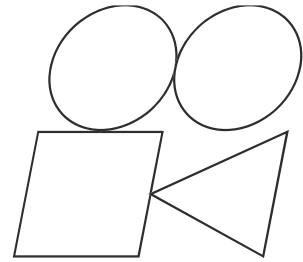




FROM LAW TO PRACTICE

UPHOLDING
REPRODUCTIVE RIGHTS
FOR SURVIVORS OF
SEXUAL VIOLENCE IN
MALAWI





By championing a legal review, policymakers can protect the most vulnerable and strengthen Malawi's reputation as a defender of justice and equality.





POLICY BRIEF

The Issue at a Glance

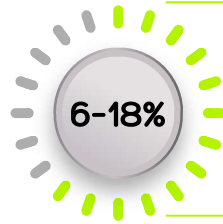
A 14-year-old girl, raped and left pregnant, sought help at a public health facility. She was denied a safe abortion and told to continue the pregnancy—despite the law providing grounds for care. Only after further intervention did she receive the service elsewhere.

This is not an isolated case. It reflects a **systemic gap between what the law allows and what is actually practiced.**



141,000

abortions occur annually in Malawi, most of which are unsafe



6-18%

of maternal deaths are linked to unsafe abortion



875

Sexual and Gender-Based Violence (SGBV) cases were reported in 2025 alone

MWK326

MILLION

is spent annually on post-abortion care



Failure to provide timely, lawful care is not just a health issue—it is a **violation of rights, dignity, and justice.**



CASE SPOTLIGHT: A WARNING SIGNAL

Case: AC (a minor) v. State and Others (Civil Cause No. 162 of 2023)

Judgment: 28 October 2025

The High Court found that denying a minor access to a safe abortion following rape violated her rights under the **Gender Equality Act**, including failure to consider her **mental health**.

Key Lessons from the Case

- Survivors of sexual violence—especially minors—are **legally entitled to care**.
- **Mental health is integral to preserving life**, not secondary
- Public institutions have an **affirmative duty** to ensure access to services



Despite existing legal provisions, survivors continue to face barriers due to:

01



Unclear Implementation

Health workers lack clear, practical guidance on when and how to provide lawful abortion services.

02



Limited Training

Many frontline providers are unsure of their legal obligations, leading to fear-based denial of care.

03



Weak Accountability

There are no strong systems to monitor, report, or address violations when services are denied.

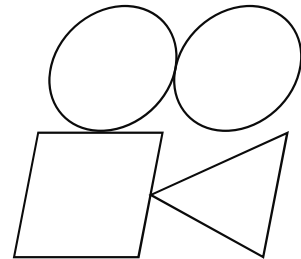
04



Stigma and Institutional Caution

Survivor needs are often overshadowed by fear, stigma, or misinterpretation of the law.

WHY THIS MATTERS NOW



- **Protecting Survivors:** Delays or denial of care deepen trauma and harm
- **Reducing Maternal Deaths:** Unsafe abortion remains a preventable cause of death
- **Legal Integrity:** Laws that are not implemented erode trust in public institutions
- **Human Rights Commitments:** Malawi has obligations under regional and international frameworks

POLICY RECOMMENDATIONS



01

Operationalize Existing Law

- The Ministry of Health should issue **clear, standardized guidelines** on safe abortion in cases of sexual violence.
- Disseminate protocols across all public health facilities, including One Stop Centers.

02

Train and Support Health Workers

- Roll out **mandatory nationwide training** on:
 - Legal provisions under the Gender Equality Act
 - Survivor-centered care
- Provide decision-support tools to reduce uncertainty in service provision

03

Train and Support Health Workers

- Establish a **national monitoring system** for reproductive health rights compliance
- Empower oversight bodies to:
 - Investigate complaints
 - Enforce consequences for denial of lawful care

05

Integrate Mental Health into Care

- Recognize **psychological trauma as a legitimate ground for intervention**
- Ensure all survivors receive:
 - Counseling
 - Psychosocial support alongside clinical services

06

Engage Communities and Faith Leaders

- Partner with trusted leaders to:
 - Reduce stigma
 - Promote accurate understanding of the law
- Launch **public awareness campaigns** on survivor rights and available services



KEY MESSAGE FOR POLICYMAKERS

The law is not the problem—implementation is.

Survivors of sexual violence are already protected under existing frameworks. The urgent task is to ensure those protections are **real, accessible, and consistently applied**.



CALL TO ACTION

Malawi stands at a critical moment.

No child should be forced to carry the burden of rape due to **system failure, fear, or lack of clarity**. Protecting life must include protecting **mental health, dignity, and the right to timely care**.

Policymakers must:

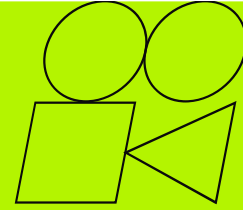
- Champion the clear implementation of existing laws
- Support a targeted legal and policy review to remove ambiguity
- Ensure accountability across all service delivery points

This is not a matter of politics.

It is a matter of **justice, compassion, and national responsibility**.



CLOSING NOTE



The case of AC is a warning—and an opportunity.

With decisive action, Malawi can move from **legal promise to lived reality**, ensuring that survivors of sexual violence are met not with denial, but with **care, dignity, and protection**.



KEY ADVOCACY MESSAGES

- “Silence in law is not neutrality—it is neglect.”
- “No child should be forced to carry the burden of rape.”
- “Protecting life includes protecting mental health.”
- “Denial of care perpetuates cycles of trauma.”
- “Justice must be compassionate to be meaningful.”



CHETE 

CHETE

