

THE CONSTITUTION OF MALAWI

Summary of Sections that Most Apply to Adolescent Girls:

CHAPTER III, FUNDAMENTAL PRINCIPLES

Chapter III, Section 13 of the Constitution states that Malawi should promote the welfare and development of its people by pursuing policies to achieve the following goals:

- Gender equality: Malawi must promote non-discrimination, full participation of women in all spheres of life, and policies to address issues like domestic violence, economic exploitation, lack of maternity benefits, and rights to property.
- Health: Malawi must provide adequate health care to meet Malawians' needs.
- Education: Malawi must provide adequate resources in the education sector to eliminate illiteracy, make primary education compulsory and free, and improve access to higher education.
- Children: Malawi must ensure conditions that allow children to develop into healthy, productive, responsible members of society.

In addition, Section 12 recognizes the dignity and worth of every person and requires the State to protect fundamental human rights for all individuals, groups, and minorities. Section 13 also requires Malawi to promote law and order through civic education and the enforcement of laws.

CHAPTER IV, HUMAN RIGHTS

Chapter IV of the Constitution lists Malawi's bill of rights. It includes basic assurances such as the rights to liberty, human dignity, privacy, and engaging in economic activity. In addition, it lists the following provisions that may be particularly applicable to adolescent girls:

- Equality: Discrimination is prohibited on grounds of sex (in addition to race, colour, language, religion, political opinion, nationality, ethnicity, disability, property, birth, or other status). The Constitution also states that legislation may be passed to address inequalities.
- Family and marriage: Every family member is protected against neglect, cruelty, and exploitation. No one can be forced to enter a marriage, whether it's a marriage by law, custom, permanent cohabitation, or reputation. No one over age 18 can be prevented from choosing to marry. Individuals aged 15-18 years can enter marriage with the consent of their parents or guardians. The State discourages marriage when either or both partners are under age 15.
- Rights of Children: All children (defined as those under 16 years) are entitled to equal treatment under the law. Children are entitled to be protected from economic exploitation and work or punishment that is hazardous, interferes with their education, or harms their physical or mental health.

- Rights of Women: Women, regardless of their marital status, have the right to enter contracts, acquire property, acquire and retain custody of their children, and have equal say in child-raising decisions. The Constitution also includes a call to pass legislation to eliminate discriminatory practices like sexual abuse, workplace discrimination, and deprivation of property.
- Education: All Malawians are entitled to education, including at least five years of primary education.
- Slavery and forced labor: Slavery and forced labor are prohibited.
- Property: Every person can acquire property individually or with others. No one can be arbitrarily deprived of property.
- Right to development: Every person has a right to economic, social, cultural, and political development, and special consideration will be given to the rights of women, children and the disabled in this context. The State must ensure equality of opportunity for everyone in access to basic resources, education, health services, and employment. It also must take measures to eliminate social injustices and inequalities.
- Labour: Every person is entitled to fair wages and equal pay for equal work.
- Access to justice and legal remedies: Every person can have access to a court of law or other tribunal to settle legal issue.

ADDITIONAL SECTIONS

- Birth registration: Chapter XIV, Section 146 states that the local government authorities are responsible for registering births in their local domains.
- Implementation and administration of laws: Chapter VIII, Section 96 states that the Cabinet has responsibility to coordinate the activities of government departments and to take responsibility for the implementation and administration of laws.
- Enforcement of laws: Chapter XV, Section 153 states that the Malawi Police Force will provide for the protection of public safety and rights under the Constitution and other laws.

RESOURCES

- <http://www.sdnw.org.mw/constitut/intro.html>
- <http://www.eisa.org.za/WEP/mal5.htm>

ABOUT LET GIRLS LEAD AND AGALI

The Adolescent Girls' Advocacy and Leadership Initiative (AGALI) is a program of Let Girls Lead. AGALI improves the health, education, and lives of adolescent girls in Latin America and Africa. AGALI strengthens the capacity of leaders to advocate in favor of girl-friendly policies and programs and provides seed funding to support their work on behalf of adolescent girls.

FOR MORE INFORMATION VISIT:

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