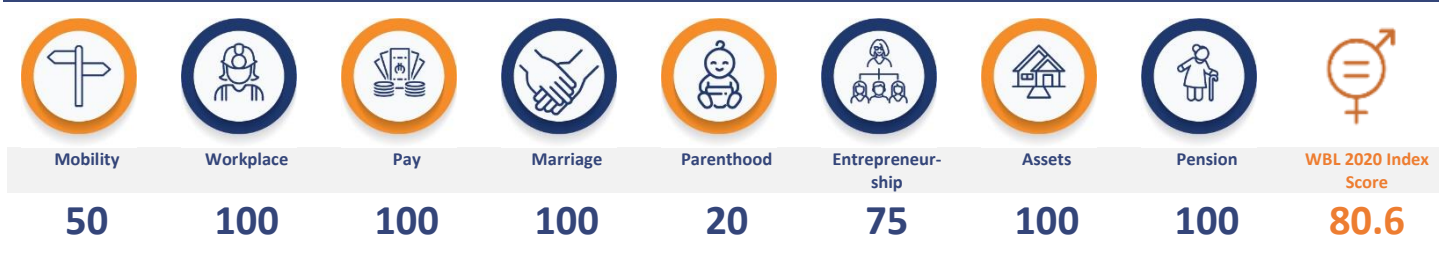


Malawi

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Blantyre). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Malawi scores 80.6 out of 100**. The overall score for Malawi is higher than the regional average observed across Sub-Saharan Africa (69.9).

Malawi - Scores for Women, Business and the Law 2020



Relative Strengths

When it comes to laws affecting women’s decisions to work, laws affecting women’s pay, constraints related to marriage, gender differences in property and inheritance, and laws affecting the size of a women’s pension, Malawi gets a perfect score.

Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women’s work after having children, and constraints on women’s starting and running a business, Malawi could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Malawi is on the indicator related to laws affecting women’s work after having children (the WBL2020 Parenthood Indicator). To improve on the Parenthood Indicator, Malawi may wish to consider making paid leave of at least 14 weeks available to mothers, making the government administer 100% of maternity leave benefits, making paid leave available to fathers, and making paid parental leave available.

Recent Reforms (2018-2019)

No reforms impacting the WBL2020 indicators have been observed during the past two years.

	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	No	Alberta v Cook (1926) AC 444; Le Mesurier v Le Mesurier 1895 App. Cas. 517
	Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
	Can a woman apply for a passport in the same way as a man?	No	Passport application procedures
	Can a woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Workplace	Can a woman get a job in the same way as a man?	Yes	No restrictions could be located
	Does the law prohibit discrimination in employment based on gender?	Yes	Employment Act, Sec. 5
	Is there legislation on sexual harassment in employment?	Yes	Gender Equality Act, 2013, Sec. 7
	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> Gender Equality Act, 2013, Secs. 6(2) and 7(2) <i>Civil:</i> No applicable provisions could be located
Pay	Does the law mandate equal remuneration for work of equal value?	Yes	Employment Act, Sec. 6
	Can women work the same night hours as men?	Yes	No restrictions could be located
	Can women work in jobs dangerous in the same way as men?	Yes	Jobs deemed hazardous: No restrictions could be located Jobs deemed arduous: No restrictions could be located Jobs deemed morally inappropriate: No restrictions could be located
	Are women able to work in the same industries as men?	Yes	Mining: No restrictions could be located Construction: No restrictions could be located Factories: No restrictions could be located Agriculture: No restrictions could be located Energy: No restrictions could be located Water: No restrictions could be located Transportation: No restrictions could be located Other: No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	Yes	No applicable provisions could be located
	Can a woman be head of household in the same way as a man?	Yes	2015 Marriage, Divorce and Family Relations Act, Arts. 48-50
	Is there legislation specifically addressing domestic violence?	Yes	Prevention of Domestic Violence Act
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	No restrictions could be located
Parenthood	Does a woman have the same rights to remarry as a man?	Yes	No restrictions could be located
	Is paid leave of at least 14 weeks available to mothers?	No	Employment Act, Sec. 47(1)
	Does the government pay 100% of maternity leave benefits?	No	Employment Act, Sec. 47
	Is there paid paternity leave?	No	No applicable provisions could be located
	Is there paid parental leave?	No	No applicable provisions could be located
Entrepren.	Is dismissal of pregnant workers prohibited?	Yes	Employment Act, Sec. 49
	Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
	Can a woman sign a contract in the same way as a man?	Yes	Constitution of Malawi, Art. 24(1)(a)(i)
	Can a woman register a business in the same way as a man?	Yes	No restrictions could be located
Assets	Can a woman open a bank account in the same way as a man?	Yes	No restrictions could be located
	Do men and women have equal ownership rights to immovable property?	Yes	Married Women's Property Act, Secs. 1, 2 and 5
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Deceased Estates (Wills, Inheritance and Protection) Act, 2011, Sec. 17
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Deceased Estates (Wills, Inheritance and Protection) Act, 2011, Sec. 17
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Married Women's Property Act, Secs. 1, 2 and 5
Pension	Does the law provide for the valuation of nonmonetary contributions?	Yes	Marriage, Divorce and Family Relations Act, Art. 74(g)
	Are the ages at which men and women can retire with full pension benefits equal?	Yes	Women: Pension Act of 7 April 2011, Sec. 3 Men: Pension Act of 7 April 2011, Sec. 3
	Are the ages at which men and women can retire with partial pension benefits equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are the mandatory retirement ages for men and women equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are periods of absence due to child care accounted for in pension benefits?	Yes	Employment Act, Sec. 47(2)