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.

Addis Ababa, Ethiopia
BY M.S.D Kakatera
MHRC
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).
The study’s 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.
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’s rights; their welfare; dignity; normal growth and development
- Girls are targets because Malawian 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 Constitution)
- 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

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