



Republic of Malawi

**PUBLIC SERVICE WORKPLACE
ANTI-SEXUAL HARASSMENT POLICY**

2023

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Foreword

The Public Service Workplace Anti-Sexual Harassment Policy has been developed to address sexual harassment in the Public Service workplace as well as providing a guiding framework for preventing, reporting and responding to sexual harassment issues. Sexual harassment is a human right issue and a form of discrimination. The Constitution of the Republic of Malawi under section 13, recognizes and promotes gender equality as one way of promoting the welfare and development of the people of Malawi. In particular, section 13 aims at achieving gender equality and requires the state to implement policies and legislation intended at achieving full participation of women in all aspects of the Malawian society. Further, the Constitution under Section 20(2) mandates the Government to pass legislation addressing inequalities in society and prohibiting discriminatory practices and the propagation of such practices. The Constitution also invalidates any law that discriminates women on the basis of their gender or marital status and provides that legislation shall be passed to eliminate sexual violence and harassment.

Malawi enacted the Gender Equality Act (GEA), to, among others, address sexual harassment in the workplace. Section 6 of the Act prohibits workplace sexual harassment and section 7(1) mandates employers to have in place sexual harassment policies. Furthermore, the Malawi 2063 under Enabler 3: Enhanced Public Sector Performance aims to have a world class high performing and professional public sector. Sexual harassment can hinder one's potential to perform to the best of their abilities hence can be a threat to achieving a high performing Public Service.

Therefore, the Policy exists to address gender inequalities and discriminatory practices at work places. The implementation of the Policy will contribute to a high performing Public Service through increased public service morale and welfare. Additionally, it will increase efforts on the promotion of human dignity, gender equality and prevention of, as well as responding to various sexual harassment related issues in the Public Service workplace.

I, therefore, call upon all public officers and stakeholders to be committed to creating better a Public Service workplace for all by ensuring effective implementation of this Policy.

Colleen Zamba
SECRETARY TO THE PRESIDENT AND CABINET

Preface

Government through the Department of Human Resource Management and Development (DHRMD) in collaboration with the Ministry of Gender, Community Development and Social Welfare (MoGCDSW) facilitated the development of the Public Service Workplace Anti-Sexual Harassment Policy (PSWASHP). This has been done through wide consultations with stakeholders including officials from various Government institutions, development partners, as well as Non-Governmental Organizations (NGO's). This is in response to the mandate of DHRMD, through section 19 (e) of the Public Service Act to administer the Public Service conditions of service, code of ethics, precedents and norms to ensure that integrity of the service, staff morale and welfare and overall performance of the Public Service continuously remains high.

The need for the Policy was compelled by the realization, from various studies such as the 2022 Sexual Harassment Study by the Malawi Human Rights Commission, that sexual harassment has a negative impact on one's mental wellbeing and performance. It has further been shown that despite the enactment of the existing legal instruments addressing issues of sexual harassment, like the Code of Conduct and Ethics for Malawi Public Service, there are still gaps in addressing sexual harassment in the workplace, the Public Service did not have a workplace anti-sexual harassment policy in place. Further, the Public Service did not have mechanisms in place of dealing with sexual harassment issues. This created possible room for aggravated occurrences of sexual harassment.

The Policy is aligned to the national goals such as the Malawi 2063, enabler number two and three on effective governance systems; enhanced public sector performance respectively. At International level the Policy is linked to, among others, the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Southern African Development Community (SADC) Protocol.

The overarching purpose of the Policy, therefore, is to address issues of sexual harassment against women, men, boys and girls and to provide a guiding framework for preventing, reporting and addressing sexual harassment in the public service workplace. The Policy has been developed to create a safe environment for employees, clients and agents of the Public Service.

B.G. Chilabade

**SECRETARY FOR HUMAN RESOURCE
MANAGEMENT AND DEVELOPMENT**

Acronyms and Abbreviations

BPfA	Beijing Platform for Action
CEDAW	United Nations Convention on the Elimination of All forms of Discrimination Against Women
CSO	Civil Society Organisations
DHRMD	Department of Human Resource Management and Development
GBV	Gender Based Violence
GEA	Gender Equality Act
MDA	Ministries, Departments and Agencies
MHRC	Malawi Human Rights Commission
MIP-1	The Malawi 2063 First 10 Year Implementation Plan
MoGCDSW	Ministry of Gender Community Development and Social Welfare
NGO	Non-Governmental Organisation
PSWASHP	Public Service Workplace Anti-Sexual Harassment Policy
SADC	Southern African Development Community
UNDP	United Nations Development Programme
VAWG	Violence Against Women and Girls

Definition of Terms

In this policy, the following words shall mean:

Complainant	A person who raises a sexual harassment grievance, the person may or may not be the victim of sexual harassment.
Discrimination	Any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise, by any person of human rights, and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
Employee	Any person employed in the Malawi Public Service.
Employer	Any person, body corporate, undertaking, public authority or body of persons who or which employs an employee and includes heirs, successors and assignees of the employer; or
Gender	Socially constructed roles, norms, behaviours assigned to a person for being male or female.
Perpetrator	A person who is alleged to have committed an act of sexual harassment.
Public Service	Any service that is provided by government directly or indirectly using public resources or any public interest activity that is under the authority of government.
Responsible officer	any person in the civil service who is authorized or has the authority to make decisions affecting the interests of persons employed in the Public Service.
Sex	The biological state of being male or female.
Sexual favour	An act, sexual in nature done in exchange for something such as money or other benefit.

Sexual harassment	Unwanted act of verbal, non-verbal or physical conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.
Survivor	A person who is subjected to sexual harassment, abuse or exploitation.
Victim	A person who has been subjected to any form of Sexual Harassment and comes to feel helpless and passive.
Workplace	A place of work, whether inside a building or outdoors, where public officers perform their duties. It may include usual place of work, where a public officer is working remotely or attending conferences, trainings, workshops and work-related social events.

Chapter 1

1.0 Introduction

Government of Malawi realises that upholding of values of human rights is one way of promoting the welfare, dignity and development in line with chapter 4 Section 19 of the Constitution of Malawi on human dignity and personal freedoms. Government recognizes that violation of human rights in the workplace affects performance and service delivery. Sexual harassment (SH) in the workplace is one of the human rights violations affecting both men and women. It is therefore, important that from a human rights perspective, every employee or client who is subjected to various forms of sexual violence receives necessary services and that safeguarding measures are institutionalized. The Public Service Workplace Anti-Sexual Harassment Policy (PSWASHP) will be an entry point for achieving this. The Policy provides a guiding framework for preventing, reporting and responding to sexual harassment issues in the Public Service workplace. It identifies four priority areas, namely: Case Management; Rehabilitation Services for Survivors of Sexual Harassment; Sexual Harassment Safeguards and Conducive Workplace Environment. It also has an implementation plan and a monitoring and evaluation plan.

1.1 Background

1.1.1 Historical Background

A Needs Assessment on Violence Against Women and Girls (VAWG) in the workplace conducted by the Ministry responsible for Gender in 2013, focusing on twelve Ministries, Departments and Agencies (MDA's), revealed that sexual harassment is the most common form of Violence Against Women and Girls (VAWG) that occurs in Public Service workplace but it is rarely reported. The study found that 45 % of the victims never reported the sexual harassment cases. The study further revealed that it was mostly junior female officers (e.g. interns, cleaners, messengers) who were victims of sexual harassment but did not report because of fear of job loss, shame and not being aware of reporting procedures. The study also indicated that there was lack of basic knowledge about sexual harassment among employees therefore making it difficult to respond to victims and perpetrators of sexual harassment.

In addition, a study by UNDP in 2014 also showed that although women constitute about 52% of the population in Malawi, there is still a low and disproportionate number of them in senior leadership positions. Sexual harassment has contributed to worsening the gap between men and women as it is mostly women who are victims of sexual harassment at workplace.

The Malawi Human Rights Commission 'Situation Analysis of Sexual Harassment at Workplace in the Formal, Informal and Business Sectors' (2021), revealed that 98% of the victims do not report cases of sexual harassment. Some of the reasons for non-reporting included; lack of clear understanding of what constitutes sexual harassment, no clear and functional reporting mechanisms, risk of losing jobs and other opportunities, fear of reaction by spouses that might result in marriage breakdowns and fear of public condemnation. Further, the Commission in 2022 through a research on sexual harassment in work place stated that most institutions do not have policies to guide conduct and prevent sexual harassment as well as mechanisms for whistle blowers' protection. It further revealed that most institutions are not doing enough in dealing with issues of sexual harassment to protect victims and whistle blowers, which explains why reporting is low.

1.1.2 Current Status

Policy development consultation processes found that common sexual harassment practices included; pestering an employee for a date, linking rewards, employment related opportunities to sexual encounters and offensive remarks. The consultations also revealed existence of sexual harassment between the public servants and clients of the Public Service. It was reported that employees fail to confide in relevant officers that handle grievances when it comes to sexual harassment due to the absence of sexual harassment and safeguarding policies.

1.2 Linkages with Other Relevant Policies, and Legislation.

The Policy will be implemented in line with other relevant policies, legal frameworks and strategies at national and global levels.

1.2.1 National Instruments

a) The Constitution of the Republic of Malawi

The Constitution of the Republic of Malawi under section 20 prohibits discrimination of persons in any form. Sexual harassment in the workplace perpetuates discrimination mostly against women thereby

limiting their access to opportunities. The Constitution under section 30 provides right to development and enjoyment of economic, social cultural and political development and section 19, provides for human dignity and personal freedoms. Sexual harassment limits the enjoyment of these right as opportunities in the workplace may be traded with sexual favours and further violates the victim's dignity and personal freedom. In addition, the country is constitutionally bound to promote equal rights between men and women through legislation and policies. Furthermore, Sections 43 provides for administrative justice where every person has a right to fair administrative action where their rights, freedoms and interests have been affected or threatened.

b) The Malawi 2063 First 10 Year Implementation Plan (MIP-1)

The Malawi 2063 under Enablers 2 and 3 on focus areas of Human Rights and Cultural Diversity; and Ethical Conduct, promote respect of human rights and ethical conduct. As such, the Policy ensures the attainment of Government commitments towards human rights. In the same line, the Policy connotes promotion of integrity which is also stipulated in the Malawi 2063 by compelling people to be self-conscious and strive to do the right thing at all times.

Receive

c) Gender Equality Act

The Act prohibits sexual harassment and further provides for Government to take active measures in ensuring that employers have developed and are implementing appropriate policies aimed at eliminating sexual harassment in the workplace. This Policy is addressing the requirement to adhere to the Act.

d) Employment Act

The Act provides that, no person shall discriminate against any employee or prospective employee on the grounds of sex, religion, political, marital status or other matters arising out of the employment relationship. It also provides for rule of natural justice, where the employment of an employee shall not be terminated for reasons connected with his capacity or conduct before the employee is provided an opportunity to defend himself against the allegations made. It further provides for dispute and disciplinary handling procedures. In line with the Act, this Policy advocates for a respectful workplace environment

and promotes rules of natural justice in dealing with sexual harassment cases in the Public Service Workplace

e) Occupational Safety, Health and Welfare Act

The Act provides for the regulation of the conditions of employment in workplaces as regards the safety, health and welfare of persons employed therein. The Act also provides for employers to ensure safety, health and welfare of employees at the workplace. This Policy promotes safe working environment for employees by addressing sexual harassment in the Public Service workplace.

c)Public Service Act

The Act aims at achieving and maintaining the highest degree of integrity and proper conduct among the personnel at all grades. This Policy contributes to the achievement of integrity and proper conduct of public officers at the workplace.

f) National Gender Policy

The National Gender Policy aims at mainstreaming gender in the national development process to enhance participation of women and men, girls and boys for sustainable and equitable development which includes promoting their rights and dignity. The policy under Priority Area 7 further calls for enactment and implementation of laws, policies and strategies to eliminate Gender Based Violence (GBV), and harmful cultural practices and norms that perpetuate discrimination and harassment of women and girls which is aligned to the Public Service Workplace Anti- Sexual Harassment Policy.

g) Malawi Public Service Management Policy

The Policy advocates inclusiveness and equity in the Public Service which includes gender equity. The policy also promotes non-discriminatory practices by MDAs in the delivery of public services to all citizens and protects employees particularly females from any form of Gender Based Violence. This provides a linkage with the Public Service Workplace Anti-Sexual Harassment Policy as it protects employees from GBV especially sexual harassment.

h) Code of Conduct and Ethics for the Malawi Public Service

The Code of Conduct and Ethics for the Malawi Public Service has been linked to this Policy in that it sets out standards of correct behavior expected of public officers. It is intended to promote effective administration and responsible behavior. The Code of Conduct and Ethics provides that public servants should refrain from having sexual relationships at the workplace and avoid all types of conduct which may constitute sexual harassment.

i) Malawi Human Rights Commission Sexual Harassment Workplace Policy

The Policy aims at safeguarding employees and people seeking services at the workplace from unwelcome sexual advances and provide them with grievance handling mechanisms. As such, this provides a linkage with the Public Service Workplace Anti- Sexual Harassment Policy.

1.2.2 International Instruments

a) UN Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)

The CEDAW's General Recommendation 19, under Article 11 provides that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace. The recommendation through the article provides that sexual harassment can be humiliating and may constitute a health and safety problem; further, it is discriminatory and creates a hostile working environment.

b) Beijing Platform for Action

The Beijing Platform for Action (BPfA) strategic objective D.1. calls upon member states of the United Nations to take integrated measures to prevent and eliminate violence against women. The BPfA, among others, calls on Governments, employers, trade unions and non-governmental organizations to develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in the workplaces. It emphasises development of programmes and procedures to educate and raise awareness of acts of sexual

harassment and develop counselling, rehabilitation and support programmes for survivors.

c) SADC Protocol on Gender and Development

Article 22 of the Southern African Development Community (SADC) Protocol on Gender and Development stipulates that state parties shall, enact legislative provisions, adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment. It compels state parties to ensure equal representation of women and men in adjudicating bodies hearing sexual harassment cases.

1.3 Problem Statement

The GEA provides for Government to take active measures to ensure that employers have developed and are implementing appropriate policies aimed at eliminating sexual harassment in the workplace. According to the 2022 study by MHRC on sexual harassment at work place, lack of sexual harassment policies in the workplace contribute to the prevalence of sexual harassment cases. Despite having the Code of Conduct and Ethics for Malawi Public Service and other gender related instruments, there has been no overarching guiding framework for management of sexual harassment cases in the Public Service workplace. This has contributed to non-reporting by victims, low productivity, mental health issues and litigation cost among others. The Policy will help to fill these gaps in addressing sexual harassment in the Public Service.

1.4 Purpose of the Policy

The purpose of this Policy is to provide a guiding framework for preventing; reporting; and responding to issues of sexual harassment in the Public Service workplace.

1.5 Scope of Application

This Policy applies to:

- i) all employees in the Public Service regardless of sex, level of seniority and status; and

- ii) all Public Service workplaces, including any location that employees may be considered to be carrying out duties in the course of their employment.

Chapter 2

2.0 Broad Policy Directions

2.1 Policy Goal

The goal of the Policy is to eliminate sexual harassment in the public service workplace in order to have a workforce with integrity for effective and efficient service delivery.

2.2 Policy Outcomes

The following are policy outcomes that will be achieved:

- a) enhanced case management mechanisms of sexual harassment,
- b) enhanced knowledge, skills and attitudes for public servants, clients, and agents of the Public Service to manage sexual harassment in the workplace;
- c) institutionalized sexual harassment safeguarding mechanisms in the Public Service; and
- d) improved rehabilitation services for sexual harassment survivors.

2.3 Policy Objectives

The objectives of the Policy are to;

- a) promote a safe working environment that is free from sexual harassment;
- b) create formal and informal reporting mechanisms for cases of sexual harassment in the workplace;
- c) enhance institutional capacity to effectively combat sexual harassment in the workplace;
- d) enhance expeditious resolution of sexual harassment cases;
- e) institutionalise sexual harassment safeguarding mechanisms in the Public Service; and
- f) provide effective rehabilitation services for sexual harassment survivors.

2.4 Guiding Principles and Core Values

Implementation of this Policy will be guided by the following principles;

- a) Equality and non-discrimination**

The Policy promotes equality and non-discrimination in all work related matters in the Public Service. Consequently, Responsible Officers and every employee in the Public Service is obliged to treat staff under their supervision or fellow staff in an equal manner without discrimination of any kind.

b) Universality

This Policy applies to all employees, clients and agents of the Public Service regardless of status and position. All Responsible Officers and employees shall ensure that the workplace is a safe environment for all.

c) Privacy and confidentiality

In this Policy, the presumption is that all reported cases and incidents of sexual harassment shall be kept confidential and only disclosed where it is necessary to further investigations and hearing processes. Accordingly, Responsible Officers and all employees are obliged to maintain the privacy of victims and alleged perpetrators of sexual harassment.

d) Natural and administrative justice

In this Policy, all rules of natural justice and administrative justice shall be followed. As such Responsible Officers shall treat every reported case with fairness and objectivity in accordance with principles of natural justice and administrative justice.

e) Integrity

In this Policy, all public officers shall promote integrity and safeguard the rights of all clients/agents and other officers above one's own personal interest and conduct oneself in a manner that is above reproach.

f) Safety

This Policy is founded on the principle of safe work environment for all. As such, all Responsible Officers and employees in the Public Service are obliged to ensure that the workplace and its environment is free from acts of sexual harassment and that everyone is treated with dignity.

g) Due diligence

The Policy requires that all Responsible Officers undertake reasonable steps in identifying, preventing, mitigating and addressing sexual harassment in the Public Service.

Chapter 3

3.0 Policy Priority Areas

The Policy identifies four priority areas that consolidate aspirations contained in the goals and objectives. These are Case Management, Rehabilitation Services for Sexual Harassment Survivors, Sexual Harassment Safeguards and Conducive Workplace Environment.

3.1 Policy Priority Area 1: Case Management

Case management involves a procedure of reporting, investigating, resolving and conclusion of reported cases. The Public Service has not been effective in handling sexual harassment cases. This has been the case because there were no proper instruments to guide effective management of sexual harassment cases including lack of awareness and knowledge of sexual harassment, reporting procedure and case handling. This would have led to victimization of complainants and alleged perpetrators, rising numbers of unreported cases, no standardized treatment of reported cases and no established remedies for addressing reported cases.

3.1.1 Policy Statements

- 1. Government shall ensure that management of sexual harassment cases is institutionalised in the Public Service system.**

3.1.1.1 Strategies

- a) promote inclusion of the sexual harassment Policy in capacity building programmes.
- b) develop effective reporting mechanisms and structures; and
- c) establish whistle blowing mechanisms to deal with the culture of silence.

- 2. Government shall ensure that clear guidelines and procedures for managing sexual harassment cases are popularised.**

3.1.1.2 Strategies

- a) disseminate guidelines and procedures for managing sexual harassment cases;

- b) build capacity of officers handling sexual harassment cases in effective investigation and mediation skills;
- c) publicize the Policy and Guidelines to all public institutions; and
- d) build capacity of employees to ensure they understand the Policy and the Guidelines.

3. Government shall ensure that there is a proper data management system on sexual harassment.

3.1.1.3 Strategies

- a) develop standard confidential sexual harassment register to be used by all public institutions;
- b) consolidate sex and gender disaggregated information on sexual harassment for submission to relevant authorities; and
- c) develop a database of concluded cases reported by each institution.

3.2 Policy Priority Area 2: Rehabilitation Services for Sexual Harassment Survivors

Rehabilitation Services for sexual harassment survivors involves providing psycho-social support and protection to survivors of sexual harassment. There are inadequate support services for survivors of sexual harassment which leads to psychological trauma. Survivors of sexual harassment are usually affected psychologically which may have long term effects their work performance and social interaction. Sexual harassment victims may also be subjected to stigmatization and retaliation after reporting incidences of sexual harassment. The Public Service has no embedded procedures to provide psycho-social support to survivors.

3.2.1 Policy Statement

- 1. Government shall ensure that sexual harassment survivors are provided with effective rehabilitation services:**

3.2.1.1 Strategies

- a) promote provision of psycho-social support to the survivors of sexual harassment;

- b) build capacity of officers in handling sexual harassment cases on the provision of psycho-social support to survivors;
- c) provide confidential and safe space to victims of sexual harassment;
- d) conduct awareness programmes for all officers on avoidance of stigmatization of sexual harassment survivors; and
- e) protect survivors against retaliation by sanctioning perpetrators.

3.3 Policy Priority Area 3: Sexual Harassment Safeguards

Sexual harassment safeguards are measures, best administrative practices or systems that are instituted at the workplace to prevent sexual harassment from occurring.

The Public Service does not have standalone, harmonized and context specific safeguards to guide Controlling/Responsible Officers to respond and manage sexual harassment in the workplace. The existing mechanisms which are intended to safeguard employees do not define the categories of people who need to be safeguarded, i.e. female or male employees, service providers and clients among others. These mechanisms do not unify the approach, practice and entrench a culture that prevents sexual harassment and any form of sexual abuse from taking place.

3.3.1 Policy Statement

Government shall ensure that sexual harassment safeguarding measures that are context specific are developed.

3.3.2.1 Strategies:

- i) develop institutional sexual harassment safeguarding instruments;
- ii) promote awareness of sexual harassment safeguards;
- iii) build capacity of officers handling sexual harassment on sexual harassment safeguards; and
- iv) promote development of sexual harassment policies by service providers of the Public Service and Government funded projects

3.4 Policy Priority Area 4: Conducive Workplace Environment

Conducive Workplace Environment promotes safety, and goal attainment of employees, clients and beneficiaries. It entails a workplace that is free from sexual harassment, harm, violence and protects the employees and clients. The work environment in most public institutions provides a fertile ground for

perpetrators of sexual harassment due to the bureaucratic nature of the Public Service. Furthermore, the office designs and set up are likely to promote sexual harassment.

3.4.1 Policy Statement

Government shall ensure promotion of a sexual harassment free working environment

3.4.1.1 Strategies

- i) promote conducive and gender sensitive office space and facilities;
- ii) promote gender sensitive mechanisms in work allocation; and
- iii) enhance modern management techniques

Chapter 4

4.0 Implementation Arrangements

4.1 Institutional Arrangements for Implementing the Policy

Implementation of the Policy will require a multi-sectoral approach under the leadership of DHRMD. The specific roles and responsibilities of each stakeholder in the implementation process are as follows:

- I. Office of the President and Cabinet**
 - i) ensure provision of overall direction and guidance on implementation, monitoring, evaluation and review.
- II. Department Responsible for Human Resource Management and Development**
 - i) facilitate implementation and dissemination of the Policy;
 - ii) ensure compliance of all public institutions to the Policy;
 - iii) receive and consolidate reports from MDAs and onward transmission to MHRC;
 - iv) mobilise financial resources for the implementation of the Policy; and
 - v) conduct periodic surveys on the application and implementation of the Policy every two years.
- III. Ministry Responsible for Gender**
 - i) coordinate and provide technical oversight on issues of gender, sexual harassment in the workplace and safeguarding measures;
 - ii) ensure that gender officers are deployed to all MDAs;
 - iii) ensure advocacy for implementation of the Policy;
 - iv) mobilise financial resources for the implementation of the Policy;
 - v) provide capacity building of various stakeholders on sexual harassment safeguarding measures;
 - vi) ensure provision of psychosocial support to sexual harassment survivors; and
 - vii) ensure dissemination of the Policy

IV. Ministry Responsible for Justice

- i) facilitate review of gender related laws and identify bottlenecks and gaps in the Policy;
- ii) provide legal advice on sexual harassment matters to Government; and
- iii) ensure that sexual harassment related laws are in place to protect the rights of all employees, clients and service providers.

V. Ministry Responsible for Local Authorities

- i) ensure effective implementation of the Policy at Local Authority level;
- ii) facilitate capacity building and awareness in furtherance of the implementation of the Policy at Local Authority level;
- iii) mobilise resources for the implementation of the Policy at Local Authority level; and
- iv) monitor and evaluate the implementation of the Policy at Local Authority level.

VI. Ministry Responsible for Health

- i) ensure provision of screening to survivors of sexual harassment;
- ii) ensure provision of treatment to survivors of sexual harassment;
- iii) ensure provision of medical reports for appropriate action by various committees and institutions; and
- iv) ensure provision of mental health services to survivors of sexual harassment.

VII. Ministry Responsible for Information and Civic Education

- i) ensure provision of awareness on sexual harassment issues;
- ii) ensure dissemination of information to all MDAs and citizens on prevention and reporting of sexual harassment in MDAs; and
- iii) facilitate provision of toll free lines for reporting of sexual harassment.

VIII. Ministry Responsible for Finance

Ensure that adequate financial resources are allocated to MDAs for the implementation of the budgeted activities.

IX. Malawi Human Rights Commission

- i) enforce the GEA which among others prohibits sexual harassment;
- ii) monitor the implementation of the Policy;
- iii) investigate cases of sexual harassment; and
- iv) provide civic awareness to the public.

X. Malawi Police Service

- i) conduct investigations on alleged sexual harassment cases; and
- ii) arrest and prosecute suspects of sexual harassment

XI. The Judiciary

ensure prosecution of perpetrators of sexual harassment offences and give proper sentence.

XII. All Public Institutions

- i) model and lead in the implementation of the Policy in their respective sectors;
- ii) ensure that they promote engagement of contractors or service providers that have sexual harassment policies;
- iii) ensure that the Policy is widely publicized to all public officers, non-employees and all third parties associated or working with the Public Service;
- iv) ensure that all public officers are trained on sexual harassment and that they are well versed with the contents of this Policy; and
- v) ensure adoption of their own anti-sexual harassment policy to suit the specific needs of their sector and that any such policy shall refer to this Policy as a benchmark and its contents as minimum standard.

XIII. Civil Society Organizations

ensure advocacy for the implementation of the Policy.

XIV. Development Partners

provision of financial and technical support for implementation of the Policy.

4.2 Implementation Plan

To ensure effective implementation of this Policy, a detailed implementation plan has been developed and is attached as Annex 1.

4.3 Monitoring and Evaluation

DHRMD and other key stakeholders will be responsible for the monitoring and evaluation of the Policy as provided in the monitoring and evaluation framework attached as Annex 2.

4.4 Review of the Policy

The Policy will be reviewed at the end of the implementation period (2023 - 2028) or where necessary. Lessons drawn from implementing of this Policy and the findings of the evaluation will be used to develop a successor policy to ensure that implementation of anti-sexual harassment programmes and activities do not suffer from lack of clear direction due the expiry of this policy.

Annex 1. Implementation Plan

Policy Priority Area 1: Case Management			
Policy Statement 2.1: Government shall ensure that management of sexual harassment issues are institutionalized in the Public Service system			
Objective	Strategy	Responsibility	Timeframe
To enhance institutional capacity to effectively combat sexual harassment in the workplace	Promote inclusion of the sexual harassment Policy in capacity building programmes .	DHRMD	2023-2027
To enhance expeditious resolution of sexual harassment cases	Develop effective reporting mechanisms and structures	DHRMD, MoGCDSW, MHRC, all Public Institutions	2023 -2027
To create formal and informal reporting mechanisms for cases of sexual harassment in the workplace	Establish whistle blowing mechanisms to deal with the culture of silence.	All Public Institutions	2023-2027

Policy Statement 2.2: Government shall ensure that clear guidelines and procedures for managing sexual harassment cases are popularised			
Objective	Strategy	Responsibility	Timeframe
To enhance institutional capacity to effectively combat sexual harassment in the workplace	Disseminate guidelines and procedures for managing sexual harassment cases	DHRMD, MOGCDSW, MHRC	2023-2024
	Build capacity of officers handling sexual harassment cases in effective investigation and mediation skills	MoGCDSW, DHRMD, MHRC.	2023-2027
	Publicize the Policy and the Guidelines to all the public institutions	DHRMD, MoGCDSW, Ministry of Information and Development Partners	2023-2027
	Build capacity of employees to ensure they understand the policy and the Guidelines	DHRMD, MoGCDSW, MHRC, all Public Institutions	2023-2027
Policy Statement 2.3: Government shall ensure that there is a proper data management system on sexual harassment			
To create formal and informal reporting mechanisms for cases of sexual harassment in the workplace	Develop standard confidential sexual harassment register to be used by all Public Institutions	DHRMD, MHRC, MoGCDSW	2023
	Consolidate sex and gender disaggregated information on sexual harassment for submission to relevant authorities.	All Public Institutions	2023-2027
	Develop a database of concluded cases reported by each institution	DHRMD	2023-2027
Policy Priority Area 2: Rehabilitation Services for Sexual Harassment Survivors			

1. Policy Statement 3.1: Government shall ensure that sexual harassment survivors are provided with effective rehabilitation services

Objective	Strategy	Responsibility	Timeframe
To provide effective rehabilitation services for the sexual harassment survivors.	Promote provision of psycho-social support to the survivors of sexual harassment	All Public Institutions	2023-2027
	Build capacity of officers in handling sexual harassment cases on the provision of psycho-social support to survivors .	MoGCDSW, All Public Institutions	2023-2027
	Provide confidential and safe space to victims of sexual harassment	All Public Institutions	2023-2027
	Conduct awareness programs for all officers on avoidance of stigmatization of sexual harassment survivors	MoGCDSW, DHRMD,MHRC, All Public Institutions	2023-2027
	Protect survivors against retaliation by sanctioning perpetrators	All Public Institutions	2023-2027

Policy Priority Area 3: Sexual Harassment Safeguards

Policy Statement 4.1: Government shall ensure that safeguarding measures that are context specific are developed.

Objective	Strategy	Responsibility	Timeframe
To institutionalize sexual harassment	Develop institutional sexual harassment safeguarding instruments	DHRMD, MoGCDSW, all Public Institutions, Development Partners	2023-2027

safeguarding mechanisms in the Public Service.	Promote awareness of sexual harassment safeguards	DHRMD, MoGCDSW, MDAs, all Public Institutions, Development Partners	2023-2027
	Build capacity of officers handling sexual harassment on sexual harassment safeguards	DHRMD, MoGCDSW, all public institutions, Development Partners	2023-2027
	Promote development of sexual harassment policies by service providers of the Public Service and Government funded projects.	All public institutions, CSOs	2023-2027
Policy Priority Area 4.: Conducive Workplace Environment			
Policy Statement 5.1: Government shall ensure promotion of a sexual harassment free working environment			
Objective	Strategy	Responsibility	Timeframe
To promote a safe working environment that is free from sexual harassment.	Promote conducive and gender sensitive office space and facilities.	Buildings Department, all Public Institutions	2023-2027
	Promote gender sensitive mechanisms in work allocation.	All Public Institutions	2023-2027
	Enhance modern management techniques	All Public Institutions	2023-2027

Annex 2. Monitoring and Evaluation Plan

POLICY PRIORITY AREA 1: Case Management							
OUTCOME: Enhanced case management mechanisms of sexual harassment;							
POLICY STATEMENT: <i>Government shall ensure that management of sexual harassment cases are institutionalised in the Public Service system.</i>							
OBJECTIVE	OUTPUT	PERFORMANCE INDICATOR	TARGET	BASE LINE	SOURCE OF VERIFICATION	ASSUMPTION/RISKS	MONITORING FREQUENCY
To enhance institutional capacity to effectively combat sexual harassment in the workplace	Designation of ASHDO in all Public Service institutions	Number of ASHDO designated	60	0	Reports on designated ASHDO officers	Management commitment	Annually
	Mainstreaming SH in the Public Service induction curriculum	Number of institutions with SH in their curricular	2	0	Reports on training curricular	Availability of resources	Annually
	Orientation workshops of new recruits/ interns on SH conducted	Number of new orientation workshops conducted oriented on SH	60	0	Orientation workshops conducted	Availability of resources	Annually

	Whistleblowing mechanisms established	Number of whistleblowing mechanisms developed	1	0	Availability of whistleblowing mechanisms	Management commitment	Annually
		Number of alerts	10	0	Alert reports	Management commitment	Annually
	Capacity in investigative and mediation skills acquired	Number of officers trained in investigation and mediation	50	0	Training reports	Availability of resources	Annually
POLICY STATEMENT 1.2: <i>Government shall ensure that clear guidelines and procedures for managing sexual harassment cases are popularised</i>							
To enhance institutional capacity to effectively combat sexual harassment in the workplace	Sensitization on policy implementation conducted	Number of sensitization meetings conducted	100	0	Sensitization reports	Availability of resources	Annually
	Guidelines on sexual harassment hearing	Number of guidelines	200	0	Availability of	Availability of resources	Annually

	committees distributed	documents distributed			Guidelines document		
	Category of sexual harassment cases developed	Number of categorization guides developed	1	0	Availability of categorization guide	Commitment of stakeholders	
1. POLICY STATEMENT 1.3: Government shall ensure that there is a proper data management system on sexual harassment.							
To create formal and informal reporting mechanisms for cases of sexual harassment in the workplace	Standard sexual harassment registers disseminated	Number of copies of registers disseminated	1000	0	Availability of register	Commitment of stakeholders	Annually
	Sexual harassment reporting database developed	Number of sexual harassment database developed	1	0	Availability of database	Availability of resources	
	Consolidated report furnished to MHRC	Number of reports furnished to MHRC	2	0	Consolidated reports	Commitment of stakeholders	Bi-annually

POLICY PRIORITY AREA 2: Rehabilitation Services for Sexual Harassment Survivors							
OUTCOME: Improved rehabilitation services for sexual harassment survivors							
POLICY STATEMENT: Government shall ensure that sexual harassment survivors are provided with effective rehabilitation services							
OBJECTIVE	OUTPUT	PERFORMANCE INDICATOR	TARGET	BASE LINE	SOURCE OF VERIFICATION	ASSUMPTION/RISKS	MONITORING FREQUENCY
To provide rehabilitation services for sexual harassment survivors	Capacity of officers in provision of psychosocial support enhanced	Number of officers trained in psychosocial support	100	0	Training session reports	Commitment of all stakeholders Resource Availability	Annually
	Awareness programmes in stigma avoidance conducted	Number of awareness activities conducted	100	0	Awareness activities reports	Commitment of all stakeholders	Annually
	User friendly survivor centered sexual harassment reporting	Number of user friendly sexual harassment reporting	1	0	Reporting template documents	Commitment of all stakeholders	

	templates developed	templates developed					
	Confidential and safe space for sexual harassment survivor provided	Number of Public Institutions allocating confidential and safe space	50	0	Availability of office spaces	Management commitment	Annually
	Perpetrators of SH sanctioned according to legal frameworks	Number of perpetrators sanctioned	50	0	Case management reports	Management commitment	Annually
POLICY PRIORITY AREA 3: Sexual harassment safeguards							
OUTCOME: Institutionalized sexual harassment safeguarding mechanisms in Public Service							
POLICY STATEMENT: <i>Government will ensure that context specific safeguarding measures are developed</i>							
OBJECTIVE	OUTPUT	PERFORMANCE INDICATOR	TARGET	BASELINE	SOURCE OF VERIFICATION	ASSUMPTION/RISKS	MONITORING FREQUENCY

To institutionalize safeguarding mechanisms in the Public Service	Safeguarding mechanisms institutionalized	Number of Public institutions with safeguarding mechanisms	50	0	Safeguarding mechanisms in place	Commitment of stakeholders	Annually
	Desk officers trained on safeguarding mechanisms	Number of desk officers trained	50	0	Awareness workshop reports		
	Capacity of responsible officers on sexual harassment safeguards enhanced	Number of officers trained	50	0	Training reports	Management commitment	Annually
POLICY PRIORITY AREA 4: Conducive Workplace environment							
OUTCOME: improved safe working environment that protects employees, clients and service providers							
POLICY STATEMENT: <i>Government shall ensure promotion of sexual harassment free working environment</i>							

OBJECTIVE	OUTPUT	PERFORMANCE INDICATOR	TARGET	BASE LINE	SOURCE OF VERIFICATION	ASSUMPTION/RISKS	MONITORING FREQUENCY
To promote a safe working environment that is free from sexual harassment	Conducive and gender sensitive office space and facilities provided	Number of office designs and set-ups cubed and open.	10	1	Presence of cubed and open offices	Commitment and willingness of all stakeholders. Availability of resources.	
	Gender sensitive work allocation enhanced	Number of public institutions practicing gender sensitive work allocation	50	0	Reports from public institutions	Management commitment	Annually
	Modern management technics enhanced	Number of public institutions using modern technics	50	0	Reports from public institutions	Management commitment	Annually

		Number of Public institutions adopted modern technics	1	0	Report from public institutions	Management commitment	Annually

