or urban areas. This is due to traditional and cultural structures, patriarchal attitudes, women’s lack of knowledge of their land rights, and economic constraints.
* In rural areas of Zambia, married women have access to land for farming only through their husbands. In some cases, women do not have control over the produce from the land. In the event of divorce or widowhood, women may be permitted to continue to use the land, but under customary law, they cannot inherit it.
* In Zambia, in societies where the husband moves to his wife's village after marriage (such as parts of the Northwest Province), a woman may have a small garden cleared for her by her relatives before marriage. After marriage, the wife’s family gives the newly married couple additional land for her and her husband's needs. In these cases, the husband then acquires land rights for the duration of the marriage. In the event of divorce or death of the husband, the widow retains the land or some part of it as she wishes. In societies where the wife moves to her husband's village after marriage, she can only use her husband's land at his discretion. In the event of a divorce or her husband's death, she usually returns to her family of birth. Marriage grants her no rights to her husband's land. As a result, few women have land in their names.
* Malawi has formal law which grants women and men equal rights to own land, individually or jointly with others, and the constitution prohibits gender discrimination and stipulates:
  + Women’s full and equal protection by the law, and their right not to be discriminated against based on their gender or marital status.
  + That any law which discriminates against women based on their gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly:
    - Sexual abuse, harassment, and violence;
    - Discrimination in work, business and public affairs; and
    - Deprivation of property, including property obtained by inheritance.
* Malawi passed the Gender Equality Act of 2013 and the Deceased Estates (Wills, Inheritance and Protection) Act of 2011 which protect the spouse’s and the children’s share in the estate and make property grabbing a criminal offense, liable to a fine of one million Malawian kwacha or imprisonment for up to three years.
* Despite these and other progressive legal protections, in Malawi, significant problems persist for women in gaining equal and secure rights to land and property. The Committee on the Elimination of Discrimination against Women expressed concern about rural women, who are “disproportionately affected by the lack of adequate health services, education, ownership of land and inheritance, economic opportunities and social benefits.”
* Women in Malawi rarely use banking services to manage their business finances. Women entrepreneurs are typically unable to access the credit they need, in part because financial programs are largely designed and implemented with the male head of household as the intended client. Rising gender inequalities are evident in the lives of rural women in various countries, including Malawi.
* Mozambique was ranked 180th of 189 nations on gender inequality in the 2019 United Nations Development Programme report. In Mozambique, many women are severely disadvantaged in their access to land and other natural resources. Although national laws dictate that women and men should have equal access to land, customary land governance systems make it challenging for women to access land, which they can do only through a male relative. Women are rarely allowed to take part in decision-making processes. With increasing land scarcity and the growing pressure of large-scale private land acquisitions, women in Mozambique are more and more vulnerable to eviction from their marital land by their in-laws’ families and have poor access and control over land.

Statistics like these vary only slightly across the region. A combination of national and customary laws favour male ownership of property and limit women's right to own land.

**Sexual and reproductive health**

* On average, women in Zambia, Mozambique, and Malawi have 4.7, 4.7, and 4.1 children, respectively.
* The rate of maternal mortality (number of deaths of women from pregnancy-related causes per 100,000 live births) was 3,100 in Mozambique, compared to 2,100 in Malawi, and 1,300 in Zambia.
* The percentage of women aged 15-49 who use any method of contraception is as follows: Malawi, 47.5%; Zambia, 35.9%; Mozambique, 24.2%.
* More than one-fifth of Malawi’s population is between the ages of 10 and 19. Many of these young people are at risk or already struggling with the consequences of an unplanned pregnancy or a sexually transmitted infection, including HIV and AIDS.
* A 2020 issue paper on teen pregnancies and child marriage in Malawi reported that half of all adolescent girls are married before the age of 18, teenage pregnancy is at 29%, and one out of every five girls experiences sexual abuse before the age of 18.
* Seventy per cent of mothers in Zambia exclusively breastfeed until the age of six months, compared to 59% in Malawi and 41% in Mozambique. Seventy-five per cent of mothers in Zambia initiated early breastfeeding (within one hour of birth), compared to 76% in Malawi and 69% in Mozambique.
* The proportion of schools with access to access to single-sex basic sanitation is as follows: Malawi, 61%; Mozambique, 47.5%.
* The rights of women, adolescents, and young people to access sexual and reproductive health services in Malawi are undermined by a variety of factors, including humanitarian situations, stigma and discrimination, harmful gender norms and practices, and lack of male engagement.

**Education**

* The pattern of education in rural areas in the three countries is consistent. On average, urban women are about twice as likely as rural women to have secondary or post-secondary education (63% vs. 34%), with figures varying slightly between countries.
* The percentage of young women who completed senior secondary school is as follows: Malawi (2016), 13%, Zambia (2013), 23.6%, Mozambique (2011), 5.2%.

**Gender-based violence (GBV)**

* A total of 4,042 cases of gender-based violence (GBV) were reported in Zambia during the third quarter of 2021. Data from the same period show that 1,027 Zambian children were abused countrywide, representing 25.4% of all people who experienced gender-based violence. More than four-fifths (82.8%) were girls and 17.2% boys. More than two thousand (2,437) women and 578 men were abused countrywide.
* Violence by an intimate partner was reported by more than 40% of women in Mozambique and Zambia, according to a March 2021 report.
* According to a United Nations report, the percentage of women aged 15-49 who consider a husband to be justified in hitting or beating his wife if she burns the food, argues with him, goes out without telling him, neglects the children or refuses sexual relations is as follows: Malawi, 16.3%; Mozambique, 13.3%, Zambia, 45.1%.
* There are no laws on marital rape in any of the three countries, though Zambia has a draft law on marital rape in parliament.
* Zambia and Mozambique have laws on sexual harassment, but not Malawi.
* According to a United Nations report, the percentage of ever-partnered girls aged 15–19 years who have experienced physical and/or sexual violence by a current or former intimate partner during the last twelve months was 27% in Zambia, 28% in Malawi, and 10% in Mozambique, for the period 2012-2020.

**Impact of climate change on women**

Climate change continues to present a long-term threat to food systems and nutrition, causing a wide range of problems. For example, according to the World Health Organization, mental health is one of the principal health outcomes affected by climate change.

* A study conducted in Malawi showed that farmers experienced worst mental health during seasons with less rainfall. Women are more highly exposed to climatic stresses and shocks, and are more likely to suffer from malnutrition as a result of climate-related food insecurity. The percentage of female-headed households that consume an insufficient number of calories per day in Malawi is 69.4%, compared to 50.3% for male-headed households.
* Floods due to climate change and other extreme events can limit women’s access to healthcare facilities or interrupt supplies of contraceptives or medication.
* Many girls are withdrawn from schools due to reduced income in homes, especially female-headed homes, usually as a result of poor or non-existent harvests, most of which are rain-dependent. For example, a family which grows maize could have poor yield when there is either a drought or flood, meaning low income from maize sales.
* Women in Mozambique are immensely affected by climate change and are more vulnerable to natural disasters because they are more reliant on natural resources for their livelihoods.
* In Zambia the story is no different, and women farmers are switching to climate-resilient crops such as millet, sorghum, and cassava.

**Women and decision-making**

* In Zambia, more men are in positions of decision-making at all levels of society. This gender gap in leadership makes it difficult for women to succeed. Politically, women are under-represented at all levels of governance. Women’s share of government ministerial positions is 32.3% in Zambia, compared to 11.1% in Malawi and 42.9% in Mozambique.
* **TO HERE** Unequal power relations expose women to gender-based violence, in part because of their dependence on men for economic survival.
* Women's impact on society is affected by deep-seated prejudices and stereotypes about female leadership. These preconceptions are evident in public communication, where male leaders and decision-makers are given far more positive coverage, whereas women leaders are rarely acknowledged positively, and their efforts and accomplishments are undervalued. This gender gap also reduces the avenues through which women can challenge assumptions about female leadership.
* Women in the three countries and across Africa have been on the periphery of participation in national affairs. But the recent rise in women's movements has increased women’s advocacy for equal participation.
* In Malawi, which has both patriarchal and matriarchal customary systems, older women in rural areas have been involved in decision-making around the transmission of rights and obligations of deceased persons to family legal successors and other issues in traditional chiefdoms. Because they are believed to have much wisdom and knowledge, older women are now considered and consulted on issues such as community development and traditional local courts. Thus, the phrase "the woman's place is in the kitchen" is gradually losing its significance as more and more women rise to positions of authority and embark on professions previously considered to be reserved for men.

**Summary**

In conclusion, while these three countries in southern Africa have many policies and legal frameworks aimed at gender equality, rural women often face restrictive gender roles, unequal decision-making power, and limited access to resources such as land and finances.

The land and natural resources from which many women earn a living, provide for their families, and invest in their communities, are the most precious of these assets for many women. Women's economic empowerment and ability to contribute to local and national economies are largely dependent on their ability to own and control these kinds of assets.

While it is well-recognized that rural women rely primarily on natural resources and farming for a stable income, they do not have equitable access to land. And where women do have access to land, they may face challenges in finding the resources required to acquire or own land.

Thus, strengthening women's rights to land and resources can improve their negotiating power and decision-making, particularly when it comes to key household decisions like spending on children's health and education.

Also, women, adolescents, and young people in rural areas face many challenges to accessing sexual and reproductive health services in the three countries due to stigma and discrimination, and inequalities in resource allocation for these services.

Without strong efforts to implement the many positive laws and policies in the three countries, rural women and girls' ability to produce food and earn livelihoods will remain limited, restricting their ability to benefit from and contribute to community and political issues.

**Where can I find more resources on this topic?**

1. Action Aid, undated. *Empower rural women in Malawi*. <https://actionaid.nl/wp-content/uploads/2017/08/ActionAid-Empowering-rural-women-in-Malawi.pdf>
2. Alan Guttmacher Institute, 2005. *Adolescents in Malawi: Sexual and Reproductive Health.* Research brief, 2005 Series, No. 3. <https://www.guttmacher.org/sites/default/files/report_pdf/rib3-05.pdf>
3. Alcayna, T., 2021. *Climate change impacts on health: Malawi.* https://www.climatecentre.org/wp-content/uploads/RCRC\_IFRC-Country-assessments-Malawi\_Final3.pdf
4. Egas, D., 2021. *The gendered impacts of COVID-19: Challenges and way forward*. <https://www.theigc.org/blog/the-gendered-impacts-of-covid-19-in-mozambique-challenges-and-way-forward/>
5. Government of Malawi, 2015. Marriage, Divorce, and Family Relations Act, 2015. Downloadable from <https://resourceequity.org/record/2702-malawi-marriage-divorce-and-family-relations-act/>
6. Government of Malawi, undated. *Constitution of Malawi*. Downloadable at: <http://www.malawi.gov.mw/index.php/proud/documents/constitution-of-the-republic-of-malawi>
7. Japan International Cooperation Agency, 2015. *Country Gender Profile: Mozambique. Final Report*. <https://www.jica.go.jp/activities/issues/gender/reports/ku57pq00002hdvy2-att/moz_2015_en.pdf>
8. Madhumita, P. 2021. *Gender-based violence prevalent in eastern, southern Africa during COVID-19 pandemic: Report*. <https://www.downtoearth.org.in/news/africa/gender-based-violence-prevalent-in-eastern-southern-africa-during-covid-19-pandemic-report-75963>
9. Mandiwa, C., et al, 2018. Factors associated with contraceptive use among young women in Malawi: analysis of the 2015–16 Malawi demographic and health survey data. *Contraception and Reproductive Medicine*, Vol. 3 (12).<https://contraceptionmedicine.biomedcentral.com/articles/10.1186/s40834-018-0065-x>
10. Mbambazi, D. 2020. *Women’s rights in Mozambique: A work in progress*. <https://borgenproject.org/womens-rights-in-mozambique/#:~:text=The%20Government%20of%20Mozambique%20has,women%20and%20girls%20by%202030>.
11. Mutangadura, G. 2004. *Women and Land Tenure Rights in Southern Africa: A human rights-based approach*. <https://pubs.iied.org/sites/default/files/pdfs/migrate/G00173.pdf>
12. Office of the United Nations High Commissioner for Human Rights, undated. *Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa*. <https://www.ohchr.org/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>
13. Parliament of Zambia, 2016. *Constitution of Zambia*. <https://www.parliament.gov.zm/sites/default/files/documents/amendment_act/Constitution%20of%20Zambia%20%20%28Amendment%29%2C%202016-Act%20No.%202_0.pdf>
14. Population Council, UNFPA, and Government of the Republic of Zambia. 2017. *Child Marriage in Zambia*. Lusaka, Zambia. <https://zambia.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20in%20Zambia.pdf>
15. Republic of Mozambique, 2004. *Constitution of the Republic of Mozambique.* <https://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Mozambique_Constitution_1990_%28as%20amended%29_en.pdf>
16. SOFA Team and Doss, C., 2011. *The Role of Women in Agriculture*. ESA Working Paper 11-02. <https://www.fao.org/3/am307e/am307e00.pdf>
17. UNICEF, UNFPA, WHO, UNAIDS. 2021. *Improving sexual and reproductive health and HIV services for adolescents and young people.* <https://www.unicef.org/malawi/stories/improving-sexual-and-reproductive-health-and-hiv-services-adolescents-and-young-people>
18. United Nations Children’s Fund, *Child Marriage: Latest trends and future prospects*, UNICEF, New York, 2018. <https://data.unicef.org/wp-content/uploads/2018/07/Child-Marriage-Data-Brief.pdf>
19. Zambia Police, 2021. *Third quarter gender-based violence cases statistics*. <http://www.zambiapolice.gov.zm/index.php/112-news/382-2021-third-quarter-gender-based-violence-cases-statistics>

**Acknowledgements**

Contributed by: Alice Lungu

Reviewed by: Madube Pasi Siyauya, Gender and Media Consultant, Lusaka, Zambia

##### Interviews:

James Namalira, Young Women Rise (Yowori) Board Member and Southern Africa Regional Students and Youth Conference Malawi Country Coordinator, November 22, 2021

##### *This resource was supported with the aid of a grant from The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) implementing the Green Innovation Centre project.*