

Malawi

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Malawi is in the process of becoming a member of ILO-IPEC. Malawi is part of an ILO-IPEC regional program funded by USDOL to prevent, withdraw, and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa.¹⁵⁶⁰ In April 2001, the Ministry of Labour and Vocational Training (MOLVT) signed an agreement with ILO-IPEC's SIMPOC to conduct a USDOL-funded national household survey on child labor.¹⁵⁶¹ As of October 2001, the survey questionnaires had been completed, and 12 employees from the MOLVT had been trained in the study methodology; the study is expected to begin in spring 2002.¹⁵⁶² Survey results will be used as the basis of drafting an action plan to implement ILO Convention 182.¹⁵⁶³ In November 2000, a public-private child labor task force made up of representatives from government, business, and labor was established to promote awareness of child labor and formulate strategies to eliminate it.¹⁵⁶⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 32.2 percent of children between the ages of 10 and 14 in Malawi were working.¹⁵⁶⁵ Children are rarely employed in the formal manufacturing sector, but work in the informal sector, in micro industries that include street-side welding, bicycle repair, and furniture making, and as domestic servants.¹⁵⁶⁶ Children also work in the agricultural sector, often

¹⁵⁶⁰ ILO-IPEC, *Regional Programme on the Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa* (Geneva, 2000).

¹⁵⁶¹ ILO-IPEC, *SIMPOC: Malawi*, programme document, March 12, 2001.

¹⁵⁶² U.S. Embassy–Lilongwe, unclassified telegram no. 1873, October 2001 [hereinafter unclassified telegram 1873].

¹⁵⁶³ *Country Reports on Human Rights Practices for 2000—Malawi* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=851>.

¹⁵⁶⁴ U.S. Embassy–Lilongwe, unclassified telegram no. 0390, February 2001) [hereinafter unclassified telegram 0390].

¹⁵⁶⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁵⁶⁶ *Country Reports 2000*, Section 6d. See also unclassified telegram 0390.

alongside their parents on commercial farms.¹⁵⁶⁷ Child labor is used in crop production, including tea and maize,¹⁵⁶⁸ and on commercial tobacco farms, where the incidence of child labor is particularly high.¹⁵⁶⁹ Children frequently perform domestic work to allow adults to work longer hours in the fields.¹⁵⁷⁰ Young girls in urban areas reportedly work as domestic servants for little or no wages and in a state of indentured servitude.¹⁵⁷¹ Children are reportedly trafficked to Western Europe and South Africa for the purposes of sexual exploitation.¹⁵⁷²

Primary education is not compulsory.¹⁵⁷³ The government established free primary education for all children in 1994, which increased attendance rates, according to UNICEF.¹⁵⁷⁴ In 1994, the gross primary enrollment rate was 133.9 percent, and the net primary enrollment rate was 102.6 percent.¹⁵⁷⁵ In 1995, 62 percent of students entering primary school reached grade two, and 34 percent reached grade five.¹⁵⁷⁶ The dropout rate is higher among girls than boys.¹⁵⁷⁷

¹⁵⁶⁷ Unclassified telegram 1873 and unclassified telegram 0390. See also Line Eldring, Sabata Nakanyane, and Malehoko Tshoaeidi, *Child Labour in the Tobacco-Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT Conference on the Elimination of Child Labour, FAFO, Nairobi, October 8-9, 2000 [hereinafter *Child Labour in the Tobacco-Growing Sector in Africa*], 38.

¹⁵⁶⁸ Unclassified telegram 0390. See *Country Reports 2000* at Section 6d. It is believed that children working on tea farms also work on a daily basis. See also ILO, “Child Labour in Commercial Agriculture in Africa,” technical workshop on “Child Labour in Commercial Agriculture in Africa,” ILO, August 27-30, 1996, Dar es Salaam [hereinafter “Child Labour in Commercial Agriculture in Africa”], para. 35.

¹⁵⁶⁹ A study on the tobacco sector in Malawi revealed that 78 percent of children between the ages of 10 and 14 worked with their parents on tobacco estates on a full-time or part-time basis, and it also noted that children under the age of 10 were found working with their parents as full-time workers on the estates. See W. C. D. Kamkondo and K. Wellard, *Women and Children in the Smallholder and Estate Subsector in Malawi*, supplementary report to Estate Extension Service Trust (Lilongwe: Rural Development Department, Bunda College of Agriculture, 1994), as cited in *Child Labour in the Tobacco-Growing Sector in Africa* at 40.

¹⁵⁷⁰ *Child Labour in the Tobacco-Growing Sector in Africa* at 39.

¹⁵⁷¹ *Country Reports 2000* at Section 6c.

¹⁵⁷² *Human Rights Reports: Malawi*, Protection Project Database, at www.protectionproject.org.

¹⁵⁷³ *Country Reports 2000* at Section 5. The Constitution of the Republic Malawi states that all people are entitled to education and that primary education would be of at least 5 years’ duration. See also Constitution of the Republic of Malawi [hereinafter Constitution of the Republic of Malawi], Chapter IV, Section 25 (1-2), at www.sas.upenn.edu/African_Studies/Govern_Political/mlwi_const.html.

¹⁵⁷⁴ UNICEF, *The State of the World’s Children 2002* (Geneva, 2001), 26.

¹⁵⁷⁵ In 1994, the gross primary enrollment rate was 140.6 percent for boys and 127 percent for girls. The net primary enrollment rate was 101.6 percent for boys and 103.6 percent for girls. The available net enrollment statistic is higher than 100 percent, although this is theoretically impossible. The World Bank attributes this abnormality to discrepancies between estimates of the school-age population and reported enrollment data. See *World Development Indicators 2001*.

¹⁵⁷⁶ *World Education Report 2000: The Right to Education, Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000), 144.

¹⁵⁷⁷ *Country Reports 2000* at Section 5.

Child Labor Law and Enforcement

The Employment Act No. 6 of 2000 sets the minimum age for employment at 14 years, but does not apply to work done in vocational technical schools, other training institutions, or unpaid work in homes.¹⁵⁷⁸ The Employment Act also allows children between the ages of 14 and 18 to engage in non-hazardous work that is not prejudicial to their attendance at school or any other vocational or training program.¹⁵⁷⁹ Employers are required to keep a register of all employees under the age of 18, and violation of this law can result in a fine of MK 20,000 (USD 306) and five years of imprisonment.¹⁵⁸⁰ There are no legal restrictions on children's work hours.¹⁵⁸¹ The Constitution and the Employment Act prohibit forced and compulsory labor, and violators are liable for penalties of MK 10,000 (USD 153) and two years of imprisonment.¹⁵⁸² The trafficking of persons is not prohibited by law.¹⁵⁸³

MOLVT is charged with enforcement of child labor laws, but enforcement has been minimal due to a lack of resources.¹⁵⁸⁴ Malawi ratified both ILO Convention 138 and ILO Convention 182 on November 19, 1999.¹⁵⁸⁵

¹⁵⁷⁸ Employment Act. No. 6, Section 21, as cited in *Child Labour in the Tobacco-Growing Sector in Africa* at 37.

¹⁵⁷⁹ Employment Act. No. 6, Section 22, as cited in *Child Labour in the Tobacco-Growing Sector in Africa* at 37.

¹⁵⁸⁰ Employment Act. No. 6, Section 23, as cited in unclassified telegram 0390. See also *Child Labour in the Tobacco-Growing Sector in Africa* at 37. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 1/30/02.

¹⁵⁸¹ *Country Reports 2000* at Section 6d.

¹⁵⁸² Constitution of the Republic of Malawi. See also unclassified telegram 0390.

¹⁵⁸³ *Country Reports 2000* at Section 6f.

¹⁵⁸⁴ *Ibid.* at Section 6d.

¹⁵⁸⁵ ILO, ILOLEX database, International Labour Standards at <http://ilolex.ilo.ch:1567/english/index.htm> on 11/29/01.

NOTE: Hard copies of all Web citations are on file.