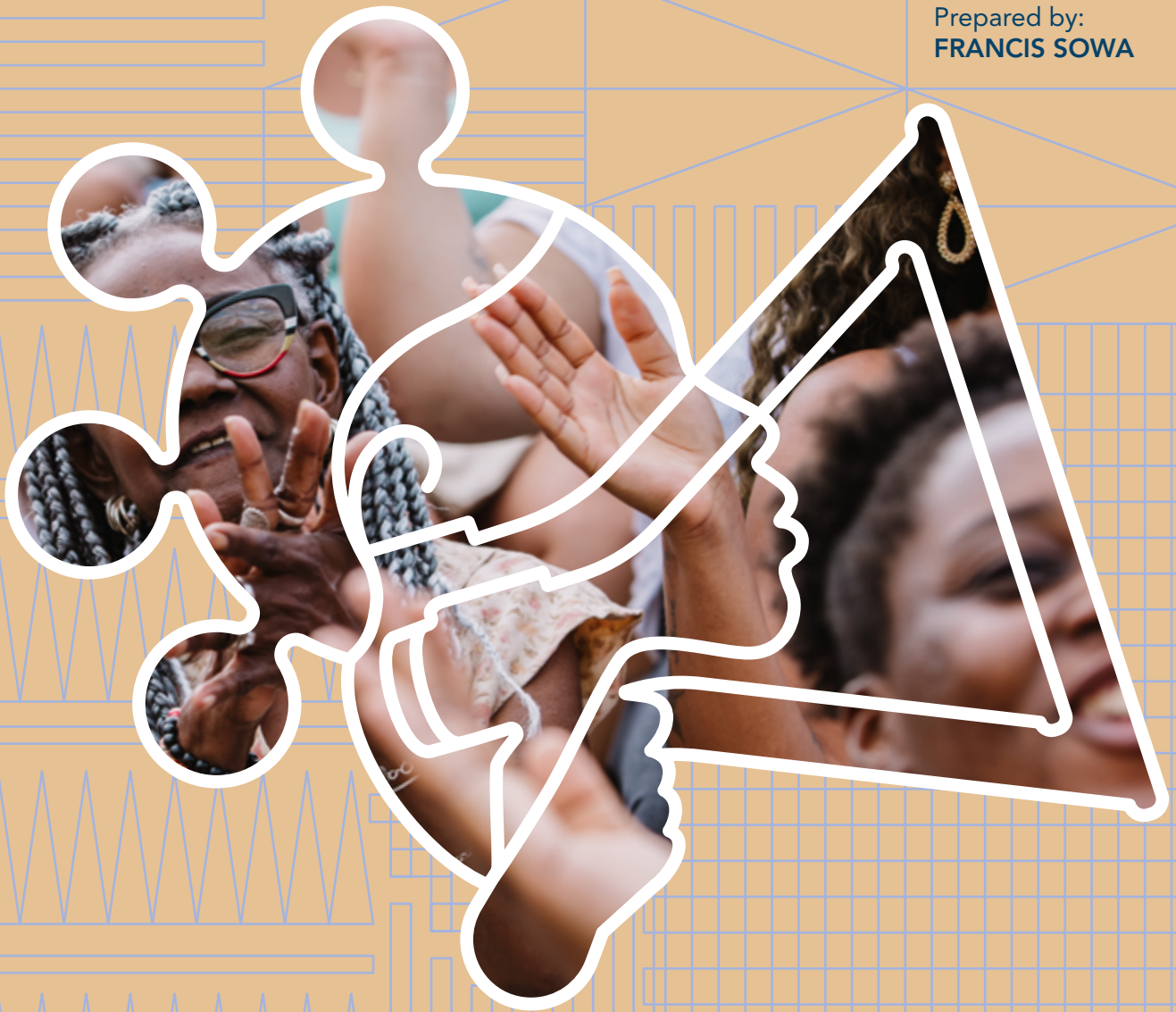


STRENGTHENING POLITICAL PARTY REGULATION IN MALAWI

Advancing Women and Youth Inclusion



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Executive Summary

CONTEXT AND OBJECTIVES

Inclusion of women and youth in development and governance processes and outcomes has become a topical issue in discourses about creating good societies through addressing inequalities. Given the primacy and centrality of politics in shaping governance and development outcomes, the attention on political inclusion of women and youth has come almost naturally and with a significance of urgency. This report, commissioned by KIC under the auspices of the Women and Youth in Democracy Engagement (WYDE) initiative, funded by the European Union and implemented by the European Network of Political Foundations (ENoP), provides an analysis of how the regulatory framework of political parties in Malawi propel or constrain more and better political inclusion of women and youth in politics and governance institutions and processes. This analytical focus is responsive to the overall objective of WYDE which is to strengthen or enhance the representation and leadership of women and youth, through regulatory reform, enhanced funding models, and institutional oversight. Besides concerns with political inclusion, the report also provides an exploratory narrative on Malawian perspectives on the prospect of creating a continent-wide association of state institutions responsible for the regulation of political parties in African countries.

This report addresses six analytical tasks on the question of political inclusion of women and youth in Malawi which were set out as follows:

- I.** Conduct analysis of political party regulation laws and policies in Malawi focusing on women and youth inclusion in politics;
- II.** Examine the mandates and roles of political party regulatory body in Malawi in relation to women and youth inclusion;
- III.** Identify existing or emerging frameworks that promote gender and youth inclusion particularly during election process and nominations;
- IV.** Assess gaps and barriers in law and practice affecting participation of women and youth.
- V.** Provide a mapping of inter-agency collaboration potential relevant to the formation of the Association of African political Party Regulatory agencies (AAPPRA).
- VI.** Propose evidence-based recommendations and a draft framework for regulatory reform.

ANALYTICAL AND METHODOLOGICAL APPROACH

The analysis presented in this report was aided by the use of an eclectic analytical framework that included Gender and Social Inclusion (GESI) spectrum, elements of institutionalism, and aspects of SWOT analysis. Data was collected through literature review and key informant interviews with stakeholders that included representatives of relevant public sector institutions, civil society organizations working on democratisation, women and youth empowerment, and representatives of political parties.

KEY FINDINGS ON POLITICAL INCLUSION OF WOMEN AND YOUTH

Status of women and youth inclusion in politics.

Youth aged 10-35 in Malawi actively participate in the electoral process as voters, mobilisers and supporters of candidates and political parties but remain underrepresented as candidates for political office. Youth participation in Malawi's elections and decision-making bodies is low due to high campaign costs, perceptions of politics as an elite business, and elder bias, resulting in only a small proportion of MPs aged 40 or younger. Women's participation as candidates in parliamentary and local government elections has been increasing over the years, but their numbers still lag significantly behind those of men both at the level of candidacy and at the level of the results of elections.

Within the structures of political parties, only rarely do women and youth hold positions outside the directorates of Women and youth respectively. Consequently, their numbers in the various decision-making structures of the parties are low, often below the critical mass. An interplay of regressive social norms, disadvantageous incentives in electoral systems and constrained access to resources account for the low numbers of women and youth in party structures and elected decision-making structures such as Parliament and Local Government Councils.

Legal framework on inclusion of women and youth in politics.

The Malawian Constitution, particularly Sections 13(a) on gender equality and 20 on non-discrimination, provides the foundational basis for promoting women's and youth inclusion in politics through positive or affirmative action measures. However, affirmative action measures in politics have so far been resisted largely because the dominant ideological position in the political system is liberal and prefers 'equality of opportunity' to 'equity in outcomes'. Nonetheless, outside the political sphere, the Malawi's Gender Equality Act mandates 40:60 gender quotas in public decision-making structures. This does not apply to political parties because they resisted it during the legislative process in the National assembly.

The electoral law is GESI blind or neutral. However, the Malawi Electoral Commission has repeatedly used sections 29 and 40 of the Presidential, Parliamentary and Local Government Elections Act to set lower nomination fees for women, youth, and candidates with disabilities as a positive action measure. This has helped a significant number of women and youth to participate in elections as candidates for office. However, the provision is not statutorily secured. It is based on goodwill discretion of the Electoral Commission and has the inherent risk of being stopped any time.



The constitutions of political parties establish portfolios of women and youth within the structures of the parties. This guarantees a minimum number of women and youth in the structures. However, many women and youth find it hard to compete successfully for positions outside the youth and women directorates. Furthermore, the provisions guarantee presence of women and youth but their actual influence on the content of decisions is observed by various stakeholders to be low, if at all. There is more empowerment and affirmative action to be done to make parties sufficiently inclusive of women and youth.

Mandates of the Registrar of political parties on Women and youth inclusion.

The Office of the Registrar, created in law in 2018, only became operational in 2024 ahead of the 2025 general elections. The analysis of the statutory law and conversations with the Registrar converge on the observation that the ORPP lacks direct GESI mandates with respect to political parties. At best the Registrar can point out GESI deficits but cannot sanction parties for being inadequately inclusive of women and youth or any other social and demographic group. Malawi's 2018 Political Parties Act promotes non-discrimination and gender equality as directory principles for political parties but lacks binding GESI requirements. Matters such as political inclusion are left in the purview of self-regulation by political parties.

Nonetheless, the PPA has provisions that are amenable to enhancement through which binding and directly enforceable measures for political inclusion could be had. For registration or inclusion, prioritizing party autonomy. Clear opportunities relate to the requirement of signatures for registration of political parties where specific minima could be set for women and youth as well in state funding of political parties where a variable amount could be based on the proportion of number of seats of the political parties held by women and youth in the National assembly and in Local Government Councils.

One provision of the Political Parties Act that helps the cause of inclusion of women and youth in politics and governance structures is about the prohibition of handouts in elections which make the quest for elected positions very costly. If successfully implemented it has the potential of diminishing the importance of money in politics as a metric of competition among candidates and preventing the degeneration of democracy into a kleptocratic system. While the effectiveness of the law is yet to be fully tested as its first application was with respect to the September 2025 general election, it is observed that the enforcement process is rather protracted and has several veto points beyond the Office of the Registrar of Political Parties that could frustrate the law based on political or other interests. This is a significant risk buoyed by past observations on how political interference or considerations are known to confound the prosecutorial authority on matters bordering on political corruption.

Emerging frameworks and practices for promoting women's and youth political inclusion.

The inclusion of women and youth in political party structures is mainly through the establishment of portfolios of women and youth headed by Directors. The portfolios are by definition members of all party structures from the National Executive structures down to the lowest units.

In candidate selection for national elections, political parties implement various means and ways in support of women and youth inclusion but they are all ad hoc measures. They include waiving primary elections in constituencies where the incumbent is a woman or a young person, fielding candidates for seats believed to be 'safe and winnable' for the party.

To increase participation of women in national elections, development partners and civil society organizations implement a range of positive action measures for women and youth to increase their chances of being elected. These are implemented under various banners including the 50:50 campaign which has been implemented for every general election since 2004, Youth Manifesto being implemented by the Youth Decide Campaign overseen by Youth and Society (YAS) and the Women's Movement Manifesto overseen by the NGO Gender Coordination Network. The Electoral Commission discounts nomination fees for young and female candidates which contributes to easing financial pressures for the candidates.

KEY RECOMMENDATIONS FOR INCLUSION OF WOMEN AND YOUTH

On the basis of the analysis, the following recommendations are made to improve the political inclusion of women and youth in politics and governance:

- I.** Introduce regulatable incentives for gender and social inclusion in the political parties especially requiring specified minimum number of signatures for registration from women and youth portfolios of the parties;
- II.** Incentivise political party support for women and youth candidatures in national elections by introducing a variable element in the formula for allocating state funding to political parties that are eligible where by more money should be given to parties with more seats held by women and young parliamentarians and councillors;
- III.** Widen the scope of application for the prohibition of handouts to cover electoral competitions for positions within political party structures during elective party conferences and primary elections;
- IV.** Introduce explicit quotas for youth and women in party structures: Review the PPA to introduce clear quotas that will oblige political parties to ensure that leadership structures of the parties are inclusive of women and youth at any time and in sufficient numbers.
- V.** Enhance the legal mandate of the ORPP to regulate political parties in favour of enhancing gender and social inclusion. In particular, strengthen the ORPP's mandate with clear powers to investigate and sanction non-compliance with gender and social inclusion requirements.
- VI.** Support advocacy efforts of civil society organizations for affirmative action in support of women and youth inclusion in elected bodies either through electoral system reform from the current First-Past-The-Post (FPTP) system to proportional representation based on a list system or through a legislated quota (reserved seats) for women and youth.

DESIRABILITY AND PRELIMINARY FEASIBILITY NEED FOR THE ASSOCIATION OF AFRICAN POLITICAL PARTY REGULATORY AGENCIES (AAPRA).

The assessment on the prospect for the creation of the association found that there is a healthy appetite for the envisaged association and is consistent with precedents for public sector institutions whereby specialised agencies such as the Anticorruption Bureau, the Ombudsman, the Malawi Human Rights A Commission, the Malawi Electoral Commission and others have paid up membership to regional and international associations that give a sense of a community of practice and are used to advance knowledge and skills. However, there are critical decision issues to be considered for an effective collaboration mechanism, including whether to establish a permanent or rotating secretariat, how to finance the collaboration through member subscriptions, donor funding, training programs, and publication sales, as well as how to structure leadership with regional representation, political party involvement, and clear tenure and succession plans to ensure stability and continuity.

KEY RECOMMENDATIONS ON SETTING UP THE AAPRA

In nudging forward, the idea of creating a continent-wide association of ORPPs, the following recommendations are made:

- I.** Decide on either a permanent or rotating secretariat, hosted within or separate from ORPPs, with clear staff participation guidelines.
- II.** Secure funding via institutional subscriptions from ORPPs, donor projects, paid training programs, and sales of knowledge products such as journals or research books.
- III.** Decide on associate membership or paid up observer status for organisations that work directly with or exclusively on political parties.
- IV.** Decide on country or regional representation in leadership structures of the association.
- V.** Decide whether political parties should be included in the leadership structure of the association;
- VI.** Decide on tenure/success frameworks for continuity



Abbreviations and Acronyms

AAPPRA:	Association of African Political Regulatory Agencies
ACB:	Anti-Corruption Bureau
CYECE:	Centre for Youth Empowerment and Civic Education
CSO:	Civil Society Organization
DPP:	Democratic Progressive Party
DPP:	Director of Public Prosecution
EU:	European Union
ENoPF:	European Network of Political Foundation
FIA:	Financial Intelligence Agency
FPTP:	First-Past-The-Post
GEA:	Gender Equality Act
GESI:	Gender and Social Inclusion
LAC:	Legal Affairs Committee
LGC:	Local Government Council
MCP:	Malawi Congress Party
MEC:	Malawi Electoral Commission
MLS:	Malawi Law Society
MP:	Member of Parliament
NA:	National Assembly
NYC:	National Youth Council
PPA:	Political Parties Act
PPLGE:	Presidential Parliamentary and Local Government Election
ORPP:	Office of Registrar of Political Parties
SADC:	Southern African Development Community
SWOT:	Strengths, Weaknesses, Opportunities and Threats
WMM:	Women Manifesto Movement
WYDE:	Women and Youth in Democratic Engagement
YDC:	Youth Decide Campaign
YAS:	Youth and Society

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Introduction:

The third wave of democratization¹ that hit the African continent in the early 1990s metamorphosed one party and military polities into a new political institutional framework that is popularly called ‘multiparty democracy’ whose essential element is the prevalence of many political parties competing for the control of the government. In Malawi the transition happened in 1993 through a referendum vote². Consequently, a new law on registration and regulation of political parties was enacted³. However, despite the name of the law implying ‘regulation’, the content was devoid of regulatory measures for political parties except spelling out minimum requirements for registration and deregistration of political parties. However, the law prevailed until 2018 when it was repealed and replaced by the Political Parties Act (PPA) which came into force on 1st December 2018⁴. Under the new regulatory framework and at the time of conducting the study that is the subject of this report, Malawi

had 23 registered political parties but only six had parliamentary representation.

Political parties are central to democratic politics and governance so much that it is now widely accepted that they have to be internally democratic if they have to be effective harbingers of democracy for the entire political system⁵. Among several variables that characterize a democratic political party is ‘Gender and Social Inclusion’ (GESI) which is understood to mean the deliberate and intentional inclusion of women, youth, people with disabilities and any other socially marginalized groups in the activities and decision-making structures of the political parties themselves and any other such structures in the polity which are dependent on the activities or the agency of political parties⁶. Empirical research has, over the last two decades or so converged on the fact that gender and social inclusion in politics can be achieved faster and make

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1. Huntington, Samuel (1991) *The Third Wave: Democratization in the Late Twentieth Century* (University of Oklahoma Press. 1991)
 2. Dzimbiri, Lewis (1993) *The Malawi referendum of June 1993*, Electoral Studies Volume 13, Issue 3, September 1994, Pages 229-234.; Ihonvbere, Julius O (1997) *From despotism to democracy: the rise of multiparty politics in Malawi*. Third World Quarterly, Vol 18, No 2, pp 225±247. <https://library.fes.de/libalt/journals/swetsfulltext/11220676.pdf>
 3. Political Parties (Registration and Regulation) Act https://media.malawilii.org/media/legislation/11900/source_file/a0a8e62b7b9dc69d/1993-15.pdf
 4. Political Parties Act, 2018 Act 1 of 2018 available at [file:///C:/Users/HP/Downloads/Political%20Parties%20Act%202018%20\(4\).pdf](file:///C:/Users/HP/Downloads/Political%20Parties%20Act%202018%20(4).pdf)
 5. Ishiyama, J. (2021, September 29). *Political Parties and Democratization*. Oxford Research Encyclopaedia of Politics. Retrieved 14 Dec. 2025, from <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1974>
 6. Randall, V. and Svasand, L. 2002, ‘Introduction: The Contribution of Parties to Democracy and Democratic Consolidation’, *Democratization*, Vol. 9, no. 3, pp.1 – 10; National Democratic Institute (NDI) (2013) *Political Parties and democracy in theoretical and Practical Perspectives*. Available <https://www.ndi.org/sites/default/files/FINAL-Policy-Development-PDF-2.pdf>
 6. National Women Commission (NWC) and United Nations Development Programme (UNDP) Nepal (Gender Equality and Social Inclusion in Local Level Election 2079. <https://www.undp.org/sites/g/files/zskgke326/files/2023-02/UNDP-NP-GESI-Report-Eng-final-web-version.pdf>; Bookie Monica Kethusegile-Juru (...) *Intra-Party Democracy And The Inclusion Of Women*. Journal Of African Elections, <https://www.eisa.org/wp-content/uploads/2023/05/2003-journal-of-african-elections-v2n1-intra-party-democracy-inclusion-women-eisa.pdf>; UN Women Sweden (2021) *Political Parties and Gender Equality: A Guide to Inside-Out Transformation*. <https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2021/7/UNDP%20UNW%20Political%20Parties%20and%20Gender%20Equality.pdf>; International Institute for Democracy and Electoral Assistance (2013) *Political Parties in Africa through a Gender Lens*. International IDEA, Stockholm. Available at <https://www.idea.int/sites/default/files/publications/political-parties-in-africa-through-a-gender-lens.pdf>

democracy more sustained through regulations governing political parties i.e. there must be regulatory obligations set for political parties in order to enhance the inclusion and participation of socially excluded groups such as women, youth and persons with disabilities⁷. It is against this background that the European Network of Political Foundations (ENoP) through the *Women and Youth in Democracy Engagement* (WYDE) initiative commissioned the research that is documented in this report. The ultimate goal of the ENoP is to promote inclusive democratic participation by strengthening the representation and leadership of women and youth in politics⁸. This report presents findings on the state of political inclusion of women and youth in politics in Malawi and proffers recommendations for improving the inclusion and participation of women and youth in politics and governance through political parties.

OBJECTIVES AND ANALYTICAL TASKS

The overall objective of the study was to carry out legal and institutional analysis of the regulation of political parties in Malawi with a strong focus on mechanisms that enhance the inclusion of women and youth in political parties and other governance structures that are dependent on political parties. This study report was intended to inform a comparative synthesis report of three countries, namely Malawi in Southern Africa, Kenya in East Africa and Sierra Leone in West Africa which are part of the WYDE initiative. It is hoped that the comparative report that will be based on country analyses will inform national political party regulators with recommendations to strengthen legal frameworks, funding models of political parties, institutional oversight on gender and youth inclusion in political parties and sharing of best practices for enhancing the meaningful participation of women and youth within political parties.

The specific analytical tasks of the study were as follows:

- Conduct analysis of political party regulation laws and policies in Malawi focusing on women and youth inclusion in politics;
- Examine the mandates and roles of political party regulatory body in Malawi in relation to women and youth inclusion;
- Identify existing or emerging frameworks that promote gender and youth inclusion particularly during election process and nominations;
- Assess gaps and barriers in law and practice affecting participation of women and youth.
- Provide a mapping of inter-agency collaboration potential relevant to the formation of the Association of African political Party Regulatory agencies (AAPPRA).
- Propose evidence-based recommendations and a draft framework for regulatory reform.

ANALYTICAL AND METHODOLOGICAL APPROACH

In view of the diversity of the analytical questions that had to be addressed, the assessment deployed several analytical frameworks including a Gender and social Inclusion (GESI) integration spectrum, institutionalism and elements of organizational analysis especially the Strengths, Weaknesses, opportunities and threats (SWOT) analysis that are briefly presented below:

GENDER AND SOCIAL INCLUSION

Rules and practices for inclusion of any social or demographic groups in politics and governance can be conceptualised along a 'gender and social integration continuum' that ranges from being discriminatory as the worst-case scenario to being transformative as the best-case scenario⁹. A GESI integration continuum is a spectrum that reflects how well a programme or system integrates gender and social inclusion. When applied to women and

7. Internal IDEA (...) Political Parties: Constitutional Roles, Recognition, Rights and Regulations. Constitution-Building Primer No. 25. Available: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5480768 ; Westminster Foundation for Democracy (2021) Minimum Standards on Inclusion of Persons with Disabilities in Political Parties. Kenya Inclusive Political Parties Programme. <https://www.wfd.org/sites/default/files/2022-01/Minimum%20standards%20on%20PWDs%20inclusion.pdf> ; International IDEA (2022) Enhancing Inclusive Political Participation and Representation In Africa. <https://www.idea.int/sites/default/files/publications/enhancing-inclusive-political-participation-and-representation-in-africa-en.pdf>

8. Under the ENoP consortium the Christian Democratic International Centre (KIC) is implementing the programme in East Africa.

9. Mathers Nicholas et al (2024) Applying the Gender Integration Continuum to Social Protection, UNICEF-Innocenti, Florence, Italy. Available at <https://www.unicef.org/innocenti/media/6086/file/UNICEF-Gender-Responsive-Age-Sensitive-Social-Protection-2020.pdf>

youth inclusion in political parties and governance, the spectrum of possibilities is as follows:



Figure 1: Gender and Social Inclusion Spectrum

GESI-Discriminatory rules and practices are those that actively exclude women and youth and ignore their specific needs. Can be intentional or unintentional.

GESI-Neutral/Blind rules and practices do not further harm but they uphold the unequal GESI status quo. The assumption underlying the rules and practices is that GESI does not matter in outcomes.

GESI-Sensitive rules and practices recognise differences and seek to do no harm. May conform to existing GESI norms to enhance outcomes but do not challenge structural inequalities.

GESI-responsive practices explicitly respond to the needs of both women and youth in the design and implementation of systems, structures and processes.

GESI-Transformative rules and practices actively tackle the root causes of GESI inequality and transform harmful gender and social norms. They aim to empower women and youth ensuring they can exercise agency and reach their full potential.

This analytical framework was used to gauge the extent of inclusion of women and youth in politics and governance focusing on statutes, political party instruments and observed practices.

SWOT AND GAP ANALYSIS

SWOT is an acronym that stands for Strengths, Weaknesses, Opportunities and Threats. The framework was used to carry out candid diagnostics of factors that shape or would shape the inclusion of women and youth in politics and governance structures and processes.

External	
Strengths	Weaknesses
Factors internal to political parties or the Office of the Registrar of political parties that enable them to effectively perform their functions in ways that promote women's and youth inclusion.	Factors internal to political parties and the Office of the Registrar of Political Parties that constrain effective inclusion of women and youth.
Internal	
Opportunities	Threats
Factors external to political parties or the Office of the Registrar of Political Parties that can be leveraged to attain women's and youth inclusion.	External factors available in the operating environment of political parties and the Office of the Registrar of Political parties that have the potential of constraining women's and youth inclusion.

Table 1. SWOT analytic framework

Opportunities and threats may be of different types. The most important are identified by PESTEL¹⁰ - an acronym that denotes political,

10. A good exposition of PESTEL is provided by Abbass F. Alkhafaji (2003), Strategic Management: formulation, implementation, and control in a dynamic environment, The Haworth Press, Oxford.

economic, sociocultural, technological, environmental and legal factors. The SWOT-PESTEL analytical framework was used to identify and assess strengths and opportunities in Malawi's political party ecosystem that can be used to enhance women's and youth inclusion in politics and governance and the weaknesses and threats that have to be addressed in one way or another to create a more receptive and responsive environment for the promotion of effective political inclusion of women and youth.

DATA COLLECTION METHODS

Data was collected through two methods. Firstly, literature review. The researcher sought and reviewed both published and grey literature on political party regulation and on political empowerment and inclusion in politics, governance and decision-making structures. The literature is referenced in the analysis and listed at the end of the report. Secondly, primary data was collected through key informant interviews with a range of stakeholders including representatives of political parties, civil society organizations working on women and youth political empowerment and public sector stakeholders. Further insights were collected from proceedings of a post-election activity of the Centre for Human Rights and Rehabilitation (CHRR) that focused on Political Party Funding and the Regulatory regime¹¹. The list of people consulted is annexed to the report (Annex 1).

LIMITATIONS OF THE STUDY

The study was carried out in the context of the seventh general election in Malawi since the transition to multiparty democracy in 1993. It was not possible to convene focus group discussions with political party representatives as well as civil society organizations as they were busy with election related activities. Thus, primary data was collected through key informant interviews which were held in a flexible manner through in-person interactions or virtually using video conferencing platforms and telephone.



11. The Centre for Human Rights and Rehabilitation has been implementing a project on political party and campaign funding to address political corruption. The project is financed by the FCDO and implemented with the technical support of Adm smith International. The Project is Malawi Anticorruption Civil Society Support Program (MACCSS).

Setting the country context.

Gender and Social inclusion (GESI) are regarded as hallmarks of democratic development as their status at any time reflect how the structural vulnerability of exclusion is understood and mitigated. In the last 30 years or so, the concern for inclusion of women, youth and other socially marginalized groups in politics and governance has been topical in the sphere of African democratization agenda. The gist of the argument is that a truly representative democracy is one in which the configuration of players in the political system must reflect or look like a microcosm of its own society. In Malawi, since the transition to multiparty democracy in the early 1990s, the discourse for inclusive politics especially for women and youth has been carried out on the basis of guiding documents such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹, Beijing Declaration and Platform for Women², the SADC Protocol on Gender and Development³ and the Protocol to the African Charter of Human and Peoples' Rights (also called the Maputo Protocol)⁴. Many years

of advocacy have achieved at most recognition of the inadequate presence of women and youth in political structures and other decision-making structures. The numbers of women and youth, participating in political decision-making structures, however, have remained disproportionately low for various reasons that include structural and institutional factors that take significant time and extraordinary measures to improve.

The debate on promoting GESI in politics in Malawi has revolved on the notion of equality of opportunity that is enshrined in the republican constitution. In this regard, the debate has been a bifurcated one with propositions oscillating between 'positive action' measures that seek to empower the marginalized groups to be able to take advantage of the provenance of equality of opportunity and participate in politics on one hand, and 'affirmative action' that seeks to catapult members of the marginalized groups straight into the required positions with guaranteed

1. Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979 entry into force 3 September 1981, in accordance with article 27(1).

2. Beijing Declaration and Platform for Action adopted by The Fourth World Conference on Women, having met in Beijing from 4 to 15 September 1995 and endorsed by the 50th session of the United Nations.

3. Adopted by SADC States in 1997. Commits state parties to ensure the equal representation of women and men in political decision-making, to enshrine gender equity and equality in their constitutions, and to ensure these rights are not compromised by any provisions in laws or practices. The discourse has been driven by Articles 5 (affirmative action), 12 (Representation) and article 13 (Participation).

4. The Protocol to the African Charter on Human and People's Rights (ACHPR) on the Rights of Women in Africa was adopted in Maputo in July 2003. Article 9 on the Rights of Women of the Protocol to the African Charter of Human and Peoples' Rights (the so-called Maputo Protocol) establishes that women have a right to take part in the political process and decision-making on equal terms with men, and provides that states should take positive actions to promote participation of women in politics.

numerical results, and everything in between as possible options. In this context, there has been growing inclination that regulating the inclusion of marginalized groups in politics through legal instruments for regulating political parties would potentially, through the force of law, create the necessary incentives for political actors to subdue all other social and political factors that limit the meaningful participation in politics of women and other socially marginalized groups, especially women, youth and persons with disabilities.

The literature on democracy and democratization identifies political parties as one of two fundamental defining features of a democracy, the other being voters⁵. Political parties compete for power by presenting a political platform that presents the party's policy position, principles, and/or vision for the country, and voters support the political party that best aligns with their own political interests. Elections ensure that political parties work to represent the citizens' interests and those parties are held accountable by voters. Democrats and theorists of democracy hold political parties as a major component of a democracy. The overall view is that a strong and sustainable democracy is dependent on well-functioning political parties. Political parties articulate and aggregate diverse interests, recruit and present candidates, and develop competing policy proposals that provide people with choices. Political parties are therefore the vehicles through which the inclusion of women and youth in politics can be enhanced.

It is therefore of cardinal importance that political inclusion should target women and youth and has at least the following benefits: strengthening internal party democracy by ensuring accountability, responsiveness and inclusion; development of party programmes and policies that are sensitive and responsive to gender and social inclusion aspirations of democratic politics; in some jurisdictions, political inclusion of women and other marginalised groups presents a pathway to additional public funding of political parties while strengthening collaboration with civil society organizations, expanding support

base and improving the image of parties.

Since the transition to multiparty democracy, Malawi has been growing a participatory culture which has put a spotlight on the participation of citizens in general and particularly specific social and demographic groups in politics and governance processes. This has been a significant preoccupation of governance programmes and civic education, unequivocally aimed at transitioning the Malawian society from a dominant 'subject' culture developed during a thirty-year period of a one-party state to a 'participant' civic culture heralded by the institutional and ideational framework of multiparty democracy.

Since the transition to democratic governance, citizens' participation in the governance process has improved. Several studies have shown over the years that that citizens' political participation is highest in electoral processes followed by general civic engagement. However, it is lowest in internal political party processes followed by participation in legislative or parliamentary processes⁶. As observed by Kanyongolo and Malunga (2018) democratic governance requires that the interests of all population groups are represented, including women because a male-dominated political system is not a reflection of democratic principles of inclusion and meaningful participation.

STATE OF WOMEN INCLUSION IN POLITICS

Women's inclusion and participation in elections as candidates for parliamentary seats and local government councils have been rising but they have remained significantly lower than that of men as shown in the tables below. The numbers of elected women have varied significantly presenting gains and reversals.

The number of female candidates in both parliamentary and local government elections has been increasing over the years and so too the number elected but in proportional terms they remain significantly far below the numbers of men,

5. Doorenspleet, Renske et al (2014) Party Systems and Democracy in Africa. Palgrave Macmillan. Political Parties in Africa through a Gender Lens. IDEA. Available at : <https://www.idea.int/sites/default/files/publications/political-parties-in-africa-through-a-gender-lens.pdf>

6. Chingaipe Henry and Tinyade Kachika, Assessment of Democratic Governance in Malawi Political Participation, Civic Education and Democratic Accountability. UNDP Malawi;

ELECTION YEAR	No. of Women Candidates	Total No. of Candidates	% of Female Candidates	No. of Elected Women	Total No. of MPs	% of Elected Women MPs
1994	46	587	7.8	10	177	5.6
1999	62	668	9.3	18	193	9.3
2004	154	1098	14.0	27	193	14
2009	237	1175	20.2	42	193	22
2014	257	1292	19.89	31	193	16
2019	295	1329	22.2	44	193	22.8
2025	326	1488	21.9	48	224	21.4

Table 2. Women participation in parliamentary elections and in the National Assembly
Source: Government Gazette and Malawi Electoral Commission (Various reports)

ELECTION YEAR	No. of Women Candidates	Total No. of Candidates	% of Female Candidates	No. of Elected Women	Total No. of MPs	% of Elected Women MPs
2000	169	1860	9.13	73	860	8.49
2014	421	2411	17	56	457	12.25
2019	645	2709	23.8	56	509	11
2025	523	1032	50.7	66	509	13

Table 3. Women participation in Local Government elections and Local Councils
Source: Government Gazette and Malawi Electoral Commission (Various reports)

in fact below the critical mass threshold of 30 per cent⁷. The Law Commission Report (2017) on Electoral Reforms recommended a legislated quota for women in Parliament whereby each district would elect one woman in a ‘women candidates only’ ballot but there was no uptake by Parliament.

Over the years, different mechanisms have evolved for promoting the participation of women in politics especially in the electoral process. The key ones have been the following:

- The gender parity campaign program, commonly known as the 50:50 campaign has been implemented in every general election since 2004. Under this initiative, female candidates for national elections have been supported with campaign materials, training on public speaking and the electoral process⁸;

- Setting nomination fees for female candidates lower than for male candidates by the Malawi Electoral Commission;
- Political parties foregoing primary elections in constituencies where the incumbent parliamentarian is a woman of their party;
- Political parties paying nomination fees for female candidates.
- Fielding female candidates in constituencies of ‘safe seats’ for the party.

STATE OF YOUTH INCLUSION IN POLITICS

An age-based definition used by the Malawi Government describe youth as a person in the age range 10 to 35 years⁹. However, for practical purposes in politics such as being a candidate in

7. The concept originated in research on women’s political representation. It posits that women in a decision-making structure need to make up roughly 30% of the membership to move beyond mere “token” representation and form an influential bloc capable of shaping policy and altering the political culture. In essence, the 30% threshold serves as a guiding principle in these fields, indicating a potential tipping point where a minority group gains sufficient presence and influence to fundamentally alter group dynamics and outcomes.

8. See Chingaipe, Henry and Francis Matita (2015) Report on the Evaluation of the Gender Parity (50:50) Programme for the 2014 Tripartite Elections. Prepared for NGO Gender Coordination Network.

9. Government of Malawi: National Youth Policy.

an election or holding a position in the party the minimum age is twenty-one.

Youth participation in Malawian politics is high in activities like voting and attending rallies, with young people making up a significant portion of registered voters, but they are underrepresented as candidates and face barriers to leadership positions in political parties as well as in political decision-making structures. Challenges include age-based restrictions, high nomination fees, and a general prioritization of older perspectives. However, civil society organizations (Youth and Society; Centre for Youth Empowerment and Civic Education) and state entities such as the National Youth Council (NYC) implement initiatives to improve civic education and candidate support.

The participation of youth in elections and consequently in elected decision-making structures such as the National Assembly and Local Government Councils is low. "There is a general perception that politics is a preserve for old people because the policies are not youth-friendly. Additionally, in Malawi politics is seen as a business for the elite and rich people...who are able to buy political support and legitimacy using their money. This give-and-take approach does not motivate the youth to join in since they have no money to mobilise support. It restricts meaningful youth participation in politics."¹⁰ The view that Malawian democracy is drifting towards kleptocracy is shared by many people and is reflected in studies on costs of politics which show that it is increasingly demanding expenditure of significant amounts of resources to win both a party nomination and the actual election. For instance, 'the average parliamentary candidate in the 2019 election spent a total of 14.8 million MKW (\$20,200) seeking election (in primaries and general elections combined). This number includes all candidates, even those with little or no chance of being elected. Looking only at candidates that won more than 20% of the vote, the average expenditure was 27 million MKW (\$36,700)¹¹. 62% of candidates spent more than they had expected

in the campaign. Male candidates spent 14% more than female candidates. Candidates running for the governing party then (the Democratic Progressive Party -DPP) spent 48% more than candidates running for UTM (which was a splinter party from the DPP) and 61% more than candidates running for the main opposition party, the MCP¹². The data reinforces the view that the exclusion of women and youth in politics is partly due to the structural problem of access to resources necessary to facilitate their election into party positions, win party nomination and succeed in the elections. As observed by an activist on youth political empowerment and inclusion, "Young people are not supported enough to advance their agenda in politics and their voice is neither heard nor amplified"¹³. For the 2019-2025 National Assembly, only 28.8 % of members of Parliament were aged 40 or younger at the beginning of their parliamentary term.

Age at election in 2019	Overall	Male	Female
Percentage of MPs 30 years or younger	2.7%	2.2%	0.5%
Percentage of MPs 40 years or younger	28.8%	22%	6.5%
Percentage of MPs 45 years or younger	52.2%	41%	11.4%

Table 4. Youth Parliamentarians 2019-2025¹⁴

Over the years, the participation of youth in electoral politics has been promoted mainly through training on different aspects of the electoral process such as campaigning and public speaking.

10. Interview, Lucky Mbewe, Executive Director Centre for Youth Empowerment and Civic Education

11. The average candidate spent 5.2 million MKW in primaries (\$7,100) (if they had to compete) and 11.7 million MKW (\$15,900) in the general election.

12. Wahman, Michael (November 2019) The Cost of Politics in Malawi. Westminster Foundation for Democracy. Available at: <https://www.wfd.org/what-we-do/resources/cost-politics-malawi>

13. Interview, Christie Banda, Executive Director, Foundation for Civic Education and Social Empowerment (FCESE).

14. Interparliamentary Union (IPU): <https://data.ipu.org/parliament/MW/MW-LC01/>

POLITICAL PARTY CONSTITUTIONAL COMMITMENTS TO WOMEN AND YOUTH INCLUSION

Although the representation of women and youth in elected decision-making bodies is low, political parties have, in the last 10 to 15 years adopted progressive provisions in their party constitutions that are sufficiently indicative of their intentions to make political parties inclusive of youth and women. The table below presents excerpts from the constitutions of the various parties in terms of the principles for political inclusion of women and youth.

Party	Women Inclusion	Youth Inclusion
MCP¹⁵	<ul style="list-style-type: none"> — The party shall ensure that women have the same opportunities as men (Article 3). — There shall be established women' wing of the party at all levels, which the wing shall be referred to as the League of Malawi Women. (Article 60) — The party shall promote the interests of women and ensure their effective contribution and participation in the party and in the development of the country. (Article 60) — The following officers and members shall be elected in each Local, Brach, Area, Ward and Constituency, District and Regional Committee of the party; the Director of Women Affairs, first and second deputy Directors of women affairs. (Article 24) — The National Executive Committee of the party shall consist of the following members including the Director of Women Affairs, first and second deputy Directors of women affairs. Article 31 	<ul style="list-style-type: none"> — The party shall ensure that youth have the same opportunities (Article 3). — There shall be established women' wing of the party at all levels, which the wing shall be referred to as the League of Malawi Women. (Article 60) — The party shall promote the interests of women and ensure their effective contribution and participation in the party and in the development of the country. (Article 60) — The following officers and members shall be elected in each Local, Brach, Area, Ward and Constituency, District and Regional Committee of the party; the Director of Women Affairs, first and second deputy Directors of women affairs. (Article 24) — The National Executive Committee of the party shall consist of the following members including the Director of Youth, first and second deputy Directors of Youth. (Article 31)
DPP¹⁶	<ul style="list-style-type: none"> — Encouraging all people in Malawi to participate in the political, social and economic development of Malawi. Special attention will be given to the role of women. Article 5, (i). — The National Political Conference shall consist of the Women' Committee. Article 8 (ii). — Membership of the National Governing Council shall consist of the National Director of Women and First Deputy Director of Women, (Article 10.) 	<ul style="list-style-type: none"> — Encouraging all people in Malawi to participate in the political, social and economic development of Malawi. Special attention will be given to the role of the youth. Article 5, (i). — The National Political Conference shall consist of the Youth' Committee. Article 8 (iii). — Membership of the National Governing Council shall consist of the National Director of Youth and First Deputy Director of Youth, (Article 10.)
UTM	<ul style="list-style-type: none"> — There shall be the National Women's Wing of UTM which shall mobilize the support of women in Malawi towards UTM; promote and defend the rights of women under the constitution of the Republic of Malawi and Laws of Malawi; provide leadership and support to other women's organs of UTM. (Article 11). — There shall be the various organs of UTM including the National Women's Wing. Article 6 (5) — Subject to the constitution, the National Executive Committee shall be the highest organ of UTM between National Delegates Conferences, where elections are held, and has the authority to lead the party. It shall comprise of various members including National Director of Women, and Deputy National Director of Women. (Article 8) 	<ul style="list-style-type: none"> — There shall be a National Youth wing which shall mobilize the support of the youth in Malawi towards UTM; campaign for the equal participation and empowerment of the youth in all spheres of life in Malawi; and provide leadership and support to other youth organs of UTM. (Article 12) — There shall be the various organs of UTM including the National Youth Wing. Article 6 (6) — Subject to the constitution, the National Executive Committee shall be the highest organ of UTM between National Delegates Conferences, where elections are held, and has the authority to lead the party. It shall comprise of various members including National Director of Youth and Deputy National Director of Youth. (Article 8) There shall be the various organs of UTM including the National Youth Wing. Article 6 (6)

15. Constitution of the Malawi Congress Party (MCP)

16. Constitution of the Democratic progressive Party

Party	Women Inclusion	Youth Inclusion
PP¹⁷	<p>— The PP will strive to attain full representation of women in all decision-making structures to ensure effective participation by women. (Article 6, xvii)</p> <p>— There shall be established the National Women Desk Directorate to be headed by the National Director of Women whose duties shall include: To coordinate the activities of women in the PP; To assist and look after the affairs of women in the PP; to promote the integration of women in the political, social and economic development; to deal with such matters affecting women as may rise from time to time; to mobilize women in order to strengthen the PP; (Article 16, I (a))</p> <p>— In the absence of the National Director of Women for whatever reason or for incapacity the duties of the National Women Director shall be performed by the Deputy National Director of Women. (Article 16, J)</p> <p>— The PP's Women Wing is open to women who are members of the PP and has the same basic structure, namely, national, provincial, district and constituency. Its focus objectives are to defend and advance the rights of women, both inside and outside the PP, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the party and in national life. (Article 16, I (b))</p>	<p>— There shall be established the National Young Patriots Desk/ Directorate to be headed by the National Director of Young Patriots whose duties shall include: to coordinate the activities of the Young Patriots, the Orange Partners and the Orange Intellectuals of the PP; To assist and look after the affairs of the Young Patriots, the Orange Partners and the Orange Intellectuals; Promote the integration of the Young Patriots, Orange Partners and Orange Intellectuals in political, social and economic development of the PP; Deal with such matters affecting the Young Patriots, Orange Partners and Orange Intellectuals as may arise from time to time. Article 6 (K)</p> <p>— In the absence of the National Director of Youth for whatever reason or incapacity, the duties of the National Director of Youth shall be performed by the Deputy National Director of Youth or in the absence or incapacity of both the Second Deputy National Director of Youth. (Article 16, I)</p> <p>— The PP Youth Wing is open to all persons between the ages of 12 years and 35 years. It will operate on a National, Provincial, District, Constituency, Ward and Area basis. Its focus objectives are to unite and lead young men and women in confronting and dealing with the problems that face the Young Patriots, Orange Partners and Orange Intellectuals, and in ensuring that the Young Patriots, Orange Partners and Orange Intellectuals make full and rich contribution to the work of the PP and the life of the nation. (Article 16, Ib)</p>
AFORD¹⁸	<p>— Except for the National Executive Council, the composition of each of the Executive Committee shall have various members including two Representatives of Women Affairs. Chapter 3, 5 (2k).</p> <p>— There shall be a National Executive Committee for the Party consisting of; The Secretary for Women's Affairs; The first Deputy Secretary for Women's Affairs; and the second Deputy Secretary for Women Affairs, among others. Chapter 3, 5.1.6 (32, 33, 34)</p> <p>— There shall be a Desk for Women's Affairs which shall pay special attention to matters affecting women in the country and ensure that all forms of discrimination against women are identified and eliminated; the Desk shall work in close collaboration with the National Executive Council to ensure that women are adequately represented in the Party hierarchy and effectively participate in the activities of the Party. Chapter 3, 5.2.1</p>	<p>— Except for the National Executive Council, the composition of each of the Executive Committee shall have various members including two Representatives of Young Democrats. Chapter 3, 5 (2j).</p> <p>— There shall be a National Executive Committee for the Party consisting of; The Director for Youth; the First Deputy Director for Youth; and the Second Deputy Director for Youth. Chapter 3, 5.1.6 (35, 36, 37)</p> <p>— There shall be a Young Democrats Desk of persons below the age of 35 and which shall strive to involve the Nation's Young People in the political life of the country and to instil in them democratic values and respect for fundamental human rights. Chapter 3, 5.2.2</p>
UDF¹⁹	<p>— The party aims at supporting and advancing the full integration of women in political, social and economic development. Article 5 (p)</p> <p>— The party shall establish organization to be called UDF Women Wing, with the aim of aiding, supporting and facilitating the realization of the objectives of the party through mobilizing and appropriately sensitizing women in Malawi. Article 9.2 (a)</p> <p>— There shall be a Desk for Women's Affairs which shall pay special attention to matters affecting women in the country and ensure that all forms of discrimination against women are identified and eliminated;</p> <p>— The Desk shall work in close collaboration with the National Executive Council to ensure that women are adequately represented in the Party hierarchy and effectively participate in the activities of the Party. Chapter 3, 5.2.1</p>	<p>— The party aims at supporting and advancing the full integration of the youth in political, social and economic development. Article 5 (p)</p> <p>— The party shall establish organization to be called UDF Youth Wing, with the aim of aiding, supporting and facilitating the realization of the objectives of the party through mobilizing and appropriately sensitizing Youth in Malawi. Article 9.2 (a)</p> <p>— There shall be a Young Democrats Desk of persons below the age of 35 and which shall strive to involve the Nation's Young People in the political life of the country and to instil in them democratic values and respect for fundamental human rights. Chapter 3, 5.2.2</p>

Table 5. Provisions in Political Parties' Constitutions on Women and Youth Inclusion

2025 ELECTION MANIFESTO PLEDGES FOR GENDER AND SOCIAL INCLUSION

Generally, the provisions across the parties are women- and youth -sensitive at the minimum. It is particularly conspicuous that all the parties have specific portfolios in their structures dedicated to women and youth presence and leadership roles. These cascade from national level party structures to lowest party units at community level. These arrangements guarantee the presence of women and youth in the decision-making structures of the parties at the various levels. However, other than positions in the women's and youth directorates, political parties do not have affirmative action measures to support women and youth inclusion in roles outside their respective directorates.

Similarly, none of the party constitutions has affirmative action provisions for women and youth in terms of candidate selection or nominations for national elections. According to one informant, "all things being equal, political parties will ordinarily give a nomination certificate to a candidate that has the highest chance to win the seat for the party – and it may not be a woman or a young person"²⁰.

Also, the politics of securing a party nomination may militate against young aspirants as well as female aspirants. Primary elections are often mismanaged especially in 'party strongholds' where winning a party nomination increases significantly the chances of the aspirant. However, this aspect seems to be waning now as disgruntled aspirants compete as independents and more and more party-affiliated 'independents' are winning seats. Besides provisions in party constitutions, political parties made specific pledges for women and youth inclusion in the context of the 2025 general elections through their party manifestoes as excerpted in the subsequent section.

Gender and social inclusion, in particular the inclusion of women and youth in politics and governance remain important issues on the agenda of political parties in Malawi. This is clearly reflected in their various election manifesto pledges for the September 2025 general elections as presented in the "Table 5" (next page).

As the pledges show, political parties oscillate between affirmative and positive action measures in ways that also show their ideological slants on the question of inclusion. They also vary in the level or degree of specificity or generality indicating the extent of intention and clarity or lack thereof of what exactly they seek to pursue. Overall, the pledges demonstrate that women and youth inclusion in politics is an agenda that political parties identify with but obviously need leverage to push forward from intentions to actualization of the pledges. In particular they need a process through which a reforms agenda can be mooted and agreed upon.



17. Constitution of the People's Party

18. Constitution of the Alliance for Democracy

19. Constitution of the United Democratic Front

20. Interview, Boniface Chibwana, Executive Director, Centre for Multiparty Democracy.

Party	Women Inclusion	Youth Inclusion
DPP ²¹	<ul style="list-style-type: none"> — Increase the participation of women in politics, cabinet positions and decision-making ranks in alignment with the 50-50 campaign and international agreements on gender equality; — Harmonize and enforce gender-related laws including the establishment of the women economic empowerment fund to accelerate the implementation of the 40:60 quota representation as provided in the Gender Equality Act of 2013. The party shall ensure that youth have the same opportunities (Article 3). 	<ul style="list-style-type: none"> — Amend the Local Government Act to mandate at least two youth representatives (one male and female), in every District and Ward Development Committee; — Introduce mechanisms for youth participation in local government budgets; — Establish youth advisory councils at district levels to provide input on local development plans; — Transform the National Youth Council into a Youth Commission with a clear mandate for youth development.
MCP ²²	<ul style="list-style-type: none"> — Support women’ participation in politics through leadership training and mentorship programmes; — Promote inclusive leadership by encouraging political parties and other institutions to adopt gender-sensitive practices and policies; — Ensure that leaders are held accountable for promoting gender equality and inclusion in their teams; — Invest in women leadership development providing them with skills for lobbying and advocacy to empower them to effectively advocate for gender equality and inclusion. 	<ul style="list-style-type: none"> — Support youth’ participation in politics through leadership training and mentorship programmes; — Invest in youth leadership development providing them with skills for lobbying and advocacy to empower them to effectively advocate for gender equality and inclusion.
PP ²³	<ul style="list-style-type: none"> — Establish an institutional framework that will support women to go to parliament, and while in parliament implement capacity building programs to support them perform and stay in the house; — Enact constitutional reforms to set a 40% quota representation of women in parliament and other key decision-making positions; — To domesticate fully international protocols relating to women and gender in development so as to enhance representation of women in decision making and improve their social-economic welfare. 	<ul style="list-style-type: none"> — Establish credible monitoring mechanisms in order to track whether or not interventions aimed at improving the welfare of the youth are producing the intended results and outcomes.
UTM ²⁴	<ul style="list-style-type: none"> — To fully implement the Gender Equality Act and increase penalties for abuse; — To train and fund women political candidates. 	<ul style="list-style-type: none"> — To ensure at least 30% youth representation in key boards (of parastatal/statutory corporations) and decision-making bodies; — To fund youth-led watchdog, civic, technology, and governance initiatives.
UDF ²⁵	To support and promote gender equality through governance reforms.	To support youth leadership through governance reforms.
AFORD ²⁶	Calls for political party regulation reforms that enhance women’ participation.	Calls political party regulation reforms that enhance youth’ participation.

Table 6. Political Party Manifesto Pledges for the 2025 general election on women and youth inclusion in politics and governance/Inclusion

21. Democratic Progressive Party (2025) Sustaining a People-Centred Government. 2025-2030 Manifesto. See sections 5.5.3 (Youth and Sports); 5.5.4. (Women Empowerment and Gender).

22. Malawi Congress Party (2025) Manifesto 2025-2030: Taking Our Development Forward. See section 7.9 (Gender Equality and Inclusive Leadership)

23. Peoples Party Manifesto 2025 -2030: Transforming Malawi Together: It is Possible (Nzotheka). See Chapter 5 (Women Empowerment); Chapter 6 (Youth Development and Vocational Training)

24. United Transformation Movement Manifesto 2025-2030: Action 3rd Revolution. See Chapter 10 (Good Governance and Justice Youth and Leadership; Youth Empowerment and Participation); Chapter 12 (Gender Equality and Women’s Empowerment)

25. United Democratic Front 2025 Manifesto. Innovate Malawi: A path to Prosperity;

26. Alliance for Democracy 2025 General Elections Manifesto: Laying the Foundation for an Inclusive Malawi for the next 30 years.

Examining and Analyzing the Existing Legal and Institutional Frameworks.

Understanding the legal and institutional foundations governing political parties is critical to assessing the broader environment in which inclusive politics can take root. This section therefore examines the constitutional, legislative, and policy provisions that define how political parties are formed, registered, and regulated. It also explores the mandate and set up of the Offices of the Registrar of Political Parties (ORPP), paying particular attention to the extent to which these frameworks integrate or focus on gender and youth inclusion. Furthermore, it investigates the relationship between party financing regulations and inclusiveness, and concludes with reflections on potential areas for legal and institutional reform to better advance inclusion objectives.

THE CONSTITUTION OF THE REPUBLIC OF MALAWI (1995)

The foundational principles for the inclusion of women and youth in politics and other spheres of life are laid down in the constitution of the Republic of Malawi under principles of national policy. In particular section 13 (a) is particularly explicit with respect to women through the pursuit of gender equality:

13. The State shall actively promote the welfare and development of the people of Malaŵi by progressively adopting and implementing policies and legislation aimed at achieving the following goals—

(a) Gender Equality

To obtain gender equality through—

(i) full participation of women in all spheres of Malawian society on the basis of **equal opportunities with men;**

(ii) the implementation of the principles of non-discrimination and such other measures as may be required; and

(iii) the implementation of policies to address social issues such as domestic violence, security of the person, lack of maternity benefits, economic exploitation and rights to property.

It has been observed that the language of this constitutional provision encourages the state and any other actors interested in the promotion of the rights and participation of women in politics through ‘positive action’ measures. According to Bollington and Karam (2005)¹, positive actions is a short hand that describes all measures or initiatives that seek to empower individuals in marginalised groups to effectively utilise opportunities for participation that are available to anyone. For some stakeholders, this provision has been understood to proscribe

1. Jullie Ballington and Azzam Karam (2005) Women in Parliament: Beyond Numbers. IDEA

'affirmative action's measures' i.e. measures that catapult members of the marginalised groups into the socially desirable positions or structures. For instance, the LAC of Parliament is reported to have rejected a proposal for reserved seats for women in Parliament in 2017 on the ground that the recommendation of the Law Commission was antithetical to the provision of 'equal opportunities'²

— **20.**— (1) Discrimination of persons in any form is prohibited and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition.

— (2) Legislation may be passed addressing inequalities in society and prohibiting discriminatory practices and the propagation of such practices and may render such practices criminally punishable by the courts.

It is argued, for example by the Youth Decide Campaign³ and Women's Manifesto Movement⁴ that this provision allows the implementation of measures to address resultant discrimination that is observable even after the application of the 'equal opportunities' principle. It is understood as a permissive foundational basis for the designing, adopting and implementation of 'affirmative action' measures in favour of the members of the marginalised group. Section 20(2) is understood to be the legal basis for the principle of 'equity in outcomes'⁵ which should be implemented in ways that do not trounce the principle of 'equality of opportunities.

THE GENDER EQUALITY ACT (GEA), 2013

The Gender Equality Act is a landmark statute that explicitly provides for affirmative action in the composition of decision-making structures. Under section 11, it provides for a variable quota,

sensitive to circumstances, that in recruiting persons into decision making structures or positions, authorities will ensure that each gender is included with a minimum threshold of 40% and a maximum threshold of 60% (i.e. the 40:60 recruitment quota). However, the law leaves out of its ambit political parties. While the original text of the bill had included political parties, parliamentarians resisted the provision because they saw it as a legal restriction that would unnecessarily affect political parties. They bargained with the Minister of Gender to remove all allusions to political parties in the Bill for it to receive affirmative votes. This was agreed and the official reason was that the issue of gender equality or equity would be addressed in the Political Parties' Bill – which was enacted five years later in 2018 but without the affirmative measure.

Nonetheless, the statute is extremely important for introducing the principle of affirmative action in favour of marginalized groups and attenuates resistance to affirmative measures based on an exclusionary understanding of 'opportunity of equality' as outlined under section 13 of the constitution. It provides the strongest legal basis for thinking out and prospecting affirmative measures for political inclusion of women and youth in political parties and other decision-making structures.

THE PRESIDENTIAL, PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS (PPLGE) ACT

Under sections 29 and 40, the Act empowers the Malawi Electoral Commission (MEC) to determine the amount of nomination fees to be paid by candidates for Presidential, Parliamentary and Local Government elections. The MEC has, over the years, used the provision to implement a GESI-responsive positive action measure by setting relatively low nomination fees for women, youth and candidates with disabilities. For instance, for the 2025 tripartite general elections, the set fees were as follows⁶.

2. Interview, Steve Duwa, former Chairperson of the Malawi Civil Society Taskforce on Electoral Reforms.

3. Interview, Charles Kajoloweka of Youth and Society

4. Interview. Mrs Maggie Kathewera, Women Legal Resources Centre

5. The notion that equality between groups should be made out on the basis of actual results achieved and not on a very liberal principle of the groups having been given equal environments to participate (see Andrew Heywood: Political Ideologies. 3rd Edition. Palgrave)

6. MEC (2025) Determination of Nomination Fees for 2025 General Elections

	Presidential election	Parliamentary election	Local Government election
Male candidates	MK10 million	MK2,500,000	MK200,000
Female candidates	MK10 million	MK1,250,000	MK100,000
Youth	MK10 million	MK1,250,000	MK100,000
Candidates with disability	MK10 million	MK1,250,000	MK100,000

Table 7. Nomination fees for Election candidates 2025

THE POLITICAL PARTIES ACT

The 2018 Political Parties Act is the main statutory instrument that regulates political parties and is complemented by regulations adopted in 2025. It addresses party formation, registration, internal democracy, and financing. The Registrar's powers include: Ensuring party constitutions and manifestos comply with the law (including the principle of non-discrimination); enforcing party financing regulations, including disclosure of private donations (Section 27) and auditing of accounts. The ORPP has clear statutory powers to suspend, or deregister parties for non-compliance with the Act and is mandated to monitor internal democracy and enforce penalties including revocation of registration or withholding state funding for eligible political parties⁷. However, the office is in its nascent or formative stage having been operationalised only in 2024.

The Political Parties Act outlines a few general principles for its application. For the immediate purposes of this report, Section 3 (1) of the Act provides as follows:

Except for the provision under section 3(1)(b), all the other principles speak directly to the question of inclusion of women and youth in politics. However, as principles their nature is directory i.e. providing guidance on good practice rather than being binding as strict requirements. The statute mandates transparency and internal democracy in political parties but leaves the issue of inclusion largely to voluntary party policies rather than statutory obligations⁸. In fact, under section 3(2) the law states in unequivocal terms that "in implementation and application of the principles stipulated in subsection (1), due regard shall be given to the need to accord a political party the right to regulate its own affairs and procedures, including the rights and duties of its members". It is therefore not surprising that the Act does not impose any GESI requirements for party registration. This is a weakness in so far as the promotion of women and youth inclusion is concerned especially because almost all political parties have, in their structures, portfolios for women (Women's League or Women's Wing) and youth (Youth League or Wing), complete with corresponding positions in the National Executive Committees or Governing Councils and in sub-national structures of the political parties.

3. General principles

(1) The following principles shall, at all times, be adhered to in the implementation and application of this Act—
 (a) respect, by political parties in conducting their affairs, of fundamental principles and rights enshrined in the Constitution; (b) freedom by all persons to form a political party and to cease to be a member of a political party, and no person shall be compelled to belong to a political party; (c) non-discrimination, in enjoyment of rights and privileges of membership of a political party to which a person is a member, on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, property, birth or other status or condition; and (d) gender equality which shall ensure that a political party comprise in so far as it is practicable with the principles of gender equality when appointing membership of party organs and committees.

7. Government of Malawi. Political Parties (Registration and Regulation) Act. (2018).

8. Madison, D. Gendered Institutions and Women's Political Representation in Africa. London: Zed Books. (2021).

MAPPING AND ANALYSIS OF PARTY REGISTRATION PROVISIONS

Part IV of the Political Parties Act makes provisions governing the registration and deregistration of political parties by the Registrar. Nothing in the law provides opportunities that could be leveraged by the Registrar to promote political inclusivity of women and youth in political parties. However, there are provisions amenable to small but significant amendments or modifications that could inspire political inclusion of women and youth as identified below together with stakeholder suggestions on modifications:

Description of statutory provision	Potential amendment to encourage inclusion
12 (1) A political party, consisting of not less than one hundred persons in each of the districts of Malawi who are eligible to vote, may apply in writing to the Registrar for registration of the party under this Act.	May be amended to require that: <ul style="list-style-type: none"> — 25 of the signatures shall be of women members; — the second 25 shall be of members aged between 18 and 35 years (youth); — The third 25 shall be of male members — The last 25 will comprise men, women and youth as the case may be.
12 (2) (b)(iii) An application for registration shall be signed by the office bearers of the political party and shall—be accompanied by—a list giving the names and postal addresses of the office bearers of the party;	May be amended by expanding or including in the text a GESI-compliant composition of the office bearers.
16. Deregistration of a political party	Amend by adding GESI-noncompliance in the composition of its decision-making structures at any time in the life of a registered political party.

Table 8. Provisions of the PPA amenable to amendment to promote inclusion of Women and Youth

ANALYSIS OF INTERNAL DEMOCRACY PROVISIONS

Intra-party democracy has been a subject of public concern in Malawi⁹. The Political Parties Act addresses this concern only marginally as the dominant view in the political system is that political parties are voluntary associations with their own internal rules or practices for self-regulation. Section 16 (1)(a)(ii) of the Act provides that “The Registrar shall deregister a political party, on his own motion or upon application by a member of the political party—(a) if he is satisfied that—(ii) the party has not held a convention for a period of at least five consecutive years from the date of its registration or the date the party held its last convention”. A convention is defined descriptively by the Act as “an assembly of delegates or representatives of a political party for purposes of nominating, appointing

or electing candidates for office and adopting party policies or rules, and includes a national conference aimed at achieving the same purpose”¹⁰. This provision is aimed at buttressing the point that a political party is a membership organisation and that it must run a transparent process for electing its office bearers. However, the Act leaves to the parties’ discretion any other aspects of intraparty democracy bordering on transparency and accountability in decision making and practices; social inclusion and participation of the general membership of the party, including women and youth.

Section 31 obliges the leadership of the party to make available to its members all financial records of the party at least once every year. However, it does not specify the mode through which the record shall be made available. This may be done electronically

9. <https://live.fundza.mobi/home/unfiltered/essays/does-intra-party-democracy-exist-in-malawis-political-parties-article-by-chikumbutso-gasper-willard/>; Pasungwi, Jonathani, Embrace intraparty democracy—PAC, <https://mwnation.com/embrace-intraparty-democracy-pac/>

10. Section 16(4) of the Political Parties Act, 2018.

and without requiring an in-person meeting such as an annual general meeting or conference. All political parties have not complied with this requirement since the Act was enacted in 2018 and the financial records of the party remain opaque to the general membership of the party. A key limiting factor is that “politicians and party supporters tend to support party activities directly...we do not deposit into the party account...”¹¹. The Registrar is yet to have in place a mechanism for ground-truthing compliance with this requirement. Overall, internal democracy is very minimally regulated under the law. Much is left to the political parties themselves under their party constitutions. However, political leaders easily ignore inconvenient provisions in the party constitutions and the Registrar does not have explicit legal power to intervene even though he may provide advice on request.

ANALYSIS OF FUNDING PROVISIONS VIS-À-VIS WOMEN AND YOUTH INCLUSION IN POLITICS

Laws on political party and campaign financing are known to contribute to the status of political inclusion and participation of women and youth. Political parties in Malawi receive state funding when they meet eligibility criteria, receive private donations from within or without the country, receive subscription or membership fees and can organize events aimed at mobilizing or raising money for party activities. Many political parties rely on private donations that are not transparent so the contribution of women and youth is not discernible. The role of women and youth in raising money for the party is far less pronounced although they take part in organizing fund-raising events such as Tambala Night for the Malawi Congress Party¹² and Blue Night for the Democratic Progressive party¹³.

Currently, funding of political parties by the state is regulated by section 21 of the PPA which provides that a political party which has secured more than one-tenth of the national vote in parliamentary elections shall be entitled to be provided with funds

by the State to ensure that, during the life of any Parliament, the party has sufficient funds to continue to represent its constituency. It further provides that the provision of funds to political parties by the State shall be made quarterly. This provision in the PPA repeats a constitutional provision under section 40(2) of the Constitution and has been in force since 1995. In its current formulation the provision is neutral to gender and social inclusion. It is intimated that the provision has potential to encourage political parties to support women and youth as candidates and their election to parliament if it provides for additional amount of funding to eligible political parties proportional to seats held by women and the youth [Interviews with Charles Kajoloweka (Youth and Society) and Emma Kaliya (Malawi Human Right Resource Centre)].

Section 41 of the PPA addresses a menacing issue about money in Malawian politics and potentially supports the political inclusion of women and youth by making politics less costly. It provides as follows:

3. General principles

- (1) A candidate or political party or body or any person contesting or intending to contest in an election under this Act, shall not at any time issue a handout.
- (2) A person shall not solicit or procure another person to issue handouts.
- (3) A person who contravenes this section commits an offence, and shall, upon conviction, be liable to a fine of K10,000,000 and to imprisonment for five years.
- (4) Notwithstanding any fine or imprisonment annexed to contravention of this section, the court may, upon convicting a person guilty of an offence under this section, make any other order which the court considers just and appropriate for the purpose of remedying the effect of the offence.
- (5) The Minister shall, in consultation with the Electoral Commission, political parties represented in the National Assembly and other relevant stakeholders in election matters, make regulations to govern the prohibition of handouts under this Act in addition to exemptions specified in the Schedule.

11. Party representatives on the Board of the Centre for Multiparty Democracy during an Induction session run by the author, October 2024.

12. Lucius Banda Repositions with MCP: Performs at Tambala Night Fundraiser. Nyasa Times, 13 September 2015. <https://www.nyasatimes.com/lucius-banda-repositions-with-mcp-performs-at-tambala-night-fundraiser/> ; ZBS Online: Tambala Night dinner and Dance: https://web.facebook.com/zbsnews/posts/zbsnewsmalawi-congress-party-forthcoming-tambala-night-dinner-and-dance-has-attr/5223596057686315/?rdc=1&_rdr#

13. DPP's Blue Night Fundraiser: A legacy of abuse, impunity, and court contempt, 17 November 2024: <https://shiretimes.com/dpps-blue-night-fundraiser-a-legacy-of-abuse-impunity-and-court-contempt/> ; DPP pays part of Blue Night funds, angers CSOs, The Nation, Nov 12, 2024: <https://mw-nation.com/dpp-pays-part-of-blue-night-funds-angers-csos/>

This provision is lauded by stakeholders especially advocates for women's and youth political empowerment whose constituency is generally resource constrained and struggles to raise enough resources to mount effective campaigns for nomination during primary elections in national elections. For handout dynamics within political parties in the context of politics of candidate selection, the practice has been entrenched quite consciously as reflected in the following excerpt from a 2017 study¹⁴:

In [the] past, we used to check the conduct of the aspirant and if he or she was really a genuine [party] member, his/her education and if the aspirant had money. Nowadays it is not about school or conduct; it is about money. A candidate that has money is the only one that is popularly known in all the areas. When the candidate wins the election, they forget about the area chairmen who made it possible for him/her to pass. In 1999, the area chairmen sat down and decided that when someone wants to stand as a member of parliament on the [party] ticket, the chairmen should eat their share in advance. So, if someone doesn't have money, we will vote for the other one who has money during the primaries, because we just want to eat our share. What happens afterwards is not our concern. What is important is that we have eaten our share.

Beyond party primary elections, the legislation proscribing handouts was supported by the Legal Affairs Committee (LAC) of Parliament at the time of processing the Political Parties Bill in Parliament in the following terms:

It goes without saying, Mr. Second Deputy Speaker, Sir, that the issue of hand-outs has literally poisoned the way we conduct our politics in this country. It is an open fact that hand-outs have the potential of determining the destiny of any politician in this country... Any politician who has the financial muscle or the capacity to give hand-outs is able to entice a considerable number of voters to vote for that candidate. The challenge with this ill practice, Mr. Second Deputy Speaker, Sir, is that those candidates who cannot afford to give out hand-outs are at a disadvantage regardless of the fact that they have better ideas and policies which would benefit this country¹⁵.

The effective enforcement of the prohibition of handouts has an inherent potential to reduce the cost of politics and therefore enable many women and youth to excel in their competitions for elected positions. However, the provision is limited in its effectiveness because of its apparent limited scope. According to the Registrar of Political Parties, the prohibition of handouts applies only to national elections because the PPA defines 'a candidate as a person nominated to contest in presidential, parliamentary and local government elections¹⁶. It leaves out intra-party elections such as those associated with elective party conventions and primary elections. However, the Malawi Law Society has taken the view that "the Registrar for Political Parties [must] take an "expansive and purposive" understanding of the Act as it relates to constitutional values of democracy ... otherwise that office and the law it administers will be of no use and will be bypassed by cunning politicians or it will end up protecting those that it is supposed to hold accountable on behalf of the people of Malawi"¹⁷.

While it can be argued that primary elections are antecedent to national elections and should therefore be covered by the prohibition, it is a matter of legal interpretation whether the

14. Chiweza, Asiyati Lorraine; Happy Kayuni And Ragnhild Louise Muriaas (2021) Understanding Handouts in Candidate Selection: Challenging Party Authority In Malawi. African Affairs, 120/481, 569–589

15. Chairperson LAC, Hansard, 21 November 2018, p.281.

16. Registrar of Political Parties quoted in MLS demands action on MCP handouts, The Nation, July 18, 2024. <https://mw-nation.com/mls-demands-action-on-mcp-handouts/>

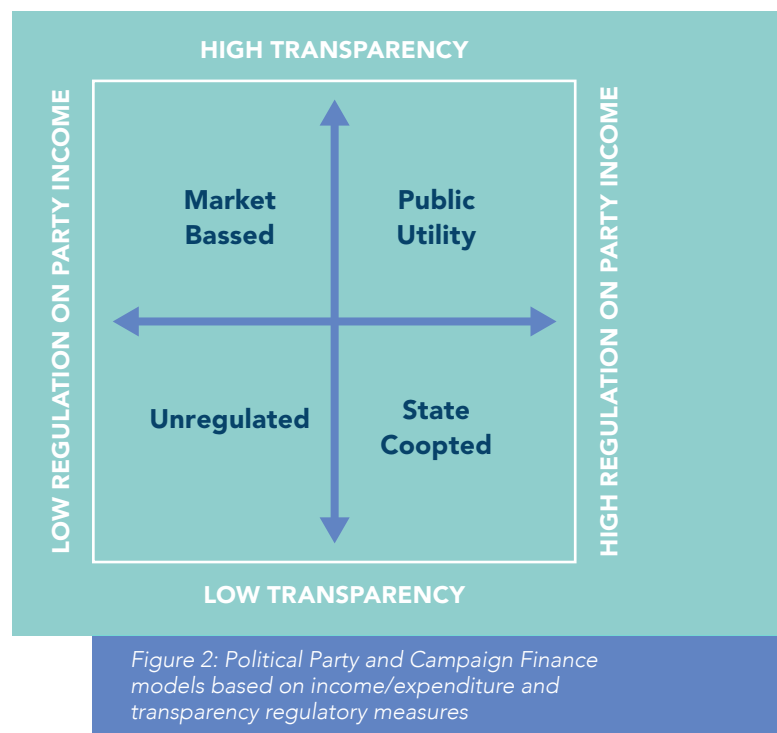
17. MLS demands action on MCP handouts, The Nation, July 18, 2024. <https://mw-nation.com/mls-demands-action-on-mcp-handouts/>; MCP backs ministers on cash handouts, The Nation, July 16, 2024: <https://mw-nation.com/mcp-backs-ministers-on-cash-handouts/>; Chithyola adamant on splashing money, The Nation, July 19, 2024: <https://mw-nation.com/chithyola-adamant-on-splashing-money/>

prohibition of handouts under section 41 of the PPA applies to elective conferences of political parties or not. As political parties held their elective conferences in 2024, party delegates benefited from cash handouts from politicians who vied for various positions. The competition in the party in government was most telling where Ministers competed for party positions on the basis of ability to spend on delegates to the party conferences¹⁸. The Minister of Finance then declared: “Whenever I find money, I will be spending it on party members. Whether people write about it or not, the money I make is for the party members as well.”¹⁹

Furthermore, the potential of the law prohibiting handouts is reduced by the provision in the schedule to the Act which exempts ‘campaign materials’ from the definition of handouts. Cunning politicians have simply packaged private goods such as sugar and maize flour in party colours to give them the appearance of campaign materials and escape the definition of a handout. This practice still disadvantages women and youth candidates for elected positions as older and male candidates are generally better resourced. During the 2025 general election, the Registrar received a total of 196 political complaints but seven were withdrawn by the complainants. 146 complaints were recorded during the pre-election period while 43 were lodged after the elections. 178 were handouts-related. 88 complaints had been closed as they did not constitute a violation under the Political Parties Act or had insufficient evidence. 96 await additional information while five are under investigation. 2 had been forwarded to the Director of Public Prosecutions for legal review and possible prosecution²⁰.

With respect to transparency and accountability, the PPA has provisions that effectively categorize Malawi’s regulatory regime as a ‘market-based model’. Before the enactment of the political Parties Act, it is a reasonable assertion that the regulatory regime for political party and campaign financing

was in the category of ‘unregulated model’ as there were no limitations whatsoever on income and expenditures as well as on disclosures for transparency. In the rather nascent ‘market-based model’, there is low regulation on the income and expenditure of money by parties and politicians for political activities but there are several requirements on disclosures for transparency. The figure below presents a simple scheme for political finance regulatory regimes²¹:



The Market based model is characterized by low regulation on party and candidate income mobilization and increasing transparency requirements. Political parties are viewed primarily as private associations with the legitimacy to manage their affairs internally. Consequently, regulations on party finances are relatively limited. There are fewer restrictions on the size and source of donations/contributions, if any. The state is less likely to constrain how political parties seek their

18. MCP backs ministers on cash handouts, The Nation, 16 July 2024: <https://mwnation.com/mcp-backs-ministers-on-cash-handouts/>
On MCP handouts, Chithyola claims being targeted, reveals Chimwendo is also giving out money, Nyasa Times, 18th July 2024: <https://www.nyasatimes.com/on-mcp-handouts-chithyola-claims-being-targeted-reveals-chimwendo-is-also-giving-out-money/>

19. Chithyola adamant on splashing money, The Nation, 19 July 2024: <https://mwnation.com/chithyola-adamant-on-splashing-money/>

20. Dr. Kizito Tenthani, Registrar of Political Parties, Press Briefing, 12 November 2025.

21. This model is adapted from Wiltse, David L, Raymond J La Raja and Dorie E. Appollonio (2019) Typologies of Party Finance Systems: A Comparative Study of How Countries Regulate Party Finance and Their Institutional Foundations. Election Law Journal: Rules, Politics, and Policy 18(3). Permalink <https://escholarship.org/uc/item/3qg8c394>

funding or spend their resources. The essential regulatory feature is disclosure of financial records on the assumption that transparency of the transactions will enable the electorate to hold politicians accountable for how they raise and spend money. Public funding is generally abhorred but, in some polities, public funding (subsidy) is provided while leaving parties with a wide latitude free of other limitations on party income. The market-based regime represents liberal values and relies on the enforcement agency and the electoral system to address all perceived improprieties of the political and campaign finance regime.

In Malawi, political parties and candidates for elections face only one limitation on raising money (income): A political party shall not be eligible to receive donations from state owned corporations²². On the flipside, the law allows parties and political actors to raise money from any other lawful source within the country or from outside the country. There are no donation bans or donation limits as is the case in other countries [Ohman, Magnus (2014) 'Getting the Political Finance System Right' in Elin Falguera, Samuel Jones and Magnus Ohman (eds.) Funding of Political Parties and Election Campaigns. A Handbook on Political Finance. IDEA. Stockholm.]. On expenditures, the law prohibits the giving out of handouts under section 41 of the PPA. It does not impose any regulatory measures such as spending bans or spending limits.

On the transparency dimension, the regulatory measures include the following:

— Declaration to the Registrar, within ninety days of its receipt, by the Secretary General of the Party the source of every donation, whether in cash or in kind and whether once or cumulatively, with a monetary value of at least K1,000,000 from an individual donor and of at least K2,000,000 from an organization.

— Personal liability for a Secretary General of a political party for failure to declare to the Registrar the source of any donation that requires disclosure;

— A secretary general of a political party who—(a) fails to comply with the requirement to declare

or gives false information in relation to donations received by a political party commits an offence and shall, upon conviction, be personally liable to a fine equal to the amount of the funds or the value of the assets not declared or in relation to which false information was given, and to imprisonment for two years.

— Separate bank accounts, preparation of books of accounts and auditing of political party accounts.

Seven years since the enactment of the PPA, the observation by the former Chairperson of the Legal Affairs Committee of Parliament during the parliamentary session that enacted the Act, sounds prophetic. Upon its enactment, Hon. Maxwell Thyolera, MP expressed optimism about the new law, but observed that it was “one thing to have a law, and another thing to abide by it.” (Hansard, 2018). Since becoming operational the office of the Registrar of Political Parties has lamented and jostled with political parties through correspondence and press briefings to cajole the political parties to comply.²³ While there is a process for public disclosure outlined in the PPA, the process still has stumbling blocks including non-compliance, non-responsiveness of political parties, inadequate or partial disclosure and untimely disclosures to the Registrar from whom the public can access the disclosures.

THE LEGAL FRAMEWORK ON POLITICAL INCLUSION OF WOMEN AND YOUTH

When mapped on the GESI spectrum, Malawi's legal framework on women and youth inclusion in politics covers the GESI sensitive and GESI-responsive space. The provisions of the constitution are at least gender sensitive (section 13(a)) recognises gender differences and seeks to do no harm. Section 20 is clearly GESI – responsive and creates a fertile environment for the designing and implementation of measures that may be GESI-transformative. The GEA is GESI-responsive and just like the constitution creates a permissive environment for structural transformative measures by various actors in their

22. Section 21 of the PPA

23. Chitsulo, Milimo, 'Parties defy law, keep funding sources under wraps' The Nation , 26 August 2025 <https://mwnation.com/parties-defy-law-keep-funding-sources-under-wraps/> ; Meki, Ntchindi, Parties 'dodge' funding sources disclosure: The Nation, 4 April 2025 <https://mwnation.com/parties-dodge-funding-sources-disclosure/> ; Mvona, Ralph, Parties given 13 days to account, 1st October 2025: <https://mwnation.com/parties-given-13-days-to-account/>

respective domains. The electoral laws are generally GESI- neutral/blind. The GESI application through nomination fees is a discretionary element by the MEC and has no guarantee for sustainability. However, on the GESI spectrum, the measure is gender-responsive as it directly addresses a significant constraint for women and youth for their participation in elections. The Political Parties Act does not have any provision related to the promotion of GESI in political parties but has huge potential which can be actualised through targeted progressive amendments.

Thus, Malawi's laws at the moment and institutional mandates emphasize democratic participation but do not explicitly incorporate binding quotas, affirmative action, or reserved seats to ensure inclusion of women and youth, except for positions in Women's and Youth directorates of political parties. The legal framework for the participation of women in politics is comprehensive at the level of principles of national policy and constitutional values but one that is not sufficiently supported by statutory and operational details for actualization²⁴. Although equality and non-discrimination are the basic principles for enhancing women's and youth participation in politics, these principles have been incorporated into the laws, policies and regulations only on the platform of 'equality of opportunities' and not yet on the basis of 'equity in outcomes' which is yet to gain sufficient traction among political actors and institutions that hold mandates to decide in favour of a progressive shift towards affirmative action measures.



24. Chikadza, Kondwani (2019) 'Women in Political Parties: The Politics of Participation' in Inge Amundsen and Happy Kayuni (eds.) Women in Politics in Malawi, Chr. Michelsen Institute (CMI), Bergen, Norway and Department of Political and Administrative Studies (PAS), Zomba, Malawi

Mechanisms, Practices and Regulatory Approaches Adopted by the ORPP that Promote Gender and Youth Inclusion.

Building on the preceding analysis of the legal and institutional frameworks governing aspects of political parties, this section focuses on the operational dimension of how the ORPP translates its mandates into practice.

WORKFLOW FOR HANDLING COMPLAINTS RELATED TO HANDOUTS

The Registrar of Political parties in Malawi does not have an explicit mandate that connects directly with gender and social inclusion concerns

in political parties. The one thing that comes closer to encouraging GESI in political parties is the prohibition of handouts as it has potential to level off the playing field for women and youth candidates. However, the framework for enforcing the provision is protracted and has the potential of rendering the law unenforceable.

For the 2025 general election, the Registrar received 178 complaints related to handouts (stage 1). 88 complaints had been closed as they did not constitute a violation under the Political Parties Act or had insufficient evidence (stage 2). 96 await

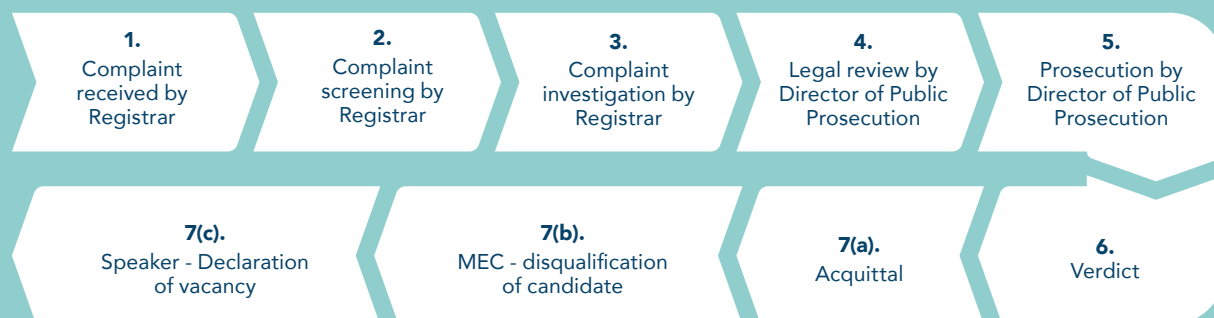


Figure 3: Process of handling a complaint related to handout

additional information (stages 2) while five are under investigation (stage3). Two have been forwarded to the Director of Public Prosecutions for legal review (stage 4) and possible prosecution (None at stage 5).

Stage 5 is a significant veto point in this process and one that should cause goose bumps to well-intentioned stakeholders who would like to see this law become effective. The main concern is that there is a widespread public perception that the Director of Public Prosecutions being a political appointee is vulnerable to political interference so much that a decision to prosecute or not may actually be driven by political logic and interests rather than facts, evidence and law. A similar process flow used to apply to the Anticorruption Bureau which was required to seek consent from the Director of Public Prosecution in order for corruption cases investigated by the Bureau to proceed to prosecution stage. It was amended in 2022 after twenty-four years of cumulative evidence of how the office frustrated progress of corruption cases involving the powerful or the politically connected. This remains a significant threat to the effectiveness of the law prohibiting handouts. Since the giving of a handout for purposes of election is a form of political corruption, it may be prudent that stages four and five are entrusted to the Anticorruption Bureau rather than the Director of Public Prosecution or the Registrar of Political Parties should develop a legal service within its organogram and should have autonomous prosecutorial mandate.

MUTUAL ENGAGEMENT AND CAPACITY BUILDING

To enforce compliance on disclosures of financial records, the Registrar has so far developed reporting templates and oriented political parties accordingly since the process is new to everyone. In order to get them to comply, the ORPP has relied on mutual engagement with political parties encouraging them to comply through in-person meetings and correspondence. While press briefings have mainly aimed at informing the general public about the state of affairs, they have also contributed to creating additional pressure for the political parties to be seen to comply in order to avoid being called out and being subjected to public ridicule.

INTERAGENCY COLLABORATIONS

The ORPP is cultivating collaborative mechanisms and interagency relationships with institutions such as the National Registration Bureau which is a custodian of the civil registry system and helps in verification of names of people registered as party office bearers or people supporting the application for registration of a political party. Similarly, with the Malawi Electoral Commission which is a custodian of the database of registered voters and helps in checking whether persons supporting the registration of a political party are registered as voters. As work deepens on regulating political party funding, collaborations with the Financial Intelligence Agency (FIA), Fiscal police and civil society organization will have to deepen.

Opportunities and Challenges for Inter-country Collaboration between Malawi's ORPP and those of Kenya and Sierra Leone, in Advancing Inclusive Political Party Governance.

This section explores opportunities and associated benefits of mutual collaboration between the ORPP of Malawi and other countries, in particular Kenya and Sierra Leone.

OPPORTUNITIES AND BENEFITS OF COLLABORATION

I. The offices of Registrars of political parties have similar mandates and pursue same objectives to ensure integrity of political parties. However, their regulatory regimes have significant differences and apply principles differently. This presents an opportunity for cross-learning that will inform marginal incremental reforms in the various ORPPs.

II. Inter-agency collaboration should help to enhance information-sharing especially through digital repository of documents which participating institutions may access easily for their own internal purposes.

III. Inter-agency collaboration should seek to enhance capacity development of staff in the ORPPs through exchange program (learning visits/ attachments) where staff learn on the job in a different country institution;

IV. Joint monitoring exercises and workshops to enhance knowledge and skills in the different roles of regulating political parties;

V. Sharing knowledge on institutional and organisation designs, regulatory models, frameworks and Implementation modalities/ mechanisms on how best to perform specific regulatory tasks effectively and efficiently. For example, how to handle disclosures, compliance audits etc. Collaboration will create a 'community of practice' with specialised knowledge and expertise.

VI. Production of Knowledge products and dissemination of the same on a regular basis. This could include a specialized comparative journal on political parties, magazines and commissioned joint research work

CHALLENGES AND ISSUES TO ADDRESS FOR A FRAMEWORK OF POTENTIAL COLLABORATION

In order to establish an effective collaboration mechanism, a number of issues or questions must be thought through and choices be made through a facilitated dialogue.

I. PERMANENT OR FLOATING SECRETARIAT?

A well-functioning association will need to have a secretariat. The question is whether there should be a permanent secretariat established and hosted by a member country or the secretariat should rotate among the ORPP. A permanent secretariat brings stability but may have implications on the obligations of the host country. It may have to be decided also on whether such a permanent secretary should be within the ORPP or should be a separate standalone entity; and how staff or persons from the participating ORPPs or countries can participate in the secretariat.

II. FUNDING THE COLLABORATION:

How should the collaboration be financed? Resources could be mobilised through the following ways and means:

a) Institutional membership subscription where ORPP contribute to the association's budget through annual subscription fees that may be remitted to the secretariat annually;

b) Associate organizational membership fees paid by interested institutions that work with or for political parties such as Malawi's Centre for multiparty Democracy (CMD) which is a cross-party platform for dialogue.

c) Project funding from donors and development partners interested in the cause of the association or any aspect of political parties;

d) Paid short term programmes of training

e) Sales of knowledge products produced or published by the association e.g. a journal on political parties; books from commissioned research and many others.

III. LEADERSHIP COMPOSITION OF THE ASSOCIATION

a) The configuration of the leadership structure of the association in terms of ensuring that countries or sub-regions are represented;

b) Whether or not political parties should be represented in the structure and if so, how?

Tenure and succession framework: How long a term of office for the leadership structure and how succession will be done to ensure continuity.



Recommendations for enhancing political inclusion of women and youth in Malawi

Informed by the foregoing analysis on the state of women and youth inclusion in politics and the inadequacies and potentiality of the ORPP to weigh in, the following recommendations are proffered:

I. Introduce regulatable incentives for gender and social inclusion in the political parties. In particular, review the Political Parties Act (PPA) so that provisions governing the application for and registration of political parties should require that specified proportions of signatures should come from women and youth.

II. Conditional state funding: Incentivise political party support for women and youth candidatures in national elections by introducing a variable element in the formula for allocating state funding to political parties that are eligible. The variable amount should be based on the numbers of women and youth elected to the National Assembly and Local Government Councils on the ticket of the political party.

III. Widen the scope of application for the prohibition of handouts to cover electoral competitions for positions within political party structures during elective party conferences and primary elections;

IV. Explicit quotas for youth and women in party structures: Review the PPA to introduce clear quotas that will oblige political parties to ensure that leadership structures of the parties are inclusive of women and youth at any time and in sufficient numbers

V. Enhance the legal mandate of the ORPP to regulate political parties in favour of enhancing gender and social inclusion. In particular, strengthen the ORPP's mandate with clear powers to investigate and sanction non-compliance with gender and social inclusion requirements.

VI. Support advocacy efforts of civil society organizations for affirmative action in support of women and youth inclusion in elected bodies either through electoral system reform from the current First-Past-The-Post (FPTP) system to proportional representation based on a list system or through a legislated quota (reserved seats) for women and youth.

Conclusion

Women and youth inclusion in politics is at the centre of current global discourses on inclusive governance and development. The foregoing analysis has shown that Malawi has engaged with the discourse and has made strides to address gender and social inclusion in politics and governance more generally and especially within political parties. However, in spite of progressive constitutional provisions under the principles of national policy in favour of enhanced participation of women and youth in politics, empirical measures have been confined to positive actions to address structural factors that constrain the competitive capabilities of women and youth in politics. These measures such as training women and youth on several topics, setting lower nominations fees for them in elections and prohibition of handouts during national elections have not been able to generate and guarantee the desirable magnitude of inclusion.

A dominant ideological position that emphasises the liberal principle of 'equality of opportunity' rather than the left leaning 'equity in outcomes' partly explains non-uptake of affirmative action measures that would guarantee results of gender and social inclusion in the political sphere. Youth and women's numbers in politics remain low and there is need to implement measures that will shore up the numbers. Statutory laws that should have addressed the exclusion or marginalisation of women and youth in politics are found to be GESI-sensitive at

the minimum but fall short of affirmative action measures. In order to enhance women and youth inclusion in politics, the need to review the Political Parties Act to enhance the regulatory mandate of the Registrar of political parties and introduce 'sticks and carrots' to cajole parties in the right direction on social inclusion, is inescapable.

The analysis has also shown that there is an appetite among political parties and the ORPP and CSOs such as the Centre for multiparty democracy for an African multi-country collaborative mechanism for ORPPs for its potential benefits in capacity building on many topics and creation of a community of practice on effective regulation of political parties for accountability, inclusion and democratic consolidation. Nonetheless, there are a few sticky issues that will have to be addressed at the design stage of the collaborative mechanism. These include the form and nature of the secretariat of the association, resourcing the collaborative mechanism and leadership issues such as ensuring country representation, inclusive composition in terms of gender and whether political parties should be represented in the structure.

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Annex 1:

List of Interviewees

CIVIL SOCIETY ORGANISATIONS

- Mr. Lucky Mbewe, Executive Director Centre for Youth Empowerment and Civic Education.
- Mr. Steve Duwa, former Chairperson of the Malawi Civil Society Taskforce on Electoral Reforms.
- Mr. Charles Kajoloweka, Director of Youth and Society
- Mrs Maggie Kathewera, Women Legal Resources Centre and Women’s Manifesto
- Mrs. Emma Kaliya, Malawi Human Right Resource Centre.
- Ms. Christie Banda, Executive Director, Foundation for Civic Education and Social Empowerment (FCESE).
- Mr. Dennis Mwafulirwa, Centre for Human Rights Rehabilitation Centre
- Mr. George Chiusiwa, Executive director, Malawi Council for Disability Affairs
- Mr. Viwemi Chavula, Civil Society Strengthening (50:50 Campaign Coordinator)
- Mr. Dalitso Magelegele, Programme Officer, Centre for Multiparty Democracy
- Mr. Boniface Chibwana, Executive Director, Centre for Multiparty Democracy

PUBLIC SECTOR STAKEHOLDERS

- Dr. Kizito Tenthani, Registrar, Office of Registrar of Political Parties.
- Mr. Jeffrey Mwenyeheri, Deputy Clerk of Parliament
- Mr. Andrew Mpesi, Chief Elections officer, Malawi Electoral Commission
- Mr. Christopher Naphiyo, National Initiative for Civic Education (NICE)
- Mr. Chiyembekezo Banda, Legal Counsel (Draftsman), Ministry of Justice
- Mr. Chikumbutso Namelo, Registrar General, Ministry of Justice.
- Mr. Rex Chapota, Executive Director, National Youth Council of Malawi

POLITICAL PARTY REPRESENTATIVES

- Hon. Richard Chimwendo Banda, Secretary General, Malawi Congress Party
- Hon. Baba Malondera, Director of Youth Malawi Congress Party
- Hon. Mary Navicha, Director of Women, Democratic Progressive Party
- Hon. Jean Mathanga, Director of Elections, Democratic Progressive Party
- Hon. Ben Chakhame, Secretary General, Peoples Party
- Hon. Willie Kalonga, Secretary General, UTM
- Hon. Bright Kawaga, Director of Elections, UTM

