

# CULTURAL PRACTICES AND HUMAN RIGHTS:

*A Study into Cultural Practices and Their Impact  
on the Enjoyment of Human Rights, Particularly  
the Rights of Women and Children*

*A Presentation made at the INTERNATIONAL  
EXPERT CONSULTATION WORKSHOP TO  
ADDRESS HARMFUL PRACTICES AGAINST  
CHILDREN.*

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# Introduction

General Background: Malawi like any other society in the world, is governed by a culture whose beliefs, customs, and a host of social practices have a powerful influence on community life.

- ▣ Some cultural practices impact negatively on the enjoyment of human rights in general and the rights of women in particular
- ▣ Other similar and different cultural practices infringe on the rights of individuals and groups of people, for example the practice of '*fisi*' (*a male adult having sexual intercourse with newly initiated girls*)

# OBJECTIVES

- ▣ The study' main objective: to assess the impact of various cultural practices prevalent in Malawi on the enjoyment of human rights in general and the rights of women and children in particular.
- ▣ Specific objectives included the following:
  - ▣ To catalogue cultural practices in Malawi
  - ▣ To isolate the elements of different practices impinging on the rights of women and children
  - ▣ To generate information on cultural practices and their impact on human rights
  - ▣ To make recommendations for change or modification to cultural practices that violates human rights.

# FINDINGS OF THE STUDY

- ▣ Cultural Practices related to marriage:
- ▣ Cultural Practices related to rites of passage (*rites that children are made to undergo as they grow up*)
- ▣ Cultural Practices related to Pregnancy
- ▣ Cultural Practices associated with the birth of a child
- ▣ Cultural Practices related sexuality and sex education
- ▣ Cultural practices relating to funerals
- ▣ Cultural practices relating to Chieftaincy
- ▣ Other emerging practices (*relationship with immigrants, homosexuality, mixed marriages/relations*)

# Practices associated with rites of passage

- ▣ Study established that more practices associated with girls than boys
- ▣ Positive side of cultural practices: essential for counseling and guidance as they reach maturity
- ▣ Negative side :counseling and guidance not appropriate because it promotes violation of children rights; their welfare; dignity; normal growth and development
- ▣ Girls are targets because Malawi society believes women are central to the society
- ▣ Initiation of girls: exposes girls to harmful information; encourages school drop out
- ▣ Several practices that impact negatively on the girl child include:

# Relationship between Practices and Human Rights

- ▣ Impact of Practices and beliefs on Child Rights (as related to International Convention CRC and Malawi Consitution)
- ▣ Early Marriages by children
- ▣ Girls marry as early as 12 years (soon after puberty)
- ▣ Boys as early as 17 years
- ▣ Study revealed that this is common in most parts of the country
- ▣ Against CRC and MW Constitution in the name of culture

Children in early marriages (no education, hard farm work(servitude), HIV/ AIDS risk higher;

# STUDY RECOMMENDATIONS

- ❑ Need to understand details of a cultural belief
- ❑ Harmful practice has strong underpinnings which society hesitate to abolish, therefore to avoid leaving a vacuum there is need for counseling at all levels
- ❑ Need to respect neutral or positive cultural beliefs
- ❑ Power balance to be understood. Lower social and economic status leaves women and children vulnerable: gender equality needed
- ❑ Children and young women need to be empowered
- ❑ Women must participate by having their voices being heard in cultural issues
- ❑ Education for women is vital
  
- ❑ END