



PARLIAMENT OF MALAWI



**COUNTRY REPORT FOR THE PARLIAMENT OF MALAWI AT THE
57TH SADC PF PLENARY ASSEMBLY.**

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COUNTRY REPORT FOR THE PARLIAMENT OF MALAWI ON THE PROGRESS OF IMPLEMENTATION ON KEY RESOLUTIONS AND ISSUES OF STRATEGIC IMPORTANCE TO THE SADC PF

1.0 TRANSFORMATION OF THE FORUM TO A SADC REGIONAL PARLIAMENT

- i. Malawi is among the 14 SADC member states that have signed the Agreement Amending the SADC Treaty to transform the SADC PF into SADC Parliament under Article 9(1) of the Treaty. Malawi's proactive involvement underscores its dedication to regional integration and the strengthening of democratic institutions in the region;
- ii. Malawi is yet to receive the draft protocol for transforming the SADC PF into a regional Parliament and once received consultations with relevant authorities including the Ministry of Foreign Affairs and Ministry of Justice for purposes of undertaking the other underlying processes.

2.0 SECONDMENT OF THE SENIOR PARLIAMENTARY STAFF TO THE PROGRAMMES AND PARLIAMENTARY BUSINESS AND LANGUAGES DEPARTMENT

- i. One of the key issues that was proposed in the 2021 report of the SADC PF transformation roadmap was the need for National Parliaments to consider seconding their members of staff to work at SADC PF on long-term and short-term basis. According to the report, the secondments would reduce costs associated with the recruitment of staff to work at SADC PF in critical departments such as the Forum's Programmes and Parliamentary Business and Languages Department;

- ii. In 2022, the Parliament of Malawi proceeded to send one of its senior staff members on secondment, Mr. Joseph Manzi, who is currently serving as Director of Parliamentary Business and Programs at SADC PF headquarters in Windhoek, Namibia. The Parliament of Malawi bears all the costs associated with the secondment.
- iii. It should be noted that currently, the Parliament of Malawi has no plans for seconding any other staff.

3.0 ELECTION OBSERVATION

- i. Elections are a fundamental component of democratic governance and play a crucial role in ensuring legitimacy, accountability, and responsiveness of governments. In the past three years, over five countries in the SADC region have held Presidential and Parliamentary elections in a single year. The holding of democratic elections by member states is a clear testimony that Member States in the region are geared towards strengthening and consolidating democracy in their respective countries;
- ii. However, the issue of setting up and supporting election observation missions by national parliaments has proven to be difficult due to budgetary constraints. For example, in the past two years Member Parliaments were requested to nominate representatives to form part of SADC PF Election Observers Mission on condition that national parliaments should cater for their logistics of their respective observers and pay USD 6,000 as logistical fee for EOM. As result of budgetary challenges, most parliaments including Malawi were unable to nominate the election observers;
- iii. It should be put on record that the Parliament of Malawi fully supports the introduction of EOM fees. However, just like in the

previous Plenary Assembly in December, 2025, in Livingstone, Zambia, Malawi would like to propose that the fee (USD 6000) should be paid on annually.

4.0 DESIGNATION OF FOCAL PERSON TO MONITOR THE DOMESTICATION OF MODEL LAWS

- i. The Parliament of Malawi through the Parliamentary Committee on International Relations has been following up with relevant Ministries and government agencies including the Ministries of Justice and Foreign Affairs on domestication and implementation protocols and international treaties including SADC PF Model Laws and related policy instruments;
- ii. It should be noted that the Parliament of Malawi is yet to designate a focal person to monitor the domestication of model laws. In the meantime, the Desk Officers were temporarily assigned to monitor the domestication of the Model laws. Processes are underway to nominate a focal person and put in place a mechanism that will be linked with relevant government institutions that are directly involved in domestication of protocols and treaties;
- iii. Among others, the SADC PF Model Laws have influenced the enactment of some pieces of legislation as follows:
 - a) In 2022, Malawi passed the Public Finance Management Act together with regulations governing the Public Finance Management namely, the Debt and Aid Management Regulations. In general, the aim of the law is to manage public resources prudently and improve public service delivery;

- b) It should be noted that the public finance management laws were formulated in consultation with the SADC PF Model Law on Public Finance Management to the extent that some of the provisions in the Laws were extracted from the Model Law;
- c) Specifically, the SADC Model Law on Eradicating Child Marriage has further influenced the following pieces of legislation:

1. Amendment of the Republican Constitution

On 14th February 2017, barely a year after SADC-PF adopted the Model Law, Parliament of Malawi took a historic step towards ending child marriage when it voted to amend the Constitution to make marriage before the age of 18 illegal, removing a provision that allowed children between the ages of 15 and 18 to marry with parental consent. Malawian Parliamentarians voted 131 to 2 in favor of removing this provision. (Plan International, 2017)

2. Penal Code (amendment) act, 2023

On 21st November 2022, Parliament of Malawi debated and passed the penal code amendment bill which sought to amend miscellaneous provisions under the penal code in order enhance the legal frame work for sexual offenses against children. To reduce child marriages, the amended penal code provides for age of consent at 18 from 16 years and states that any person who has sexual intercourse with a male or female child shall be guilty of a felony and shall, upon conviction, be liable to imprisonment for life (section 138)

3. Amendment of Child Care Protection, and Justice Act.

The Government of Malawi, Ministry of Gender has recently amended the childcare protection and Justice Act, which standardizes the age limit for a child at 18years. The aim is to

resolve previous inconsistencies as the constitution defined a child as anyone below 18 years, while the Act identified a child as someone under 16 years. On 20 May 2024, Stakeholders advocating for Children's Rights engaged with the Parliamentary Committee on Social and community affairs to urge them to pass the amended Act.

5.0 IMPLEMENTATION OF THE 2023-2026 SRHR AND GOVERNANCE PROJECT

- i. On signing of the agreement to implement the SRHR and governance project in collaboration with the SADC PF, the Project launch activities took place on 5th and 6th March 2024 at the Parliament Building and was presided over by the First Deputy Speaker of Parliament, Honorable Madalitso Kazombo, MP, the Secretary General of SADC PF, Ms. Boemo Sekgoma and the Clerk of Parliament, Mrs. Fiona Kalembe;
- ii. In addition, on 5th March, the SADC PF Secretary General held engagement meetings with members of staff and civil society organizations with the purpose of mobilizing and sensitizing the Parliament of Malawi and its stakeholders on the new phase of the SRHR project;
- iii. On recruitment of the SRHR researcher, the Parliament of Malawi has a dedicated SRHR Researcher who was recruited in 2020 to assist in the implementation of the project;
- iv. On the budget drawn down against activities that have been implemented, the Parliament of Malawi has so far drawn down a total of USD 14,468.8 to implement the following activities:
 - a) Project Launch;
 - b) Technical Working Group meetings;
 - c) Roundtable discussions on SRHR budget and other priority areas and production of roll up banners;

- d) Constituency awareness campaigns/ public hearings on impact of Climate Change of SRHR in the Central and Southern region of Malawi;
 - e) Constituency awareness campaigns on the impact of climate change on SRHR in the central region of Malawi;
 - f) Members of Parliament (MPs), Staff and CSOs capacity building workshop on Women's, Children's and Adolescent's Health. In this regard Sixty (60) MPs from different parliamentary committees, 30 parliament staff and 20 representatives of CSOs have been provided with SRHR information or trained.
- V. The Parliament of Malawi wishes to inform the Plenary Assembly that Parliament will be dissolved for two months prior to the fourth-coming September elections which will lead to inability to perform activities with Members of Parliament under SRHR. However, most activities will resume after elections and in this regard, we recommend that more resources be released for conducting Community or constituency engagement activities in-order to promote community participation to inform and empower citizens to address SRHR issues.