

Concluding reflections for law, policy and practice

1 Introduction

In this book, prompted by the *Charo* judgment of the High Court of Kenya and the *Gondwe* judgment of the Magistrate's Court of Malawi, I set out to interrogate how these authoritative legal pronouncements reveal and reinforce constructions of childhood and sexuality. Drawing on feminist and post-structuralist theories, I undertook a critical analysis of these judgments, and situated them within broader legal, policy and social contexts.

While many African contexts continue to grapple with persistent sex and gender inequalities, children have seldom been fully recognised as sexual subjects within gender law and policy. Where adolescents are acknowledged as sexual, their sexuality is frequently constructed as a social problem to be managed, rather than as a normative dimension of development to be understood and supported. This book has demonstrated how such constructions are sometimes reflected and reproduced in laws, and Malawi's gender equality law served as a central case study.

Departing from traditional doctrinal legal theory, which treats law as an objective and self-contained system of rules, I approach law as a discursive and political practice through which meanings, identities, and social relations are produced and contested. Feminist post-structuralist theory makes visible how legal texts, judicial decisions and policy frameworks are shaped by and, in turn, shape dominant understandings of childhood, gender and sexuality. Law does not merely regulate social life; it participates in constituting the subjects it governs.

Read in this way, the Gender Equality Act (GEA) is neither a neutral instrument nor a finished project. It is one articulation, among many possible articulations, of gender equality and sexual rights, produced within specific historical, cultural and political conditions. This understanding underpins my critique: Because gender equality laws are

discursively constituted, they inevitably carry the ideological assumptions and power relations of the moment of their production. At the same time, such laws are not closed texts. They may contain interpretive gaps and openings that allow for alternative readings. Such readings, in turn, can inform practices that unsettle dominant norms.

Having traced the discursive construction of the GEA, I then explored the conditions under which it might be mobilised as a site of transformation. I argue that the transformative possibilities of gender equality law lie less in formal commitments than in how institutions, officials and practitioners come to understand and inhabit their roles under it. Whether the GEA reproduces regulatory approaches to childhood sexuality or supports more ethical and enabling relations depends on the interpretive frameworks through which it is enacted.

What ultimately is at stake, therefore, is not simply institutional compliance, but a reconfiguration of how children are positioned within law and policy. If children continue to be imagined primarily as vulnerable, non-sexual, inherently problematic or sexualised, legal protections will remain anchored in control and silence. If, however, children are recognised as gendered and sexual beings with evolving capacities, the law may contribute to the cultivation of more just and respectful sexual relations across generations.

Generational transformation, as I have argued, is not achieved through legal reform alone. It requires sustained engagement with the meanings through which childhood, sexuality and authority are understood during the formative years. Attending to these meanings invites a shift in how adults relate to children, not as problems to be managed or futures to be secured, but as present subjects whose dignity, agency and ethical capacities warrant recognition now.

2 A recapitulation

Before I conclude, I offer a brief recapitulation of the key conceptual foundations and thematic inquiries that have shaped my critique. I draw together the arguments developed across the chapters, with particular attention to how feminist post-structural theory has been mobilised to interrogate the discursive power of gender equality law. In so doing, I reiterate that the law constructs, and potentially transforms, meanings of childhood, gender and sexuality. Tracing how the chapters build upon one another, I clarify how the GEA, while constrained by dominant

discourses, nonetheless contains interpretive openings through which prevailing norms may be resisted and reworked in the pursuit of gender justice for children.

2.1 Conceptual foundations

In chapter 1 I introduced the *Charo* judgment of the High Court of Kenya and the *Gondwe* judgment of the Magistrate's Court of Malawi, with the former serving as a key point of departure for this book. In *Charo*, the judge described a sexually active 14 year-old as a child unlike a child, effectively excluding her from the legal protections ordinarily afforded to childhood. Similarly, in *Gondwe*, a 15 year-old girl was characterised in moralising and derogatory terms because of her sexual activity. The public and legal debates surrounding these cases exposed deep tensions between adult authority and children's sexual agency. My underlying motivation was not to identify gaps in the implementation of the gender equality law, but to undertake a critical inquiry into discursive conditions that produce those gaps – and, in doing so, to expose opportunities for addressing them.

In chapter 2 I set out the theoretical framework guiding this inquiry, drawing primarily on feminist post-structuralist theory to analyse Malawi's GEA, a law ostensibly enacted to address gender inequality. Feminist theory provides tools for examining how gendered power relations are sustained through legal, cultural and institutional practices. The post-structuralist dimension of this framework supports an understanding of law not as a neutral technical instrument, but as discourse: a legal artefact constituted within, and productive of broader social meanings, norms and relations of power.

I argued that the GEA does not emerge in a vacuum. Rather, it draws upon both dominant and marginal discourses circulating within Malawian society concerning childhood, gender and sexuality. Its transformative potential hinges not simply on its formal provisions, but on how it is interpreted and enacted by institutional actors. The GEA may reproduce discourses that position children as passive, non-sexual and dependent; yet it may also be read in ways that disrupt these constructions and affirm children as subjects with agency and evolving capacities.

In chapter 3 I applied feminist poststructuralist tools to examine how the GEA conceptualises childhood, gender and sexuality, and the

assumptions it carries about how gender inequality is to be addressed. My analysis of the Malawi Law Commission (MLC)'s report underpinning the GEA suggests that children are largely constructed as lacking sexual agency and autonomy. The social world imagined by the GEA is an adult-centred one, in which children are expected to internalise normative gender roles rather than participate in shaping them. Girls, in particular, are constructed as vulnerable and in need of protection, with social skills training, including sex education, presented as the primary means through which this vulnerability is addressed. The corollary, left largely unstated, is that boys are not similarly positioned as vulnerable subjects. A deconstructive reading exposes these assumptions not only in what the law explicitly states, but also in its silences.

The MLC's vision of gender equality rests heavily on a logic of correct socialisation: Boys and girls are imagined as capable of being moulded into equitable subjects through adult-led education, discipline and behavioural regulation. Feminist post-structuralism unsettles this view. As I argued, children are not passive recipients of gendered norms. They engage with the discursive environments that surround them, sometimes adopting dominant subject positions, at other times resisting them, and always negotiating their identities within fields of power. This underscores the importance of analysing how discourse shapes not only legal texts and policy frameworks, but also lived experience, subjectivity and agency.

2.2 Thematic areas: Childhood sexuality, criminal regulation and educational and health settings

2.2.1 *Decriminalisation of adolescent sex*

In chapter 4 I examined how so-called age of consent laws contribute to the discursive constructions of childhood and adolescent sexualities in ways that erase or pathologise them. In both the *Charo* and *Gondwe* decisions, the Courts grounded their reasoning in age of consent provisions, treating these provisions as objective legal truths. Because law is commonly understood as neutral and authoritative, judicial determinations about adolescent sexuality are often perceived as objective and apolitical. Yet, as I argue in this book, such legal discourses function as dominant narratives that reflect and reproduce prevailing ideologies about childhood, adolescence and sexuality rather than neutral truths.

To substantiate this analysis, I traced the historical trajectory of section 138 of Malawi's Penal Code, introduced in 1930, which initially set the age of consent at 13 and applied only to girls. This provision, borrowed from English law, reflected racialised and gendered assumptions, including the colonial belief that African girls were naturally more sexually precocious than white girls. The law further presumed that girls, rather than boys, required protection from 'defilement'. In 2011, Malawi amended section 138 to raise the age of consent from 13 to 16 years, still applying only to girls. In 2023, it was raised again to 18 and extended to both boys and girls. These successive reformulations should not be read as statements of universal or objective truth. Treating them as such risks reinforcing constructions of all adolescents under 18 as incapable of autonomous sexual decision-making.

While the law has an important role in protecting children from sexual harm, it cannot do so solely by foregrounding vulnerability and silencing the reality of children's evolving sexual agency. Dominant discourses, such as childhood innocence, female passivity and male aggression, subtly shape legal responses to adolescent sexual conduct. These discourses allocate responsibility and power in deeply gendered ways and may result in children themselves being punished for engaging in consensual, non-exploitative sexual behaviour. Such laws do not express timeless moral truths; they emerge from particular historical and discursive conditions and, therefore, remain open to contestation and reinterpretation. Read critically, age of consent law becomes a site through which the tension between protection and agency in childhood sexuality is revealed.

2.2.2 Creating school environments conducive for sexual well-being

In chapter 5 I analysed how the GEA constructs gender within the education sector, particularly through its assumptions about gender equality and the regulation of sexual conduct. The law's primary concern appears to be achieving parity in access to education by ensuring that girls remain in school on an equal basis with boys. While this focus on numerical parity is important, it risks overshadowing the deeper, structural inequalities that permeate school cultures. I argued that gender equality cannot be reduced to enrolment statistics or examination outcomes; rather, it requires an interrogation of the discursive and

institutional practices that shape everyday experiences of gender and sexuality in educational settings.

One such practice is school-related gender-based violence (SRGBV), which exemplifies how dominant gender norms are naturalised and reproduced through subtle, often informal, forms of regulation. Although the GEA recognises SRGBV, its attention is directed mainly towards overt manifestations such as sexual harassment, while failing to name and address more insidious forms of gender policing, for example, the bullying of an effeminate boy or the shaming of a girl who resists idealised norms of femininity. When such practices remain unnamed, they become harder to contest and redress. The expulsion of girls from boarding schools on vague accusations such as 'bed camping', a euphemism for perceived lesbian behaviour, illustrates how some of the most harmful instances of SRGBV slip beneath the surface of official gender-based violence discourse.

The difficulty in recognising the full scope of SRGBV lies partly in the philosophical and epistemological traditions that have shaped formal education, particularly the enduring division between mind and body entrenched in pedagogical philosophies. Schools privilege the mind as the site of reason, discipline and moral development, while positioning the body and, by extension, sexuality, as disruptive, shameful or dangerous. As a result, official school discourse often disavows the presence of sexuality, even as sexuality saturates the social space of the school. Although unacknowledged, sexuality permeates through informal peer cultures, whispered exchanges and concealed interactions. In these silences, dominant discourses of masculinity, femininity and heteronormativity flourish unchecked, shaping subjectivities and sustaining inequality and harm.

Schools, therefore, are key sites in which gendered and sexual subjectivities are produced through disciplinary norms, informal practices and institutional silences. The GEA, understood as a discursive tool, offers the opportunity for interrogating school policies and pedagogical practices. A transformative reading of the GEA would require implementation to move beyond the surface identification of abuse and harassment, and to engage with the hidden architecture of gendered sexual regulation embedded in school cultures.

As described in this book, when sexual acts threaten to surface, or do surface in the school environment, the authorities often respond with

moral panic, seeking to contain and suppress student sexuality. Students found kissing, holding hands or engaging in behaviour interpreted as moral transgression are subjected to disciplinary measures that signal intolerance rather than invite ethical reflection. Such responses reinforce dominant discourses of gender and sexuality that sustain injustice. Students who fail to conform to normative expectations are rendered vulnerable to regulatory practices through which benign expressions of adolescent sexuality are recast as moral failure or deviance. In this way, disciplinary control, often enacted through public punishment, expulsion or other harsh and exclusionary measures, is legitimised even as the law purports to advance gender equality and human rights within schools.

2.2.3 Transforming sexual health for adolescents

In chapter 6 I examined how Malawi's GEA engages the question of sexual and reproductive health and rights (SRHR) for children and adolescents. I argued that the meaningful realisation of SRHR depends not only on complying with formal legal entitlements, but also on young people's access to accurate, affirming information and services. The GEA recognises SRHR as a legal right grounded in dignity and non-discrimination, consistent with international human rights standards. However, these textual commitments are constrained by dominant discourses that construct children, especially girls, as sexually innocent and passive, and therefore as incapable of making autonomous decisions about their own sexual health.

I analysed how the discourse of childhood innocence operates through what Egan and Hawkes describe as sexualisation anxiety, a form of moral panic that assumes that acknowledging children's sexuality will endanger rather than protect them. This anxiety is profoundly gendered: It subjects girls to heightened surveillance and punishment, while boys' heterosexual expression is more readily normalised, becoming a source of concern primarily when it deviates from heteronormative expectations. These discursive formations actively shape how healthcare systems, schools and families respond to children's and adolescents' sexual and reproductive health needs. As a result, children's sexual subjectivities are rendered unintelligible within service delivery frameworks that masquerade as youth-friendly.

These discourses are not merely symbolic; they have material consequences. Healthcare providers may withhold contraceptives,

teachers may avoid open discussions about sexuality, and parents may deny, suppress or shame sexual curiosity or desire. Adolescents, particularly girls, may therefore experience fear or apprehension when seeking SRHR services. In this way, actions by duty bearers who are formally tasked with facilitating access are shaped by dominant framings of child and adolescent sexuality as problematic. These framings, in turn, limit the capacity of sexual and reproductive health laws such as the GEA to enable sexual and reproductive justice for children and adolescents.

Sexual and reproductive justice cannot be realised merely because laws, on their face, promise to advance sexual health and well-being for children and adolescents. What is required is a fundamental shift in the cultural and institutional logics that frame childhood and adolescent sexualities. This means confronting the taken-for-granted norms that pathologise them, and reimagining children and adolescents as evolving sexual subjects capable of ethical agency. If gender laws are to advance the sexual and reproductive health of young people, they must be implemented in ways that critically engage and resist the discursive conditions that undermine children's evolving sexual autonomy.

3 Some suggestions to promote sexual well-being for children and adolescents

A feminist post-structural reading of law, policy and practice often provokes discomfort or anxiety. Letting go of dominant discourses about childhood, gender and sexuality can feel destabilising, particularly where these discourses are deeply intertwined with moral commitments to protection and care. Questions frequently arise: What does it mean to acknowledge children as sexual beings? Does recognising adolescent sexuality expose children to harm or exploitation? Might affirming adolescent sexuality encourage early sexual debut or risky behaviour? These concerns are not trivial; they reflect genuine ethical tensions that merit careful consideration.

At the same time, this book has shown that discourses that deny children's sexuality or construct adolescent sexuality as problematic have not delivered the protection they promise. Instead, such framings have often intensified children's vulnerability by silencing their experiences, delegitimising their agency and restricting access to knowledge, care and supportive relationships. Far from safeguarding children, these discourses

have contributed to conditions in which young people navigate sexuality in isolation, fear or shame.

Against this backdrop, the reflections offered in this part are not intended as a technical blueprint for implementation, nor as prescriptive instructions for policy makers or practitioners. Rather, they are offered as interpretive propositions, that is, ways of thinking about law, policy and practice that foreground their discursive effects and transformative possibilities. Drawing on the analytical insights developed throughout the book, I reflect on how legal and policy frameworks might be read and mobilised in ways that better support sexual well-being and gender justice.

The central concern here is how law can function not only as a regulatory instrument, but also as a normative and symbolic resource capable of reshaping the conditions under which children and adolescents are recognised as rights holders. Approached in this way, legal and policy frameworks that promise gender equality and sexual and reproductive justice can be understood as sites of ongoing struggle, sites in which dominant meanings may be reproduced, but also contested and reworked to affirm children and adolescents as intergenerational subjects of sexual rights.

3.1 Promoting ethical sexual conduct from the formative years

An important step toward transforming the social world in which children grow up lies in rethinking how ethical sexual conduct is understood during the formative years. As this book has argued, childhood and adolescence are not periods of sexual absence, but stages of evolving subjectivity in which meanings about bodies, intimacy, desire and responsibility are gradually formed. Legal and policy frameworks that seek to promote sexual well-being must therefore engage with sexuality as a developmental and relational process, rather than treating it solely as a risk to be managed or behaviour to be controlled.

From a feminist post-structural perspective, ethical sexual conduct does not arise simply from prohibition or compliance with rules. It emerges through discursive and relational environments that support children and adolescents to reflect on sexual desire, recognise boundaries and take responsibility for themselves and others. This insight challenges dominant approaches that rely heavily on criminalisation or discipline,

particularly age of consent regimes that presume ethical sexual agency appears only at a fixed chronological threshold.

Age of consent laws are often justified as mechanisms of protection, yet they also produce particular constructions of childhood sexuality. When such laws operate in isolation from educational and relational supports, they risk framing all sexual expression below a certain age as inherently unethical or harmful. This obscures the reality that ethical capacities develop gradually, through guidance, dialogue and lived experience. Ethical sexual agency, on this account, is not activated by age alone but cultivated over time and diverse conditions.

Seen in this way, the central issue is not whether children should be protected. Protection is essential. Rather, it is about how protection is conceptualised. Protection that relies exclusively on prohibition may foreclose opportunities for ethical learning, while protection understood relationally can coexist with guidance and care. This reframing shifts the analytical focus from preventing sexual conduct to examining how legal and policy frameworks shape the conditions under which ethical sexual subjectivities are formed.

The GEA contains interpretive openings that allow for such a relational understanding. By grounding sexual and reproductive health and rights in dignity, non-discrimination and autonomy, it can be read as recognising children not merely as objects of protection but as ethical agents. Whether the GEA's potential is realised depends on how policy actors, educators, healthcare providers and caregivers interpret and enact these norms in everyday practice.

In this sense, promoting ethical sexual conduct from the formative years is less about prescribing behaviour and more about reshaping the discursive environments in which children come to understand themselves as sexual beings. It involves acknowledging dependence without collapsing it into control and supporting the gradual emergence of sexual agency within relationships of care. This approach does not deny vulnerability or risk; rather, it situates protection within an ethical project that affirms children's evolving subjectivity and relational responsibility.

3.2 The educational institution

In this book I have shown how educational environments across diverse contexts, including, but not limited to, Malawi, often reproduce gender

inequality through two interlinked dynamics: the denial of children's and adolescents' sexuality, and the reinforcement of dominant gender discourses that normalise binary and hierarchical gender norms. Together, these dynamics render certain forms of SRGBV invisible while simultaneously legitimising hegemonic masculinities and pathologising non-normative gender expressions. Gender equality legislation, such as Malawi's GEA, holds potential as a site of transformation, but only insofar as it is interpreted and mobilised in ways that disrupt, rather than reproduce, these dominant discursive formations.

Early childhood development (ECD) policy frameworks provide a particularly revealing site for examining how ideas about gender and sexuality are constituted. ECD policies tend to position children primarily as passive recipients of adult care and moral guidance. Such constructions leave little room for recognising children as active participants fashioning meanings about sexuality. A feminist post-structural reading invites attention to how these policy framings foreclose the recognition of children's evolving gendered and sexual subjectivities, and how alternative readings might open opportunities for understanding children as meaning-makers within social worlds shaped by gender and sexuality.

Similarly, school curricula function not only as pedagogical tools, but also as powerful discursive instruments that shape what kinds of identities and relationships are imaginable. Efforts to integrate gender equality into education have struggled to move beyond formal inclusion toward substantive transformation. Educational content can purposefully be oriented toward fostering more gender-equitable relationships. At the same time, this analysis underscores that curricular texts alone cannot effect transformation. The meanings such curricula produce are mediated through those who enact them in classrooms and school environments.

Here, the concept of reflexivity, central to feminist post-structural thought, becomes analytically salient. Reflexivity draws attention to how educators' own subjectivities are shaped by the same gendered and sexual discourses they are positioned to transmit or contest. When educators recognise their entanglement in norms of masculinity, femininity and heteronormativity, they may be better able to engage with students in ways that unsettle rather than reinforce dominant hierarchies. From this perspective, educational institutions emerge as sites where gender

equality is not simply taught, but continuously produced, negotiated and potentially reimagined.

Transformation is not simply a matter of teaching counter-hegemonic content; it also involves the co-production of understanding, modes of relationality and ethical subjectivities. Ethical transformation, in this sense, may be understood as a practice of freedom that entails care of the self and of others. Such practices do not emerge spontaneously; they are cultivated over time, beginning in the formative years, and educational institutions are among the social sites in which these capacities can be nurtured.

The role of educators is critical. Transformation is shaped not only by what is taught, but by how educators engage with learners around questions of gender, sexuality and power. Reflexivity enables teachers to surface what is often taken for granted or rendered invisible, such as the everyday enactments of sexual and gender-based violence, or the presumed neutrality of binary gender norms. When a learner expresses a gender identity or sexual orientation that unsettles dominant expectations, a reflexive pedagogical response can affirm rather than discipline, thereby opening space for new subject positions to become intelligible without fear of sanction.

From a feminist post-structural perspective, teacher education emerges as a critical site for examining how discourses are reproduced or unsettled. Where teacher education programmes engage seriously with reflexivity, discourse and ethical questions such as consent, mutuality and power, they create conditions in which educators are better equipped to recognise how gendered and sexual norms operate in everyday interactions. These are not merely theoretical concerns. They shape the practical possibilities for whether educational spaces reproduce inequality or enable its contestation.

This analysis also helps explain why curricular reform alone is insufficient. A curriculum designed to promote gender equality cannot disrupt entrenched norms if it is enacted through unexamined assumptions about gender, sexuality and authority. Conversely, educators who approach teaching with a transformative sensibility may destabilise even conservative curricular content through the ways they listen, respond and model alternative forms of relationality.

Ultimately, education systems that take gender justice seriously can be understood as those that move beyond protectionist and disciplinary

framings of childhood and adolescent sexuality. Such systems are characterised by environments in which children and adolescents are recognised as capable of forming caring and ethical relationships, of questioning unjust norms and of imagining alternative ways of being. Laws such as the GEA, and similar instruments elsewhere in Africa, acquire transformative force when they are interpreted not only as compliance mechanisms, but as discursive resources for unsettling the social arrangements through which inequality is reproduced.

3.3 Sexual health information, commodities and services

As demonstrated throughout this book, children and adolescents encounter multiple attitudinal and structural barriers when seeking sexual health information, services and commodities. Central to these barriers is the persistent denial of children's sexuality and sexual agency, particularly in relation to younger adolescents. The prevailing belief that younger adolescents are 'too young' to engage with sexuality often translates into the absence of appropriate support structures. Yet, sexuality is not reducible to sexual intercourse. From early childhood, individuals engage with the meanings, norms and expressions of sexuality as part of their relational and social worlds. Children are sexual and relational subjects who navigate normative scripts, and the ways in which their emerging sexual subjectivities are affirmed, ignored or shamed can have enduring implications for their sexual and reproductive well-being.

Read in this light, laws and policies such as Malawi's GEA, and comparable frameworks elsewhere, acquire significance not only through their formal guarantees but through how they are interpreted and operationalised in everyday interactions. These frameworks can be mobilised in ways that acknowledge children's and adolescents' diverse capacities to make sense of sexuality and to seek information and care. For instance, when a pre-school child engages in a 'kiss-and-tell' game, adult responses, whether reflexive engagement, punitive rebuke or silent avoidance, contribute to the meanings the child internalises about intimacy, bodies, boundaries and power. Such moments illustrate how sexual subjectivity is shaped long before adolescence, through ordinary encounters rather than formal instruction. Sexual health education and service provision, therefore, are implicated in broader ethical relations of care that attend to children's evolving understandings of sexuality.

It is in this context that the concept of ethical sexual agency becomes particularly salient. Drawing on the notion of the care of the self, ethical sexual agency is constituted by the capacity for reflection on one's desires, actions and responsibilities in relation to oneself and others. This orientation foregrounds that sexual agency is not exhausted by individual autonomy, but is constituted within relations of interdependence and care. Healthcare providers, like educators, occupy a significant position within these relational networks. How they interpret children's questions, requests or silences contributes to whether sexual healthcare services function as sites of guidance and affirmation, or as spaces of discipline and moral regulation.

Developing such capacities is closely tied to the nature of professional formation and training. Healthcare providers are positioned to cultivate reflexive practices that challenge dominant discourses of childhood innocence, discourses that often render children's sexual questions or needs unintelligible or inappropriate. They also require communicative repertoires that enable children to ask questions, express discomfort or seek care without anticipating judgment or sanction. For instance, when a healthcare provider encounters a 13 year-old requesting contraception, the interaction is shaped not only by biomedical protocols but also by the provider's interpretive framework. Whether this encounter becomes affirming or silencing depends on how the provider understands the child, as a risk to be managed or as a subject capable of ethical self-care.

Comparative experiences across African contexts suggest that sexual and reproductive justice is most effectively supported where professional practices are not siloed. Integrated, interprofessional orientations, bringing educators, healthcare workers and social service providers into dialogue, can create environments in which children's ethical agency is more likely to be recognised and supported. When teachers and health providers operate within shared normative commitments that affirm children's dignity and relational agency, their combined influence has the potential to unsettle entrenched negative norms about sexuality and instead foster cultures of justice. In this sense, the youth-friendly health services (YFHS) acquire significance not merely through technical accessibility of services, but through their capacity to be relationally and culturally affirming spaces that welcome young people and recognising their dignity.

Seen in this way, facilitating access to sexual information and healthcare services for children and adolescents cannot be reduced to legal compliance or policy design alone. It emerges as a deeply ethical and relational practice that invites a re-imagining of health care and educational spaces as sites of dialogue, recognition and transformation. Grounded in an ethics of care, of the self and of the other, such engagements illuminate how instruments such as the GEA may be taken up in ways that move closer to the substantive realisation of sexual and reproductive justice for young people.

4 Conclusion

Feminist post-structural theory is sceptical of grand, teleological transformations, such as those envisioned by classical Marxism for the ultimate overthrow of capitalist oppression, or by strands of liberal feminism that anticipate the total dismantling of patriarchy. This book has asked a more modest, though no less significant, question, namely, whether and how gender laws, such as Malawi's GEA, can disrupt entrenched relations of power and foster more just relationships with children.

The answer is necessarily complex. Power is not an object to be seized; it is a relation, a discourse and a set of practices that organise social life. The policy actors tasked with interpreting and implementing gender and sexuality laws operate within these relations of power, and their engagements shape whether such laws remain aspirational or become transformative. In many African societies, including Malawi, it remains nearly unthinkable for large segments of the population to accept, for instance, that a 13 year-old girl could be sexually active and still be a normal child, or that a girl might sexually desire another girl and yet be just fine. Such beliefs are not merely cultural attitudes about sexuality; rather, they function as regulatory discourses that structure institutional practices, family responses and even legal formulations.

In this book I critiqued a specific legal instrument to make a broader argument: that laws are not neutral tools operating outside ideology. They are discursive constructs, textual and institutional, that both reflect and reproduce dominant norms, even as they offer possibilities for resistance. This discursive ambivalence limits the capacity of law to transform. And yet, this ambivalence is also the condition of possibilities for transformation; laws can inspire such transformation. The GEA, for

instance, opens several potentially powerful sites of resistance, through its prohibition of harmful practices, sexual harassment and sex-based discrimination, and through its affirmation of sexual and reproductive health as a right of every person, including children and adolescents. In doing so, it implicitly recognises children and adolescents as sexual beings whose sexual rights warrant respect and protection.

Laws, however, do not enact or interpret themselves. Their transformative potential depends on how human agents read, apply and live them. Formal enactment of laws may signal political will, yet their transformative force depends on how human agents translate them in everyday practices of interpretation, reflection or resistance. Drawing on a post-structuralist understanding of freedom as relational rather than absolute, this book advances the concept of ethical sexual agency: a way of relating to self and others that affirms desire, nurtures responsibility, and resists domination by discourses that constrain bodily autonomy and sexual subjectivity, including in relation to children.

The transformation this book envisages is neither sudden nor revolutionary, nor does it presume that even well-intentioned gender and sexual justice laws will bring about a wholesale reordering of social relations. At the same time, it does not foreclose the possibility of more far-reaching change. Rather, transformation is approached as contingent and situated, emerging through modest, everyday shifts, such as recognising children's sexual agency and supporting teachers, healthcare providers and caregivers to engage reflexively and ethically with young people.

Ultimately, this book seeks to prompt reflection on sexual agency and children. The promise of laws that regulate sexual and reproductive life does not reside solely in the explicit articulation of their normative aims, but in their capacity, as discursive instruments, to shape and unsettle the language through which assumptions about sexuality have become naturalised as dominant. In this sense, change is imagined not as a singular event or endpoint, but as an ongoing process of ethical and relational reworking, one that holds open the possibility of gender justice and sexual and reproductive well-being for all, including children.

Epilogue

Moral panic and the governance of adolescent sexuality

As I was concluding the manuscript, I came across a media post that circulated widely in Malawi around October 2025. The post reported that five girls had been expelled from their secondary school after having been found engaging in sexually intimate behaviour with one another and being in possession of a dildo and a vibrator.

The coincidence was uncanny. This incident encapsulates the tensions that run through this book: between protection and punishment, morality and justice, and the denial and affirmation of adolescent sexuality.

When I read the post, I was not shocked. As a young student in Catholic seminaries in the 1980s, I witnessed, and at times participated in, similar forms of sexual exploration among peers, including mutual masturbation. When such behaviour was discovered, it was of course met with harsh disciplinary responses. Some of us were expelled; others remained. In time, we all grew up – became priests, husbands and fathers. What endured for some of us, however, was a lingering sense of shame attached to sexuality.

I wonder how the girls who were expelled will reflect on this experience in years to come. The public exposure, humiliation and punishment involved are likely to have enduring effects. Is this not precisely the kind of harm from which the Gender Equality Act seeks to protect them?

The issue is not whether adolescents engage in sexual exploration. They always have and always will. The issue is how societies respond to this reality. When adolescent sexuality is met with moral panic, punishment and exclusion rather than guidance and care, the result is not protection but harm. It is this pattern of response, not adolescent sexual behaviour itself, that raises the most serious questions about sexual justice.

Viewed through a sexual justice lens, adolescent sexual exploration is normative: part of how young people make sense of their bodies, feelings,

desires and relationships. Such exploration is not inherently harmful, nor is it reducible to sexual intercourse. Harm arises when adult responses are shaped by rigid moralist attitudes that recast normative developmental behaviour as deviance, prompting disciplinary interventions aimed at restoring moral order rather than supporting well-being.

Even in societies that formally endorse gender equality, human rights and child protection, these commitments often falter when confronted with adolescent sexuality. Rights appear to hold only until the moment a young person expresses sexual curiosity or desire. At that point, protection is displaced by moral sanction, and justice is reconfigured as retribution.

Developmental and psychosocial literature widely recognises practices such as masturbation or sexual self-pleasuring as part of ordinary sexual development. This recognition shifts attention away from the behaviour itself and toward adult responses to it, foregrounding the importance of reflexivity: the capacity to interrogate one's own discomforts, moral assumptions, and the discursive frameworks through which adolescent sexuality is interpreted.

In schools, reflexivity opens the possibility of dialogue rather than discipline as the primary response. Sexuality education, when grounded in lived experience rather than adult moral anxieties, can foster understanding of consent, boundaries and ethical intimacy. Disciplinary frameworks that automatically resort to exclusion risk entrenching shame, secrecy and psychological harm, while undermining trust between students, parents and institutions.

A sexual justice lens does not deny the need for boundaries in learning environments. It insists, however, that such boundaries need not be enforced through punitive exclusion as the default response. Where sexual conduct involves coercion or abuse, the ethical concern lies not in the sexual behaviour itself, but in the violation of bodily autonomy and integrity.

My reflection on the expulsion of the girls may strike some as suggesting an overly lenient approach to addressing such behaviour. It understandably raises familiar anxieties about chaos, moral decline and the erosion of schooling as we know it. Would schools not become places of unchecked sexual expression?

I do not offer a prescriptive answer as to what, precisely, the authorities at this school ought to have done. Rather, I interrogate why,

despite commitments to gender equality and human rights, children are so readily subjected to disproportionate punitive responses when they express sexual agency. Laws and policies speak the language of rights and equality, yet institutional responses are often animated by unexamined assumptions about childhood and sexuality.

Ultimately, justice requires a sustained willingness to reflect critically on these assumptions. Where reflexive engagement is absent, societal responses to child and adolescent sexual behaviour are shaped by moral panic and fear of the unknown. These anxiety-driven responses reproduce the very harms from which laws such as the Gender Equality Act seek to protect children and adolescents.