



GENDER AND LAND IN TRADITIONAL AUTHORITY MWANSAMBO IN MALAWI

GENDER ASSESSMENT REPORT

INTEGRATED LAND AND RESOURCE GOVERNANCE TASK ORDER UNDER THE STRENGTHENING TENURE AND RESOURCE RIGHTS II (STARR II) IDIQ

Contract Number: 7200AA18D00003/7200AA18F00015

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USAID Land and Resource Governance/DDI

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Cover Photo:	Adult women's focus group discussion in Denje, TA Mwansambo, Nkhonkhotakota District, Malawi, September 2021. Photo credit: LUANAR.
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All individuals featured in photographs in this document have given their consent for their image to be used in ILRG publications.

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LIST OF ACRONYMS

ADC	Area Development Committee
ADMARC	Agricultural Development and Marketing Corporation
CBO	Community-Based Organization
CLA	Customary Land Act (2016)
CLC	Customary Land Committee
CLT	Customary Land Tribunal
COVID-19	Coronavirus Disease 2019
DC	District Commissioner
DLT	District Land Tribunal
DYN	District Youth Network
FGD	Focus Group Discussion
GALS	Gender Action Learning System
GBV	Gender-Based Violence
GoM	Government of Malawi
GVH	Group Village Headperson
HIV/AIDS	Human Immuno-Deficiency Virus/Acquired Immune Deficiency Syndrome
IGA	Income-Generating Activity
ILRG	Integrated Land and Resource Governance
KII	Key Informant Interview
LRIU	Land Reform Implementation Unit
LUANAR	Lilongwe University of Agriculture and Natural Resources
MEL	Monitoring, Evaluation, and Learning
MLGRD	Ministry of Local Government and Rural Development
MLHUD	Ministry of Lands, Housing, and Urban Development
MP	Member of Parliament
NGO	Non-Governmental Organization
NLP	National Land Policy
PRA	Participatory Rural Appraisal
SME	Small and Micro-Enterprise

TA	Traditional Authority
TLMA	Traditional Land Management Area
USAID	United States Agency for International Development
VDC	Village Development Committee
VSL	Village Savings and Loans

EXECUTIVE SUMMARY

Over 70 percent of land in Malawi is administered under customary laws. In 2016 the government enacted a series of land laws, including the Customary Land Act 2016, that allows all customary land holders to formalize ownership through registration of their parcels. Despite this legal framework for rights registration, the formalization of customary land governance arrangements faces significant challenges that may constrain inclusive and gender-responsive customary land administration. As a result, progress on women's customary land rights has been cumbersome and slow, and women's tenure insecurity remains high.

With funding from the Women's Economic Empowerment Fund at the United States Agency for International Development (USAID), the Integrated Land and Resource Governance (ILRG) program is working with the Land Reform Implementation Unit at the Ministry of Lands and Urban Development to support gender-responsive customary land registration in the Traditional Land Management Area (TLMA) Mwansambo in Nkhosha District, which is predominantly rural and farming dependent. ILRG will provide technical assistance to the district-level land registry and clerks; promote the inclusion of women and youth in the land documentation process; engage key stakeholders to shift gender norms around women's land rights; and convene dialogues with national and international stakeholders to discuss lessons learned and build positive momentum.

To better understand the barriers and opportunities for gender-responsive and socially inclusive customary land registration and inform program implementation, a gender assessment was carried out in September and October 2021. The study design, data collection, and data analysis were guided by the five domains framework for gender analysis recommended by USAID ADS 205.¹ A literature review was complemented by primary data. Quantitative data was gathered through a semi-structured questionnaire with 447 respondents. Qualitative data was collected through in-depth key informant interviews with 19 stakeholders at national, district, and community levels, as well as 15 focus group discussions and participatory exercises with 180 men, women, young men, and young women from seven communities.

The assessment found that although the legal framework in Malawi provides for gender equality in land rights and equal representation in local governance structures, social and gender norms hinder women's access, ownership, and control of land and their participation in land governance. Traditional Authority (TA) Mwansambo is a predominantly Chewa matrilineal society but with a predominant patrilocal form of marriage (*chitengwa*) that tends to restrict women's land rights. Customary land is perceived to belong to the clan or family and there is resistance to registering land in the name of women, as it is feared that it could lead to the clan losing that land. Women have limited access to information, restricted physical and social mobility, and a disproportionate share of unpaid household tasks, which constrain their ability to know about and exercise their land rights. Men are considered "heads of household" and make decisions related to land in the household and in local governance. Gender-based violence is prevalent and accepted. These barriers affect certain sub-groups of women even more. In addition to these challenges, the assessment highlighted opportunities to promote gender-responsive customary land registration and to strengthen women's land rights, making a series of recommendations for ILRG and other government and international stakeholders planning and implementing land programs in TA Mwansambo and other parts of Malawi.

¹ 1) Laws, policies, regulations, and institutional practices; 2) cultural norms and beliefs; 3) gender roles, responsibilities, and time use; 4) access to and control over assets and resources; and 5) patterns of power.

I.0 INTRODUCTION

I.1 BACKGROUND

Over 70 percent of land in Malawi is administered under customary law. In 2016, the Government of Malawi (GoM) enacted a series of land laws, including the Customary Land Act 2016, that allow all customary land holders to formalize ownership through registration of their parcels. Despite this progressive legal framework, progress on women's customary land rights has been cumbersome and slow, and women's tenure insecurity remains high. Customary land governance arrangements have significant challenges that constrain inclusive and gender-responsive customary land administration.

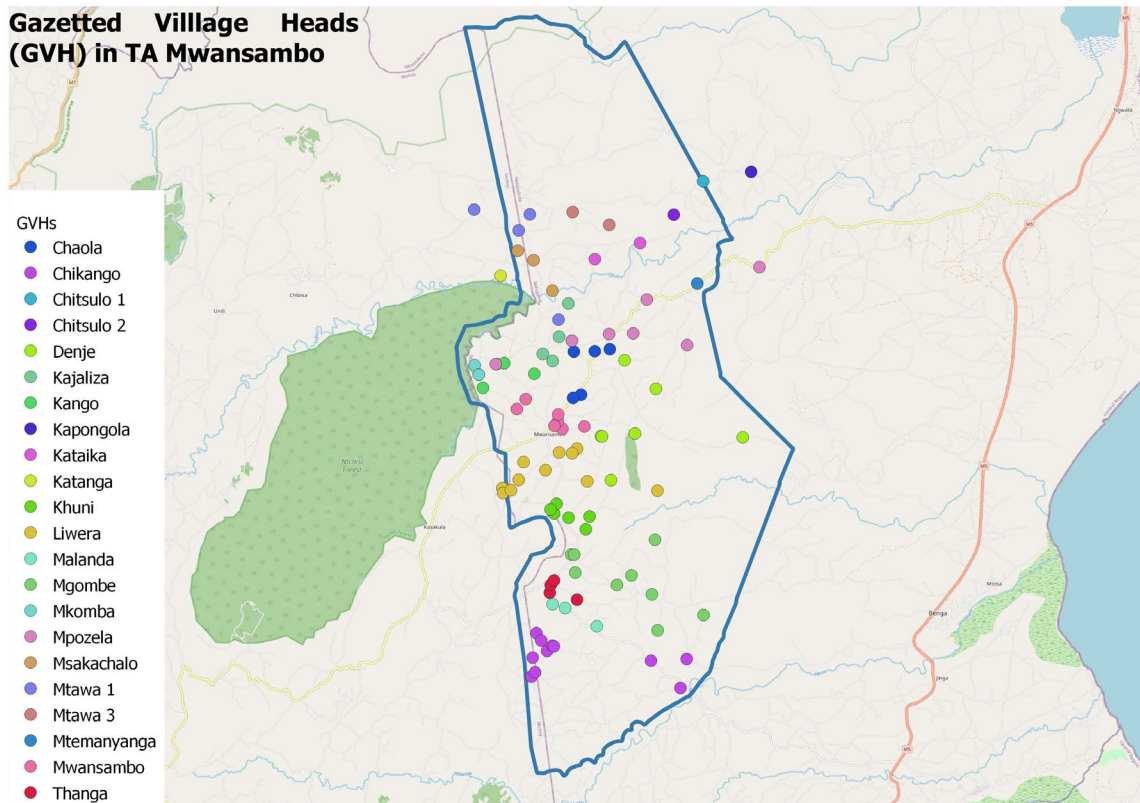
Pilot activities have been carried out in seven districts in Malawi ahead of a country-wide systematic customary land registration effort, supported by development partners and donors including the World Bank and the European Union. It is anticipated that formalizing land rights in customary estates through registering rights will improve tenure security. However, unless the process of formalizing land rights looks beyond the technical and legal components to address the social and cultural norms and attitudes that often undermine women's land rights, there is a potential risk of formalizing exclusion of women and other marginalized groups according to identities such as age, marital status, disability, and ethnicity, among others. The customary laws and practices that do not recognize equitable property rights will render formal legislation ineffective at ensuring gender equality and social inclusion in property rights. Marriage practices affect a person's rights to land since the place of residence after marriage defines how inheritance will occur. Inheritance is the principal way in which a person acquires land in customary areas. Both matrilineal and patrilineal systems are associated with gender inequality in land rights.



TA Mwansambo in red

The United States Agency for International Development (USAID)-funded Integrated Land and Resource Governance (ILRG) program is supporting the Government of Malawi to systematically document customary land rights in one traditional land management area (TLMA). Following an assessment conducted in two TLMAs in the districts of Mchinji and Nkhosakota in May/June 2021, TA Mwansambo in Nkhosakota was selected as a viable site for ILRG implementation according to a set of criteria that included political will/buy-in of local authorities; appetite to adopt a gender-responsive land documentation process; favorable logistics; and presence of World Bank pilot activities. The TA has 22 group village headpersons (GVHs) and an estimated population of just under 30,000 people (see GVH map below).² ILRG will support documentation in up to 18 GVHs. TA Mwansambo is a predominantly Chewa matrilineal society (which normally has broader women's rights to land) but due to social and economic changes the predominant form of marriage has shifted to *chitengwa*, a patrilocal system that tends to restrict women's lands rights (access, ownership, and control).

² According to the 2018 Malawi Population and Housing Census.



With funding from the Women’s Economic Empowerment Fund at USAID, ILRG is working in close coordination with the Land Reform Implementation Unit (LRIU) at the Ministry of Lands and Urban Development (MLHUD) to support gender integration in customary land documentation and use a gender-responsive approach to customary estate registration in TA Mwansambo. ILRG will contribute to USAID/Malawi’s overarching goal of: “A More Self-Reliant Malawi that is Gender-Equitable and Democratically Accountable” through the implementation of a gender transformative approach to customary land rights, as well as two of the development objectives: 1) public sector is more accountable and effective at national and decentralized levels, and 2) youth lead healthy, informed, and productive lives.

Specifically, ILRG will:

- Provide technical assistance to the district level land registry and land clerk;
- Promote the inclusion of women and youth in the land documentation process through updated gender-responsive land guidelines, process manuals, and implementation practice notes;
- Engage key stakeholders to shift gender norms around women’s land rights at institutional, community, and household levels; and
- Convene dialogues with national and international stakeholders to discuss lessons learned and build positive momentum on gender and customary land documentation work.

1.2 OBJECTIVES AND SCOPE

A gender assessment was carried out in September and October 2021 in TA Mwansambo in Nkhotakota District to provide a better understanding of the barriers and opportunities for gender equality, social inclusion, and women’s empowerment in access, ownership, and control over land during

customary land documentation, particularly in terms of the legal framework and the social, economic, and cultural factors facilitating and hindering land rights.

The goal of the assessment was to provide actionable information to guide project implementation, particularly:

- Developing recommendations to integrate gender in the systematic land documentation process, identifying entry points for gender-responsive land documentation in TA Mwansambo and beyond in Malawi;
- Mapping the key institutions and stakeholders to be engaged for gender-responsive land documentation; and
- Refining monitoring and evaluation approaches, and providing baseline data for indicators in the monitoring, evaluation, and learning (MEL) plan.

This report details the study's approach, methodology, findings, and recommendations.

2.0 METHODOLOGY

2.1 GENDER ASSESMENT DESIGN AND APPROACH

The assessment was designed as a cross-sectional study without a comparison group. Study design, data collection, and data analysis were guided by the five domains framework for gender analysis recommended by USAID ADS 205:³ 1) laws, policies, regulations, and institutional practices; 2) cultural norms and beliefs; 3) gender roles, responsibilities, and time use; 4) access to and control over assets and resources; and 5) patterns of power and decision-making.

2.2 DATA COLLECTION METHODS AND TOOLS

The data for the study was collected using primary quantitative and qualitative methods, as well as secondary research methods. Primary research included quantitative data collected from a stratified sample from six sampled group villages using semi-structured questionnaires. Qualitative data was collected through in-depth key informant interviews (KIIs) with stakeholders at national, district, and community levels. It also included data collected from community participants through focus group discussions (FGDs) and community exercises using various participatory tools such as Venn diagrams, pile sorting, and daily clock. The questionnaire and guides for KIIs and FGDs were prepared in English and translated and applied in the local language. Secondary data was obtained through a literature review and used to triangulate primary data.

2.2.1 LITERATURE REVIEW

A literature review on policies guiding land matters in Malawi was undertaken to provide contextual understanding and supplement primary data collected qualitatively and quantitatively. This involved a review of relevant reports and documents on gender and land in Malawi, including policies and laws, web-based documentation, and program reports and documents. While this secondary data was a valuable and cost-effective means of gathering information, and provided a foundation for the assessment, the information was checked for accuracy and veracity and supported as much as possible by findings from other sources. A list of documents analyzed is provided in Annex 1.

2.2.2 HOUSEHOLD PARTICIPANTS SURVEY

A population-based survey was conducted with sampled individuals in TA Mwansambo. The study population was sampled from the 15,686 individuals aged 15 years and over in the TA.⁴ The study villages were chosen purposively.

The survey sample size was 447, calculated using Cochran's formula with a 95 percent confidence level and five percent confidence interval. In terms of the age segregation, proportional representation was used. There was a deliberate effort to target women, youth, and people with disabilities.

Table 1 summarizes the respondents' villages and their respective gender. From an empirical perspective, results do not show any significant locational differences.

³ USAID. (2017). [ADS Chapter 205 Integrating Gender Equality and Female Empowerment in USAID's Program Cycle](#).

⁴ According to the 2018 Malawi Population and Housing Census.

TABLE 1. RESEARCH PARTICIPANTS - SURVEY RESPONDENTS

Village	Gender of Participant				
	Men		Women		Total
	Number	Percentage	Number	Percentage	Number
Mwansambo	32	42.1%	44	57.9%	76
Liwera and Mwansambo	31	39.7%	47	60.3%	78
Chaola and Kango	43	55.8%	34	44.2%	77
Chikango	25	32.1%	53	67.9%	78
Khuni and Mpozela	29	40.9%	42	59.1%	71
Kajaliza and Kataika	25	37.3%	42	62.7%	67
Total	185	41.4%	262	58.6%	447

2.2.3 KEY INFORMANT INTERVIEWS

A total of 19 individual in-depth interviews were conducted with decision-makers and policymakers at the community, district, and national levels, as detailed in Table 2. These included policy makers and implementers, religious/faith and traditional leaders, women's rights advocates, and non-governmental organization representatives. These informants were selected on the basis of their expertise and experience with gender equality and/or land issues. The interviews with key informants were conducted to gain in-depth understanding of their opinions, perceptions and attitudes towards gender and land.

TABLE 2. RESEARCH PARTICIPANTS – KEY INFORMANT INTERVIEWS

Level	Interviewees	Number of Participants
National	Women Legal Resources Centre Ministry of Gender-Gender Affairs Unit Land Officer Non-Governmental Organization (NGO)-Gender Coordination Unit International Land Coalition Food and Agriculture Organization Former LandNet Officer	7
District	Police Victim Support Unit Gender Office Land Office Youth Office Catholic Commission for Justice and Peace	5
Community	Traditional Authority Land Committee Political Leader Village Development Committee Community-Based Organization Land Officer Area Development Committee Chairperson Social Worker	7
Total Number of Participants		19

2.2.4 FOCUS GROUP DISCUSSIONS

Fifteen FGDs were conducted with adult men, adult women, and youth (male and female), defined as those between the ages of 15 and 25, in different villages in TA Mwansambo. A total of 180 people participated in FGDs, as detailed in Table 3 below. In order to encourage an open and free exchange, the principle of group homogeneity was scrupulously observed.

TABLE 3. RESEARCH PARTICIPANTS – FOCUS GROUP DISCUSSIONS

Target Group	Villages	Number of Groups	Number of Participants
Adult women	Chikango Chaola Chinguwo Denje Liwera Mpozela Mwansambo	7	84
Youth women	Chikango Chaola Mwansambo	3	36
Adult men	Chikango Liwera Denje	3	36
Youth men	Chikango Mwansambo	2	24
Total		15	180

FGDs used a variety of participatory exercises (adapted from participatory rural appraisal [PRA] tools) to better explore participants' perceptions, attitudes, experiences, and behaviors related to land issues and gender equality. The exercises used were:

- **Venn diagram:** Used to show the relationship between things, with overlapping circles used to represent people, villages, or institutions; lines are added to reflect inputs and outputs. This PRA tool was adapted to capture information on access to and control over resources, assets, and services.
- **The pile sorting tool:** Also known as card sorting, this tool is used to explore and contextualize relationships between individual and group norms, values, feelings, fears, and complex constructs by grouping cards that are similar or perceived to belong to the same category. The tool was used to collect information on patterns of power and decision-making, as well as laws, policies, regulations, and institutional practices that influence the context in which men, women, and youth act and make decisions on land and related livelihoods.
- **The daily clock:** Drawing of a typical day from waking up to going to sleep, exploring the key activities done in each day. This tool was adapted to collect information on gender roles, responsibilities, and time use.

2.3 DATA ANALYSIS AND REPORTING

Survey data was collected using an Android application. Data was uploaded to the cloud on a daily basis. The quantitative data was analyzed using Stata. Qualitative data was analyzed by organizing the data into

themes and by content, following the five domains previously described. The findings of the analysis are detailed in Sections 4.0 to 8.0, following a brief description of the socioeconomic profile of the study population in TA Mwansambo.

2.4 LIMITATIONS OF THE GENDER ASSESSMENT

There were some limitations and constraints that the study team encountered during the data collection:

- Difficulty in reaching consensus and quantifying findings from participatory tools: while participatory approaches bring to light some of the complexities and nuances of gender and power relations it is difficult to reach consensus among participants and to quantify the results.
- Coronavirus disease 2019 (COVID-19) restrictions: during FGDs it was hard for some participants to speak with masks on and this affected the exchange of information to some degree.
- Minimal consultations of key informants at district and national level stakeholders: KIs, particularly at the district level, were minimal due to limited time availability of relevant officers.
- Communities' expectations: the study team planned to randomly sample respondents and used village development committee (VDC) chairs to organize groups of 10 to 12 individuals for FGDs. At times, community members assembled in multitudes and selection of participants was hard; it was a difficult decision to send some willing participants home, as there was no facilitation capacity for additional groups and the size of gatherings was restricted due to COVID-19. Despite explanations from researchers when obtaining informed consent, participants often expressed expectations that their involvement would yield some concrete and immediate benefits. It is also important to bear in mind participants' potential social desirability bias.

In addition, although inclusive and representative participation in KIs and FGDs was intentionally pursued, the limited sample is likely to have excluded some key groups. As such, the findings may not reflect the full diversity of views and practices that exist in any social setting. Even though FGDs were homogenous in gender, explicit or implicit power dynamics may have led to some participants being less vocal than others. This may also have affected some KIs that were conducted with small groups of people.

Despite these limitations, the data gathered and triangulated enabled the assessment team to identify the main barriers and opportunities to strengthen women's land rights and participation in land governance in TA Mwansambo and in Malawi more broadly. The findings presented in this report can be useful to inform not only USAID ILRG's implementation, but also current and future customary land registration efforts led by the Government of Malawi, USAID, and other funders.

3.0 SOCIOECONOMIC PROFILE

3.1 TA MWANSAMBO SOCIO-ECONOMIC PROFILE

TA Mwansambo has a population of 29,239 people,⁵ with women constituting 52 percent of the population. The Chewa tribe is the TA's largest ethnic group and Chichewa is the most frequently spoken and popular language. Christianity is the most widely practiced religion and the majority of people, regardless of faith, continue to have strong beliefs in witchcraft and ancestral spiritual practices like the Gule wa Mkulu, a traditional Chewa dance that is also regarded as a religion. Traditional dances and initiation or cultural rituals are common, including traditional ceremonies for girls and boys who come of social age and for occasions like funerals, childbirth, and festivities.

TA Mwansambo is largely under the matrilineal system of marriage, where inheritance of property is through the mother's line, unlike in patrilineal system of marriage where inheritance of property is through the father's line. In a matrilineal system there are two forms of residence upon marriage, uxorilocal or matrilineal (the man must move to his wife's residence) and virilocal or patrilineal (the woman must move to her husband's residence). When patrilineal residence takes place in matrilineal systems, it is locally known as *chitengwa*; this is very common in TA Mwansambo.

The area's primary economic activity is farming, with the main cash crops being groundnuts, tobacco, and soya bean, while maize is farmed as a food crop. Goats and pigs are the primary livestock. While all key state actors are active in the area, a variety of non-state players operate. The location is mostly easily accessible, particularly during the dry season. However, access can be difficult during the wet season due to the road's earthen surface. There are many radio stations with coverage in the area, including the majority of national stations. Nkhotakota Community Radio, Chisomo Radio, Umunthu FM, and Maziko Radio all have a strong signal. Both Airtel and TNM have extensive cell phone coverage, particularly in the vicinity of the TA headquarters.

3.2 CHARACTERISTICS OF THE STUDY POPULATION

Out of the 447 people who responded to the household survey, 73 percent were married (88 percent of men, 62 percent of women), nine percent divorced (one percent of men, 15 percent of women), nine percent in polygamous marriages (five percent of men, 12 percent of women), four percent widowed (no men, seven percent of women), and five percent single or separated (six percent of men, four percent of women). In terms of education, 73 percent are literate (82 percent of men, 66 percent of women), with 86 percent having had attended at least some primary school (90 percent of men, 83 percent of women). Around 90 percent are Christian (85 percent of men, 94 percent of women); a small portion practice Islam, traditional religions, or no religion.

Around 64 percent of households earn less than MWK10,000 (US\$12.12) per month. This ratio was higher among women respondents (68 percent) than men respondents (58 percent). Crop production and sales is the main source of income for 33 percent of respondents (36 percent of men, 31 percent of women), followed by a combination of crop production and casual labor (*ganyu*) (23 percent of men, 21 percent of women) and only casual labor (nine percent of men, 16 percent of women). The poorest households have a high reliance on crops, but as income increases, households appear to diversify away from crops alone.

⁵ NSO. (2018). Malawi National Population Census.

TABLE 4. MAIN SOURCE OF INCOME BY GENDER

Main income source	Men	Women	Total
Crop production sales	36%	31%	33%
Crops and casual labor	23%	21%	22%
Casual labor	9%	16%	13%
Crops and asset sales	6%	10%	8%
Crops and livestock	9%	4%	6%
Livestock	5%	5%	5%
Other combinations	12%	14%	13%
Total	100%	100%	100%

TABLE 5. MAIN SOURCE OF INCOME BY HOUSEHOLD MONTHLY INCOME LEVEL

Main income source	Less than MWK10K	MWK10K – MWK 20K	MWK20K – MWK 50K	MWK50K – MWK 100K	Total
Crops	40%	22%	17%	9%	33%
Crops and casual labor	24%	24%	7%	0%	22%
Casual labor	16%	9%	7%	0%	13%
Crops and asset sales	5%	9%	23%	27%	8%
Crops and livestock	3%	13%	13%	0%	6%
Asset sales	4%	4%	13%	9%	5%
Other combinations	9%	18%	20%	55%	13%
Total	100%	100%	100%	100%	100%

Households grow two crops on average, with the most common being a combination of maize and groundnuts (55 percent), followed by miscellaneous combinations (22 percent), maize only (14 percent), maize, soy, and groundnuts combination (six percent), and maize, rice, and groundnuts combination (two percent). For livestock, 37 percent of households have miscellaneous combinations, followed by rabbits (28 percent), rabbit and goat combination (12 percent), goats (nine percent), goat, pig, and chicken combination (six percent), chicken (four percent), and rabbit and chicken combination (four percent).

Around 30 percent of households farm for subsistence only, whereas 60 percent sell their produce through vendors or intermediates, four percent in the local market, and two percent in the village. This shows that farm households rely heavily on vendors/intermediates. When marketing their produce, the main challenges reported by households are low prices (58 percent), prevalence of poor weighing scales (20 percent), low bargaining power (five percent), and markets being very distant (four percent).

Only 37 percent of households (30 percent of men, 41 percent of women) claimed to have been able to access credit in the previous 12 months. The distribution of sources of credit for men and women is presented in Table 5 for those that accessed credit in the last year. Village savings and loans (VSL) groups and money lenders are important for both men and women to access credit, as there is very little access to financial institutions.

TABLE 6. SOURCES OF CREDIT BY GENDER FOR THOSE THAT ACCESSED CREDIT IN THE PAST 12 MONTHS

	Men	Women	Total
VSL group	34%	39%	37%
Microfinance institution	7%	9%	9%
Finance institution	2%	0%	1%
Relatives/friends	29%	18%	21%
Moneylenders (<i>Katapila</i>)	29%	34%	32%

The main reasons for obtaining loans were to buy food, purchase farm inputs, and start/expand own business. Gender-disaggregated information is shown in Table 7.

TABLE 7. USES OF CREDIT BY GENDER FOR THOSE THAT ACCESSED CREDIT IN THE PAST 12 MONTHS

	Men	Women	Total
Buy household food	43%	42%	42%
Buy farm inputs	30%	21%	24%
Start/expand own business	5%	10%	9%
Pay school fees	7%	8%	8%
Buy household items	5%	6%	6%
Pay medical/hospitalization costs	5%	6%	6%
Start/expand family or partner/spouse's business	4%	3%	3%
Special events	0%	2%	1%

4.0 LAWS, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES

4.1 BROADER NORMATIVE FRAMEWORK ON LAND AND GENDER EQUALITY

Malawi acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1987. The 1994 Constitution of Malawi (GoM, 1994), as amended, guarantees equality of the sexes, explicitly conferring men and women the same rights, including equal protection and legal capacity (article 24). Discrimination based on sex or marital status is expressly prohibited (articles 20, 24, and 31). It also prescribes that every family member “shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation” (article 22) and that all persons are entitled to education (article 25).

Consistent with the Constitution, the vision of the 2008 Revised National Gender Policy is “a society where men, women, boys and girls equally and effectively participate in and benefit from development process” (GoM, 2008). The goal of the policy is “to mainstream gender in the national development process in order to enhance participation of women and men, girls and boys for sustainable and equitable development” (GoM, 2008). Similarly, a key goal of the 2012 Malawi Growth and Development Strategy III is “to reduce gender inequalities and enhance participation of all gender groups in socio-economic development” (GoM, 2012).

The Gender Equality Act (2012) codifies these constitutional guarantees in key matters by prohibiting discrimination based on sex; prohibiting sexual harassment; guaranteeing equal educational opportunities and sexual and reproductive health; and establishing a human rights commission to protect and promote gender equality. The Gender Equality Act also requires that no more than 60 percent of individuals recruited and appointed for public service shall be of the same sex (§11).

In terms of rights to land and property, the Constitution explicitly provides for equal rights to own property. Women have the right to full and equal protection under the law, and have the right to non-discrimination on the basis of their gender or marital status which includes the right:

- (a) to be accorded the same rights as men in civil law including equal capacity; and
- (b) to acquire and maintain rights in property, independently or in association with others, regardless of their marital status (§ 24).

The 2002 National Land Policy (NLP) also has a clear gender equality mandate. Its overall goal is “to ensure tenure security and equitable access to land, to facilitate the attainment of social harmony and broad based social and economic development through optimum and ecologically balanced use of land and land-based resources” (GoM, 2002). To achieve this goal, the policy identifies six objectives, the first of which is to “guarantee secure tenure and equitable access to land without any gender bias and/or discrimination to all citizens of Malawi as stipulated under Article 28 of the Constitution” (GoM, 2002).

The Decentralization Policy (1998) confers power to local authorities and is used as a vehicle for poverty reduction through delivery of better services to the Malawian population and also as a means to strengthen democratic institutions and participation at the local level. Both the Constitution and the 1998 Local Government Act specifically mandate local governments to promote infrastructural and economic development within an area. Decentralization is expected to improve the delivery of public goods and services to people at all levels, especially in rural parts of the country where the majority of Malawians reside. The Ministry of Local Government and Rural Development (MLGRD) has been implementing the Decentralization Policy through national decentralization programs. The government

recently launched the Local Development Fund to provide additional financial resources for implementing programs and projects that address local development needs (MLGRD, 2010).

On family matters, both men and women have the constitutional right to marry and start a family, but no person shall be forced to enter into a marriage (article 22). The Constitution recognizes civil marriages (statutory), by custom, and marriages “by repute or permanent cohabitation” (article 22). The legal age of marriage is 18, although marriage is permitted between the ages of 15 and 18 with consent of the parent or guardian (article 22). The penal code criminalizes bigamy and polygamy, with a penalty of five years (§162). Despite these provisions, available data indicates that child and early marriages are relatively widespread.

The 2015 Marriage, Divorce, and Family Relations Bill (“Marriage Act”) recognizes four types of marriages as valid and of the same legal status: civil marriage, customary marriage, religious marriage, and marriage by reputation, with consent of the parent or guardian (§14) or permanent cohabitation (§12). Recognition of marriage by repute, however, is not automatic and requires court action (§13). The Marriage Act also codifies the legal age of marriage to 18, although it maintains the constitutional exception that marriage is allowed between the ages of 15 and 18. The Marriage Act also provides for equal rights to men and women in any recognized marriage (§ 48), including the right to “consummation, companionship, care, maintenance and the rights and obligations commensurate with the status of marriage” (§2). Parties to a marriage have a joint duty to maintain each other and any children of the marriage (§50). Parents enjoy equal rights to retain custody, guardianship, and care of children, including decisions regarding children’s upbringing (Constitution, article 24).

The Marriage Act further provides that the monetary contributions of husband and wife to the marriage must be proportional to their income, and “non-monetary contributions” are to be included in determining contributions of a spouse, including domestic work and management of the home, child-rearing, and companionship (Id. §§2 & 50). Upon dissolution of a marriage, a woman is entitled to a “fair disposition of property that is held jointly by the husband,” and to “fair maintenance, taking into consideration all the circumstances and, in particular, the means of the former husband and the needs of any children” (Constitution, article 24).

The 2011 Deceased Estates (Wills, Inheritance and Protection) Act protects the inheritance of spouses and children and makes property grabbing a criminal offense, liable of a fine of MWK1 million (US\$1,227) or imprisonment up to three years (WLSA, 2014). In the case of intestate death, or when an existing will does not dispose of all of the deceased’s property, the immediate family inherits the estate (USAID, n.d.; SIGI, n.d.). Sons and daughters share the right to inherit equally (Deceased Estates Act §17; USAID n.d.; SIGI n.d.).

The 2002 National Land Policy identifies increasing landlessness in general and skewed access to land as a major problem in the country, especially at the expense of marginalized groups such as women, children, and people with disabilities. The NLP calls for consideration of gender issues in customary land governance. The NLP points out that the “effects of increasing land pressure due to population as well as the devastating effects of HIV/AIDS pandemic, necessitates a clear policy on gender access and the rights of children and the disabled.” For this reason, the NLP seeks to promote equal rights to land for men and women and to ensure that all children inherit land belonging to parents equally. The Constitution has provided for rights to property, ensuring that any person can acquire property independently or in association with others. In addition, the Constitution provides for the right to development which encompasses economic, social, and cultural rights. The government is required to equalize opportunity for all to access basic resources. Although this provision does not specifically mention land, it is clear that the majority of Malawians depend on the land; hence land is a basic resource which is essential for realizing the right to development.

4.2 GENDER EQUALITY IN CUSTOMARY LAND GOVERNANCE

Land tenure in Malawi is dominated by customary land, which accounts for over 70 percent of the land in the country. The customary and legislative arrangements for land governance have significant challenges that constrain inclusive customary land administration. According to the repealed Land Act 1965, customary land was governed by the Minister responsible for land matters. Chiefs appointed under the 1967 Chiefs Act were given delegated power to authorize use and occupation of customary land in accordance with customary law. The definition of customary law suggests that it varies from place to place and in essence across ethnic groups. This variation in legal structure essentially made customary land a local resource. The provision however did not prevent the government from taking land by converting it to public land for use for infrastructure or to be leased out to persons from outside the community governed by customary law.



KII with area development committee members at TA Mwansambo headquarters
LUANAR

In 2016 Malawi adopted a series of land legislation, including the Land Act, the Customary Land Act (CLA), the Registered Land (Amendment) Act, the Physical Planning Act, and the Land Survey Act, all of which influence the governance of customary land. The CLA refers to customary law in section 3(3)(c) in relation to a certificate of customary land issued in a TLMA.⁶ According to this provision, the Commissioner for Lands shall issue a certificate of customary land for every TLMA, and such certificate shall “affirm the occupation and use of customary land by the persons in the TLMA in accordance with the customary law applicable in the area.” Yet, the Land Act and the CLA provide that all customary land will be registered as customary estates⁷ and henceforth shall be private land to be administered under the Registered Land Act as amended⁸.

The CLA has transferred responsibility for customary land governance to elected customary land committees (CLCs).⁹ Although the traditional leader at the group village level (headperson) acts as chairperson, they are not constituted according to customary norms. The CLA also does not require that CLCs administer customary land in accordance with customary law.¹⁰ CLCs will therefore have to define governance rules based on statute and prevailing land administration practice, as well as customary norms. There is a need to put in place guidelines to facilitate transparent and accountable land administration procedures.

As highlighted by the NLP, customary land governance is based on custom and practice. These are largely unwritten, which opens considerable potential for ambiguity that may affect the rights of marginalized groups like women, youth, and people with disabilities. In addition, customs and practices

⁶ A TLMA is defined as land which is demarcated and registered as falling within the jurisdiction of a traditional authority. A customary land certificate is therefore issued in respect of this land upon registration.

⁷ Unlike the 1967 Customary Land (Development) Act which gave power to the minister to declare areas where customary land registration would apply, the CLA will apply to the entire country upon coming into force.

⁸ Section 2 of the Land Act 2016 defines customary estate as customary land which is owned, held, or occupied as private land within a TLMA and which is registered as private land under the Registered Land Act. Although the language of the definition of customary estate can cause controversy as to whether upon registration the land continues to be customary land, a customary estate is private land to be governed by the Registered Land Act.

⁹ Section 27 of the CLA gives the CLC power to make rules, by-laws, or directions relating to the use and occupation of customary estates.

¹⁰ It is interesting that only the Land Act 2016 defines customary law in section 2, while the CLA is silent about it.

are constantly changing and while this can have advantages, it can also create further uncertainty that may be detrimental to the rights and interests of those traditionally marginalized. It is for this reason that the NLP proposed some kind of codification of customary norms, so as to enhance clarity and certainty in customary land governance. However, neither the 2016 Land Act nor the CLA have addressed any general principles to promote access to customary land. During the drafting of these pieces of legislation, civil society organizations proposed that both make provision for access to land, including gender-specific provisions requiring joint registration of proposed customary estates and acquisition of any land by a spouse to be registered jointly in the names of husband and wife. These proposals, however, have not been included in the legislation and there are no explicit provisions directing or facilitating access to land for women and other marginalized groups. As such, there is a strong risk that registration of customary estates will reinforce existing gender inequality in land access, ownership, and control. This calls for policy and practice interventions to intentionally and actively promote gender-responsive registration of customary land to ensure the implementation of gender equality constitutional provisions and to strengthen women's land tenure and participation in land governance. The CLA establishes that CLCs, customary land tribunals (CLTs), and district land tribunals (DLTs) must have women's representation, including a 50/50 quota for CLC membership, providing opportunities for women's participation.

In addition to challenges posed by the ambiguous and patriarchal nature of customary norms, land administration is subject to the power of the minister or a local government authority to control land allocation, whether for public purposes or in making investment decisions that affect access to land.¹¹ Customary land has over the years been the default source of land for public purposes like infrastructure or investment in agriculture such as tobacco, tea, and sugar production. The loss of customary land available to smallholder farmers has been substantial and has fueled debates about the effects of land grabbing.¹² This practice is especially detrimental to women and other marginalized groups who have little or no bargaining power to protect themselves from encroachment by the state, local elites, and multinational corporations seeking access to customary land. The enactment of the CLA and the Lands Act was intended to address some of these issues through inclusive land governance institutions such as the CLCs and the CLTs. But instead of reducing incidents of land grabbing, there are serious concerns that granting power to local authorities may lead to further loss of customary land. The restrictions on the transferability of customary estates¹³ may not protect vulnerable groups unless they meaningfully contribute to and participate in the use and management of customary estates.

¹¹ See section 17 of the Land Act 2016 as read with sections 7 and 9 of the Customary Land Act 2016.

¹² See LandNet & Oxfam. (2014). Large Scale Land Acquisition and Food Security in Malawi: Towards a Responsive a Responsive Policy Framework (Oxfam, Lilongwe).

¹³ According to section 28 of the CLA, all transactions involving customary estates during the first five years of registration shall be subject to approval of the CLC and the traditional authority of the area concerned. After five years these restrictions cease to apply.

5.0 CULTURAL NORMS AND BELIEFS

5.1 PREVAILING GENDER NORMS RELATED TO LAND¹⁴

As mentioned in the previous section, although the legal framework provides for gender equality in land rights, social and cultural norms hinder women's land rights. A woman may have legal rights to land and property, and yet the right may not be recognized as socially and culturally legitimate. This is particularly prominent in the case of customary land. Individual beliefs and attitudes, as well as collectively held norms, determine the behaviors and roles expected and considered appropriate according to one's gender or gender identity. This in turn influences how men, women, and marginalized groups are able to access, own, use, and control land, how they can participate in land governance, and how land rights connect with gender-based violence.

"Sometimes the problem is with us women, because of the way we were raised. We were raised to respect our husbands. To make matters worse, the Bible even supports that women should obey their husbands. This removed any self-confidence a woman could have. We are afraid that we might lose our marriages and because of that men use power in the way they handle women because they know that we can't go anywhere to complain."

- Woman in FGD

Girls in TA Mwansambo and in Malawi more broadly grow up believing (and being reminded) that they are less important than boys; for instance, when faced with hardship, parents prefer sending boys to school while girls stay home to carry out household duties. Because of how society looks at them, women look down upon themselves and find it difficult to assert their rights. This is exacerbated by women's lower literacy and education levels, which further prevents them from knowing their land rights in the first place. Respect is a very important value for Chewa women, and a woman opposing her husband on issues of land or any other matter is regarded as disrespectful. This belief is ingrained in men and women alike. During FGDs with women, men's dominance within families was acknowledged as positive and women

argued that it was not necessary for women to have land registered in their names as long as the land is the family's property.

Women's land rights are influenced by gender norms at the household and societal levels. In most communities in Malawi, including TA Mwansambo, there is strong resistance from men to women's land ownership. Within the household, kinship systems are important for determining men's and women's expected roles and gender stereotypes. Malawi has two systems of kinship that define how customary land is inherited. In the matrilineal system prevalent in central and southern Malawi, land is passed through the female line. The patrilineal system, in which land is passed through the male line, is prevalent in the north of the country. In TA Mwansambo, the matrilineal system is the most prevalent, with a patrilocal marriage system known as *chitengwa*. It is important to note that in both matrilineal and patrilineal systems, men are considered the "heads of household" and ultimately responsible for all household decisions, including on land use and disposal. This means that women's priorities, needs, and interests are often overlooked.

"A man is the head of the household and as the head he makes his rules that us women have to follow; if he says sleep, we sleep, and if he says wake up we do; we do whatever he commands us to do. That's what we call abiding by rules. Rules are rules, everyone has to follow them. As women we are used to see things happen that way."

- Woman in Denje

According to FGDs and KIs, the *chitengwa* system that requires women to live in their husbands' home restricts women's rights. Women are confined to household management responsibilities and are

¹⁴ It is important to note that social and gender norms are embedded throughout the following sections as well, as they influence gendered roles and responsibilities, use of time, access to resources, and decision-making power.

excluded from key decision-making processes. Women's in-laws hold considerable power and can be rather domineering. Due to intra-family generational power dynamics, mothers-in-law are key reference groups; they hold great influence and shape the beliefs, and attitudes, and behaviors of younger women joining the family. In the "private" environment of household, where most women inhabit and perform gender identities and roles, these power dynamics are particularly important, and mothers-in-law are often the ones to reinforce gender expectations and norms.

It is difficult for women and girls to inherit land because it is assumed that girls will get married one day and go live with their husbands, and families do not want to put their land at risk of being owned by a stranger. Men and boys receive preference in land inheritance because they are considered landowners who will not move elsewhere. In the case of a relative or spouse's death, girls and women have difficulties reclaiming their parents' or husband's land because of the perception that women and girls are weak and cannot challenge men in matters of land ownership.

"Men control big resources because they are the ones who purchase them. Most of the family assets are inherited by boys as according to the culture they are taken to be the ones with big responsibilities, while girls will be married off and be taken care of by husbands. Boys are also taken as kings and are the ones who share land with their sisters."

- Young woman in FGD in Chikango

Generally, women struggle to speak in public due to gender norms around women speaking and standing in front of men. This is because women are seen as caregivers and everything they say is taken lightly. While there are a few women who defy these norms, this is insufficient for the majority of women to break out of the norm. Such successful women have also faced backlash from men and women alike. According to a local woman leader, "I have been called names for being active in the community. Some older women even question who do I want to be." Indeed, women who attempt to deviate from gender norms are viewed as impolite and disrespectful of tradition and culture. This can cost them their marriages or result in sanctions, from social ostracism and gossip to physical violence.

Because the home is regarded as a woman's domain, women struggle to reconcile household demands and participation in public events. There are also gender norms around women's physical and social mobility, as men and young men have much more freedom to roam. Women and young women spend the majority of their time at home or nearby, whereas men and young men congregate at drinking establishments and on the verandas of stores where they talk and play the game *bawo*.

Men dominate leadership roles because social norms dictate that men make decisions. A woman cannot, under any circumstance, tell a man what to do, even if he is incorrect. Women lack the means and confidence to exercise leadership, and even when chosen for prominent positions they often decline, claiming they cannot manage.

Men, young men, women, and young women obtain information in a variety of ways and locations. Generally, information is accessed through various channels, such as phones, community radios, public address systems, and announcements made by the chief's advisor (usually a man), and occasionally during community meetings and church gatherings. Men have the advantage of being able to congregate in drinking establishments and business places, where they can gather and exchange information.

"Men say that our thinking capacity for us women is not that sharp, as such we can't control land."

- Woman in Nkhuni

Another gendered belief in the assessed villages is that women cannot handle financial responsibilities as well as men do. Men are believed to possess more information and procedural knowledge about legal issues with regard to land registration and inheritance. Women, in contrast, were believed to be limited to doing household tasks and taking care of the family and were not regarded as capable of handling property and dealing with land transactions. Moreover, there was a general sense of

mistrust towards daughters and wives. A man shared, "If land is transferred to a woman at a young age,

she might take that right away with her or sell it off once she gets married; that is also one of the reasons why people fear to register land in a woman's name."

KII and FGD respondents indicated that chiefs are key to resolving disputes, including land disputes. However, the respondents indicated that there are some challenges regarding the way justice is administered at community level. Despite the fact that since 1995 chiefs and traditional authorities have been stripped of their formal adjudicative powers by their exclusion from any formal judicial duties, chiefs continue to deliver justice in village-based customary justice forums, including on land and gender-based violence (GBV) cases (Mwambene & Nanimba, 2020; Schärf et al., 2002). The manner in which customary justice issues are settled relies on community norms and values, based on the principles of restorative justice and the need to maintain social harmony in the community. However, as these structures are male-dominated and reflective of broader social and gender norms in the community, they can often fail to protect the rights and interests of women and other marginalized groups. Many chiefs have not received any formal education or training to fulfil their chiefly functions. While some of the traditional leaders indicated they have been trained by government agencies and NGOs on issues around human rights, gender equality, and other topics, they indicated that they would appreciate more training and orientation on land related issues and GBV.

"One of the senior chiefs in our community treated his brother's wife and children badly. When the brother died, the senior chief went ahead and took all the land that belonged to the deceased and chased his sister-in-law and [her] children away. He sold the land to other people while the wife and the children of his late brother had nowhere to go. The news reached the TA who advised them to go to court to fight for their rights, and when the matter was brought before court, they were given back all the land, and justice prevailed."

- Area development committee member

5.2 TREATMENT AND NEEDS OF DIFFERENT SUB-GROUPS OF WOMEN

Girls and women who have experienced child and early marriage are particularly vulnerable to abuse of their land rights, as this practice severely limits education, employment, and ability to advocate for one's own rights. Despite legal prohibitions, Malawi has a high prevalence of child and early marriage due to ingrained social and cultural norms. Traditionally, puberty is seen as a marker of readiness for marriage, particularly for girls. Further, many poor families in rural areas marry their daughters off at young age to improve their financial status, including cultural practices that allow a family to offer a young girl for marriage to settle family debts (CEDAW, 2008). A community-based study found that 12 percent of respondents deemed early marriage as normal (Women and Law in Southern Africa, 2009).

5.2.1 WOMEN AND GIRLS WITH DISABILITY

According to statistics from the 2018 Population and Housing Census, there are around 937,536 women with disabilities in Malawi, accounting for 6.2 percent of the total population aged five and above. Despite Malawi's international obligations to protect the rights of women with disabilities, these women face human rights abuses that are unique from, and more common than, those encountered by others. These breaches of human rights emerge in many aspects of their life, but are most prevalent in the contexts of education, healthcare, and work, and they experience disproportionate rates of violence. This pattern holds for women with disabilities in TA Mwansambo.

Researchers learned that women with disabilities mostly participate in women-only groups like VSLs; they are invisible and excluded from key decision-making structures at the community level like VDCs. A key informant indicated that one of the challenges for women with disabilities to participate and have influence in committees is mobility; most of the spaces where meetings are held are centrally located and the majority of them may not be able to travel to such places.

Section 8 of the 2012 Disability Act requires the government “to ensure that persons with disabilities have access to the physical environment, transportation, information and communications, including information and communication technologies and systems, and other facilities or services available or provided to the public,” including by “raising awareness and providing appropriate training on accessibility issues facing persons with disabilities.” This right to accessibility remains a challenge especially for women with disabilities living in rural areas. Some, but not all, government offices in TA Mwansambo have modified their infrastructure, for instance by installing ramps. In terms of communication, women and girls with disabilities have challenges accessing information as most of the mediums of communication in the area are not disability friendly. There are no spaces in TA Mwansambo where women and girls with disabilities can share experiences and create a movement to demand their rights.

Children with disabilities face challenges to access education due to parental attitudes and a lack of school resources. Physical access to schools is a major barrier as classroom and toilet facilities are often inaccessible, although respondents indicated that there are ramps in some schools. Most schools have very limited human resources available and a lack of teacher training on inclusive education is particularly challenging.

5.2.2 WOMEN AND GIRLS LIVING WITH HIV/AIDS

HIV/AIDS emerged as a serious threat to communities in Malawi in the 1990s, and most people living with HIV continue to be stigmatized, excluded from decision-making, and experience discrimination, particularly in access to social services and subsidized agricultural supplies. There are particularly unfavorable attitudes about HIV-positive women and girls. As a consequence, several community-based organizations (CBOs) providing support to and advocating for the rights of people living with HIV have emerged in the country. In TA Mwansambo, the Mwansambo AIDS Support Organization has operated since 2006, supporting women and girls living with HIV and AIDS, with an emphasis on strengthening their leadership abilities. Through such activities, some HIV-positive women and girls have been chosen as leaders in VDCs and other bodies. The presence of such organizations and initiatives may serve as an entry point to better understand and promote the involvement of HIV-positive women in community decision-making processes related to land registration and governance. In some locations those living with HIV/AIDS have been discriminated against in terms of access to land as they are perceived as not having the strength to cultivate land to its full potential.

5.2.3 YOUNG WOMEN

The 2018 Malawi Population and Housing Census highlighted that the median age of the population in Malawi at that time was 17. The age and sex pyramid shows that Malawi’s population is still youthful but is also transitioning from high fertility to low fertility, as confirmed by the narrowing base of the population aged zero to four. Despite their majority, youth, especially female youth, face a number of challenges.

The participation of youth in local governance structures and development is organized in a three-tier structure from grassroots to the district councils, including youth clubs, youth networks, and youth representatives on council. The number of youth clubs and networks may vary from district to district. Youth voluntarily join youth clubs at the village level and elect a committee with a stipulated 50/50 gender representation. The youth clubs at the TA level elect one or two representatives to join a TA-based youth network. A committee to run the affairs of the network is elected to office. The chair and the secretary by default become youth representatives to the area development committee (ADC). The chairpersons from all TA-based youth networks form a district youth network (DYN). The gendered composition of the committee will depend on how the lower-level committees elected representatives.

The DYN feeds into the youth technical sub-committee of the district AIDS committee. The chair and vice chair of the DYN sit on the technical committee. The chair of the DYN also represents the youth at full council.

The assessment observed some levels of youth participation and influence in high level decision-making spaces like the ADC, but not in the local-level structures. This is due to biased selection criteria (for instance, minimum age requirements of at least 30 years for certain positions) and also social norms and beliefs that hinder the participation of youth, especially girls. The participation of young women in committees and other governance structures is constrained by time burdens and backlash from the communities. On backlash, young women respondents indicated that those who actively participate in the public arena are frequently labelled as prostitutes who go out with the men with whom they interact. Women youth respondents indicated that they have a lot of household work that affects their ability to participate in public meetings and undertake public related responsibilities. Women youth shared that certain social norms prevent the recognition of the contributions youth make. The local saying “*mchiuno mwa mwana simufa nkhuku*” (“no matter how a young person wriggles their waist they cannot be rewarded with a chicken”) reflects the value that society has placed on youth, which extends to access to land.



FGD with young men
LUANAR

5.3 GENDER-BASED VIOLENCE (GBV)

5.3.1 PREVALENCE OF GENDER-BASED VIOLENCE

The prevalence of violence against women in Malawi is very high, with 45 percent of girls aged 15 – 19 reporting having experienced physical or sexual violence and 20 percent reporting an incident of sexual abuse prior to age 18. Around 68 percent of those who experience sexual violence also experienced multiple incidents of sexual abuse. Most adolescent girls experienced sexual abuse for the first time between the ages of 12 and 14, and 13 percent of women agree that a husband/partner is justified in beating his wife/partner under certain circumstances.¹⁵

Despite legal prohibitions, Malawi has one of the highest rates of child marriage in the world, with one in two women between the ages of 20 and 24 married before they were 18, and 12 percent of girls married before the age of 15.¹⁶ According to the 2010 Demographic and Health Survey, 75 percent of women aged 20 – 49 were married by age 20, and 13.5 percent were married by age 15 (GoM, 2010). Malawi also has the second highest rate of adolescent pregnancy in the Southern African Development Community region.¹⁷ A recent COVID-19 rapid assessment of teenage pregnancies and child marriage commissioned by the Government of Malawi showed that the country has recorded 13,000 cases of child marriage and over 40,000 cases of teenage pregnancy during the COVID-19 period, an 11 percent increase compared to the same period in the previous year.¹⁸

¹⁵ NSO. (2016). Malawi Demographic Health Survey; Malawi Government. (2013). Violence Against Children.

¹⁶ UNICEF. (2015). State of the World's Children. New York. NY UNICEF

¹⁷ 2016 Malawi Demographic and Health Survey

¹⁸ Malawi Government. (2020). Rapid Assessment of Child Marriage and Teenage Pregnancies During COVID-19, Unpublished

The assessment found that GBV is prevalent in TA Mwansambo, including different forms of physical and economic violence and harmful traditional practices. Child marriage and sexual violence (referred to as defilement) were the main forms of violence indicated by key informants. FGDs with women and young women confirmed that child marriage is prevalent in TA Mwansambo. It was also observed that the majority of those women youth participating had children. The assessment could not establish the current levels of child marriage beyond anecdotal evidence. Although data is not readily available, one key informant indicated that between January and September 2021, a total of 12 defilement cases were recorded at their office, with only two proceeding to court.

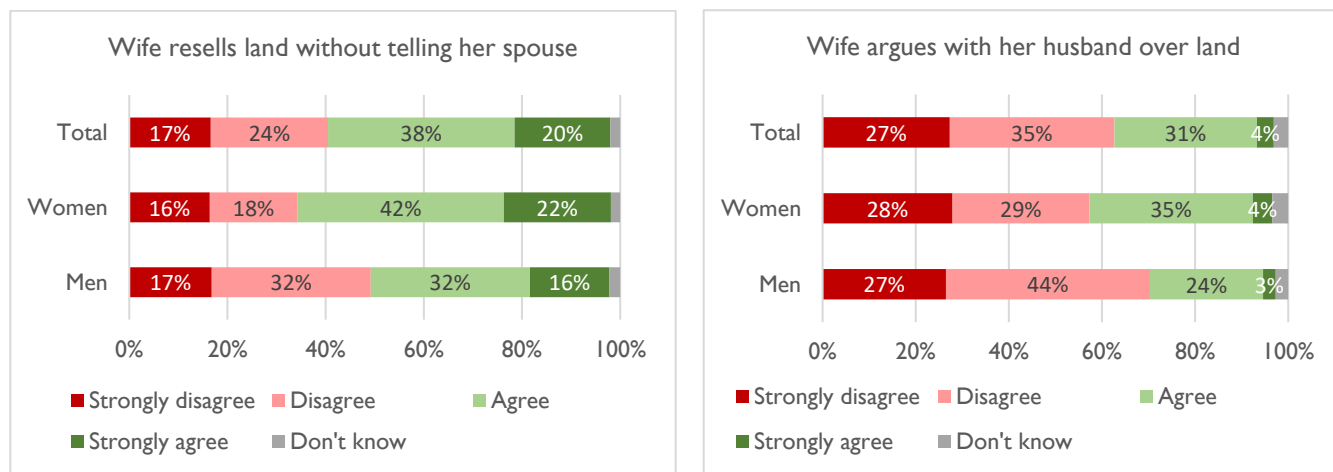
The causes of GBV are many and vary depending on the type of violence, although underlying attitudes towards women and harmful gender norms help perpetuate all forms of GBV. FGDs and KII showed that GBV is systematically entrenched in the local culture, reinforced by patriarchy. Limited knowledge of the law and poor GBV prevention mechanisms in the district do little to counter GBV. Causes of GBV include persistence of negative gender norms and beliefs, women's economic dependency, and polygamy. Poverty is also a cause of child marriage, linked to the belief that marrying off a daughter reduces family expenses and/or temporarily increases family income. Gender norms related to the perception of girls and young women as wives and mothers,¹⁹ unplanned premature pregnancies,²⁰ and the desire to control premature pregnancies, also lead to child and early marriages. A key informant observed that hunger for power and authority also contributes to GBV, as some clan leaders and village heads are perpetuating child marriage as a means to increase the number of households in their clan or area, thereby entitling them to receive resources and/or graduate to the next level of governance structure. Related to land, property grabbing was one of the main forms of violence (economic GBV) highlighted. Due to the *chitengwa* system of marriage, widows experience property grabbing by the relatives of their deceased spouse.

The household questionnaire also revealed widespread beliefs related to GBV and decision-making related to land. Fifty-five percent of men and 68 percent of women surveyed agreed that GBV was justified in at least one of the scenarios described. The majority of men (49 percent) and women (64 percent) agreed or strongly agreed that spousal violence was justified if a wife resells land without telling her spouse. Rates of agreement were much lower in the other scenarios: if a wife makes a solo decision about plants planted, if she cultivates things on the land without telling her spouse, and if she argues with her spouse over land (see Figure 1 below). However, in all cases, women were more likely to agree that violence was justified than men. The findings broadly showed how ingrained gender norms are closely linked to GBV prevalence and acceptance by both men and women.

¹⁹ Girls Not Brides. (n.d.). Ending child marriage in Africa. A brief. <https://www.girlsnotbrides.org/wp-content/uploads/2015/02/Child-marriage-in-Africa-A-brief-by-Girls-Not-Brides.pdf>

²⁰ National Statistics Office. (2019). Traditional Practices Survey, University of Malawi, University of Zurich, UNICEF

FIGURE I. RESPONSES TO THE STATEMENT “A WOMAN IS JUSTIFIED TO BE SUBJECTED TO VIOLENCE IF...”



5.3.2 ACCESS TO REDRESS MECHANISMS FOR PEOPLE EXPERIENCING GBV

Informal support for people experiencing GBV includes support from family members, from the headperson and chief, and from churches and other community-based institutions. Most FGD participants indicated that there is a continuum of seeking help, starting with the headperson or local village committee, then escalating to the chief and ultimately to the police. The extent to which it is escalated also depends on the severity of the issue and whether the perpetrator makes any changes to their behavior. Before or as alternative to going to the headperson, people also go to elders, parents, family members, and/or friends for support. For intimate partner violence, the first port of call for women is often their mother, best friend, or a marriage counsellor. Many people expressed the sense that one should first go to parents, elders, or traditional marriage counsellors to resolve domestic issues.

“What we have noted is that people would always seek help from the village head first. If that does not work then they would go to the group village head. And if things fail to work out, that is when you can go to the police.”
- KII, TA Mwansambo

The most common type of formal support cited by respondents was the police. A few respondents mentioned the Social Welfare Department as being available to provide formal support, as well as the courts and the district commissioner. Despite the police being mentioned by all FGD respondents, there was a widespread sense that the police were ineffective for reasons ranging from being slow to react to being corrupt and only supporting those with money.

While TA Mwansambo has a court, it was generally observed that people have little confidence in it. Schärf et al. (2002) observed that there are capacity issues in the lower-level magistrates as clerks are ill-

“I handled a [GBV] case which was referred to me by my bosses at the district. I investigated the issue and referred the case to the law enforcement agencies. An arrest was made but after the arrest nothing happened up to now and the person is walking free.”
- KII, TA Mwansambo

trained and lack the requisite qualifications to perform their tasks. Under-trained clerks are not the best-placed persons to give advice on the collection and evaluation of evidence since they lack the requisite expertise to do so. Schärf and Banda (2002) also indicated that clerks often mislead the parties and even the court as they failed to solicit sufficient information from the parties involved. During the assessment, some key informants lamented the way the courts handle matters of GBV.

Interviews with district-based redress service providers indicated that they have registered a few cases of land-related GBV from TA Mwansambo, most from women. For instance, the district land office indicated having registered a few cases from TA Mwansambo, with at least two cases in the past year. The general observation is that there is some means of seeking legal assistance at the district level. This was attributed to, among other factors, a legal education initiative by the Catholic Commission for Justice and Peace that was implementing a land and governance project in TA Mwansambo.

A key informant indicated that key GBV service providers in Mwansambo are working in an uncoordinated manner, resulting in low prosecution rates. It was further observed that there are a number of structures to deal with GBV like mothers' groups in schools, child protection workers, the police victim support unit, and the community policing structures. Apart from a lack of coordination, corruption and a lack of legal awareness on GBV were cited as some of the challenges.

6.0 GENDERED ROLES, RESPONSIBILITIES AND TIME USE

It has been reported that Malawian women are “time poor” compared to their male counterparts (USAID, 2012b). This means that there are gender differences in time allocation, availability and how time is spent in productive and reproductive work (including gendered perceptions of what is considered productive work). This affects how men and women access and use land, and their ability to effectively participate in land governance. It is critical to understand the gender division of labor to avoid reinforcing gender inequalities and causing unintentional harm (e.g. increasing women’s engagement in land governance when they remain fully responsible for all household and unpaid care duties), and to capitalize upon opportunities to loosen rigid gender norms about what an individual is “allowed to” or “capable of” doing based on their gender.



FGD with adult women in Mwansambo
LUANAR

FGDs and KIIs revealed that gendered divisions of labor exist in all realms of work – on- farm and off- farm, formal and informal – and confer specific sets of opportunities and constraints for men and women. Both KII and FGD participants said that women are the ones who perform the majority of the household work, and this was generally explained by beliefs that “women are natural caregivers and men are not.” Men often believe their role in daily management of the household is limited, spending little time at home and/or having extramarital affairs, leaving their spouse with a disproportionate share of the household and caring workload. This information was corroborated by the quantitative data, where participants were asked about who performs most of the household

care and childcare tasks in their household. Eighty-four percent of the respondents believe these are primarily women’s tasks, while two percent believe them to be men’s tasks, with the remaining believing it to be the responsibility of both. According to a KII, there are cases of childcare and maintenance neglect because most men do not consider it to be a critical role for them.

Men are generally expected to provide financially for their families and as such they focus on economic-related initiatives. As a result, some men work in *ganyu*, or casual and short-term labor in other farms, which is used by poor rural households to supplement their income. The study did not obtain concrete evidence of migration to the district headquarters or to South Africa, as is the case in other areas of the country. When a man is seen doing work that is perceived as “women’s work,” they are mocked with expressions such as “*avala nsalu*” (“he is putting on a cloth wrapper”). Some believe that these men have been fed “love potions.” If boys do chores perceived as meant for girls, it is assumed that they are only doing it because they are single and will stop once they get married. The assessment learned that generally the trends are changing, with an increase in awareness of gendered division of labor due to the emergence of male champions or role models promoted by different NGOs working in the area, such as the European Union-funded Kulima program, who is implementing gender norms change efforts using the Gender Action Learning System (GALS) approach.

Most farming activities are carried out by all family members, except for selling of the farm produce, which is mostly done by men. This is due to the perception of men as “heads of household” and the requirement for great physical mobility and interaction with others outside of the household. As men

control the sale of produce, they also control income and related decision-making. The table below shows how most FGDs described the distribution of household/caring and farming tasks among household members. For some of the tasks there was less agreement across FGDs and this is noted.

TABLE 8. GENDERED DIVISION OF LABOR

Task	Responsible
Cooking	Mostly women with female youth assistance
Cleaning	Mostly women
Fetching water	Mostly women and female youth
Fetching fuel wood	Mostly women and female youth
Caring for the children	Mostly women
Caring for the elderly or sick	Mostly women
Farming for subsistence	All members of the household
Livelihoods activities ²¹	Men, women, young men, and young women
Constructing a house	Mostly men
Digging pit latrines	Mostly men
Molding bricks	Mostly men
Smearing houses	Mostly women and female youth
Land clearing	All members of the household
Participation in agricultural trainings	Mostly women and both men and women
Purchase of seeds/seedlings	Mostly men
Planting	All members of the household
Weeding	All members of the household
Application of agrochemicals ²²	Mostly men, both men and women, and male youth
Harvesting	All members of the household
Sale to local buying agencies/interacting with buyers	Mostly men
Selling in local markets	Mostly men

Work overload affects women and girls. Women and girls in FGDs indicated that during the peak farming season, they are still expected to perform most household duties. One woman in a FGD stated that after returning from the farm, women begin doing household chores while the men are able to rest. Women do not have much rest or leisure time compared to men. This hinders their involvement in community meetings and training sessions; when they are able to attend, their participation is low due to being tired.

Data from the quantitative survey shows that while women do the majority of the housework and childcare, attitudes towards gendered division of household labor are more complex. Ninety-one percent of men agreed with the statement that husbands should contribute to housework and help look after children, compared with 79 percent of women. Similarly, 87 percent of men agree with the statement that housework and looking after children requires significant skill, as do 85 percent of

²¹ Two out of nine FGDs reported that livelihoods activities such as businesses are done by women; four out of nine FGDs reported that these activities are mostly done by men; two out of nine reported that it is done by both men and women while one FGD reported that it's done by mostly male and female youth in addition to men and women.

²² Three FGDs out four reported that application of chemicals is done by both men and women as men do the actual spraying while women draw water to dilute the chemicals.

women (Figures 2 and 3). However, qualitative data showed that men mostly perform these tasks when women are sick or have a newborn baby.

FIGURE 2. RESPONSES TO THE STATEMENT “HUSBANDS SHOULD CONTRIBUTE TO HOUSEWORK AND LOOKING AFTER CHILDREN”

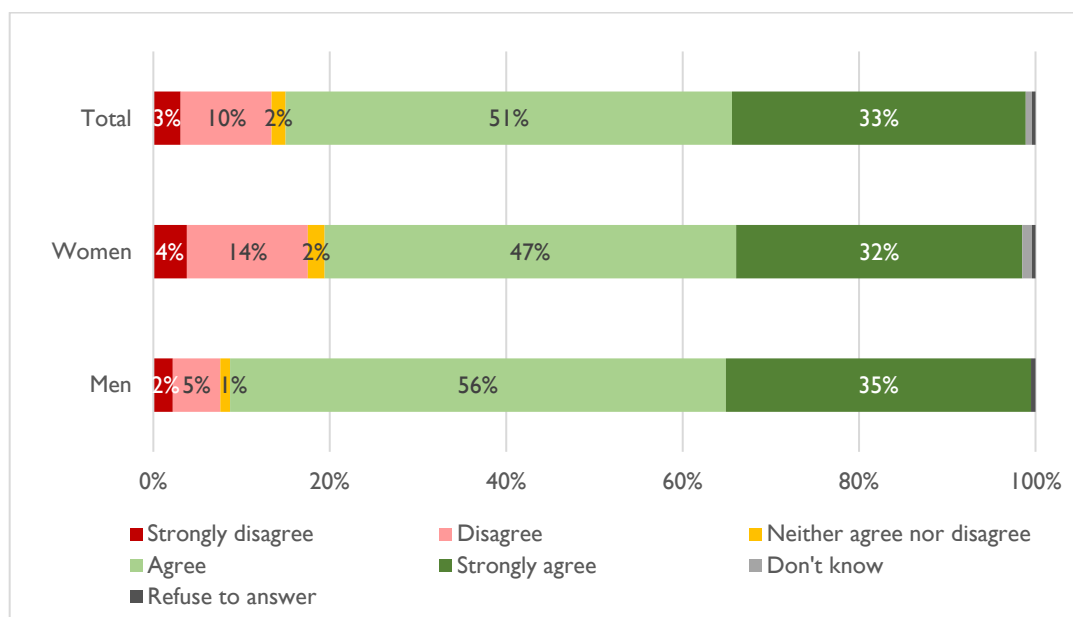
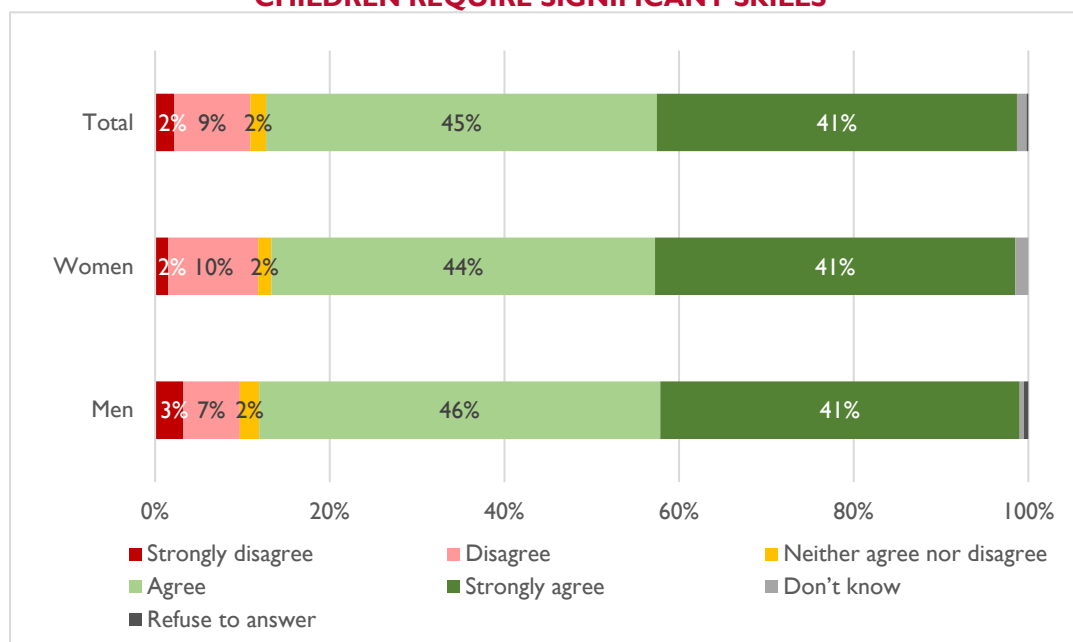


FIGURE 3. RESPONSES TO THE STATEMENT “HOUSEWORK AND LOOKING AFTER CHILDREN REQUIRE SIGNIFICANT SKILLS”



Boys and girls are frequently taught different norms and behaviors, which affect their aspirations, participation and influence in decision-making processes, and access to things like health care services. Girls and boys are assigned different tasks from a young age, and this continues as they grow up. Girls

are socialized as future wives and have limited mobility (i.e., where they can go and when they should be home). As future wives, they are expected to do a lot of housework, resulting in extremely heavy workloads that affect their wellbeing, health, and education. A young woman in one of the FGDs stated that while her brother is at school, she spends the majority of her time doing household chores, particularly water collection. Many girls reported having more household responsibilities than boys, which limits their time for education and leisure and can have an impact on their health because some of the activities they engage in can be strenuous or even dangerous.

Early and child marriages have also been exacerbated by the socialization of girls as future wives. According to a key informant, the majority of young women in TA Mwansambo are married. COVID-19 has made the situation worse because everyone wanted to marry and have their own children for fear of “*kuferamo asanalilawe banja*” (fear of dying before trying marriage or having a child). Young girls are also constantly told “*kwatiwa, mazira athera padera*” (“get married early or you will waste the eggs”). Parents marry off adolescent girls to protect themselves from economic shocks and to avoid social sanctions if their daughter becomes pregnant while unmarried. Some of the female respondents stated that their parents forced them into early marriages in order to abdicate responsibility for their children. When a girl reaches a certain age and continues to ask her parents for soap to wash her clothes or body, her parents tell her to find a husband to provide for her. Similarly, when boys arrive home late, they are told to find a wife to prepare food for them.

If a young woman becomes pregnant, it is widely assumed that she is to blame, and the young man is not reprimanded in any way. In addition, when a girl in a household gets pregnant, the blame is also placed on her mother, who may be forced to leave. This is due to the widely held belief that “*mwana ndi wa mayi*” or “a child belongs to the mother.”



Individual interview
LUANAR

Harmful gender norms and negative masculinity behaviors are displayed in romantic relationships. Men limit young women’s decision-making in relationships, particularly when it comes to sexuality. A young male respondent said, “because I proposed to her, I am the one who gets to decide what we do in this relationship. She can’t decide on sex.”

The assessment found that the elderly are usually not very involved in household and farming activities due to their age and physical capacities. For persons with disabilities, if the disability prevents them from carrying household and farming activities, their caretakers – usually women – will perform tasks for them. At times they are assigned simpler activities like shelling maize, groundnuts, and beans.

7.0 ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES

As indicated in the Section 3.0 above, most of the population in TA Mwansambo is rural and relies on land as the main asset and resource for livelihoods. Women's secure land tenure refers to a bundle of rights that includes ownership, access to, and control of land. The assessment explored the gendered aspects of these rights, as well as the barriers to women's land rights.

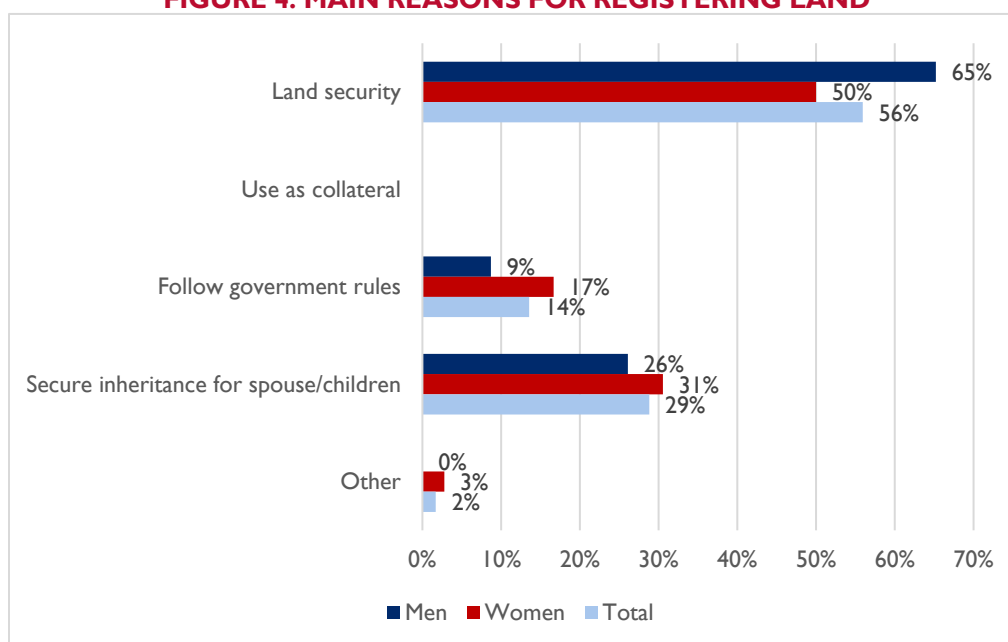
7.1 WOMEN'S ACCESS TO LAND

Access to land in the context of the study was defined as use of the land, and all FGDs and KIs confirmed that women have access to land whether they are in patrilocal or matrilineal residence. Women of all ages and other marginalized groups have access to land both in their ancestral homes and spouse's home. As *chitengwa*, a practice where a woman lives at the husband's home, is most prevalent in TA Mwansambo, women lose entitlement to their family land upon relocating to the husband's home, unless under some arrangement. Women have the right to access their spouses' land but culturally cannot inherit the land upon their husband's death. Single women have access to family land. On the other hand, widowed women may have access to their family (natal) land if uncles and/or brothers allow them.

7.2 WOMEN'S OWNERSHIP OF LAND

The assessment found that 14 percent of people (14 percent of both men and women) in the area claimed to have registered land. Of those whose land is unregistered, 88 percent indicated that they would likely register their land if proper structures were in place.

FIGURE 4. MAIN REASONS FOR REGISTERING LAND

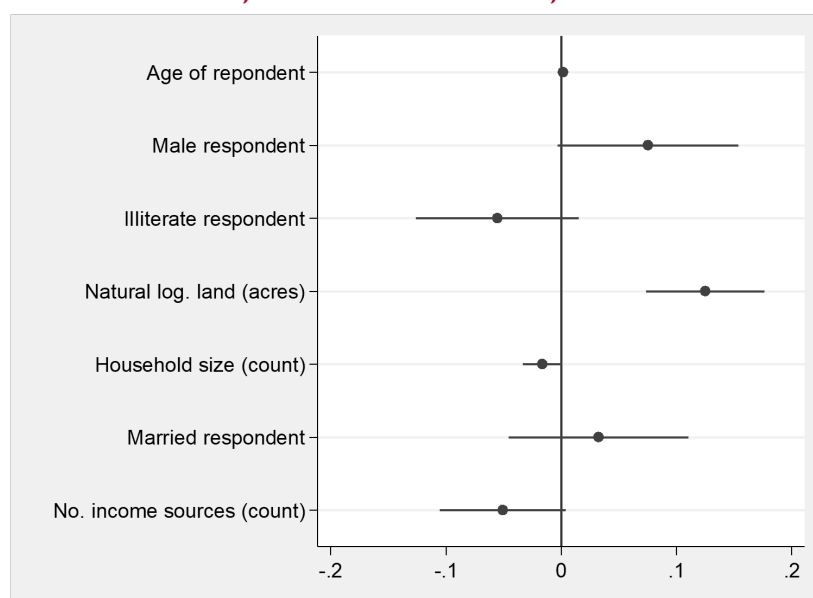


Among those respondents who did register their land, the main reasons for registration were for land security (56 percent), to secure their children's inheritance (29 percent), and to comply with government laws (14 percent). The main reasons offered for not registering land was that the land was inherited from parents and should not be registered to the government.

The household survey also provided insights about land ownership status, level of dependence on the land, and average land holding size in acres. The average land holding size was 2 acres, with most of the households reporting that they heavily rely on land for livelihoods.

Figure 5 shows the relationship between land registration probability, land size, and literacy level for male and female respondents. Results indicate that land holding size affects the probability of land registration, as a percentage increase in the land acreage leads to a 13 percent change in the probability of land being registered ($p < 0.01$). Literate individuals are more likely to register their land regardless of plot size although results were not robust ($p > 0.10$). There was also evidence that male respondents are more likely to register their land, though this was likewise not significant ($p > 0.10$).

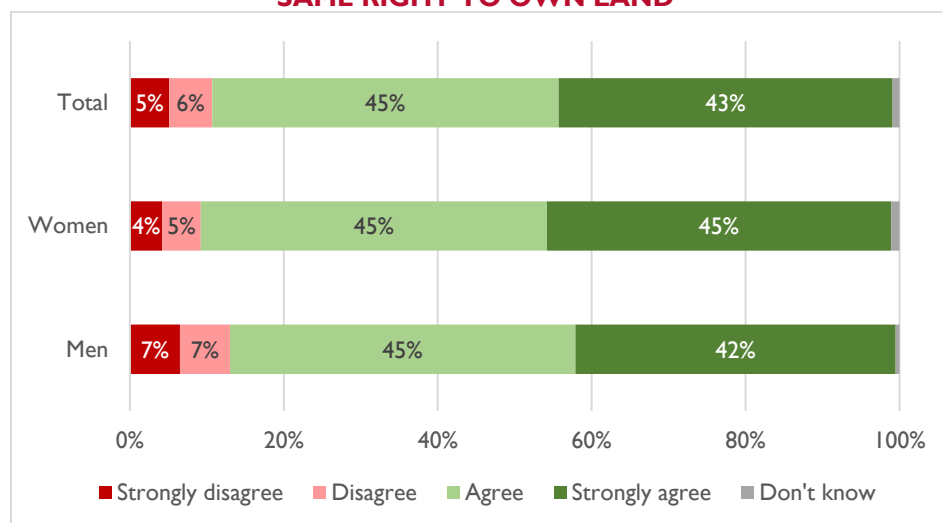
FIGURE 5. LAND REGISTRATION, LAND HOLDING SIZE, LITERACY LEVELS, AND GENDER²³



The assessment found that 88 percent of respondents agreed with the statement that women and men should have the same right to own land while 11 percent disagreed.

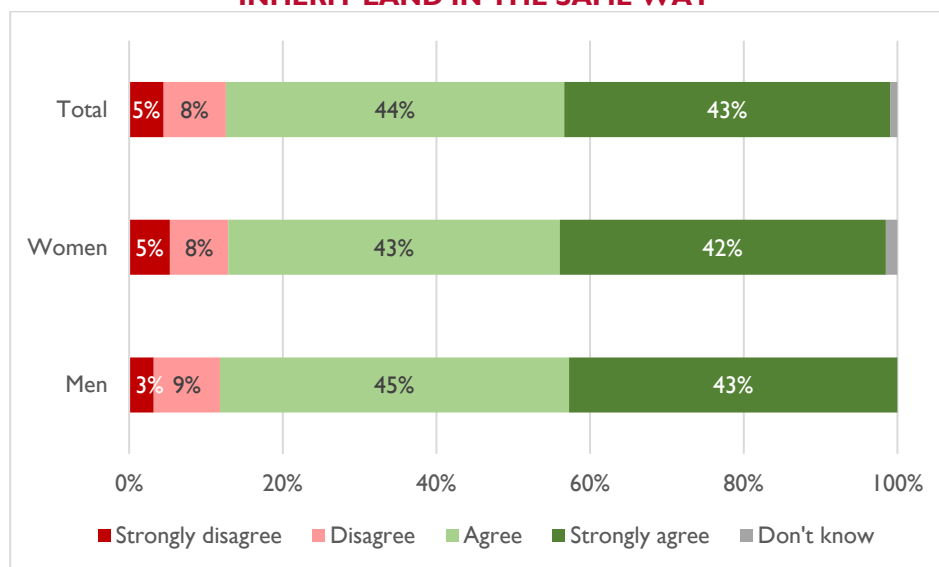
²³ Using a linear probability model (LPM) with $F(8, 391) = 3.88$, $p < 0.001$ and a probability of success of .1425.

FIGURE 6. RESPONSES TO THE STATEMENT “WOMEN AND MEN SHOULD HAVE THE SAME RIGHT TO OWN LAND”



Similarly, 87 percent of respondents agreed to the statement that women and men should be able to inherit land equally.

FIGURE 7. RESPONSES TO THE STATEMENT “WOMEN AND MEN SHOULD BE ABLE TO INHERIT LAND IN THE SAME WAY”



However, qualitative data showed that in practice patrilocal residence is a major hindrance to land ownership by women. A key informant at the national level indicated that pilot projects on land registration have shown that women face barriers to register land across the country. In matrilineal societies under matrilineal residence like Phalombe District, women registered land at similar rates to men. However, in patrilineal societies there was very little evidence of joint titling of land. The informant indicated that in one patrilineal district, over 65 percent of registered landowners were male and all of them registered the land under sole ownership, despite the majority of them being married.

“Women in matrimony and especially those staying at their husband’s place (*chitengwa*) cannot own land on their own because clan members do not want to lose their land to another person in the event that the man dies, and the woman decides to get married again.”

- Chairperson, Mponzera VDC, TA Mwansambo

In TA Mwansambo, land belongs to the clan and registering it in the name of a woman is perceived to be a loss of the land. A key informant also claimed that since customary land belongs to a clan as a whole, it is not possible for a woman to jointly own land with her husband because the man’s relatives will question why her name appears on a land certificate for their ancestral land. The land clerk reported that during the registration process in Denje village, men said that they would not register land belonging to their clan with their wives because this would mean “shooting themselves on the foot,” adding that they would rather register the land with their children, preferably male children. During FGDs it was reported that both single and married women in matrilineal/matrilocal areas

cannot register land because the land belongs to the whole clan and is usually registered in the family name. Several women said during FGDs that it was not necessary for women to have land registered in their names as long as the land remained family property. There is also a fear that if the husband dies and a woman takes over the husband’s land, if/when she remarries it would create additional difficulties for the clan.

On women’s right to own land, FGD participants made the following statements:

“In this area, a woman cannot register land that belongs to her husband’s kinsmen in her name, but she can do that at home where she came from. This happens because you never know what happens in future, what if my relative dies and the woman decides to remarry? To avoid this, we agreed that no woman must have control over land that belongs to her husband’s home.” – Adult man in Chikango

“It is impossible for a husband and wife to jointly own land that belongs to your clan because your family gave that land to you. If you want, you leave the land in the hands of the children that you will be bearing as a family, the wife has no part in that. Even after your death, the wife cannot register the land in her name, but she will only be accessing it through the children” – Adult man in Chikango

*“My late father originates from this village; he had lived in this community all his life. My parents owned 10 hectares of land in this community. I have a sister; she is married in Kasungu. Some years back my parents died. Upon the death of my mother, I stayed briefly in Kasungu, my mother’s home village. When I returned and started cultivating the land, I was told the land belongs to my father’s tribe (*amtundu*). I went through several processes, meeting chiefs and elders to help me reclaim the land. Eventually I succeeded. Even now the tribesmen are not happy that I own the land. I know for sure if it were my sister, the land would be gone. She would not have managed to reclaim our father’s land, considering that women are less wise.” – Adult man in Mponzera*

Another significant obstacle to women registering and acquiring property is illiteracy. Due to greater accessibility to education and availability to information, men have more knowledge and procedural competence when it comes to property registration, inheritance, and legal processes. They also have greater access to and control of mediums of information like radios and the ability to congregate in public spaces.

As polygamous marriages are not legally recognized under the civil marriage law, there is a lack of accurate data about the practice; some researchers estimate that in the central region of the country 18 percent of women and nine percent of men report such marriages (Mkandawire-Valhmu et al., 2020). The study also found that women in polygamous marriages do not own land in their husband’s place, regardless of if they are the first wife or second wife. The first wife has full access to the land, but

ownership belongs to the husband and children. The second wife has neither access to nor control of her husband's land, as she lives in her own home. Therefore, she subsists with land that belongs to her clan in her natal village. A woman in a polygamous marriage participating in a FGD said, "I am the young wife and I stay at my parent's home. Our husband stays at my home; the elder wife stays at our husband's home. Traditionally, the elder wife and her children are the ones that have control over the father's land. As for my children and I, we belong to my home." In the event where the husband and multiple wives have moved to a neutral place, then the husband may opt to have one or two pieces of land for each of the wives.

"Nowadays polygamous men marry the women and leave them in their respective homes; the man is the one who does the visiting to the wives' homes. This happens because the man is afraid to lose all the land to the women that he marries if he shares a piece with each of them. All this is happening because nowadays we do not have enough land, there are so many of us."

- Adult woman in Denje

Strong patriarchal values influence inheritance, and even in matrilineal systems where ancestral property is passed through the female line, there remains a wide gap between what is provided for in law and what is actually practiced. Women's inheritance to land in patrilocal setups in a matrilineal system is not guaranteed. This normally depends on the woman's relationship with the relatives of her spouse. If the relationship is good, she would be given a portion of the land. However, the general trend is that women who have lost spouses in patrilocal areas in matrilineal systems end up leaving the land/village and going back to their families (and the same applies to men in matrilineal setups when they have moved to the communities of their wives). However, some respondents mentioned that if women are widowed at an older age, they inherit the land because they cannot marry again. When probed on what happened

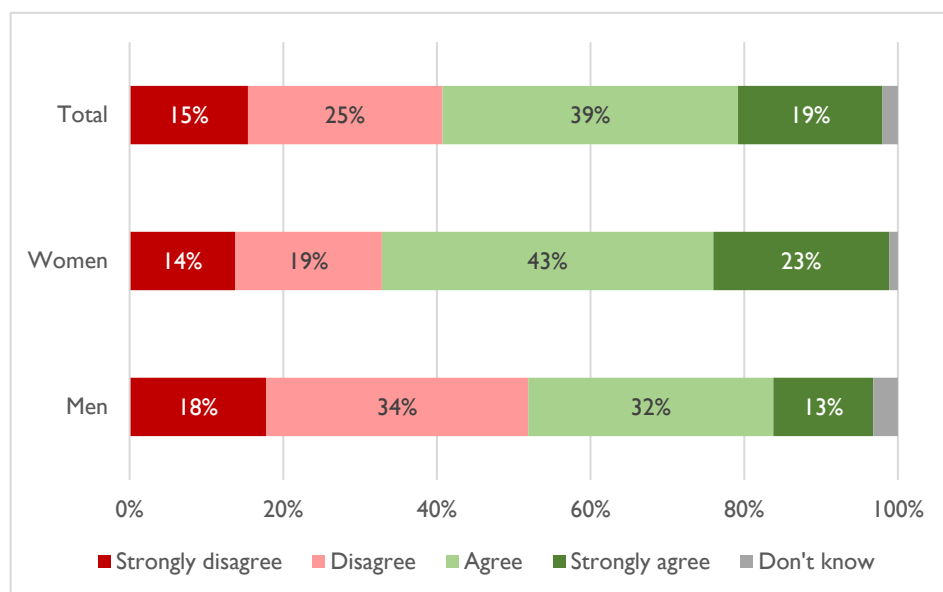
"There are some strong women who would not leave on their own when the husband has passed on. People would either start cultivating the land. It happened to my mother. When my father passed away, after some days we just noted that some had cultivate the land in front of the house. My mom just said let us leave or else she would lose her children. If the woman is stubborn, some of the relatives of the spouse may resort to bewitching."

- Key informant, TA Mwansambo

to women who insisted on inheriting the land, the assessment found that normally such women would face challenges. According to a key informant, growth in the local population is leading some family members to send widowed women back to their natal homes because they want to take ownership of the land. Due to land scarcity, widowed women can be chased away from their land so others can cultivate.

These perceptions were confirmed by the household survey, as the majority of respondents (45 percent of men and 66 percent of women) agreed or strongly agreed that in case of divorce or death of her husband, a woman should return to her parents' house/land.

FIGURE 8. RESPONSES TO THE STATEMENT “IN CASE OF DIVORCE OR DEATH OF HUSBAND, A WOMAN SHOULD RETURN TO HER PARENTS’ LAND”



FGD participants also suggested that young women cannot own land on their own because communities fear that once they get married and relocate to another area, the clan loses that land. The assessment also found that parents allocate more land to male youth than female youth, i.e., boys are given large land parcels of land compared to girls. This view was shared by young men in FGDs:

“Boys are said to have bigger responsibilities in the future caring for their wife and children, hence they are given more land, while girls will be taken care of by their husbands when married.” – Young man, Mwansambo

“At our age, our parents give more land to us boys as compared to our sisters. They do this for various reasons; girls cannot cultivate land as big as ours because they are not as physically strong as we are. Girls are not reliable, anytime they could leave to get married somewhere.” – Young man, Chikango

7.3 WOMEN’S CONTROL OVER LAND

“This culture gives men power to decide what to grow on the land and how to use income from the crops. If the woman makes any queries they are told ‘*Chonde nchanga, sungandiuze zochita*’ (‘This is my land, you can’t dictate what I do with it’).”

– Woman in FGD in Chinguwo

On control over land and resources associated with land, all respondents from KIs and FGDs indicated that women have limited control over land in TA Mwansambo due to restrictive social norms. For married women, it does not matter whether they are in a matrilineal/patrilineal or patrilineal/patrilineal area. Most women in the area are in matrilineal/patrilineal settings and although land passes through women’s lineage, husbands and other male relatives control the land, especially on production related decisions. A woman in Denje shared that, “men control everything including land even when they are residing in a woman’s ancestral

home. When you ask them, they will threaten that they will leave you because you are being pompous because he is staying at your home.”

The study noted that men make most of the key land-related decisions. As can be seen from Table 8 below from a male FGD, women do not have a final say on any of the financial land related decisions, including sale of land and use of household income.

TABLE 9. MALE PERCEPTIONS ON KEY DECISIONS RELATED TO HOUSEHOLD LAND

Key land-related household decisions	Woman makes the decision	Man makes the decision	Decision made jointly	Someone else makes decision	Woman consulted but not final say	Woman's opinion very important	Causes conflict
Purchase of land			✓				
Sale of land		✓			✓		
Renting land			✓		✓		
Land titling		✓					
Women's participation in land governance groups or committees	✓						✓
How income from farming is used	✓				✓		✓
How income from other sources is used					✓		

Information from a FGD with women (Table 10) show that women perceive that they have even less say and control over decisions related to land.

TABLE 10. FEMALE PERCEPTIONS ON KEY DECISIONS RELATED TO HOUSEHOLD LAND

Key land-related household decisions	Woman makes the decision	Man makes the decision	Decision made jointly	Woman consulted but not final say	Causes Conflict
Purchase of land		✓			
Sale of land		✓			
Renting land		✓			
Inheritance of land		✓			
Land titling/registration		✓			
How to use land/whether to cultivate food crops or crops for sale			✓		
Women's participation in land governance, groups, or committees		✓			
Women's participation in training (on land, gender, agriculture)		✓			
How income from farming is used		✓			✓
How income from other sources is used		✓			✓

Youth (both male and female) have no control over most of the key household land-related assets and resources because parents deliberately do not entrust them with those responsibilities to safeguard their future. Respondents reported that if youth are given ownership or control of key assets, they tend

to have a relaxed approach to education, because they start to think they already have the necessary assets in life.

There is no comprehensive data about land related disputes and conflicts in TA Mwansambo. According to a key informant interview with the district legal aid bureau, the bureau received 38 cases related to land between January and August 2021, 13 from women complainants and 25 from men complainants. As previously detailed, women face significant barriers to own and control land, and limited access to dispute resolution mechanisms can jeopardize their land rights even further.

8.0 PATTERNS OF POWER AND DECISION-MAKING

The 2016 CLA establishes customary land committees (CLCs) in the allocation of customary estates, mandating that these elected bodies have a 50/50 gender quota. This constitutes a favorable condition for women's participation in land governance, so it is important to understand the barriers and opportunities for women to share decision-making power at the household and community levels in TA Mwansambo.

8.1 PARTICIPATION AT HOUSEHOLD LEVEL

Using the pile sorting participatory tool during FGDs, men and women discussed how decisions are made within the household, especially decisions related to land and related livelihoods. According to women in FGDs, most decisions relating to money and food production are made by men. Men indicated that they make a majority of the decisions because “a man is the head of the household, and it is an established norm that he should rule.” Women said they can influence some decisions, especially those relate to household food production and consumption, but it was evident that no decision could be made by women alone without the full consent and advice of their husbands. Even if the decisions made by men are proven to be wrong sometimes, women accept it.

“A man is in control of everything; even if you discuss he has to make the final decision. A woman should just follow.”

- Young woman

When women attempt to exercise greater agency in decision-making, it was found that this could lead to verbal, sexual, and physical violence. Some issues like finances trigger tension and conflict within the households. Respondents indicated that women can suffer physical violence for disagreements over the use of money, whether it be differing views of how money should be spent or when a woman makes purchases without her husband's consent. While both men and women respondents indicated that joint decisions can bring harmony and peace to the household, the assessment found that households in which women are seen to be contributing or making decisions face societal backlash. A woman participant shared, “my sister-in-law made her own decision on how to use money from maize sales and people said that she was a prostitute and that she had given my brother a love potion.”

On land, it was very evident that a woman cannot make decisions without men. The only time women are able to fully make decisions related to land is if they are divorced or single. For widowed women, they can make most of the decisions but not all, especially when they are still staying at their late

“Because men are taken as the landowners, all the decisions about land are done by them and if the women try to make decisions, she is considered rude and breaker of tradition.”

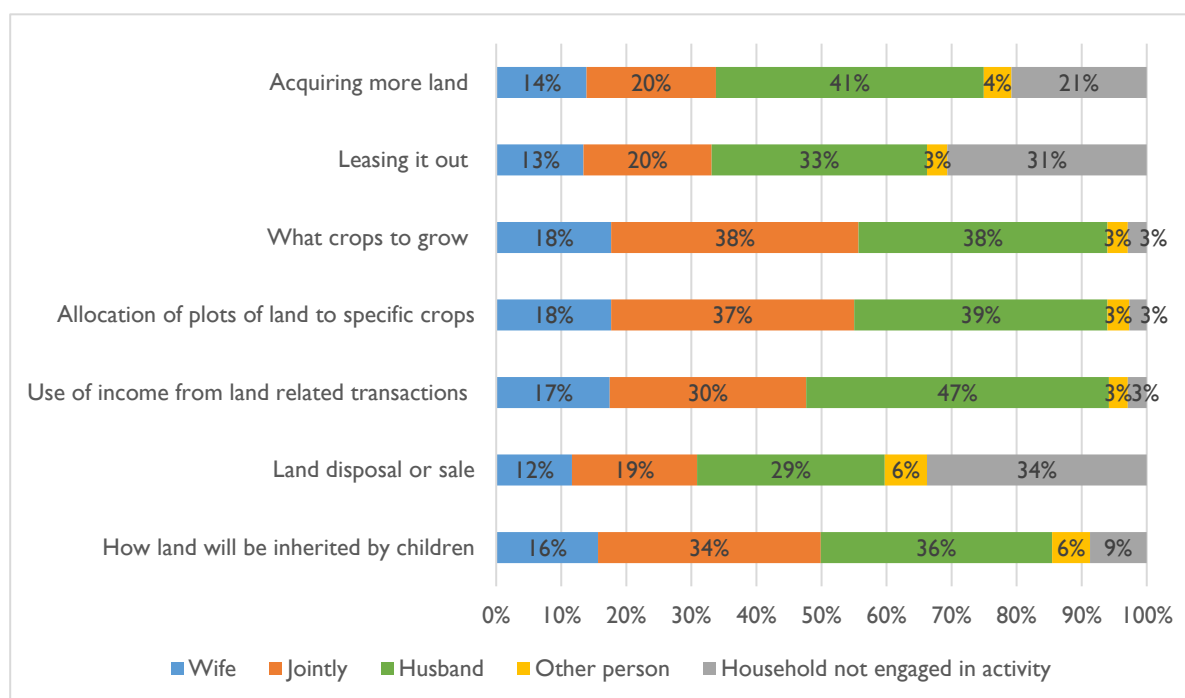
- Young man in FGD

husband's place. For instance, widowed women cannot make decisions about selling land, but they can make decisions on what crops to grow, how to handle income obtained from selling land produce, and whether to participate in land governance structures. It is believed that women are unable to manage finances, with a man in Denje saying, “we men manage income because if we leave that decision in the hands of women, they will misuse the money. Women buy anything, so to avoid that we make all the decisions.”

The above views were corroborated by results from the household survey. When asked who makes land use decisions on acquiring more land, 51 percent of men said that men are the decision-makers, 26 percent said it is a joint decision between spouses, and three percent said women make the decision. Women, on the other hand, felt they were more involved in decisions about acquiring land than men reported, with 21 percent saying women are the decision-makers, 16 percent saying it is a joint decision

between spouses, and 34 percent saying men make the decisions. Looking at a range of household land use decisions reveals that though men are the main decision-makers in all cases, women have more sole or joint say in land use decisions around what crops to grow and plot allocation, and less input on purchasing, selling, or leasing land (see Figure 9).

FIGURE 9. WHO MAKES THE DECISIONS REGARDING VARIOUS ASPECTS OF LAND USE?



There is a great discrepancy between men and women across all these questions on perceptions of women's decision-making power. On each of the above questions, 20 to 30 percent of women reported they were the sole decision-maker, yet only three to four percent of men reported that their wives made independent decisions on these issues. Twenty-two percent of women in the survey are divorced or widowed, which explains most of this differential. Among married respondents, 52 percent of men and 47 percent of women said men were the sole decision-maker on acquiring land, with 27 percent and 21 percent respectively saying it was a joint decision, and four percent and seven percent saying it was the wife's decision. Thus, women's sole decision-making power is mostly reserved for female-headed households.

8.2 PARTICIPATION IN DECISION MAKING IN PUBLIC SPACES

8.2.1 WOMEN'S PARTICIPATION IN LOCAL GOVERNANCE STRUCTURES

There are a number of local governance committees in TA Mwansambo. The most prominent are VDCs at the GVH level and ADCs at the traditional authority level. Apart from these governance structures, there are also sectoral specific or intervention specific committees. Committee membership is drawn from community members through an open election process for local governance structures and a volunteer process for the intervention-specific committees. For VDCs, each village in a GVH has representation in the committee, whereas for the ADC, membership is drawn from the GVH and at times from the VDCs. KIs and FGDs with men and women representatives of these structures indicated that equal numbers of men and women typically participate in almost all the committees. The rise in the number of women participating can be attributed to governmental efforts to achieve equal

representation of men and women in VDCs, such as the 50/50 campaign. Another key factor is that the *Development Planning System for District Councils Handbook* is very explicit about the inclusion of men and women in such committees. Although the guidance is for the VDC, it has been replicated in all decentralized governance structures, and it reads as follows:

“The VDC composition shall be as follows: Elected member from each village within the VDC, Ward Representative(s) as member(s), four women representatives nominated by people within the VDC and Elected extension worker representative. Members of the VDC should elect among themselves a Chairperson, Vice-Chairperson, Secretary, and Treasurer. In the case of a male person being elected Chairperson of the committee, the Vice-Chairperson should be elected from among the women members and vice-versa” (p. 7).

“Whenever we are setting up structures in the communities, we emphasize equal representation of women and men in the committees. That’s why we have 50/50 representation in most of the committees.”

- Key informant, Nkhotakota District Council

In the 24 GVHs consulted in TA Mwansambo there are 48 local committees. All of the GVHs have a VDC, but there are also different structures across the communities, such as school committees, water use committees, child protection committees, forest committees, care groups, community health action group, CLC, village action committee, community-based childcare center, school management committee, among others. The 48 committees have a total of 591 members, out of which 270 are women (46 percent) and 318 are men (54 percent). Nonetheless, although women are present in committees, most decisions are made by men and leadership positions are mostly occupied by men. Both men and women respondents reported that women have little influence in the committees. Data from committee composition of these 48 local governance structures in TA Mwansambo show that only six out of the 25 VDC chairpersons are women, while most vice-chairperson positions are held by women. The position of secretary is mostly occupied by women due to the stereotypes attached to the role. Interviews with women in leadership positions indicated that women face challenges around their participation, influence, and leadership, as discussed below.

8.2.2 KEY BARRIERS TO WOMEN’S LEADERSHIP AND INFLUENCE

One of the main reasons for women’s limited ability to engage in committee membership or take up leadership positions is the societal expectations that women’s primary responsibility is taking care of their home and putting household work ahead of any external commitments. As women have to perform more household tasks than men, women have severe time constraints to participate in meetings. In addition to household responsibilities, women must also travel long distances on poor

“Most people do not trust women as a leader. Whatever women say cannot be taken seriously because their thinking capacity is not as deep as men’s. People do not allow women to make decisions in public places because those decisions involve a lot of people and women can’t be allowed to take part in that.”

- Man in FGD

roads to attend committee meetings, which triggers social norms about women’s mobility and concerns about their safety. Some husbands become jealous of their wives, believing that they are engaging in promiscuous behavior at meetings, especially if they travel long distances or come back late.

Sexual violence and coercion are tools used by male leadership to determine how and which women participate in the public sphere. In order to gain access to some benefits of group membership, or even to be chosen for a training, women may be expected to perform sexual favors for men leaders. For instance, it was reported by one woman respondent that in one of the committees, a married

chairperson made sexual advances to a young woman in the committee and promised her some incentives like frequent attendance to trainings. The woman rejected his advances and reported it to the chief. The chief just proposed that the chairperson be replaced by another person.

Even when women are able to join committees or acquire leadership positions, their full, meaningful participation is compromised by cultural and social norms that push women to be deferential to their male counterparts. Due to low self-esteem or social pressure, women sometimes turn down leadership positions for which they are selected due to gender stereotypes perpetuated by men and at times by other women. According to a male informant, “when there is an election for office bearers, you rarely find women voting for a fellow woman. I feel they have negative perceptions of their fellow women.” The assessment found that the community fails to support women leaders and negative stereotypes perpetuated against women leaders lead to sabotage of their work.

It is interesting to note that while women indicated facing challenges to exercise their leadership and influence in committees, the majority of men expressed ignorance of such challenges, claiming that most of the committees have more women representation and they enjoy equal say and rights just like the male members. A male key informant stated, “in all these committees, we have women. We can’t start a meeting without women being around. Every time we have a meeting, we invite women too to contribute and it is up to them to contribute or not, but we do not discriminate against them.” This shows the prevalence of a “gender-neutral” approach, according to which the lack of legal or open discrimination is sufficient to ensure equal participation. Although well-intentioned, this approach fails to acknowledge and address practical and social barriers faced by women (and can even inadvertently reinforce them), revealing the need for intentional gender-sensitive and gender-responsive approaches.

Another key factor is lack of individual agency and collective action. The study learned that very few women exercise agency and collective action on matters that affect them. The study noted that the area does not have very vibrant women’s action groups or women activists. While women’s groups are there, capacity development is needed on how to conduct collective actions or influence activities. TA Mwansambo had a women’s action forum or group that was formed by LandNet with support from the United Nations Food and Agriculture Organization. Women were mobilized, trained on social activism on women land rights and supported to conduct social accountability initiatives. The initiative yielded results as women started to exercise individual agency and collective action. However, such initiatives were not linked to national-level women’s rights movements like the Women’s Manifesto Movement and the Rural Women’s Assembly.



Pile sorting exercise during FGD with adult women in Liwera
LUANAR

8.2.3 FACTORS THAT PROMOTE WOMEN'S MEANINGFUL INFLUENCE AND LEADERSHIP

From the discussions, it was noted that women lead in decision-making in committees where they are the majority, like in VSL groups, care groups, mothers’ groups, etc., but if committees are composed of mostly men, women take a back seat. Even in instances where women are a majority, they may not be the decision makers; for example, if a committee has 10 women and two men, those two men will be the ones making decisions, even if the chairperson and vice chair are women. Men still make decisions behind the scenes even if women are the ones in official leadership positions. For example, for most women traditional leaders, their *nduna* or aide is a man, and he is the one who makes most of the

decisions. This gives a clear picture that even if the CLCs consist of an equal representation of women and men as mandated by the 2016 CLA, there is a great risk that men will still dominate decision making in land-related issues.

Men and women FGD participants believe that the situation is changing and one of the most significant shifts that have enabled women's meaningful participation in committees and to some extent in leadership roles is the government's 50/50 campaign, which aims to promote equal participation of men and women in public governance. The current strategy employed by the communities to ensure women's representation is that whenever a man has been elected to a position, the deputy position is reserved for a woman.

According to a woman leader key informant, "we have come a long way to have more women in committees. I recall it started with chieftaincy between 1992 and 1997, when we had the first female group village head. This happened because according to chieftaincy lineage at that time, it was this woman who was supposed to take the position and no one else, so the people did not have any choice but to accept her as the GVH. By looking at the way she was handling issues, people were satisfied with her leadership, and it was beyond everyone's expectations, and little by little people's mindset towards women's leadership started to change. Then the issue of women's rights came in, with more awareness on the need to have women's representation. More people started talking about having women leaders in TA Mwansambo. Around 2000 to 2005, the first female councilor was elected, who was representing Liudzu Ward. In 2005 to 2009, the first female Member of Parliament (MP) was elected. There was influence from the TA also on this, who even engaged the party to consider fielding a female candidate as the male MP had failed. And in 2020, the only female councilor in the entire Nkhosakota District was elected in TA Mwansambo. And again, in the same year 2020, the first female ADC chair was elected in TA Mwansambo, and we have more women as village heads, with about 30 out of 189 village heads being female. We are making progress on the path to having more women leaders."

In addition to the seemingly effective 50/50 campaign, the success of women politicians and women in leadership positions has inspired other women, especially young women, to aspire for elected positions in various committees. A woman in a FGD stated, "when Joyce Banda became the first female president of Malawi [in 2012], it gave confidence to a lot of women to participate in decision-making positions and take control. Women started asking themselves that if these men are saluting this woman and she is leading us well, what can stop us from rising up. It really changed our thinking and little by little, we started opening our eyes and seeing things differently. The only problem is the tradition that has been rooted deep in people's minds."

The assessment also observed that for some leaders, their election into committees is a product of capacity development initiatives by a number of agencies. As a result of their exposure to training and sensitization, slowly the community builds their trust in that person. A woman leader explained, "I started working in this community as one of the lead farmers, then I got selected as a village agent for one of the organizations that introduced village savings and loans. As a village agent, I attended several trainings, including leadership trainings. I also interacted with people so much. And some people started encouraging me to stand for elections in a committee." This shows the importance of capacity development for women leaders and potential leaders, as well as of positive role modeling.

9.0 CONCLUSIONS AND RECOMMENDATIONS

The gender assessment has revealed the complexities and nuances of land tenure and gender equality in TA Mwansambo. Based on the findings, a series of recommendations can be made for ILRG and other government and international stakeholders planning and implementing land programs in TA Mwansambo and other parts of Malawi to ensure that land registration and land governance efforts promote gender equality and women's rights in practice.

9.1 MAIN CONCLUSIONS

9.1.1 LAWS, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES

The study highlighted the existence of a strong normative framework that support equality in land ownership in principle. However, some gaps remain, including the lack of a specific provision in the 2016 CLA to facilitate access to land for women, youth, and people with disabilities. Customary land governance is based on custom and practice, which leaves considerable potential for ambiguity that can be detrimental to women and other marginalized groups and even reinforce existing inequalities. The process of decentralization and granting power to local authorities may lead to further loss of customary land and women and other marginalized groups have little or no bargaining power to protect themselves. This shows that legal provisions of gender equality and the lack of legal or open discrimination is not sufficient to ensure equal participation and enjoyment of land rights. A strong normative framework is an advantageous starting point, but it is crucial to acknowledge the barriers women face in accessing land rights and address them with intentional gender-responsive approaches.

9.1.2 CULTURAL NORMS AND BELIEFS

Prevailing beliefs, attitudes, and social and gender norms in TA Mwansambo severely constrain women's rights to own and control land. Overall, men are considered "heads of household" and responsible for economic activities, decision-making, and leadership in public spaces. Women are expected to be subservient and have limited physical and social mobility, impacting their ability to participate in community meetings and to receive information. Men and especially women who attempt to break such norms are at risk of sanctions like social ostracism, ridicule, gossip, and physical violence.

Certain sub-groups of women are particularly vulnerable to abuse of their land rights, including women and girls who experienced child and early marriage, young women, women and girls with disabilities, and women and girls living with HIV/AIDS. These groups face greater difficulties in accessing information about their rights, participating in decision-making at the household and community levels, and greater rates of GBV.

The prevalence of GBV is high in Malawi and although specific data for TA Mwansambo is not readily available, the assessment found that certain types of GBV like physical violence, economic abuse, sexual violence, and child marriage are the most prevalent in the area. Specifically on land, women and particularly widows face risks of land grabbing and/or losing access to land. There is high acceptance of GBV as a tool to control women and their rights to land. There are a number of service providers working on addressing GBV, but redress mechanisms are hampered by lack of coordination, lack of trust in institutions, and gender biases ingrained in customary justice systems.

9.1.3 GENDERED ROLES, RESPONSIBILITIES AND TIME USE

Gendered divisions of labor are present in the household, family farms, and beyond. Unpaid household and caring tasks are perceived as women's responsibilities and men are involved in tasks that have monetary and social value. As such, men control income and how it is used. Even during peak farming seasons when the on-farm workload is intense for all household members, women and girls hold a disproportionate share of household responsibilities. This limits their participation in other activities like community meetings, trainings, and governance committees. Gender roles are present from an early age, as boys and girls are socialized with different responsibilities and expectations that contribute to the persistence of child and early marriage and negative masculinity behaviors. The assessment found that the elderly and people with disabilities are not very involved in household and farming activities and the responsibility for their care falls on women and girls.

9.1.4 ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES

Women in TA Mwansambo have access to land, defined as the ability to use land. Although the area is largely under the matrilineal system, the *chitengwa* patrilocal practice hinders women's ability to own land and in some cases to access land (especially in the case of spouse death). Customary land is perceived to belong to the clan and there is the perception that upon a woman's marriage or remarriage the family will lose such land. Parents give more land to male children than to female children, i.e., boys are given larger land parcels and are more likely to inherit family land. Husbands and men in extended families control the land and women's ability to control and make decisions related to land is very limited. Women in polygamous marriages and youth have even more restricted land rights. Land scarcity is increasing inequality.

9.1.5 PATTERNS OF POWER AND DECISION-MAKING

At the household level, men make most decisions related to land, including on purchase, sale, inheritance, renting, and using income. There is a perception that women are less capable to handle financial matters. Women can influence some decisions, especially those related to household food production and consumption, but they cannot make decisions alone without the consent of their husbands. This is especially true for decisions related to land and the majority of women consulted believe they have no say in such decisions. The only time women are able to fully make decisions related to land is if they are divorced or single. When women attempt to exercise greater agency in decision-making, it can lead to verbal, sexual, and physical violence.

There are several local governance committees in TA Mwansambo. Mostly due to the government's 50/50 campaign on equal representation, the majority of community level committees have gender balance. However, a deeper analysis of executive committee positions revealed that women are put in positions where they may have no or little influence. Structural barriers and gender norms limit women's attendance and meaningful participation in meetings, as well as their ability to take on leadership positions. These include a lack of information, time poverty, low confidence, social backlash and GBV. Most men seem to be unaware of such challenges and believe that a lack of discrimination and 50/50 representation on paper is sufficient. There are positive women leaders who have graduated from capacity development initiatives in the area, but overall, women's collective agency remains weak in the TA.

Based on the assessment findings summarized above, the following key programmatic challenges and opportunities were identified:

TABLE 11. KEY PROGRAMMATIC CHALLENGES AND OPPORTUNITIES

Challenges	Opportunities
<ul style="list-style-type: none"> • Patriarchal values guiding customary systems that can lead to reinforcing existing inequalities • Deeply ingrained negative gender norms that reserve decision-making and public participation for men and normalize GBV • Key land assets (money and land) are owned and controlled by men • Only 14 percent of households have registered land • Lack of knowledge about land rights, especially the benefits of inclusive land registration • Women's illiteracy, limited mobility, and time poverty prevent learning about land rights and participating in the land registration process and land governance • Poor or inadequate availability of services for people experiencing GBV • Lack of collective agency and vibrant women's groups and movements 	<ul style="list-style-type: none"> • Strong land normative framework, albeit with gender gaps • Presence of positive deviants who can act as entry points or catalysts of change in the communities • Trusted institutions like religious leaders and traditional leaders that can be sensitized to influence community members • 89 percent of those with unregistered land are interested in doing so if proper structures are in place • Availability of social welfare officers and community development assistants who can be sensitized and engaged to support gender related interventions and activities • Presence of community radios that are widely used and good cell phone coverage • Legal provisions that determine 50/50 gender representation in structures like CLCs • Presence of other organizations implementing gender transformative initiatives

9.2 RECOMMENDATIONS

9.2.1 LAWS, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES

- Take advantage of existing laws and policies that promote gender equality and prohibit discrimination in land ownership, protect women's inheritance rights, and criminalize property grabbing.
- Raise awareness about the legal framework and the benefits of registering customary land for men, women, boys, and girls, using a variety of sensitization tools.
- Develop legal, policy, and regulatory guidance tools, particularly on how to apply a gender equality and social inclusion to policy implementation, and make these tools accessible and available to stakeholders.
- Taking advantage of the decentralization policy that provides for 50/50 representation in local structures, provide women and other marginalized groups with information and technical and socioemotional skills to join and meaningfully participate in these structures. In parallel provide gender sensitization and training to men in local committees so they support an enabling environment for women's participation.
- Facilitate engagement between women, youth, and other marginalized groups with traditional leaders and local government leaders and ensure that they can demand accountability.
- Advocate for women's land rights at the national level, including promoting public campaigns to support necessary reforms of existing laws and policies to remove barriers and strengthen women's rights in practice.

9.2.2 CULTURAL NORMS AND BELIEFS

- Promote shifts in individual beliefs and attitudes and in social and gender norms, bearing in mind such changes take considerable time and continued reinforcement and support. Use gender transformative tools and frameworks to challenge negative gender norms like dialogue sessions and participatory workshops.
- Support the establishment of safe spaces for women and girls where they can meet and discuss shared concerns, build self-confidence, and develop collective agency.
- Engage men in families, communities, and decision-making spaces as equal partners, clients, and agents of change, promoting positive masculinity behaviors and serving as role models to other men in the community.
- Identify and mitigate potential GBV risks during the land registration process at the household, community, and institutional levels.
- Provide adult and young women and men, as well as stakeholders involved in land governance, with information on GBV and available redress and support mechanisms in the area.
- Provide GBV training to those involved in land-based conflict resolution.
- Facilitate TA and district-level coordination to collect land-related GBV data. Document and share best practices and lessons learned related to GBV and land registration.

9.2.3 GENDERED ROLES, RESPONSIBILITIES AND TIME USE

- Use gender dialogue sessions and social behavior change communications campaigns to promote shifts in gendered division of labor and the redistribution of unpaid household work.
- Disseminate information and materials at locations convenient for women such as schools and health centres.
- Address women's practical and social limitations to attending training and community meetings by targeting invitations to women and other marginalized groups and by offering women-only sessions/meetings and holding these during times and at venues that are convenient for women and other marginalized groups.
- As radio and cell phone coverage is good in TA Mwansambo, offer sensitization and training using these technologies to reach more women and allow them to access and absorb information according to their time availability.

9.2.4 ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES

- Raise awareness of land rights laws and sensitize communities about the benefits of inclusive land registration for all in the household.
 - Facilitate the translation, publishing, and distribution of legal land frameworks in local and simplified languages and use participatory and interactive methods to disseminate them.
 - Promote legal literacy efforts that are tailored to and reach women and other marginalized groups.
- Encourage women to consider and discuss with their families the possibility of registering land in their names whether they inherit, buy, or get property as a gift. However, combine this with

broader sensitization on the benefits of women's land rights and respect women's decisions to avoid exposing them to potential backlash.

- Offer joint titling as an option, explaining its benefits and respecting families' decisions. Promote and publicly recognize men and families that act as role models in inclusive land registration to encourage other men.
- Facilitate the participation of women and other marginalized groups in all steps of the land registration process.
- Facilitate access to legal assistance for women seeking tenure security, exploring collaborations with the Legal Aid Bureau in Nkhosha and the Women's Legal Resources Centre.
- Clearly link secure land rights to women's socioeconomic empowerment by promoting their access to credit, farming inputs, and village savings and loans groups.
- Obtain public support for women's land rights from socially respected and prominent individuals such as village elders, religious leaders, chiefs, headpersons, and others.

9.2.5 PATTERNS OF POWER AND DECISION-MAKING

- Use household gender dialogue sessions to promote greater equality in decision-making, using participatory tools like couples' visioning exercises.
- Provide financial literacy, numeracy, entrepreneurship, and socioemotional skills training to build women's confidence to meaningfully participate in the land registration process and in land governance process, particularly targeting women elected to CLCs.
- Proactively identify and engage existing women positive deviants who are already undertaking roles and responsibilities considered to be masculine.
- Develop the capacity of women in leadership positions through mentorship and connection with other women leaders in the community and beyond to share experiences and lessons.
- Role model equality by ensuring that project trainings and activities are carried out by gender-balanced teams. Support women in project teams and provide them with space and opportunities to lead activities and events.
- Facilitate women's clubs and venues where women can develop collective agency and launch social movements to demand for land rights. Where possible connect these local initiatives to national-level movements and advocacy efforts.

ANNEX I: LIST OF DOCUMENTS CONSULTED/REFERENCES

LIST OF MATERIALS CONSULTED FOR SECONDARY RESEARCH

- Agenda 2063
- Malawi Growth and Development Strategy III
- Malawi Land legislation
- Relevant government policies
- Manuals related to pilot systematic documentation
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ANNEX 2: DATA COLLECTION TOOLS

HOUSEHOLD QUESTIONNAIRE

IMPORTANT NOTE TO ENUMERATOR: Please get consent **BEFORE** you start filling in the questionnaire

Hi, my name is _____ and I am working with _____. We are conducting a study to find out how households and other people in the community live and work. Your home / home is one of the homes selected in this area to take part in this study. I will take all efforts to keep your participation confidential. Feel free to talk to us about what we are going to discuss, as this will help the planning of community development programs, including on land registration. Would you like to freely continue the discussion? If **NO**, mark 00 here [_____] and thank the respondent before ending interview. If **YES**, mark 01 here [_____] to acknowledge that consent from respondent was given.

MODULE 100: BIO DATA AND HOUSEHOLD CHARACTERISTICS		
A1	Sex of the respondent	1=Male 2=Female
A2	What is the marital status of the interviewee?	1=Single 2=Married 3=Cohabiting/informal marriage 4=Polygamous Married 5=Divorced 6=Widowed 7=Separated; 8=Others
A3	How old are you? (If unknown, estimate the age group)	1=15- 19 years, 2=20- 34 years, 3=35-49 4=50-59 years, 5=>60 years
A4	What is the highest educational level attained by the interviewee?	1=none; 2= Std 1-5 3=Std 5-8; 4=Form 1-2, 5= Form 3-4; 6=Tertiary 7=Adult literacy
A5	Level of Literacy	1=Read only 2=Read & write 3=None
A6	What is your religion	1=Christian 2=Traditional 3=Muslim 4=No Religion 96=Other (specify)
A7	What is your tribe or ethnic group	1=Chewa 2=Tumbuka 3=Lomwe 4=Tonga 5=Yao 6=Sena 7=Nkhonde 8=Ngoni 96=Other
A8	How many people including yourself, currently live and eat in your house?	1=One 2=Two 3=Three 4 =Four 5=Five 6=Six 7=Seven 8=Eight 9=More than 8
A9	How many children live and eat in your house?	1=None 2=One 3=Two 4=Three 5=Four 6=Five 7=Six 8=Seven 9=Eight 10=More than 8
A10	How many persons with disability eat and live in your house?	1=None 2=One 3=Two 4=Three 5=Four 6=Five 7=Six 8=Seven 9=Eight 10=More than 8
MODULE 200: LIVELIHOOD AND INCOME SECURITY		
B1	What are your main income sources?	1=Crop production sales, 2=Livestock production sales, 3=Natural resource sales 4=Formal permanent employment, 5=Casual labour/Hiring out labour (ganyu), 6=Semi-skilled contract work, 7=Asset sales, 8=Land rentals, 9=Gifts/Remittances, 10=Pension, 11=Others (specify)

B2	What is the minimum amount of money that you are able to find in a month?	1) Less than Mk 10,000 2) Between Mk 10,000 and Mk 20,000 3) Between Mk20,000 and Mk50,000 4) Between Mk 50,000 and Mk100,000 5) Above Mk500,000
MODULE 300: FARMING		
C1	In the past 12 months, did you plant any crops?	Yes.....1 No.....2 (Proceed to G1) Don't know.....999 (Proceed to G1) Refuse to answer.....666 (Proceed to G1)
C2	What crops did you plant during the past 12 months in the plot(s) over which you make decisions?	Cow peas1 Maize2 OFSP.....3 Pigeon Peas.....4 Millet5 Rice.....6 Soy bean.....7 Cassava.....8 Sesame.....9 NUA beans.....10 Other beans.....11 Sorghum12 Sweet Potato.....13 Groundnuts14 Cotton.....15 Tobacco.....16 Chiles (Paprika).....17 Fruit and Vegetables.....18 Other.....19 Specify: _____ Don't know.....999 Refuse to answer.....666
MODULE 400: AGRICULTURAL PRACTICES FOR LIVESTOCK		
D.1	In the past 12 months, did you raise/care for livestock?	Yes.....1 No.....2 (Proceed to I1) Don't know.....999 (Proceed to I1) Refuse to answer.....666 (Proceed to I1)
D.2	What livestock did you raise/care for during the past 12 months?	Cattle.....A Goat.....B Sheep.....C Donkey.....D Pigs.....E Chicken.....F Rabbit.....G Turkey.....H Guinea Fowl.....J Ducks.....K Pigeons.....L Other (Specify) _____
MODULE 500: INCOME ACTIVITIES		

E1	Has anyone in your HH accessed credit/loan in the past 12 months?	1 =yes 2=No
E2	What was the source of the credit/loan? (MRQ)	01=VSL group 02= Microfinance institution 03=Finance Institution 04= Relatives/Friends 05= Money Lenders (Katapila) 96= Others specify
E3	What was the use of this credit/loan?	01= Start/expand own business/IGA 02=Start/Expand family or partner/spouse business/IGA 03=Buying farm inputs 04= Buying household food 05= Buying household items 06= Paying school fees 07=Paying medical/hospitalization costs 08=Social events e.g. initiation ceremonies, weddings 09=Acquiring land 96= Others specify
E4	In the past one year, have you ever or do you put money away?	Yes.....1 No.....2
E5	Where have you put your money?	1=Microfinance institution 2=Cash box at home 3=NGO 4=Gave it to spouse/partner/relative 5=Bought shares 6=Formal Bank 7=Mobile Money Banking 8=Local committee 9=Money sharks 10=Bought assets e.g. jewelry 11= VSLA 12=Other (Specify).....
E6	For how long you have been saving?	Months Years
E7	Do you have a bank account?	Yes.....1 No.....2
E8	In whose name is the account?	1=Self 2=Spouse/Partner 3=Self and Spouse 4=Children 5=Family 6=Other
MODULE 600: MARKETING		
F1	In the past 12 months, where did you sell your farm produce?	1= Did not sell 2= In the village 3= Local market 4= ADMARC 5= Vendors (middleperson) 6= NGOs and Private Institutions 7= Other, Specify _____
F2	In the past 12 months, what marketing challenges did you face?	1= Low prices 2= Markets are far 3= Poor weighing scales

		4= Transportation 5= Low bargaining power-selling individually 6= Other, Specify
MODULE 900: LAND ISSUES		
L 1a	Does your household have land?	Yes1 No2
L 1b	How many plots of land does your household own?	1=One-Two lots 2=Three to five 3=Six to ten 4=More than 10
QUESTIONS FROM LI1c to LI10, REPEAT FOR EACH PLOT		
L 1c	What is the size of each plot	
L2	How long have you or your family owned this land?	1=Less than 2 years 2=2-5 years 3=5-10 years 4=More than 10 years
L3	Who owns the land?	1=SELF 2=FAMILY 3=PARENTS 4=SPOUSE 5=UNCLE 6=COMMUNAL 7=MALE CHILD 8=FEMALE CHILD 9=OTHER
L4	How is the land used?	1=Residence only; 2=Farming only (subsistence); 3=Farming only (cash crop); 4=Cattle raising only; 5=Residence and farming; 6=Other (Specify)
L5	Does your household depend entirely on the land for your household income?	Yes1 No2
L6	What activities or initiatives does your household do on the land to generate income?	1=Agriculture related activities 2=Letting it out 3=Leasing it out 4=Selling pieces of land 5=Investments on land e.g. houses 6=Other
L7	Is the land registered?	Yes1 No2 Go to LI3
L8	Where did you get the land registered?	1= Customary Land Committee 2=Land Clerk 3=District Land Registry 4=Customary Land Committee 4=Other
L9	Do you have land registration certificate?	Yes1 No2
LI0	In whose name is the land registered?	1=SELF 2=FAMILY 3=PARENTS 4=SPOUSE 5=UNCLE 6=COMMUNAL 7=MALE CHILD 8=FEMALE CHILD

		9=OTHER
L11	Who gave you the land registration certificate/land papers?	1=Land Registry 2=Cooperative 3=DC 4=Chief 5=Other
L13	If possible, would you want to get your land registered (given not all land unregistered)	Yes1 No2 UN/DK 98.
L14	Why would you get the land registered?(Probe for more)	1=Land security 2=Use it as collateral 3=Follow government rule 4= Secure inheritance for spouse/children 4=Other reason
L15	Where would you get it registered?	1=Land Registry 2=Cooperative 3=DC 4=Chief 5=Other
L16	Do you know that everyone who owns land should register their land from 2016?	Yes1 No2 UN/DK 98.
L17	Where did you learn about this?	Friends/peers.....1 School ... 2 Community Educator 3 Chief's meetings.....4 Media 5 Other (specify)96
L18	Are you worried you could lose the right to use your land in the next 5 years?	Very worried1 Somewhat worried..... 2 Worried.....3 Not worried.....4
L19	Why are you worried? Probe on threats or risks	1. Land dispossession by chief 2. Land dispossession by paternal relatives 3. Land dispossession by chief Maternal relatives 4. Encroachment 5. Destruction by developers or others 6. Boundary disputes 7. Other
L20	Have you ever experienced any of the threats or risks?	Yes1 No2 UN/DK 98.
L21	What did you or your household experience?	1=Land dispossession by chief 2=Land dispossession by paternal relatives 3=Land dispossession by Maternal relatives 4=Encroachment 5=Destruction by developers or others 6=Boundary disputes 7=Other
L22	What action did you take?	No action/Not reported 1 2..... Go to L25. Reported to police 1 2 community dialogue 1 2

		reported to headman/ chief 1 2 taken to local court 1 2 discussed as families 1 2 reported to religious leader 1 2 reported to village land tribunal 1 2 reported to area land tribunal 1. 2 Other 1 2 Specify _____
L23	What kind of support did they offer you?	No support..... 1= Mediation 2=Counselling 3=Referral 4=Legal 5=Protection 7=Psycho-social support 8=Other (specify)
L24	How satisfied were you with the service you received?	Very satisfied.....1 Satisfied2 Somehow satisfied.....3 Not satisfied4 Not very much satisfied5
L25	Are you aware of land dispute resolution mechanisms in your area?	Yes 1 No.....2
L26	Do you know if there are by-laws on land in this community?	Yes 1 No.....2
L27	Do you know any related land acts?	Yes 1 No.....2 Go to L29
L28	What law do you know?	1. Customary land 2. Public land act 3. Land registration act 4. Town and country planning act 5. Land act 6. Wills and inheritance act
L29	Who do you plan to inherit your land?	1=Oldest child regardless of gender; 2=oldest male child; 3=all male children; 4=all female children; 5=all children regardless of gender
MODULE E: GENDER EQUALITY AND WOMEN'S EMPOWERMENT		
SELF-CONFIDENCE - For Women Respondents Only I will give a statement and state the extent to which you agree or disagree. You also have a right to refuse to answer the question.		
G1	I often do what my spouse/or male partner/relative tell me to do even if it is against my interests	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know 7=Refuse
G2	I often trust my spouse or male partner or male relative over decisions concerning my life	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree

		5=Disagree 6=Don't know 7=Refuse
WOMEN'S ECONOMIC ROLE - for all respondents I will give a statement and state the extent to which you agree or disagree. You also have a right to refuse to answer the question.		
G3	Women are just as capable as men of contributing to household income	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know 7=Refuse
G4	A man's job is to earn money; a woman's job is to look after the home and family	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know 7=Refuse
WOMEN'S POWER IN THE HOUSEHOLD - for all respondents I will give a statement and state the extent to which you agree or disagree. You also have a right to refuse to answer the question.		
G5	If a woman does not agree with her husband, she should discuss it openly with the husband	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know 7=Refuse
G6	A wife should never question the decisions made by her husband	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know 7=Refuse
ATTITUDES TOWARDS HOUSEHOLD WORK - for all respondents I will give a statement and state the extent to which you agree or disagree. You also have a right to refuse to answer the question.		
G7	Husbands should contribute with housework and looking after children	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know 7=Refuse
G8	Housework and looking after children require significant skills	1=Strongly agree 2=Agree 3=Neither agree or disagree 4=Strongly disagree 5=Disagree 6=Don't know

		7=Refuse
G9	Who performs most of the household care and childcare tasks in your household?	1=Men 2=Women 3=Male Children 4=Female Children 5=Both men and Women 6=Both female and male child 7=Shared depending on daily availability 8=Others
HOUSEHOLD DECISION MAKING		
G11	Who makes the decisions regarding the following aspects of land use?	
GI1A	(Investment decisions) - Acquiring more land	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household 6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GI1B	(Investment decision) - Leasing it out	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household 6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GI1C	(Production Decisions) - What crops to grow	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household 6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GI1D	(Production Decisions-) Allocation of plots of land to specific crops	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household 6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GI1E	(Consumptive)-Use of income from land related transactions	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household

		6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GIIF	Land disposal or sale (same options from previous)	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household 6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GIIG	How land will be inherited by children (same options from previous).	1=Self 2=Partner/spouse 3=Self and partner /spouse jointly 4=Other household member 5=Jointly with someone else inside the household 6=Someone outside the house 7=Jointly with someone else outside the household 8=Other (specify)..... 9=Decision not made/ HH not engaged in activity
GI2	How much input did you have in decisions regarding the following aspects of land use?	
GI2A	Investment decisions - Acquiring more land	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4
GI2B	Investment decision-leasing it out	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4
GI2C	Production Decisions-What crops to grow	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4
GI2D	Production Decisions-Allocation of plots of land to specific crops	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4
GI2E	Consumptive-Use of income from land related transactions	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4
GI2F	Land disposal or sale (same options from previous)	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4

G12G	How land will be inherited by children (same options from previous)	No input 1 Input into some decisions 2 Input into most decisions 3 Input into all decisions 4
G13	Gender Equality and Land Rights. Do you agree with the statements below?	
G13A	Women and men should have the same right to own land	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
G13B	Women and men should be able to inherit land in the same way	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
G13C	In case of divorce or death of husband, a woman should return to her parents' house/land	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
G14	I am going to read a series of statements and I want you to tell me what people in this community think. A woman is justified to be subjected to violence if...	
G14A	Resells land without telling the spouse	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
G14B	If she cultivates things on land without telling the husband	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
G14C	If she makes single decision on plants planted	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
G14D	If she argues with her husband over land	Strongly disagree 1 Disagree 2 Agree 3 Strongly agree 4 Don't know 5
MODULE 900: WOMEN'S MOVEMENT AND ACTIVISM ON LAND RELATED ISSUES		
MG1	Is there a girls' or women's group in this community?	Yes 1 No 2 Go to MG8 UN/DK 98. Go to MG8
MG2	What kind of groups are these?	Agricultural / livestock/ fisheries producer's group (including marketing groups) 1 Water users' group 2 Forest users' group 3 Credit or microfinance group (including SACCOs/ merry go round, VSLA) 4

		Mutual help or insurance group (including burial societies)5 Trade, business, or cooperatives association6 Civic or human rights groups (improving community)7 Charitable organisations (helping others)8 Local governance structures e.g VDC, ADC9 Religious group10 GBV or Women Rights Groups..... 11 Other groups..... specify (only if it does not fit into one of the other categories).....96
MG3	What are their major roles?	Helping others..... 1 Speaking up on violation of rights.....2 Skills development.....3 Improving the community.....4 Voluntary work..... 5 Speaking up on female land rights Other 96
MG4	Are you an active member of any of these girls or women rights groups?	Yes.....1 No..... 2 Go to MG8
MG5	Which groups?	Agricultural / livestock/ fisheries producer's group (including marketing groups).....1 Water users' group.....2 Forest users' group3 Credit or microfinance group (including SACCOs/ merry go round, VSLA)).....4 Mutual help or insurance group (including burial societies)5 Trade, business, or cooperatives association6 Civic or human rights groups (improving community)7 Charitable organisations (helping others)8 Local governance structures e.g VDC, ADC9 Religious group10 GBV or Women Rights Groups..... 11 Other groups..... specify (only if it does not fit into one of the other categories).....96
MG6	In the past one year has your group worked together to deal with any community land related problem?	Yes 1 No 2à Go to MG8 UN/DK 98à Go to MG8
MG7	How many times?	Once 1 More once but less than 5 times 2 More than 5 but less than 10 times 3 More than 10 4 UN/DK 98
MG8	Is there a girls' or women's group in this community focusing on women land rights?	Yes1 No2 Go to MG11 UN/DK 98. Go to MG11
MG9	What services do they offer?	1=Counselling 2=Treatment 3=Referral 4=Safe Home

		5=Legal 6=Protection 7=Psycho-social support 8=Other (specify)
MG10	How satisfied are you with the services offered?	Very satisfied.....1 Satisfied2 Somehow satisfied.....3 Not satisfied4 Not very much satisfied5
MG11	In this community, do you know of any girls or women's group, who in the past 3 years have: Spoken publicly against any land related issues Confronted or approached someone who grabbed land from a woman Engaged a duty bearer to take action on land for women Making a phone call to a radio or Tv station to express views on land related issues Signing to a petition on gender related issues Mobilized women and/or girls to demonstrate against land related issues	Yes.....1 No.....2 Don't Know3 Yes.....1 No.....2 Don't Know3 Yes.....1 No.....2 Don't Know3 Yes.....1 No.....2 Don't Know3 Yes.....1 No.....2 Don't Know3 Yes.....1 No.....2 Don't Know3
MG12	Are you aware of any laws that addresses gender related issues and/or protects women's and girls' rights in Malawi?	Yes 1 No 2 Not sure 3
MG17	Which laws are you aware of?	Prevention of Domestic Violence Act1 Gender Equality Act 2 Child Justice and Protection Act3 Marriage, Divorce and Family Relations Act4 Deceased Estates (Wills and Inheritance Act) ...5 Trafficking in Persons Act 6 Another (specify).....

FGD GUIDE – ILRG MALAWI GENDER ASSESSMENT

Location: _____

Date: _____

Time: _____

Facilitator: _____

Notetaker: _____

As people enter, facilitator or notetaker to collect the profile of each respondent on the informed consent form:

- *Name:*
- *Age group: 18 – 24, 25 – 49, 50 – 65, 65+*
- *Education level:*
- *Marital Status:*
- *Number of children and their age(s):*
- *Land holding status (sole ownership, joint ownership, renting):*
- *Land holding size (ha):*

INTRODUCTION: Thank you for setting the time aside today for this discussion. My name is [moderator name], my colleague [notetaker name] is here to take notes and ensure that your responses are captured accurately. The Integrated Land and Resource Governance (ILRG) project funded by USAID, in coordination with the Land Reform Implementation Unit (LRIU) at the Ministry of Lands, Housing, and Urban Development (MLHUD) is supporting the government of Malawi to systematically document customary land rights in a Traditional Land Management Area (TLMA).

The purpose of this group discussion today is to understand the barriers/constraints and opportunities for women, men, female and male youth's rights to land and to better understand the social, economic, and cultural factors facilitating and hindering land rights. This conversation will ultimately inform the land documentation project. Please note that your responses will be kept confidential, and we will make all efforts to ensure that no identifiable information will be associated with your responses. Before we begin, do you have any questions?

PARTICIPANT INTRODUCTIONS

Moderator to invite all participants to introduce themselves (name, and an ice breaker question).

PART 1: GENDER ROLES, RESPONSIBILITIES, AND TIME USE

Thank participants for their inputs this far and explain that next we will discuss gender roles, responsibilities, and time use. We would like to understand women and men's roles in a typical household in the community.

Participatory Tool 1 – Gender roles, responsibilities and time use in a typical household in the community

For each of the activities we want to know whether it is 1) mostly completed by women, 2) mostly completed by men, 3) completed by both men and women, 4) mostly completed by female children, or 5) mostly completed by male children.

Moderator: Ask participants to raise their hand for each task and who they think is most likely to be responsible for that task. Notetaker to record number of hands raised for each item.

Task/Role	Mostly women	Mostly men	Both men & women	Mostly female children	Mostly male children	Both female & male children
<i>Cooking</i>						
<i>Cleaning</i>						
<i>Fetching water</i>						
<i>Fetching fuelwood</i>						
<i>Caring for children</i>						
<i>Caring for the elderly or sick</i>						
<i>Farming for subsistence</i>						
<i>Livelihood activities</i>						
<i>[Others to be added by participants]</i>						

1. Are there any tasks or activities in your daily life that are missing from this list? (If yes, write-in the task and ask participants to raise their hand for who they think is most likely to be responsible for that task)
2. Who generally seems to have more tasks during the day?
3. Who generally has more time for rest, and leisure?
4. How does this affect (or not affect) participation in things like trainings, or community meetings?
5. Why do adult women and young women have more of a role in some of these activities more than others? Why are some tasks only men or young men?
6. Are there adult men or young men in this community who share household work? What do you/other people think about such men?
 - a. If no, do you think this could change?
7. Are some women more involved in roles that are typically men's activities? If so, why?
 - a. What do you/other people think of such women?
 - b. Are there roles that women might be interested in being more involved in? What is preventing women from having more of a role in certain activities? (Probe for competing household responsibilities, expectations or norms around who does what, etc.)
 - c. Do you think this could change and women could be more involved? If so, how?

PART 2: PATTERNS OF POWER AND DECISION-MAKING

We would like to understand more about how women, men, female and male youth participate in important decisions in a typical household.

Participatory Tool 3 – Decision-making Matrix

For each question we would like to know whether:

1. It is mostly a wife's decision
2. It is mostly a husband's decision
3. It is a joint decision between a husband and wife
4. It is mostly a female youths decision
5. It is mostly a male youth's decision

Clarify that when we say female and male youth we are talking about ages 15 – 24. For each of the following, raise your hand for who you think typically makes each decision. Explain to participants that they can think of a typical family, this could be their own families or the fictional family in the previous exercise who had children ages 21, 19, 16 and 15. Before you begin, ask participants to brainstorm and share some examples of decisions that are made in a household (as much as possible, try to get examples of decisions related to land). If participants examples are not included in the table below, add them to the table then proceed with the activity.

Task	Mostly wife	Mostly husband	Joint decision – husband and wife	Mostly female youth	Mostly male youth
Purchase of land					
Sale of land					
Renting land					
Inheritance of land					
Land titling/registration					
How to use land/whether to cultivate food crops or crops for sale					
Women's participation in land governance groups or committees					
Women's participation in farmer's groups/producers groups					
Women's participation in training (on land, gender, agriculture...)					
How income from farming is used					
How income from other sources is used					

Facilitate a discussion around the following questions:

1. First let's discuss the decisions that were voted as mostly being *sole decisions* (man/woman only):
 - a. For the decisions that are mostly men or mostly women, why are these decisions mostly made by one or the other? Is there any consultation or discussion either before or after the decision?
 - b. Why do *men* have more of a role in decision making for some of these activities than others?
 - c. Why do *women* have more of a role in decision making for some of these activities than others?
 - d. What happens if someone does not consult/inform others on these decisions?
 - e. Can these decisions be made by members of the opposite sex? E.g. Can men make women decisions and vice-versa? Are there examples in the community whereby decisions considered to be men only are also made by women? What does the community say about such decisions?
2. Next let's discuss the decisions that were voted as mostly *joint decisions*:
 - a. For the decisions that were voted as mostly being made jointly, why do you think these decisions are always decided jointly?

- b. What strategies do you/your spouse use to influence the outcome, either directly or indirectly?
 - c. Which decisions generate more conflict or disagreement? How do the disagreements get resolved?
 - d. When there is a disagreement, who usually prevails? Why?
3. Are there things that women typically would like more decision-making power over? Why?
 - a. What is preventing women from being more involved in certain decisions? [reference the items that had the lowest number of raised hands]?
 - b. Do you think this is something that could change?
 - c. What is likely to bring the change?
4. Are some women more involved in decision-making in their households than others? If so, why and which types of decisions?

Leadership and women's participation in public committees

Explain that next we will discuss women and men's participation in and leadership in community decision-making bodies, particularly land related decision-making structures. Explain that you will read a scenario and prompt discussion with a series of questions related to the scenario:

A land documentation process is beginning in the community. Chiwa is married and has children ages 15, 16, 19 and 21. Chiwa and her husband attend the first information session where the project representative explained that the community would elect customary land committee (CLC) members. Chiwa is interested to run in the CLC election, she knows she could represent the views of women in her community well.

1. Does anyone object or disapprove of her running for a public position in the community? Why or why not? (*Probe: husband, in-laws, traditional leaders, etc.*)
 - a. Does Chiwa need anyone's approval or support to run in the election?
2. How does Chiwa campaign? Does she face any challenges or obstacles in campaigning? (*Probe: logistical restrictions related to mobility and speaking to people outside of the family?*)
3. How do other men running in the election campaign? (*Probe: do they use gifts or other incentives?*)
4. How is Chiwa (and other women candidates) perceived by women and men voters? Do men and women voters perceive her differently?
5. What would be the best time and venue to hold the election so that all members of the community can vote regardless of gender, age, or disability?

PART 3: PERCEPTIONS AND ATTITUDES TO GENDER-BASED VIOLENCE (GBV)

Thank everyone for their active participation and say that you will present them with some scenarios and some questions to respond to. The scenarios contain sensitive topics related to gender-based violence, so you do not have to answer if you do not feel comfortable to do so. We ask that if you decide to share an anecdote or story to please not use names. If someone chooses to share a personal story, please keep this confidential.

Remind participants of the story of Chiwa discussed earlier (copied below). A land documentation process is beginning in the community. Chiwa is married and has children ages 15, 16, 19 and 21. Chiwa and her husband attend the first information session where the project representative explained that the community would elect customary land committee (CLC) members. Chiwa is interested to run in the CLC election, she knows she could represent the views of women in her community well.

6. Does she experience any safety or security related issues as a result of participating in the election? If so, from whom? (*Probe: verbal or emotional violence such as harassment, threats, other forms of gender-based violence, etc.*)

7. Would Chiwa's oldest daughter (21) experience any safety or security related issues if she decided to run in the election? *(Probe: verbal or emotional violence such as harassment, threats, other forms of gender-based violence, etc.)*

Chiwa runs in the election and successfully secures a seat on the committee. She has to attend meetings sometimes and every so often she runs late getting home.

8. Does Chiwa experience any safety or security related issues as a result of going home late after meetings? From whom? *(Probe: verbal, emotional, physical, sexual violence)*
9. Would her husband have concerns about her attending meetings where other men will be present?
10. Chiwa arrives home very late one day and does not have dinner ready in time, she and her husband argue. Is it ok for her husband to punish her?
11. If she argues back, is it ok for her husband to punish her?

Explain that we will now move on to the last set of questions:

Lindani is recently widowed. She and her husband lived and worked on a plot of land that has provided the majority of their income for many years. Lindani has invested a lot of time and energy taking care of the land that she farmed with her husband for many years.

1. Now that Lindani is widowed, is she at risk of losing the land she works and lives on?
2. If a male relative tried to take her land, what could happen to Lindani if she asserted her rights to the land?
3. If put in a similar situation, are there any groups of people in their community that may be more at risk of violence? Why? *(Probe: elderly women, women living with disabilities, etc.)*

Wrap-up

1. Thank so much for your time today. Is there anything else we should know regarding women's, men's, female and male youth opportunities and constraints with regards to rights to land?
2. Do you have any questions for me?

Moderator's key take-aways from the interview. *To be completed immediately after the interview.*

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