

THE CIVIL JUSTICE NEEDS BOOKLET

 **OSISA**
Open Society Initiative
for Southern Africa



A RESPONSE TO THE CIVIL JUSTICE NEEDS OF WOMEN IN RURAL AND PERI-URBAN AREAS OF LILONGWE



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1.0. LAWS THAT RELATE TO CIVIL JUSTICE NEEDS OF WOMEN

The following laws relate to civil justice needs for women in Malawi:

1. Constitution of the Republic of Malawi (the Constitution)
2. Prevention of Domestic Violence Act (PDVA)
3. Gender Equality Act (GEA)
4. Child Care Protection and Justice Act (CCPJA)
5. Deceased Estates (Wills, Inheritance and Protection) Act (DEA)
6. Marriage Divorce and Family Relations Act (MDFRA)
7. Employment Act (EA)
8. Electronic Transaction and Cyber Security Act (ETCSA)

1.1. Constitution of the Republic of Malawi

- The Constitution is the supreme law of Malawi. Any act or law that goes against the Constitution states has no legal effect.
- The Constitution encourages tolerance, respect for each other and peaceful co-existence.
- The Constitution requires the Government to promote gender equality and eliminate domestic violence and economic exploitation.
- Chapter IV of the Constitution (sections 15-46) guarantees rights of all including:

Section	Right
Section 16	Right to life. No one should have his or her life taken away
Section 19	Right to respected, treated with dignity and not to be tortured
Section 20	Right to equality and non-discrimination
Section 21	Right to privacy and not to have private communications interfered with
Section 22	Right to marry and found a family and not to be forced to get married. No persons under the age of 18 (children) should be married. No person in a family should be neglected, exploited or be treated with cruelty
Section 28	Right to acquire property and not to be deprived of property
Section 29	Right to work or do business in order to get money
Section 32	Right to associate with any individual or group of individuals
Section 34	Right to express oneself without restraint
Section 40	Right to participate in public life and politics including voting and standing for elections
Section 41 ¹	Right to have disputes resolved and seek redress for human rights violations from the courts; the office of the ombudsman; the Human Rights Commission or any other tribunal.

¹ See also sections 15(2) and 46(2)

- The Constitution explicitly guarantees the rights of children. Among other rights, every child has the right to reasonable maintenance and the right to be protected from harmful practices.
- The Constitution also guarantees the rights of women. Among other rights, every woman has the right to fair maintenance as well as to a fair share of property jointly held after dissolution of marriage.
- The Constitution requires the Government to eliminate all practices that discriminate against women. These practices include sexual abuse, harassment, discrimination and property grabbing.

1.2. Prevention of Domestic Violence Act

- This Act aims at eradicating gender-based violence in domestic relationships. It also contains legal remedies and social services to victims of violence.
- The Act prohibits the following forms of violence in the home²:

Form of abuse	Examples
Economic abuse	<ul style="list-style-type: none"> • Preventing one from working or doing business • Refusing to provide basic household necessities • Withholding one's income or salary
Emotional abuse	<ul style="list-style-type: none"> • Persistently intimidating or threatening a person • Persistently following a person everywhere • Persistently telephoning or messaging a person
Financial abuse	<ul style="list-style-type: none"> • Controlling another person's financial resources
Physical abuse	<ul style="list-style-type: none"> • Causing physical injury to another person • Causing fear of physical injury in another person
Sexual abuse	<ul style="list-style-type: none"> • Making sexual contact using force or threat; • Committing sexual offences, e.g. rape or defilement
Social abuse	<ul style="list-style-type: none"> • Preventing somebody from associating freely with others

- The Act gives effective remedies to victims of domestic violence. Any affected person can approach the courts to get the following orders:

Order	Effect
Protection Order	<ul style="list-style-type: none"> • Prohibits a person from continuing abusing another • Directs an abuser to be of good behaviour • Directs an abuser to compensate the victim
Occupation Order	<ul style="list-style-type: none"> • Gives a victim the right to live/occupy a house
Tenancy Order	<ul style="list-style-type: none"> • Allows a victim to continue staying in a rented house without the abuser while the abuser continues to pay rent.

² See section 2 of PDVA

1.3. Gender Equality Act

- This Act promotes gender equality. It also prohibits and punishes sex discrimination, harmful practices, and sexual harassment as follows:

Prohibited Practice	Explanation	Punishment
Sex Discrimination	Treating another person less favourably because of his or her gender	MK1, 000, 000 fine and five years imprisonment
Harmful Practice	A practice that undermines the dignity, health or liberty of another; or harms another	MK1, 000, 000 fine and five years imprisonment
Sexual Harassment	Unwanted verbal, non-verbal or conduct of a sexual nature that offends humiliates or intimidates another	MK1, 000, 000 fine and five years imprisonment

- The Act guarantees the right to adequate sexual and reproductive health. Under the Act, any health officer who does not respect the sexual and reproductive health of women and men is liable to a fine of MK 750, 000.00 and a term of imprisonment for three years if convicted.
- The Act gives the Human Rights Commission the responsibility of enforcing the provisions of the Act.

1.4. Child Care Protection and Justice Act

- The Act outlines the process for applying for child custody; parentage and child maintenance in the child justice court
- The Act protects children from undesirable practices as follows:

Practice	Explanation	Punishment
Child Abduction	Unlawfully taking a child without the consent of the parent or guardian	Ten years in prison
Child Trafficking	Recruiting a child for exploitation	To be in prison for life
Harmful cultural practices	Subjecting a child to a practice that is harmful to health and development	Ten years in prison
Forced marriage or betrothal	Forcing a child into marriage or betrothal.	Ten years in prison
Pledge of a child as security	Selling a child or pledging him or her to obtain credit	Ten years in prison

- The Act establishes the Child Justice Court, which handles child matters.

1.5. Deceased Estates (Wills, Inheritance and Protection) Act

- The Act provides for the process for making a Will. An adult of sound mind can make a Will. A Will is made in writing and is signed by the maker and two witnesses. Once a Will is made, it is sent for safekeeping to the following: District Commissioner (DC); court; bank, insurance company, law firm, employer etc.
- The Act provides for the processes of distributing property left behind by a person who has died. The property of a person who has died leaving a Will is distributed following his or her wishes in the Will. However, the property of a person who has died without leaving a Will is distributed following sections 17 and 18 of the Act. The husband or wife, children and dependents of the person who has died are given priority when distributing such property.
- The Act prohibits the taking away of property that a widow inherited from her deceased husband even if she remarries.
- The High Court has powers to handle matters related to property left behind by a person who has died. However, magistrates can handle matters that relate to the property whose value does not exceed MK1, 000, 000. 00.
- The Act prohibits and punishes the following practices:

Prohibited Practice	Punishment
Unlawful possession of deceased property (Property grabbing)	A fine of not less than the value of the property grabbed and ten years in prison
Depriving beneficiaries of their share in the deceased property	A fine of MK1, 000, 000. 00 and up to 3 years in prison

1.6. Marriage Divorce and Family Relations Act

- The Act recognises civil marriages; customary marriages; religious marriages and marriage by repute or permanent cohabitation.
- The Act regards unmarried female and male persons who stay together as a husband and wife for a period exceeding five years as being in a marriage (marriage by repute or permanent cohabitation).
- According to the Act, both the wife and the husband have equal rights to having marital sex. However, a wife or husband may deny the other sex when there are reasonable grounds. It is an offence of rape for a husband to have sex with his wife by force during the period of judicial separation.
- According to the Act, the wife and husband have a duty to maintain each other and any children of the marriage through monetary or non-monetary contributions. The Act gives courts the power to make orders of maintenance and to enforce them.

1.7. Employment Act

- The Act prohibits the following practices:

Practice	Explanation	Punishment
Forced Labour	Imposing forced labour on another	MK10,000 fine and two years imprisonment
Discrimination	discriminating against an employee	MK10,000 fine and two years imprisonment
Child Labour	employing a person under the age of fourteen (14) years	MK20,000 fine and five years imprisonment
Hazardous Work	employing persons aged 14 -18 to do harmful work	MK20,000 fine and five years imprisonment
Termination of employment due to pregnancy	terminating the employment of a person because she is pregnant.	MK20,000 fine and five years imprisonment

1.8. Electronic Transactions and Cyber Security Act

- The Act prohibits the following practices that relate to computer systems and information communication technologies:

Prohibited Practice	DEFINITION	PUNISHMENT
Cyber Harassment	Using a computer or phone to make obscene statements, or to threaten a person with harm	MK2,000,000 fine and 5 in prison
Offensive Communication	Using electronic communication to disturb the peace or quietness or privacy of another person.	MK1,000,000 fine and one year in prison
Cyber Stalking	Using electronic communication to harass or threaten another person or his/her immediate family;	MK1,000,000 fine and one year in prison

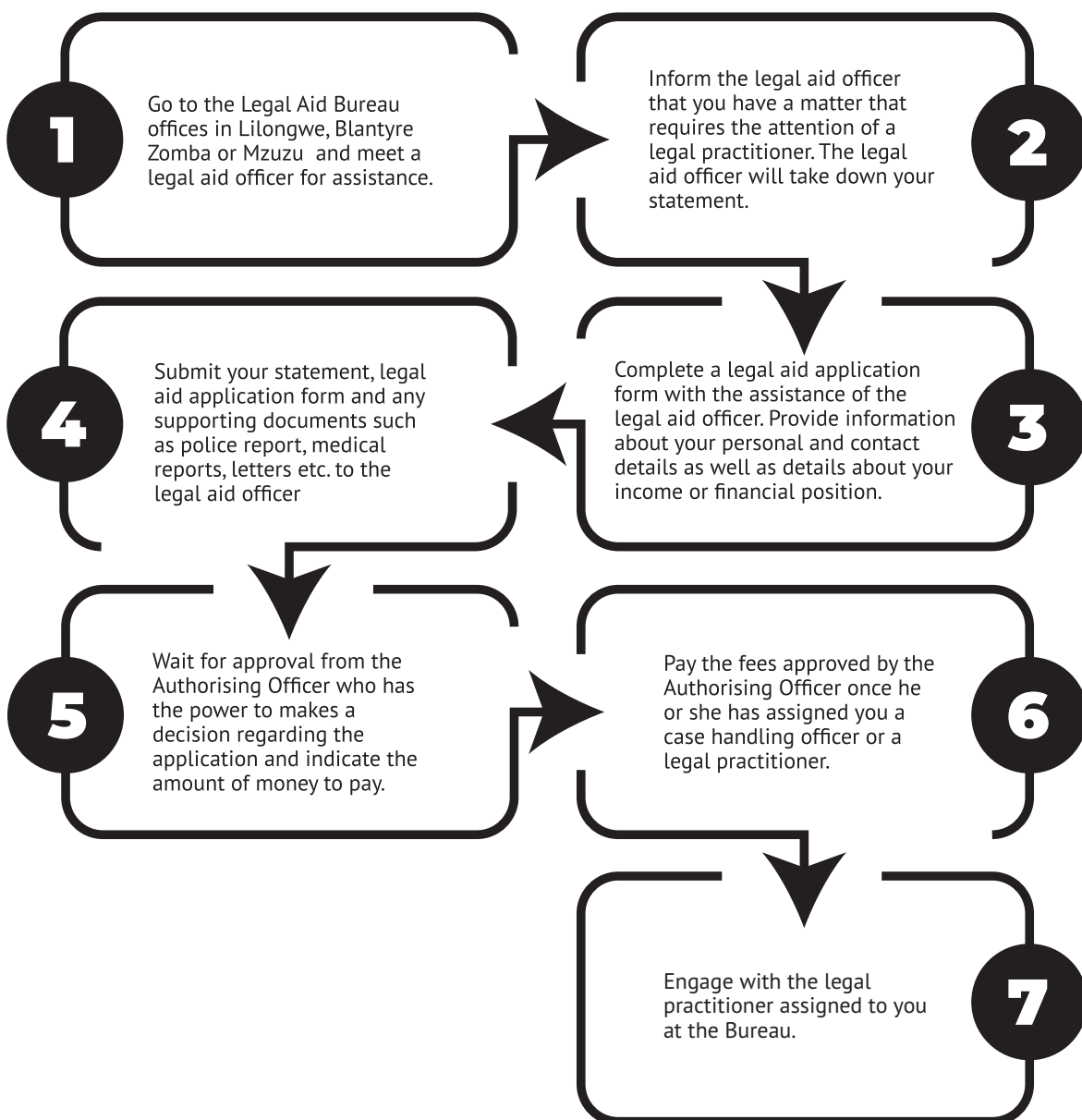
2.0. CIVIL JUSTICE PROCESSES

According to the baseline survey conducted by the Gender Justice Unit (GJU) in August, 2019, the most pressing civil justice needs for women relate to: how to engage a legal practitioner; how to get child custody; how to access child maintenance; how to get protection, occupation and tenancy orders; how to register a business; how to register a birth; how to register a death; and how to distribute property left by a person who died without leaving a will. This section, therefore, provides an overview of these processes.³

2.1. How to Engage a Legal Practitioner

All persons have the right to engage the services of a legal practitioner of their choice to help them access justice and seek legal remedies. The Legal Aid Bureau (the Bureau) was established to assist people who cannot afford the services of a private lawyer. The services at the Bureau are not entirely free. However, a person is requested to pay for the services at the Bureau according to his or her means.

Here is the process for engaging a legal practitioner at the Bureau:

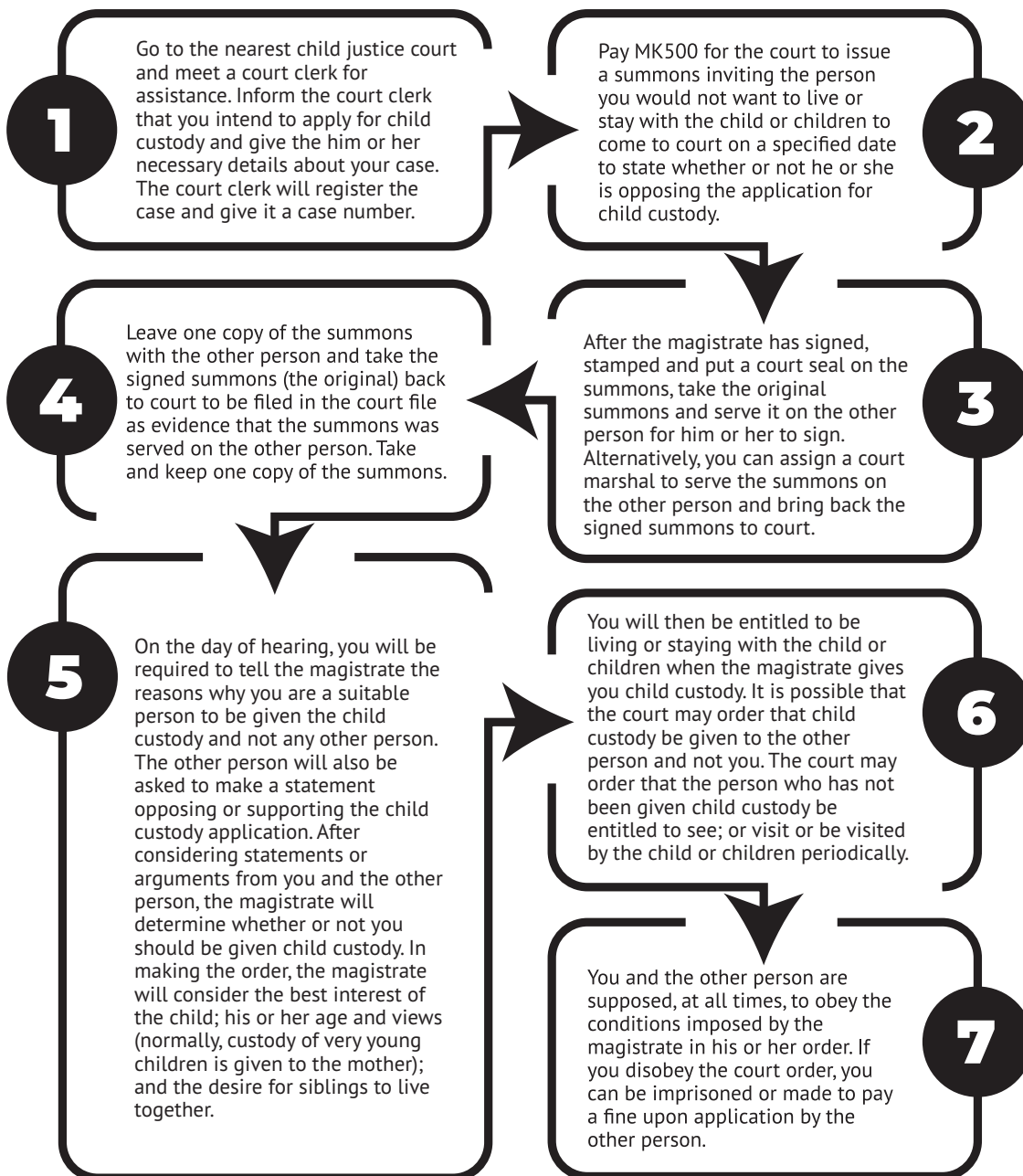


³ These descriptions are based on current legislation and practice and serve as a guideline only – these descriptions cannot replace legal advice.

2.2. How to Get Child Custody

Children are entitled to be raised by their parents or guardians. If parents are no longer staying together due various reasons including separation or divorce, a father or mother may want to live or stay with his or her child or children. According to the Child Care Protection and Justice Act, the father, mother or any person intending to live or stay with the child or children, can make an application to the child justice court to get custody of the child or children.

Here is the process for getting child custody:

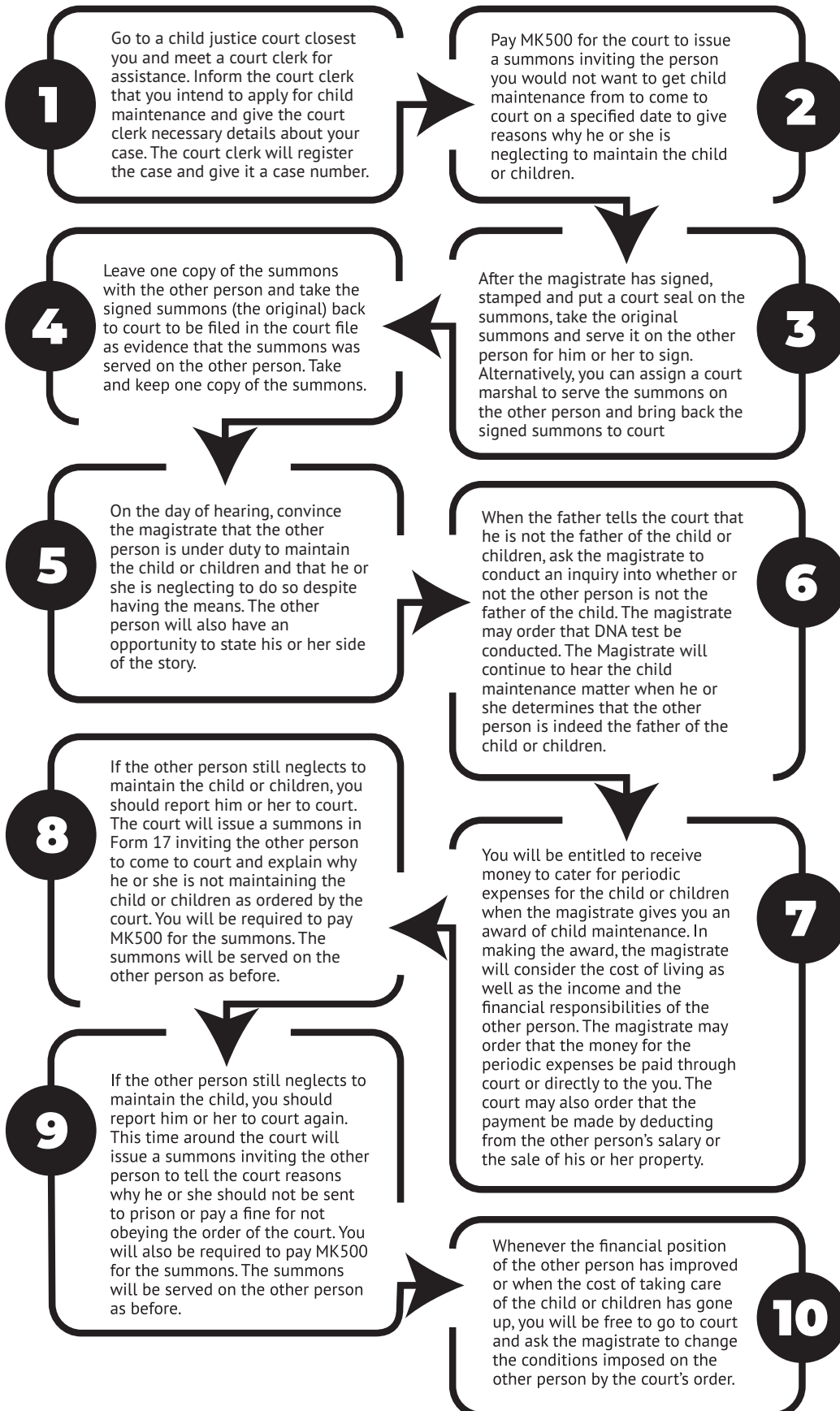


2.3. How to Access Child Maintenance

A father, mother or guardian has the responsibility to maintain his or her child or children. When a person who is entitled to maintain a child or children neglects to do so, a person can apply to the child justice court for child maintenance. The child maintenance caters for needs of the child or children such as accommodation, food, clothing and medical care. According to the CCPJA, the application for maintenance can be made by the child himself or herself; the father or mother of the child; the guardian

of the child or any appropriate person.

Here is the process for accessing child maintenance from the one who is supposed to maintain the child or children but is neglecting to do so:



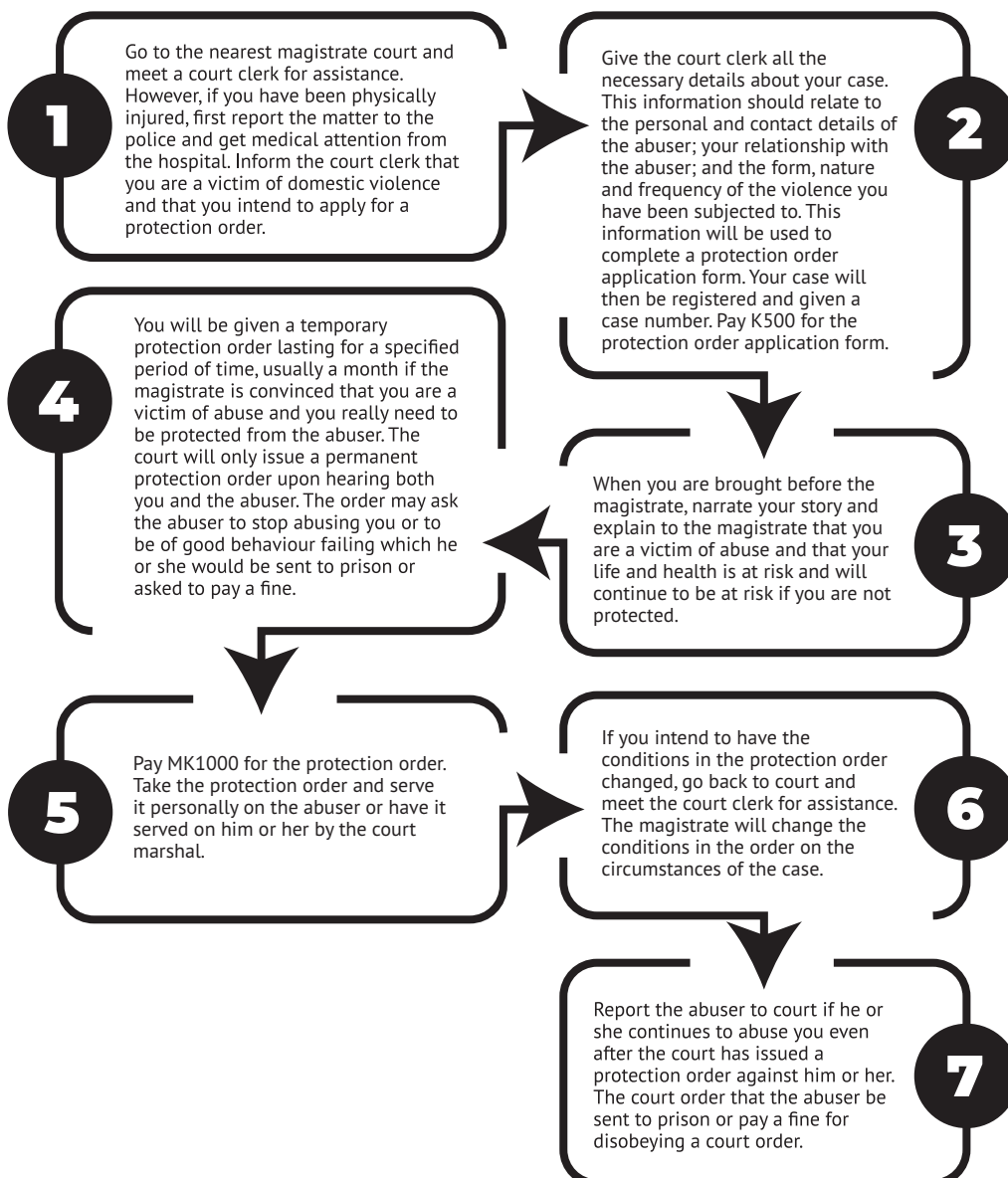
2.4. How to Get protection, Occupation and Tenancy Orders

According to the Prevention of Domestic Violence Act victims of domestic violence can approach the courts and get protection, occupation and tenancy orders. The orders have the following effects:

Order	Effect
Protection Order	<ul style="list-style-type: none"> • Prohibits a person from continuing abusing another • Directs an abuser to be of good behaviour • Directs an abuser to compensate the victim
Occupation Order	<ul style="list-style-type: none"> • Gives a victim the right to live/occupy a house
Tenancy Order	<ul style="list-style-type: none"> • Allows a victim to continue staying in a rented house without the abuser while the abuser continues to pay rent.

Protection Order

Here is the process for getting a protection order from the court:

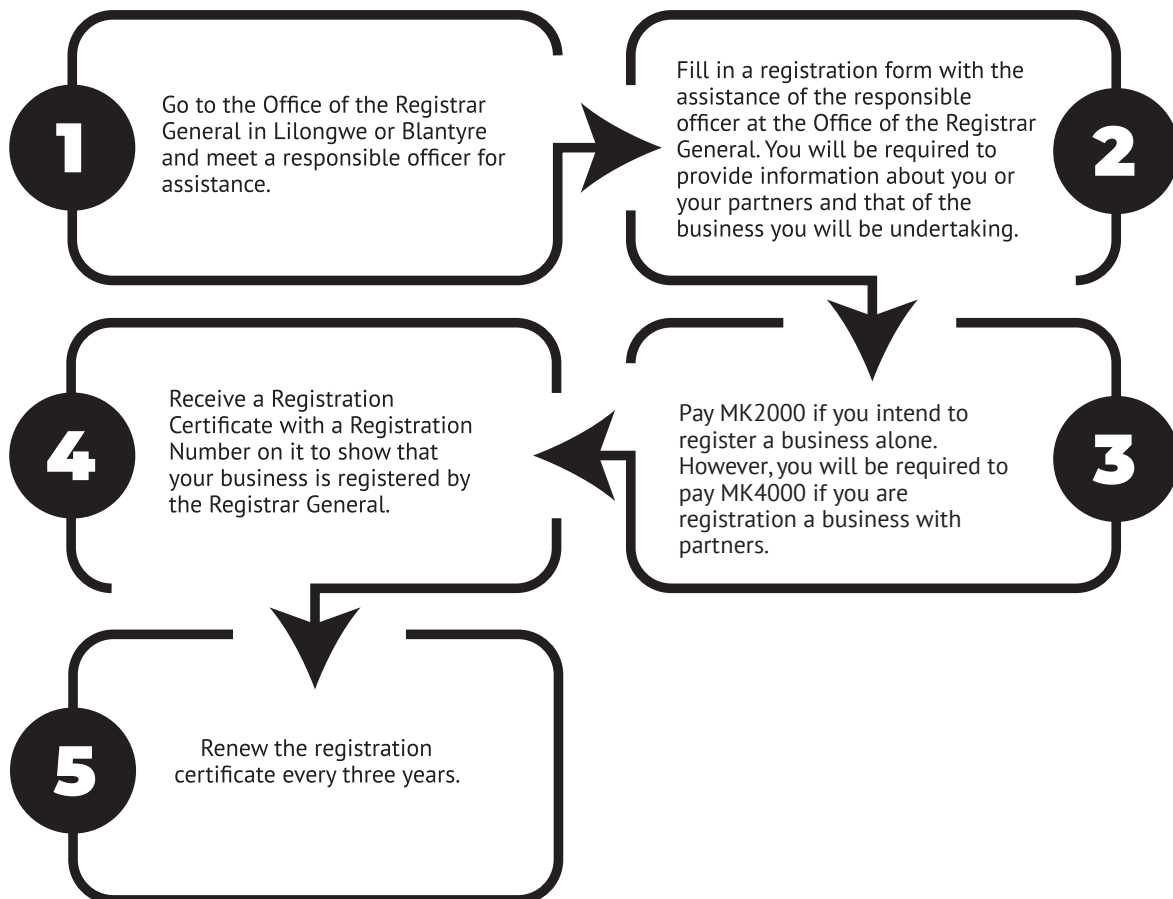


N.B. This is the same process for getting an occupation order or tenancy.

2.5. How to Register a Business

According to the Constitution, any person entitled to do business alone or in association with others and get money. The Business Registration Act (BRA) provides for the registration of businesses in Malawi. Under BRA, it is an offence, punishable by payment of MK100, 000 fine, to carry out a business without registering it.

Here is the process for registering a business:

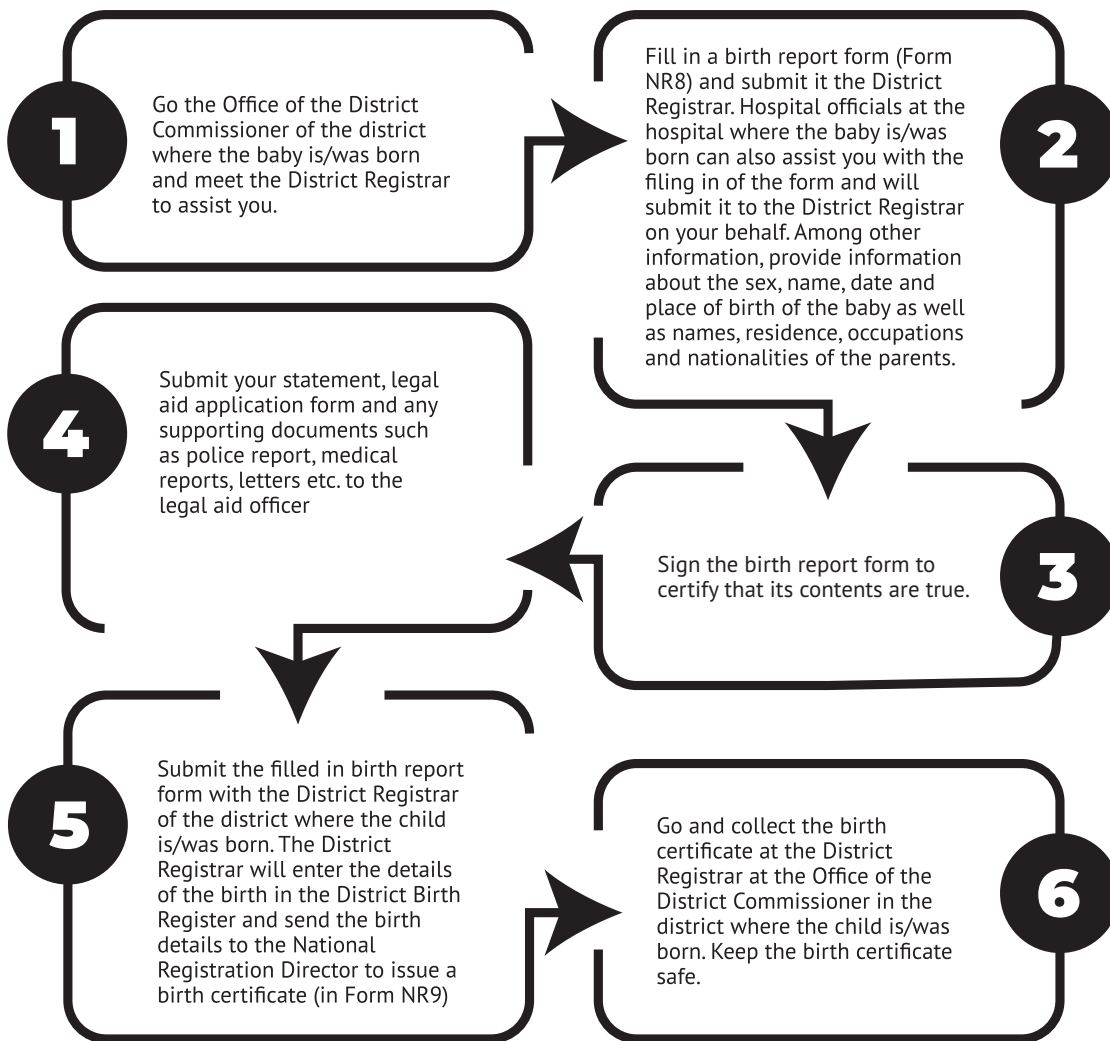


2.6. How to Register a Birth

The law requires that a mother, father or any appropriate person should report the birth of a newborn baby within six weeks of its birth.⁴ A person is not required to pay money to register a birth. However, If the parent or any appropriate person reports a birth after the prescribed six weeks, he or she will be required to pay a fee.

⁴ See the National Registration Act (NRA) and the National Registration Regulations (NRR)

Here is the process for registering a birth:

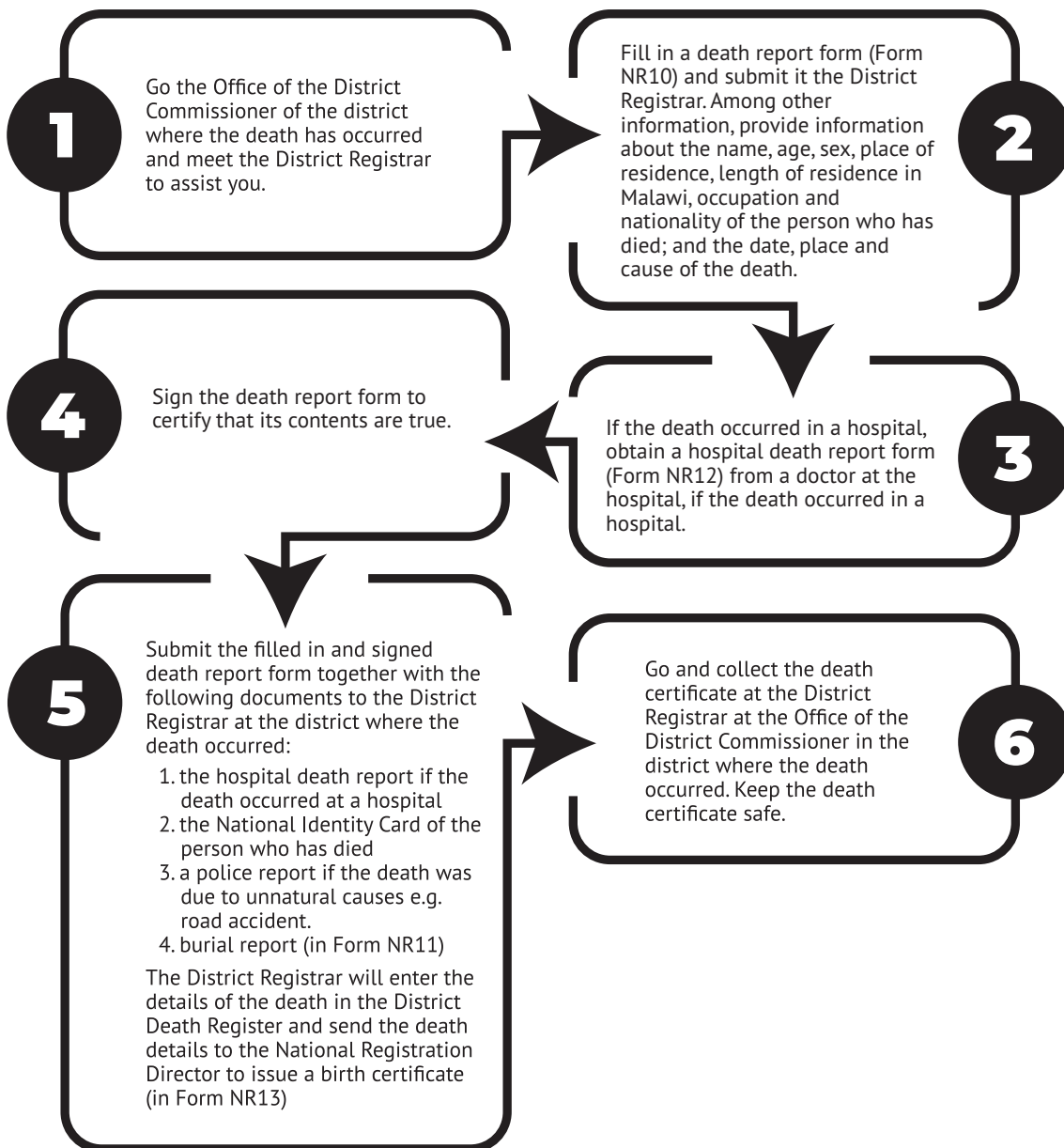


2.7. How to Register a Death

The law requires that any nearest relative of a person who has died should report the death within six weeks of its occurrence.⁵ A person is not required to pay money to register a death. However, if death is reported after the prescribed six weeks, the reporter of the death will be required to pay a fee. One benefit of reporting and registering a death is that a person can use the death certificate issued as verification of death for the purposes of distributing the deceased property.

⁵ See the National Registration Act (NRA) and the National Registration Regulations (NRR)

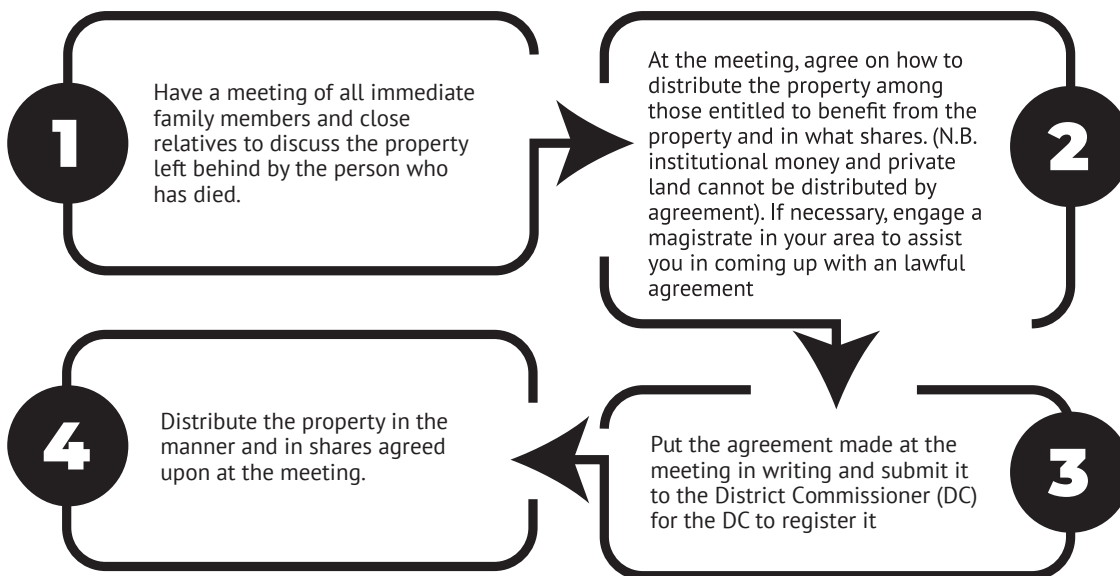
Here is the process for registering a death:



2.8. How to distribute property left by a person who has died without leaving a Will

When a person has died and left property, the law requires that the property be distributed to his family members and close relative. Family members and close relatives are required to approach courts, the Office of the Administrator General and the Office of the District Commissioner to be assisted on how the property left behind by the person who has died should be distributed following the law. However, these persons are entitled to distribute the property on their own if the value of the property does not exceed MK1,000,000). The Deceased Estates (Wills Inheritance and Protection) Act refers to this property as a small estate.

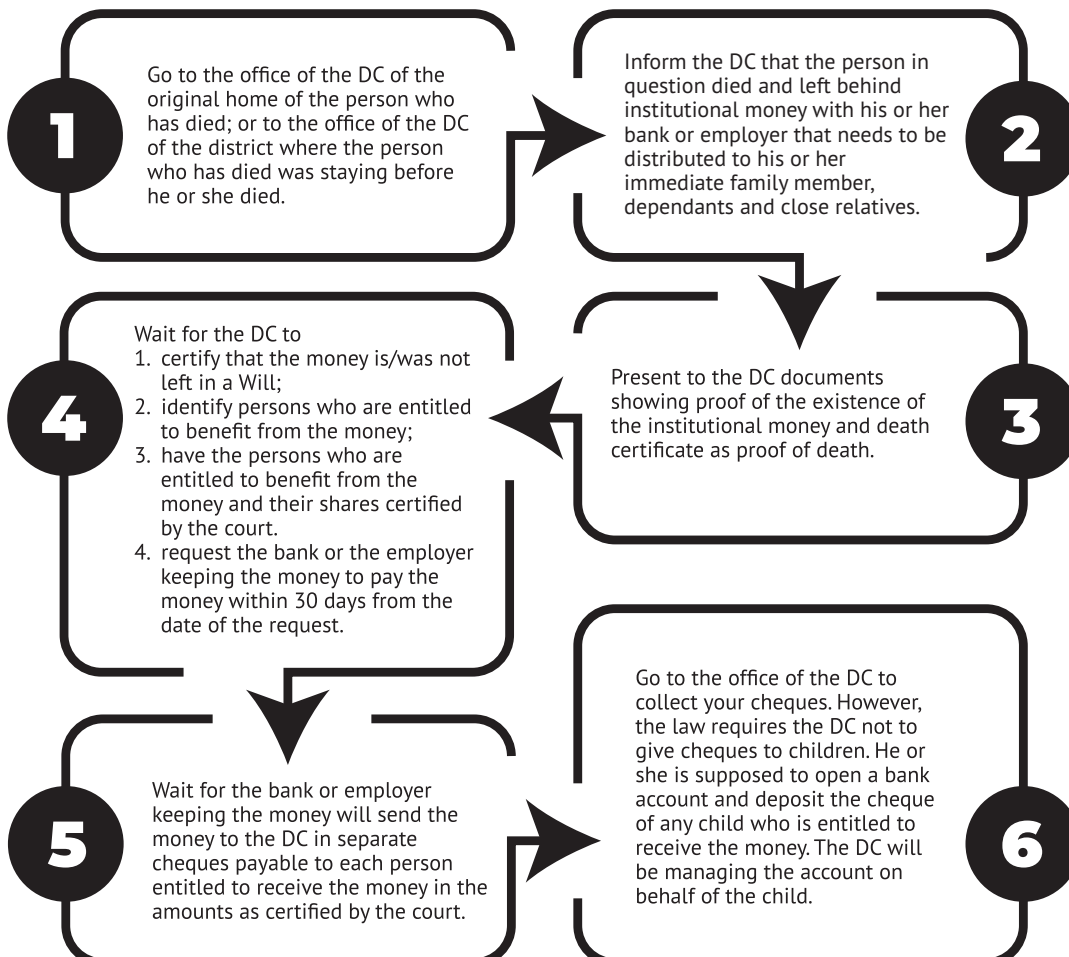
Here is the process for distributing a small estate:



2.9. How to distribute institutional money left by a person who has died

Institutional money is money left with the bank or employer by a person who has died. The law requires that this money be distributed to members of the deceased's family. The Deceased Estates (Wills Inheritance and Protection) Act requires that this money be distributed among immediate family members, dependants and close relatives of the person who has died.

Here is the process for distributing institutional money:



3.0. COMPLAINTS HANDLING INSTITUTIONS/ MALO OLANDIRA MADANDAULO

According to the Constitution, every person has the right to have disputes resolved and get appropriate remedies for the violations of human rights and fundamental freedoms. The following are some of the institutions where persons can go to seek assistance or have their disputes resolved and get effective remedies:

Institution	Physical Address	Phone	Services provided
Anti-Corruption Bureau	Lilongwe, Blantyre, Zomba and Mzuzu	01770370 01770153	Preventing and prosecuting Corrupt practices
Courts	Various	Various	Providing access to justice and legal remedies
Hospital Ombudsman	Various hospitals across the country	Various	Handling complaints about public health service delivery
Human Rights Commission	Lilongwe and Blantyre	01750900	Handling of complaints about violations of human rights and fundamental freedoms
Legal Aid Bureau	Lilongwe, Blantyre, Zomba and Mzuzu	Various	Providing legal assistance and representation
Malawi Law Society	Blantyre	01821043	Malpractices of lawyers
Mhub	Lilongwe	0888988046 0997117664	Provision of solutions to socio-economic challenges using ICT
Ministry of Gender, Children, Disability and Social Welfare	Capitol Hill, Lilongwe	01770411	Handling issues relating to children, women, the elderly and persons with disabilities
Office of the Ombudsman	Lilongwe, Blantyre, Mzuzu and Balaka	01774899 01771436	Handling cases of maladministration, injustice and human rights violations
One-Stop Centres	All District Hospitals		Combined services for GBV – medical and legal
The Gender and Justice Unit	Lilongwe	0880351009	Provision of legal services and legal empowerment solutions for social justice and gender equality
Ufulu Wanga Platform	Lilongwe	0993892234	Provision of basic and educative information on human rights issues
Victim Support Unit	Almost in all police stations/units/posts across the country	01796333	Handling domestic and gender-based violence
Women Lawyers Association	Lilongwe and Blantyre	Various	Providing legal assistance to vulnerable women and children
Youth Net and Counselling (YONECO)	Zomba, Chikwawa, Lilongwe, Mangochi, Balaka, Ntcheu, Machinga, Nkhatabay, Mchinji, Ntchisi and Rumphu	01526199 0888958726	Handling issues relating to youth, women and children

KABUKU KOTHANDIZIRA KUPEZA CHILUNGAMO NDI ZINA ZOTERO



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1.0. MALAMULO OTHANDIZIRA AMAYI KUPEZA CHILUNGAMO

Awa ndi malamulo ena omwe amayi ndi abambu angagwiritsire ntchito pofunafuna chilungamu ndi mayankho pa mavuto omwe iwo amakumana nawo tsiku ndi tsiku pa moyo wawo:

1. Constitution of the Republic of Malawi
2. Prevention of Domestic Violence Act accept
3. Gender Equality Act
4. Child Care Protection and Justice Act
5. Deceased Estates (Wills, Inheritance and Protection) Act
6. Marriage Divorce and Family Relations Act
7. Employment Act
8. Electronic Transaction and Cyber Security Act

1.1. Constitution of the Republic of Malawi

- Awa ndi malamulo akulu oyendetsera dziko la Malawi. Malamulo komanso machitidwe osemphana ndi malamulowa akuluwa amakhala opanda ntchito.
- Malamulowa amalimbikitsa kulolerana; kupatsana ulemu ndikukhala mwamtendere.
- Malamulowa amalimbikitsa Boma kuonesetsa kuti pasakhale kusiyana pakati pa akazi ndi amuna komanso kuti anthu asamachitirane nkhanza.
- Gawo IV ya malamulowa (ndime 15-46) amateteza ufulu wachibadwidwe wa anthu. Uwu ndi ufulu wina womwe malamulowa amateteza:

Ndime	Ufulu
Ndime 16	Ufulu okhala ndi moyo. Munthu sayenera kuchotsa moyo wa munthu mn-zake
Ndime 19	Ufulu wolemekezedwa ngati munthu komanso ufulu osatichitiridwa nkhanza
Ndime 20	Ufulu wosasalidwa
Ndime 21	Ufulu okhala ndichinsinsi komanso chosawerengerana makalata kapena uthenga
Ndime 22	Ufulu okwatira ndi kukhala pabanja mosakakamizidwa. Munthu wina aliyense yemwe sanakwanitse zaka 18 sayenera kukwatira. Munthu m'banja sayenera kusalidwa kapena kuchitiridwa nkhanza.
Ndime 28	Ufulu okhala ndi katundu komanso ufulu osalandidwa katundu
Ndime 29	Ufulu opanga bizinesi kapena kugwira ntchitu kuti munthu upeze ndalama
Ndime 32	Ufulu ocheza kapena kukhala ndi munthu wina aliyense kapena gulu lina lililonse
Ndime 34	Ufulu onena oyankhula ndi kunena zakukhosi popanda kuletsedwa

Ndime 40	Ufulu otenga nawo gawo pazochitika m'dziko komanso pa ndale kuphatikizirapo ufulu wovota kapena kuyima nawo pachisankho.
Ndime 41 ⁶	Ufulu wopeza chilungamo ndi zithandizo zina ku mabwalo amilandu ndi mabwalo ena monga ku ombudsman ndi ku Human Rights Commission.

- Malamulowa amatetezanso ufulu wa ana. Mwa ufulu wina, ana ali ndi ufulu opatsidwa chithandizo koma ufulu otetezedwa kumchitidwe omwe ungaononge moyo wawo.
- Malamulowa amatetezanso ufulu wa amayi. Mwa ufulu wina, amayi ali ndi ufulu olandira chithandizo kumanso kulandira chuma pokutha pabanja.
- Malamulowa amapempha Boma kuti lithetse mchitidwe osalana wina ndi mnzake; kuchitirana nkhasa; komanso olandana katundu ndi ufulu wina otero.

1.2. Prevention of Domestic Violence Act

- Cholinga cha lamuloli ndi kuthetsa mchitidwa ochitirana nkhanza m'banja. Lamuloli limaperekanso chithandizo kwa anthu omwe achitiridwa nkhanza.
- Lamuloli timaletsa mchitidwe wankhanza uwu⁷:

NKhanza	Zitsanzo
Nkhanza pachuma	<ul style="list-style-type: none"> • Kuletsa munthu kugwira ntchito kapena kuchita bizinesi • Kukana kupereka chinthandizo kapena ndalama zogulira zofuna zamoyo zatsiku ndi tsiku. • Kusampatsa munthu ndalama nzake kapena malipiro ake apamwenzi
Nkhanza zam'manganizo	<ul style="list-style-type: none"> • Kuopsyeza munthu mosalekeza • Kumusatira munthu mosalekeza kuli konse koma angapite • Kumuimbira kapena kumulemba munthu ma uthenga mosalekeza
Nkhanza pa ndalama	<ul style="list-style-type: none"> • Kuyendetsa chuma chamuthu wina ndicholinga chakuti munthuyo asaime payekha
Nkhanza zapathupi	<ul style="list-style-type: none"> • Kupweteka muthu pomumenya ndi zina zotero • Kuopsyeza munthu kuti apwetekedwa
Nkhanza zokhuza kugonana	<ul style="list-style-type: none"> • Kumukhuza munthu mwadama pomuopsyeza kapena pomukakamiza • Kuchita chiwerewere ndi mzimayi kapena tsikana pomukakamiza kapena kumuopsyeza
Nkhanza zokhuza ubale	<ul style="list-style-type: none"> • Kuletsa munthu kucheza momasuka ndi anthu ena.

6 Onaninso ndime 15(2) and 46(2)

7 Onani gawo 2 la PDVA

- Lamuloli limapereka thandizo kwa anthu omwe achitiridwa nkhanza m'banja. Munthu wina aliyense yemwe wachitiridwa nkhanza ayenera kupita ku bwalo lamilandu kukapeza thandizo monga ili:

Thandizo	Chomwe chimachitika
Thandizo la Chitetezo (Protection Order)	<ul style="list-style-type: none"> Bwalo lamilandu limaletsa munthu kupitilliza kuchitira nkhanza za m'banja mnzake. Bwalo lamilandu limalamula kuti munthu ochitira mnzake nkhanza asiye kutero ndipo asinthe nkukhala munthu wakhalidwe labwino. Bwalo limalamula munthu ochitira nkhanza mnzake kuti amupepetse mnzakeyo ndi ndalama.
Thandizo lokhala m'nyumba ya banja kapena ya kuntchito (Occupational Order)	<ul style="list-style-type: none"> Bwalo lamilandu limalamula kuti munthu ochitira mnzake nkhanza achoke panyumba ya banja kapena yakuntchito kwa ochita nkhanzayo ndi cholinga choti anthu osala pankhomopo akhale mwamtendere.
Thandizo lopitiriza kukhala nyumba yolipira (Tenancy Order)	<ul style="list-style-type: none"> Bwalo lamilandu limalamula kuti munthu ochitira mnzake nkhanza achoke panyumba yolipira ndi cholinga chofuna kuteteza anthu osala. Bwalo lamilandu likhozanso kukakamiza ochitira mnzake nkhanza kuti apitirize kupereka malipiro anyumba (rent) ngakhale kuti iye sakukhalamo.

1.3. Gender Equality Act

- Lamuloli limaonesetsa kuti pasakhale kusiyana pakati pa akazi ndi amuna.
- Lamuloli limaletsa mchitidwe oipa motere:

Mchitidwe oletsedwa	Tanthauzo	Chilango
Tsankho	Kusankhana potengera kuti munthu ndiwamkazi kapena wamwamuna	MK1, 000, 000 chindapusa ndi zaka 5 kundende
Mchitidwe owononga	Mchitidwe omwe umaononga umoyo wamunthu kapena kumuchotsera umunthu.	MK1, 000, 000 chindapusa ndi zaka 5 kundende
Kusowetsa mtendere munthu ndi nkhani zogonana	Kumuyankhulira, kumuchitira kapena kumuonetsera munthu zithu zomunyatsa komanso zochosetsa ulemu zokhuzana ndikugonana	MK1, 000, 000 chindapusa ndi zaka 5 kundende

- Lamuloli limapititsa patsongolo ufulu wauchembere wabwino. Lamuloli likunena kuti munthu wina aliyense ogwira ntchito kuchipatala yemwe salemekeza ufukuwu adzalamulidwa kuti apereke chindapusa cha MK 750, 000.00 komanso kukakhala kundende zaka zitatu akapezeka olakwa.
- Lamuloli lapereka mphamvu ku bungwe la Human Rights Commission kuti lamuloli likugwira bwino ntchito ndipo likukwaniritsidwa.

1.4. Child Care Protection and Justice Act

- Lamuloli limafotokoza za momwe munthu angapemphere bwalo lamilandu kuti limupatse mwana azikhala naye kapena kuti lipereke chithandizo chamwana ndi zina zotero.
- Lamuloli limaletsa mchitidwe oipa uwu motere:

Mchitidwe oletsedwa	Tanthauzo	Chilango
Kuthawitsa Mwana	Kutenga mwana popanda chilolezo chamakolo kapena omwe amakhala naye	Zaka 10 kundende
Kuzembetsa Mwana	Kutenga mwana mozembetsa ndicholinga chokamuchitira nkhanza	Moyo onse kundende
Chikhalidwe choipa	Kupangitsa ana kutenga nawo gawo pachikhalidwe chomwe chikhoza kuononga moyo ndi kakulidwe kawo	Zaka 10 kundende
Kukwatitsa mwana mokakamiza kapena kutomera	Kumkwatitsa mwana mokakamiza kapena kumutomeretsa mwana	aka 10 kundende
Kupereka mwana ngati chikole	Kugulitsa kapena kupereka mwana ngati chikole changongole chomwe munthu wamkulu watenga	aka 10 kundende

- Lamuloli linakhazikitsa bwalo lamilandu la ana lotchedwa Child Justice Court, Bwaloli limaweluzza milandu yokhuza ana.

1.5. Deceased Estates (Wills, Inheritance and Protection) Act

- Lamuloli limakamba momwe munthu angalembera Wilo (chikalata chomwe munthu amalemba akadali moyo cholongotsola mmene chuma chake chingadzagawiridwire iye akadzamwalira). Munthu wina aliyense wamkulu komanso woganiza bwino angathe kulemba Wilo. Wilo liyenera kusayinidwa ndi munthu olembayo komanso mboni ziwiri. Wilo imayenera kusungidwa kwa a Bwanankubwa (DC); kubwalo lamilandu; ku banki; kuntchito ndi malo ena otero.
- Lamuloli limakambanso momwe chuma wa munthu yemwe wamwalira osasiya Wilo chingadzagawiridwire. Chuma chamunthu yemwe anamwalira atasiya Wilo chimagawidwa posatira chifuno chake, koma chuma chamunthu yemwe wamwalira osasiya Wilo chimagawidwa posatira ndime 17 ndi 18 ya lamulali. Anthu omwe amakhala oyambilira kulandira chuma chamasiya amakhala mwamuna kapena mkazi ndi ana amunthu yemwe wamwalira.
- Lamuloli limaletsa mchitidwe olanda mkazi yemwe mwamuna wake wamwalira chuma chamasiye chomwe anapatsidwa. Mkaziyu sayeneranso kulandidwa chumachi ngakhale atakwatiwanso.
- Bwalo laikulu lamilandu lili ndi mphamvu lozenge milandu yokhuzana ndi katundu wamasiye. Ngakhale izi zili chonchi mabwalo amilandu ang'onoang'ono a magistrate ali ndi mphamvu zozenga milandu yokhuzana ndi chuma chamasiye chomwe kuchuluka kwake siunafike MK1, 000, 000. 00.

- Lamuloli limaletsa mchitidwe oipa uwu motere:

Mchitidwe Oletsedwa	Chilango
Kutenga katundu wamasiya posatsatira malamulo (kulanda katundu wamasiye)	Chindapusa chosachepera kuchuluka kwa katundu wamasiye yemwe walandidwa komanso zaka 10 kundende
Kuwalanda anthu chuma chamasiye chomwe iwo alandira	Chindapusa cha MK1, 000, 000. 00 komanso zaka 3 kundende

1.6. Marriage Divorce and Family Relations Act

- Lamuloli limazindikira ukwati wamitundu iyi: ukwati ovomerezeka ndi lamulo (civil marriage); ukwati otengera chikhalidwe (customary marriage); ukwati otengera chipembezo (religious marriage); ndi ukwati otengera kuti anthu awiri ankhalira limodzi kwa nthawi yayitali (marriage by repute or permanent cohabitation)
- Lamuloli limanena kuti ngati anthu awiri, mwamuna ndi mkazi omwe sanakwatirane koma amakhalira limodzi ngati mwamuna ndi mkazi, amatengedwa ngati anakwatirana pakadutsa zaka zosachepera zisano chiyambireni kukala limodzi ngati banja.
- Malingana ndi lamuloli, mkazi ndi mwamuna omwe akwatirana ali ndi ufulu ogonana wina ndi zake ndipo sayenera kukanana popanda chifukwa chokwanira. Koma mwamuna amapalamula mulandu wogwirira (rape) ngati wakakamiza kugonana ndi mkazi wake pamene bwalo lamilandu lalamula kuti anthuwa asiyane kaye podikira kutha kwa banja.
- Malingana ndi lamuloli, mkazi kapena mwamuna m'banja ali ndi udindo opereka chithandizo china chili chonse (osati chandala chokha) kwa wina ndi mnzake komanso kwa ana am'banjamo. Lamuloli linapereka mphamvu kwa ma bwalo a milandu kuti azilamula kapena kukakamiza anthu kupereka chithandizo anthuwo akamanyalanyaza kutero.

1.7. Employment Act

- Lamulo la anthu apantchito la Employment Act limaletsa mchitidwe oipa uwu pantchito:

Mchitidwe Oletsedwa	Tanthauzo	Chilango
Ntchito yokakamizana	Munthu sali oloedwa kumugwiritsa munthu wina ntchito momukakamiza	MK10,000 chindapusa komanso zaka ziwiri kundende
Tsankho	Kusiyantsa anthu ogwira ntchito	MK10,000 chindapusa komanso zaka ziwiri kundende
Kulemba ntchito ana	Kulemba ntchito ana omwe sanakwanitse zaka 14 zakubadwa	MK20,000 chindapusa komanso zaka zitsanu kundende
Kumgwiritsa mwana ntchito yoononga/yoopsya	Kulemba ana apakati pazaka 14 - 18 kuti agwire ntchito yoononga moyo ndi kakulidwe kawo komanso kayimbidwe kawo ka sukulu	MK20,000 chindapusa komanso zaka zitsanu kundende

Kumuchotsa mzimayi ntchito chifukwa ndioyembekezera	Kumuchotsa mzimayi chifukwa iyeyo ndi oyembekezera (ali ndi pakati)	MK20,000 chindapusa komanso zaka zitsanu kundende
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1.8. Electronic Transactions and Cyber Security Act

- Lamuloli limaletsa mchitidwe oipa omwe anthu amachita pogwiritsa ntchito makina akompyuta kapena foni yam'anja:

Mchitidwe Oletsedwa	Tanthauzo	Chilango
Kumusowetsa munthu wina mtendere pogwitsira ntchito kompyuta kapena foni (cyber harassment)	Kumulemba munthu wina uthenga otukwana, onyoza komanso owopsyeza pogwiritsira ntchito makina akompyuta kapena foni	MK2,000,000 chindapusa komanso zaka zisanu ku ndende
Uthenga wantopola (Offensive Communication)	Kumusowetsa munthu wina mtendere ndi uthenga wantopola pogwiritsira ntchito makina akompyuta kapena foni yam'anja	MK1,000,000 chindapusa komanso chaka chimodzi kundende
Kumulondalonda munthu pogwiritsira ntchito makina a kompyuta kapena foni ya m'anja (cyber stalking)	Kugwiritsa ntchito makina a kompyuta kapena foni pomlondalonda, pomtukwana ndi pomuopsyeza munthu wina kapena banja lake	MK1,000,000 chindapusa komanso chaka chimodzi ku ndende

2.0. NDONDOMEKO ZOPEZERA CHILUNGAMO NDI ZITHANDIZO ZINA⁸

Kafukufuku yemwe anapanga a bungwe la Gender Justice Unit (GJU) m' mwezi wa August, 2019 anapeza kuti mavuto ambiri owe a mayi amakumana nawo pofunafuna chilungamo ndi mavuto okhuzana ndi: mmene munthu anagapezere munthu omuimilira pamlandu; mmene munthu angapemphere bwalo lamilandu kuti ampstse mwana azikhala naye; mmene munthu angapezere chithandizo chamwana; mmene munthu angapezere thandizo lachitetezo kunkhanza za m'banja; mmene munthu angalembetsere bizinesi yake mukaundula; mmene munthu angalembetsere kubadwa kwa mwana; mmene munthu angalembetsere imfa yamunthu; ndi mmene munthu angagawire chuma chamasiye. Gawo ili likukamba za ndondomekozi.

2.1. M'mene munthu angapezere munthu omuimilira pamlandu

Munthu wina aliyense ali ndi ufulu opeza munthu wakumtima kwake omuimilira ku bwalo la milandu kuti apeze chilungamo ndi thandizo. Bungwe la Legal Aid Bureau linakhazikitsidwa kuti lithandize osowa omwe sangathe kupeza munthu wakumtima kwawo kuti awayimilire pa bwalo lamilandu. Thandizo laku Legal Aid Bureau silimakhali ratu laulere. Anthu amapereka kangachepe mogwirizana ndi kapezedwe kawo kandalama.

Umu ndi mmene munthu angapezere munthu oimilira kubwalo la milandu waku Legal Aid Bureau:



⁸ Ndondomeko izi zasankhidwa potengera malamula omwe alipo panopa komanso potengera zithu zomwe ziku-chitika m'dziko lathu tsopano. Ndondomekozi simalamulo koma zasindikizidwa kuti ziwaunikire anthu mmene angachitire zithu zina ndi zina. Anthu ayenerabe kupeza uphungu kwa anthu odziwa zamalamula.

2.2. M'mene munthu angapemphere kuti bwalo lamilandu limpatse mwana

Ana ali ndi ufulu oleledwa ndi kukhala limodzi ndi makolo ake. Ngati mayi ndi bamboo sakukhalira limodzi pazifukwa zosiyanasiyana monga kusiyana ukwati, bamboo kapena mayi amafuna kukhala ndi ana ake. Lamulo loteteza ana la Child Care Protection and Justice Act limanena kuti bambo kapena mayi ndi anthu ena otero ali ndi ufulu okapempha ku bwalo la milandu la ana kuti atenge ndi kumakhala ndi ana ake. Iyi ndi ndondomeko yomwe munthu angasate kuti apatsidwe mwana ndi kumakakhala naye:



2.3. Mmene munthu angapereze chithandizo chamwana

Bambo kapena mayi amwana amakhala ndi udindo opereka chithandizo kwa mwana wake. Ngati bambo kapena mayi anyozera kupereka chithandizo kwa mwana, munthu ali ndi ufulu opita kubwalo lamilandu la ana kukapempha kuti munthu yemwe anyalanyaza kupereka chithandizo azipereka chithandizocho kwa mwana. Chithandizo chimagwiritsidwa ntchito popezera zofuna zatsiku ndi tsiku zamwana monga malo ogona, chakudya, zovala, mankhwala ndi zina zotere. Lamulo lotetezera ana limanena kuti mwana mwini wake, bamboo ake amwana, mayi ake amwana ndi anthu ena otero, ali ndi ufulu opita ku bwalo lamilandu kukapempha chithandizochi.

Umu ndi mmene munthu angapemphere ku bwalo la milandu kuti munthu yemwe akunyalanyaza udindo wake opereka chithandizo chamwana ayambe kupereka chithandizocho:



2.4. Mmene munthu angatengere Thandizo la Chitetezo kunkhanza

Lamulo loteteza anthu kunkhanza zam'banja la Prevention of Domestic Violence Act limanena kuti anthu omwe achitiridwa nkhanza m'banja ali ndi ufulu opita ku bwalo lamilandu kukafuna kutetezedwa

kunkhanza zam'banjazo. Bwalo lamilandu limatete anthu kunkhazazi munjira zitatu izi:

Thandizo	Chomwe chimachitika
Thandizo la Chitetezo (Protection Order)	<ul style="list-style-type: none"> Bwalo lamilandu limalamula munthu kupitilliza kuchitira nkhanza za m'banja mnzake. Bwalo lamilandu limalamula kuti munthu ochitira mnzake nkhanza asiye kutero ndipo asinthe nkukhala munthu wakhalidwe labwino. Bwalo limalamula munthu ochitira nkhanza mnzake kuti amupepetse mnzakeyo ndi ndalama.
Thandizo lokhala m'nyumba ya banja kapena ya kuntchito (Occupational Order)	<ul style="list-style-type: none"> Bwalo lamilandu limalamula kuti munthu ochitira mnzake nkhanza achoke panyumba ya banja kapena yakuntchito kwa ochita nkhanzayo ndi cholinga choti anthu osala pankhomopo akhale mwamtendere.
Thandizo lopitiriza kukhala nyumba yolipira (Tenancy Order)	<ul style="list-style-type: none"> Bwalo lamilandu limalamula kuti munthu ochitira mnzake nkhanza achoke panyumba yolipira ndi cholinga chofuna kuteteza anthu osala. Bwalo lamilandu likhozanso kukakamiza ochitira mnzake nkhanza kuti apitirize kupereka malipiro anyumba (rent) ngakhale kuti iye sakukhalamo.

Thandizo la Chitetezo

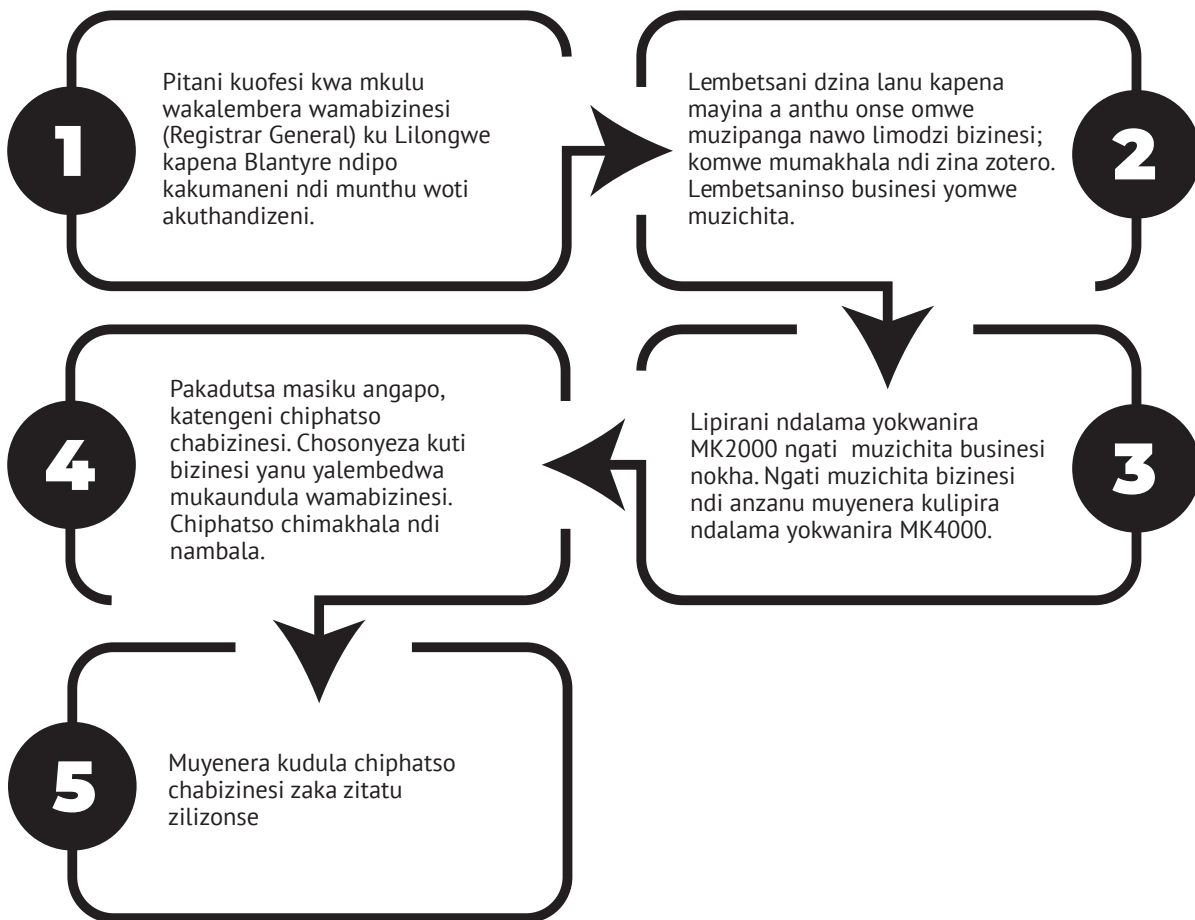
Umu ndi mmene munthu angatengere thandizo la chitetezo ku bwalo lamilandu akachitiridwa nkhanza:



N.B. Njira yotengera thandizo la chitetezo (protection order) imafanana ndi njira zotengera thandizo lokhala nyumba yabanja/ya kuncito (occupation order) ndi thandizo lokhala nyumba yolipira (tenancy order)

2.5. Mmene munthu angalembetsere Bizinesi yake

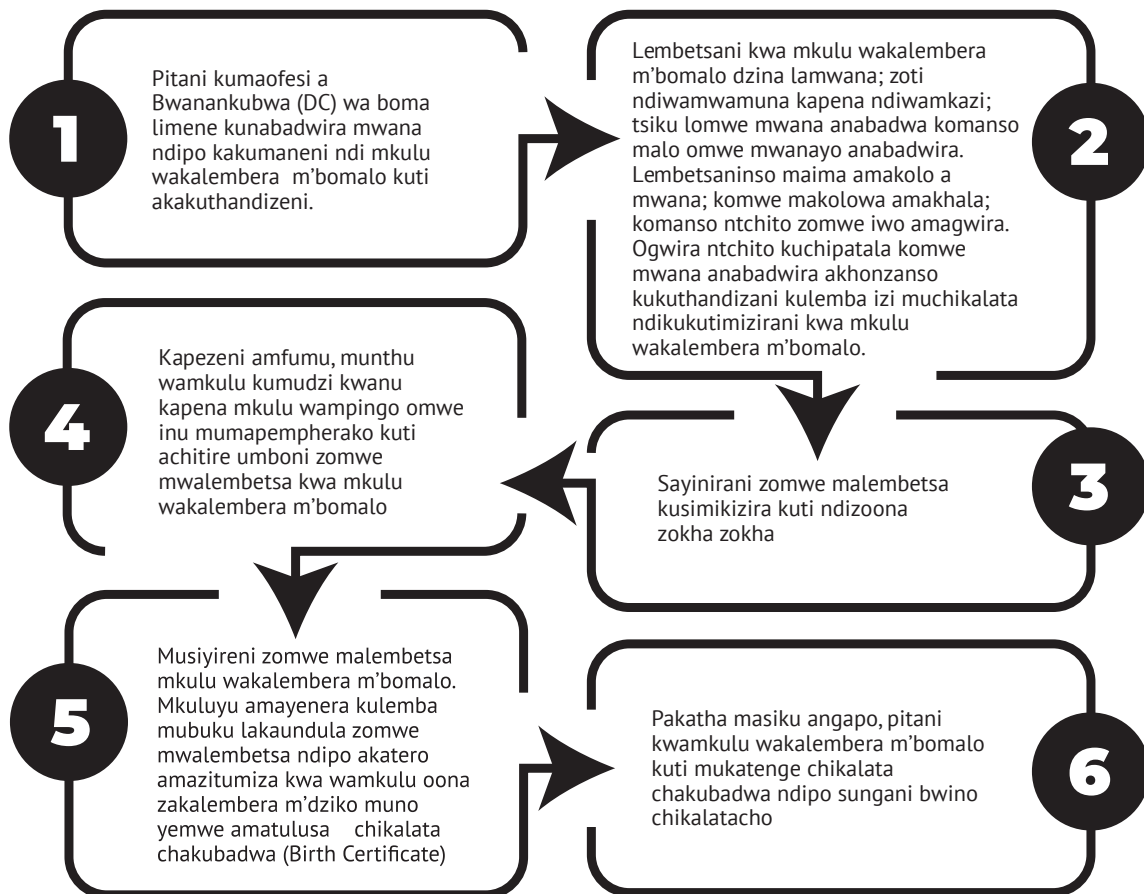
Lamulo lalikulu loyendetsera dziko la Malawi limanena kuti munthu wina aliyense ali ndi ufulu ochita bizinesi pa iye yekha kapena pagulu ndicholinga chopeza ndalama. Anthu m'Malawi amayenera kulembetsa mabizinesi awo mukaundula potsatira lamulo la kalembetsedwe ka mabizinesi la Business Registration Act. Malingana ndi lamuloli munthu wina aliyense yemwe amachita bizinesi osalembetsa bizinesi yakeyo mukaundula amakhala akupalamula mlandu. Ngati angapezeke olakwa amalipiritsidwa chindapusa cha MK100,000. Umu ndi mmene munthu angalembetsere bizinesi yake:



2.6. Mmene kugalembetsere kubadwa kwa mwana

Lamulo lakalembera limanena kuti makolo ndi achibale ena ali ndi udindo olembeta kubadwa kwa mwana wina aliyense kuboma pasanadutse ma sabata 6 chibadwireni mwana.⁹ Munthu sayenera kulipira kuti alembetse kubadwa kwa mwana. Koma ngati munthu wachedwetsa kulembetsa kubadwa kwa mwana ndipo ma sabata 6 atha asanalembetse, iye adzayenera kupereka kangachepe. Umu ndi mmene munthu angalembetsera mukaundula kubadwa kwa mwana:

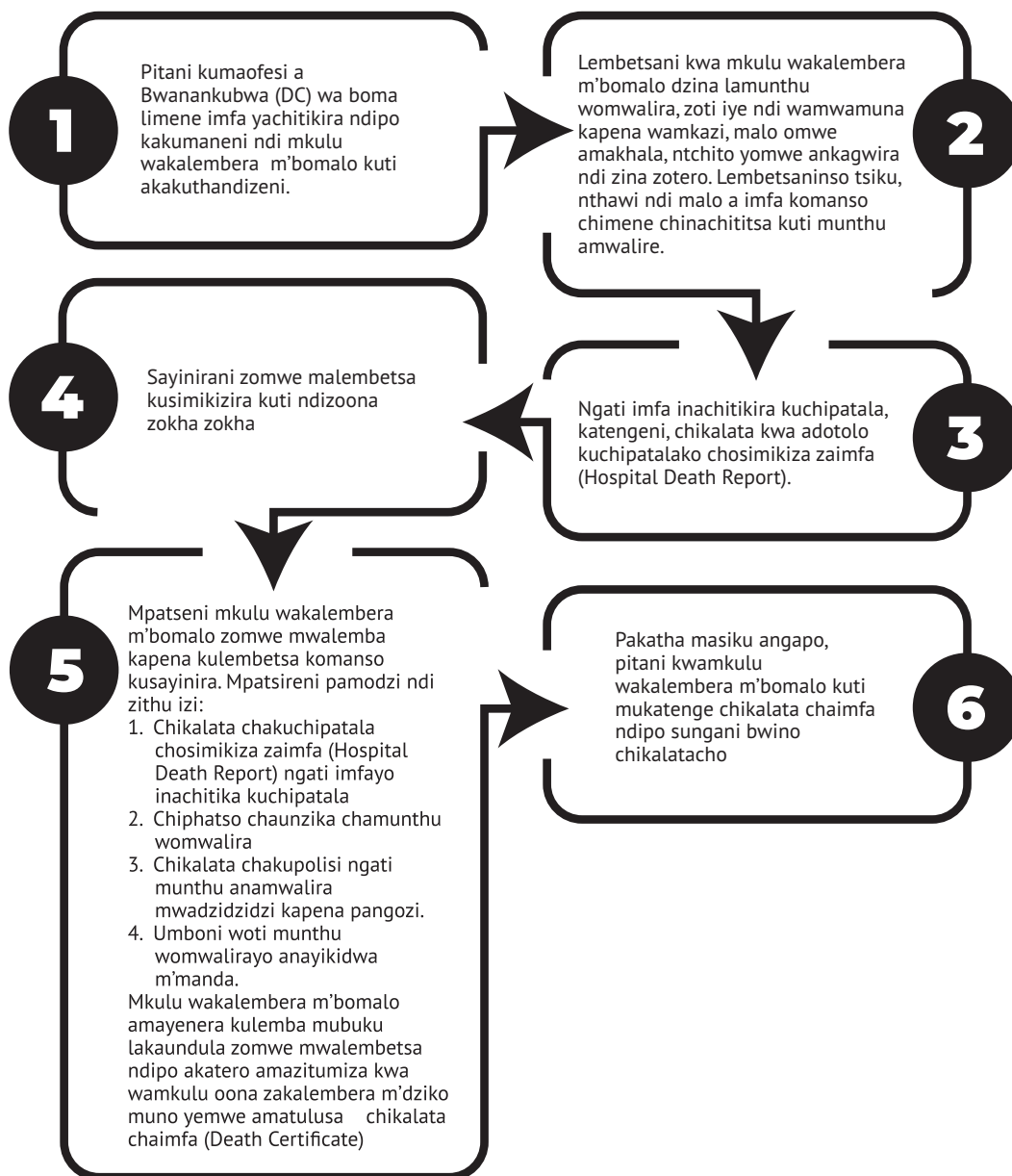
⁹ Onani lamulo la National Registration Act (NRA) ndi National Registration Regulations (NRR)



2.7. Mmene Mungalembetsere Imfa mubuku lakaundula

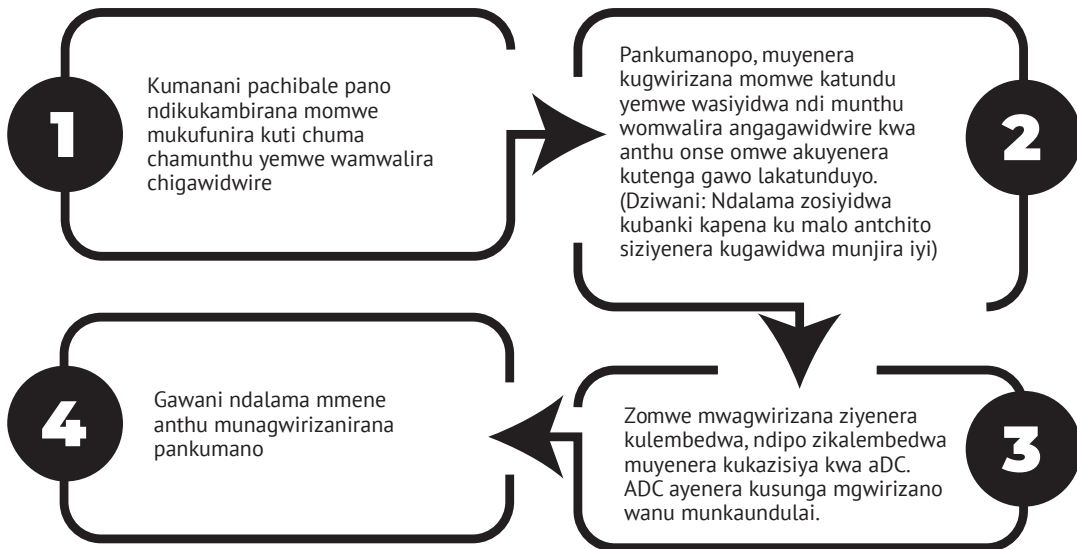
Lamulo lakalemba limanena kuti wachibale wamuthu amene wamwalira ali ndi udindo okalembetsa imfa yambale wake pasanathe masabata 6 chichitikire imfa.¹⁰ Munthu sayenera kulipira kuti alembetse imfa. Koma ngati munthu wachedwetsa kulembetsa imfa ndipo ma sabata 6 atha sanalembetse, iye adzayenera kupereka kangachepe. Ubwino umodzi olembetsa imfa ndi oti kuyendetsa kwa kagawidwe kachuma chomwe munthu womwalira uja wasiya sikumavuta. Umu ndi mmene mungalembetsere imfa mubuku la kaundula:

¹⁰ Onani lamulo la National Registration Act (NRA) ndi National Registration Regulations (NRR)



2.8. Mmene chuma chamunthu yemwe wamwalira opanda Wilo

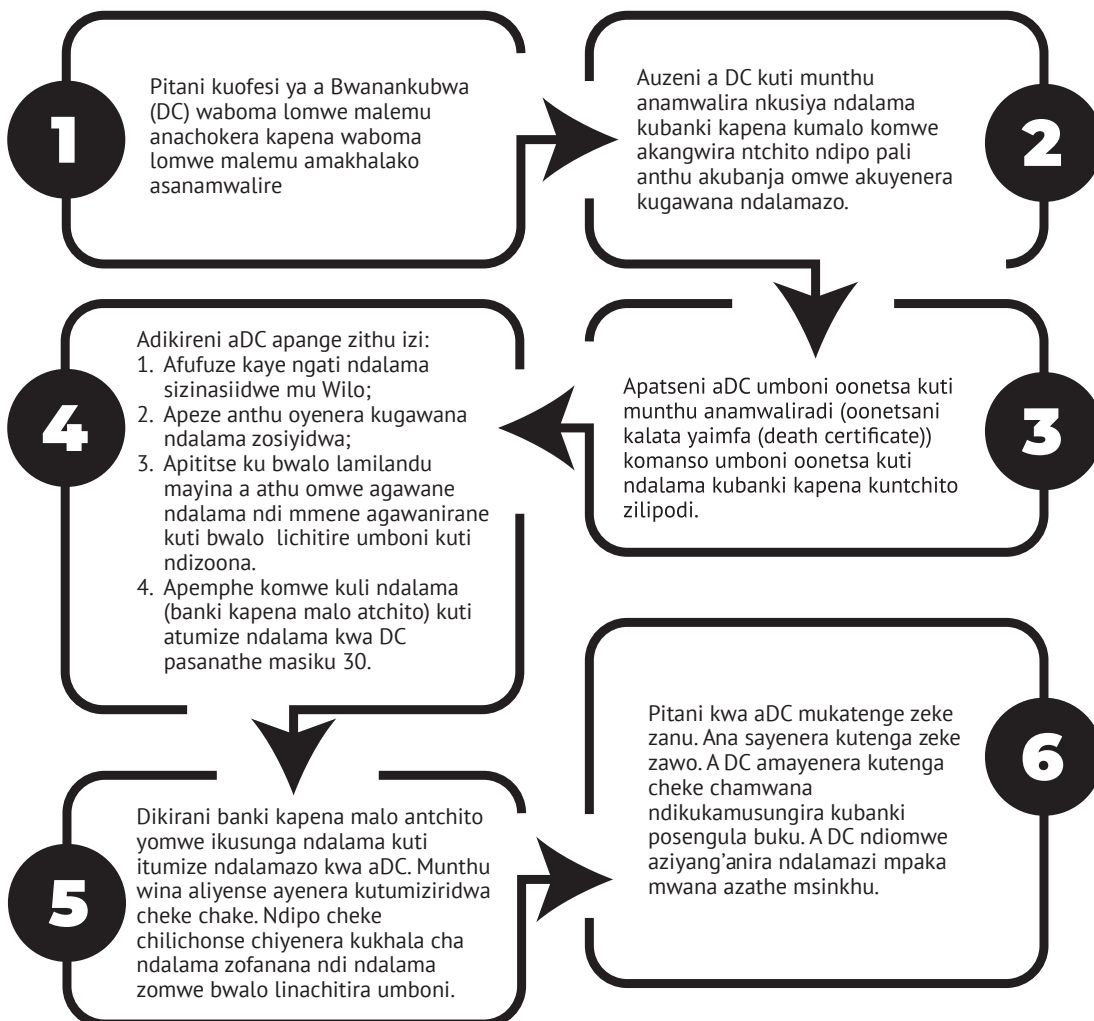
Ngati munthu womwalira wasiya chuma, lamulo lakagawidwe kachuma chamasiye amanena kuti chumachi chiyenera kugawidwa kwa banja la munthu omwalira uja komanso abale ake ena. Kuti achibale athandizidwa pakagawidwe kachuma chamasiye, iwo ayenera kupita kubwalo lamilandu, kuofesi ya Administrator General komanso kwa Bwanankubwa wabomalo kuti akathandizidwe. Ngakhale izi zili zomwechi, anthuwa akhoza kugawa, mwa iwo okha, chuma chamasiye chomwe kuchuluka kwake sikunapitilile ndalama zokwana MK1,000,000. Umu ndi mmene chumachi chiyenera kugawidwira:



2.9. Mmene ndalama zamasiye zingagawidwire kwa anthu oyenera

Lamulo lakagawidwe kachuma chamasiye limanena kuti ndalama zamathu yemwe wamwalira zimene zili ku banki kapena kuntchito komwe ankagwira asanamwalire ziyenera kugawidwa kwa anthu oyenera monga mkazi, ana ndi achibale.

Umu ndi mmene ndalamazi ziyenera kugawidwa:



3.0. MALO OLANDIRA MADANDAULO

Lamulo lalikulu loyendetsera dziko la Malawi amanena kuti munthu wina aliyese ali ndi ufulu wozeza chilungamo pa mlandu wake komanso wolandira chithandizo ku bwalo la milandu ndi mabwalo ena pamene ufulu wake waphwanyidwa. Ena mwa mabwalo kapena mabugwe omwe munthu angapita kukalandira chinthandizochi ndi awa:

Bwalo/Bungwe	Malo	Lamya/foni	Thandizo
Anti-Corruption Bureau	Lilongwe, Blantyre, Zomba ndi Mzuzu	01770370 01770153	Kuteteza kuti anthu asamandire ndi kupereka ziphuphu komanso kutengera nkhani zaziphuphu ku bwalo lamilandu.
Bwalo lamilandu	ambiri	ambiri	Kuweluzira milandu ndikupereka chithandizo kwa anthu omwe achitiridwa nkhanza kapena kuphwanyidwa ufulu
Hospital Ombudsman	M'zipatala zambiri m'dziko muno	ambiri	Kulandira ndi kufufuza mandaulo okhuzana ndi kaperekedwa kantchito zaumoyo
Human Rights Commission	Lilongwe ndi Blantyre	01750900	Kulandira ndi kufufuza madandaulo ophwanyidwa ufulu wachibadwidwe
Legal Aid Bureau	Lilongwe, Blantyre, Zomba ndi Mzuzu	Various	Kuthandiza anthu pankhani zamalamulo komanso kuwayimilira anthu pamilandu.
Malawi Law Society	Blantyre	01821043	Kuonesetsa kuti pali ubale wabwino pakati pa anthu ndi anthu owayimilira anzawo pamilandu
Mhub	Lilongwe	0888988046 0997117664	Kupeza mayankho a mavuto omwe anthu akupeza paumoyo wawo watsiku ndi tsiku pogwiritsa ntchito njira zamakono.
Ministry of Gender, Children, Disability and social Welfare	Capitol Hill, Lilongwe	01770411	Kuonesetsa kuti ana, amayi, anthu okalamba komanso aulumali akukhala moyo wangwiro.
Office of the Ombudsman	Lilongwe, Blantyre, Mzuzu ndi Balaka	01774899 01771436	Kulandira ndi kufufuza mandaulo ophwanyidwa ufulu komanso kuonesetsa kuti anthu akupeza chilungamo.
Gender Justice Unit	Lilongwe	0880351009	Kupereka nthandizo pankhani zamalamulo ndi kupereka mphamvu kwa anthu kuti azigwiritsa ntchito malamulo pamoyo wawo watsiku ndi tsiku komanso polimbikitsa kuti pasankhale kusiyana pakati pa amuna ndi akazi.
Ufulu Wanga Platform	Lilongwe	0993892234	Kuwaphunzitsa anthu za ufulu wawo wachibadwidwe
Victim Support Unit	M'mapolisi ambiri m'dziko muno	01796333	Kulandira ndi kufufuza madandaulo ochitiridwa nkhanza.

Women Lawyers Association	Lilongwe ndi Blantyre	ambiri	Kuthandiza anthu, makamaka ana ndi amayi pankhani zamalamulo komanso kuwayimilira anthuwa pamilandu
Youth Net and Counselling (YONECO)	Zomba	01526199 0888958726	Kupitisa patsongolo ndi kuteteza ufulu wa achinyamata, amayi ndi ana