

## Malawi

### *Selected Statistics and Indicators on Child Labor*

Percent of children 5-14 estimated as working in 2004:	35.9%	<sup>2632</sup>
Minimum age of work:	14	<sup>2633</sup>
Age to which education is compulsory:	Not compulsory	<sup>2634</sup>
Free public education:	Yes	<sup>2635*</sup>
Gross primary enrollment rate in 2004:	125%	<sup>2636</sup>
Net primary enrollment rate in 2004:	95%	<sup>2637</sup>
Percent of children 5-14 attending school in 2004:	77%	<sup>2638</sup>
As of 2001, percent of primary school entrants likely to reach grade 5:	44%	<sup>2639</sup>
Ratified Convention 138:	11/19/1999	<sup>2640</sup>
Ratified Convention 182:	11/19/1999	<sup>2641</sup>
ILO-IPEC participating country:	Yes, associated	<sup>2642</sup>
*Must pay for school supplies and related items.		

### Incidence and Nature of Child Labor

In 2004, approximately 38 percent of boys and 34 percent of girls ages 5 to 14 were working in Malawi.<sup>2643</sup> Children work in agriculture on tea,<sup>2644</sup> tobacco, and subsistence farms. Children also work in domestic service,<sup>2645</sup> in both urban and rural areas, and reports indicate that they

<sup>2632</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

<sup>2633</sup> Government of Malawi, *Employment Act No.6* (2000), Article 21; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWIo1.htm>.

<sup>2634</sup> U.S. Department of State, "Malawi," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78744.htm>.

<sup>2635</sup> *Constitution of the Republic of Malawi*, (2004), Chapter IV. Human Rights, Article 25; available from <http://www.sdn.org.mw/constitut/dtlindx.html>. See also U.S. Department of State, "Country Reports- 2006: Malawi," Section 5.

<sup>2636</sup> UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>2637</sup> UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

<sup>2638</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2639</sup> UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

<sup>2640</sup> ILO, *Ratifications by Country*, accessed October 8, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>2641</sup> ILO, *Ratifications by Country*, accessed October 8, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

<sup>2642</sup> ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, October, 2006, 30; available from [http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20070228\\_Implementationreport\\_en\\_Web.pdf](http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20070228_Implementationreport_en_Web.pdf).

<sup>2643</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2644</sup> Line Eldring, *Child Labour in the Tea Sector in Malawi: A Pilot Study*, Fafo, Oslo, 2003, 14, 17-20; available from <http://www.fafo.no/pub/rapp/714/714.pdf>.

<sup>2645</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 6d.

rarely receive wages.<sup>2646</sup> Boys work in herding, and children engage in casual labor,<sup>2647</sup> including street vending.<sup>2648</sup> Bonded labor of entire families, including children, is widespread on tobacco plantations under the “tenant farmer system.”<sup>2649</sup>

Malawi is a source and transit country for children trafficked for forced labor and commercial sexual exploitation.<sup>2650</sup> Children are trafficked to South Africa for commercial sexual exploitation.<sup>2651</sup> These children are usually between 14 and 18 years and may be recruited with promises of employment, study, or marriage.<sup>2652</sup> Children are also trafficked internally for the purposes of forced labor in agriculture.<sup>2653</sup> Malawian boys as young as 9 years old are recruited by estate owners from Zambia and Mozambique and trafficked to these countries to engage in agricultural work under harsh conditions.<sup>2654</sup> According to the U.S. Department of State, children, including those residing in rural areas, are among the groups most at-risk for trafficking.<sup>2655</sup>

Children are exploited in prostitution,<sup>2656</sup> and the commercial sexual exploitation of children is reported to be increasing in Malawi’s larger cities and towns, communities, tourist resorts, and some rural areas. There are reports that boys as well as girls are being commercially sexually exploited by tourists along Malawi’s lakeshore.<sup>2657</sup> In urban areas, children engaging in prostitution are reportedly found outside nightclubs and hotels. In some communities, young

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<sup>2646</sup> M.G. Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, ILO-IPEC and the University of Malawi Centre for Social Research, Zomba, January 2005, v, 20. See also U.S. Department of State, “Country Reports- 2006: Malawi,” Section 6d.

<sup>2647</sup> Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, 20.

<sup>2648</sup> U.S. Department of State, “Country Reports- 2006: Malawi,” Section 6d.

<sup>2649</sup> International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies of Malawi*, Geneva, February 6 and 8, 2002; available from <http://www.icftu.org/displaydocument.asp?Index=991214742&Language-EN&Printout=Yes>. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, project document, Geneva, 2005, 7-8. See also U.S. Department of State, “Country Reports- 2006: Malawi,” Section 6c.

<sup>2650</sup> U.S. Department of State, “Malawi (Tier 1),” in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>. See also U.S. Embassy- Lilongwe, *reporting*, March 1, 2007. See also United Nations Economic and Social Council Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography, Juan Miguel Petit, Addendum: Communications to and from Governments*, Geneva, March 27, 2006, 19-20; available from <http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/93/PDF/G0612193.pdf?OpenElement>. See also Jonathan Martens, Maciej 'Mac' Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery: Trafficking in Women and Children for Sexual Exploitation in Southern Africa, 3rd edition*, International Organization for Migration Regional Office for Southern Africa, Pretoria, May 2003, 85-92; available from <http://www.iom.org.za/Reports/TraffickingReport3rdEd.pdf>.

<sup>2651</sup> U.S. Department of State, “Country Reports- 2006: Malawi,” Section 5. See also Jonathan Martens, Maciej 'Mac' Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery*, 85-92.

<sup>2652</sup> U.S. Department of State, “Country Reports- 2006: Malawi,” Section 5.

<sup>2653</sup> U.S. Department of State, “Trafficking in Persons Report- 2006: Malawi.”

<sup>2654</sup> United Nations Economic and Social Council Commission on Human Rights, *Report of the Special Rapporteur* 19-20.

<sup>2655</sup> U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2656</sup> U.S. Department of State, “Country Reports- 2006: Malawi,” Section 5.

<sup>2657</sup> U.S. Department of State, “Trafficking in Persons Report- 2006: Malawi.” See also ECPAT International CSEC Database, *Malawi*, accessed October 7, 2006; available from <http://www.ecpat.net>. See also Jonathan Martens, Maciej 'Mac' Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery*, 80-85. See also U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

girls are reportedly involved in commercial sexual exploitation in exchange for food, clothing, and other commodities. The sexual exploitation of girls is also reportedly perpetrated by teachers and fellow students,<sup>2658</sup> with teachers sexually exploiting girls in exchange for money, according to UNICEF.<sup>2659</sup> Girls, orphans, street children, and children in female-headed households in rural areas are the groups most vulnerable to commercial sexual exploitation.<sup>2660</sup>

## Child Labor Law and Enforcement

The law sets the minimum age of employment at 14 years. Exceptions are made for certain work in vocational technical schools, other training institutions, and homes. The law also prohibits children between 14 and 18 years from being employed in work that could harm their health, safety, development, education, or morals, or in work that could interfere with their attendance at school or any vocational or training program. Employers are required to keep a register of all employees under the age of 18 years. Violations of any of these laws can result in a fine and 5 years of imprisonment.<sup>2661</sup> The law also protects children under 16 years against economic exploitation as well as any treatment, work, or punishment that is hazardous; interferes with their education; or is harmful to their health or physical, mental, or spiritual and social development.<sup>2662</sup>

The Constitution prohibits slavery and servitude, as well as any forms of bonded,<sup>2663</sup> forced, or compulsory labor. Violators are subject to a monetary fine and 2 years of imprisonment.<sup>2664</sup> Trafficking in persons is not specifically prohibited by law, but several laws may be used to prosecute human traffickers.<sup>2665</sup> The law prohibits the procuring of any girl under 21 years for the purpose of unlawful sexual relations, either in Malawi or elsewhere. Abduction, the procuring of a person for prostitution or work in a brothel, and involuntary detention for sexual purposes are all prohibited by law.<sup>2666</sup> The minimum age for voluntary recruitment into the military is 18 years, although those younger may enlist with parental consent.<sup>2667</sup>

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<sup>2658</sup> ECPAT International CSEC Database, *Malawi*. See also Fiona Leach, Vivian Fiscian, Esme Kadzamira, Eve Lemani, and Pamela Machakanja, *An Investigative Study of the Abuse of Girls in African Schools*, Department for International Development (DFID), London, August 2003; available from <http://www.dfid.gov.uk/pubs/files/investstudyafriacaedpaper54.pdf>. See also Integrated Regional Information Networks, "Malawi: Abuse of women and girls a national shame", IRINnews.org, [online], February 1, 2006 [cited accessed October 7, 2006]; available from <http://www.irinnews.org/print.asp?ReportID=51488>.

<sup>2659</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 5.

<sup>2660</sup> ECPAT International CSEC Database, *Malawi*. See also UNICEF, *Malawi- Background*, [online] [cited October 13, 2006]; available from [http://www.unicef.org/infobycountry/malawi\\_2424.html](http://www.unicef.org/infobycountry/malawi_2424.html).

<sup>2661</sup> Government of Malawi, *Employment Act No.6 Part IV*. Employment of Young Persons, Articles 21-24.

<sup>2662</sup> Government of Malawi, *Constitution of the Republic of Malawi*, (2004), Chapter IV. Human Rights, Article 23; available from <http://www.sdn.org.mw/constitut/dtindx.html>.

<sup>2663</sup> U.S. Embassy- Lilongwe, *reporting*, March 1, 2007.

<sup>2664</sup> *Constitution of the Republic of Malawi*, Chapter IV. Human Rights, 27; available from <http://www.sdn.org.mw/constitut/intro.html>. See also Government of Malawi, *Employment Act No.6 Part II*. Fundamental Principles, Article 4(1)-(2).

<sup>2665</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2006: Malawi."

<sup>2666</sup> Government of Malawi, *Penal Code*, [previously online]; available from <http://www.protectionproject.org> [hard copy on file]. See also U.S. Embassy- Lilongwe, *reporting*, March 1, 2007.

<sup>2667</sup> Coalition to Stop the Use of Child Soldiers, "Malawi," in *Child Soldiers Global Report 2004*, London, 2004; available from <http://www.child-soldiers.org/resources/global-reports>.

The Ministry of Labor and Vocational Training (MOLVT) and the police are responsible for the enforcement of child labor laws and policies.<sup>2668</sup> The MOLVT reported several cases of forced child labor in 2006. Most of these instances of forced labor took place on farms, and the employers were required to pay fines.<sup>2669</sup> In 2006, the MOLVT hired 40 new labor inspectors and increased the number of inspections, particularly on agricultural estates.<sup>2670</sup> Labor inspectors conducted inspections of tobacco and tea farms, which are considered the most common violators of child labor laws.<sup>2671</sup> In rural areas, MOLVT youth committees continued to monitor and report on child labor. According to the U.S. Department of State, the child labor enforcement efforts of labor inspectors and police were hindered by a lack of resources.<sup>2672</sup>

The Ministry of Women and Child Development and the police are responsible for handling trafficking cases, and provide assistance to victims.<sup>2673</sup> The National Steering Committee on Child Labor and the National Steering Committee on Orphans and Vulnerable Children are responsible for monitoring trafficking.<sup>2674</sup> During 2006, the government prosecuted 10 child traffickers, most of whom were trafficking children for the purposes of agricultural work and cattle herding. The Government also arrested several individuals for abducting children for child labor. The Ministry of Women and Child Development ensured that the children were repatriated to their home villages.<sup>2675</sup>

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

The Government of Malawi, through its MOLVT, chairs a National Steering Committee on Child Labor, which is implementing an action plan against child labor.<sup>2676</sup> The plan calls for drafting a national policy against child labor, reviewing existing legislation, establishing child labor monitoring committees, and coordinating income generation activities.<sup>2677</sup> As part of the action plan, the government developed a National Code of Conduct on Child Labor,<sup>2678</sup> which is distributed to farm owners.<sup>2679</sup> The government recently committed USD 20 million to its 2004-2009 National Plan of Action for Orphans and Vulnerable Children,<sup>2680</sup> which includes

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<sup>2668</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 6d.

<sup>2669</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Malawi."

<sup>2670</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 6d. See also U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2671</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Malawi."

<sup>2672</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 6d.

<sup>2673</sup> *Ibid.*, Section 5.

<sup>2674</sup> U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2675</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 5. See also U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2676</sup> See ILO-IPEC, *Malawi Child Labor Baseline Survey Report*, February 12, 2003, 49.

<sup>2677</sup> ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations (article 1 of the Minimum Age Convention)*, ILO Conference, 74th session, Geneva, 2003; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/>. See also ILO-IPEC, *Baseline Survey Report*, 50.

<sup>2678</sup> ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, technical progress report, Geneva, September 2006.

<sup>2679</sup> U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2680</sup> UNICEF, *Malawi- Background*. See also The Policy Project, *Recent Successes: Malawi*, online [cited October 18, 2006]; available from <http://www.policyproject.com/countries.cfm?country=Malawi>.

protection for victims of human trafficking, and trafficking prevention and awareness-raising activities.<sup>2681</sup>

In 2006, the MOLVT established 60 new community child labor committees and conducted child labor trainings for estate owners and teachers. It also provided training to 55 youth activists on child labor and the National Child Labor Code of Conduct.<sup>2682</sup> The child labor elimination unit within the MOLVT is working with UNICEF to register violations of child labor laws and build capacity on child labor issues in several districts.<sup>2683</sup>

The Government of Malawi is participating in a 3-year, USD 2.1 million ILO-IPEC project, funded by USDOL, which aims to withdraw 2,000 children and prevent 3,000 children from entering exploitive labor in tobacco farming and domestic service.<sup>2684</sup> Winrock International is implementing a 5-year, USDOL-funded global project with activities to combat exploitive child labor through the provision of basic education in Malawi through 2007.<sup>2685</sup>

In 2006, the Malawi Law Commission provided judges with training, highlighting laws that could be used to prosecute child trafficking cases. The government held district meetings and educated numerous child protection officers, social workers, police and immigration officers, and judges on trafficking. The government also conducted a public awareness campaign on child trafficking and opened a center in Lilongwe that will provide trafficking victims with food, shelter, medical care, psychosocial services, legal aid, and vocational training. The government, in collaboration with UNICEF and NGOs, operated a center in the southern region for abused and exploited children, including children exploited in prostitution, which offers counseling, rehabilitation, and reintegration services.<sup>2686</sup>

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<sup>2681</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Malawi." See also U.S. Embassy- Lilongwe, *reporting, March 1, 2007.*

<sup>2682</sup> U.S. Department of State, "Country Reports- 2006: Malawi," Section 6d.

<sup>2683</sup> ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations (Article 1 of the Minimum Age Convention)*, ILO Conference, 75th session, Geneva, 2004; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/>.

<sup>2684</sup> ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, project document, Geneva, 2005.

<sup>2685</sup> Winrock International, *Project Fact Sheet: Reducing Child Labor through Education (CIRCLE 1)*, online n.d. [cited October 13, 2006]; available from <http://www.winrock.org/fact/facts.asp?CC=5411&bu=>.

<sup>2686</sup> U.S. Department of State, "Trafficking in Persons Report- 2006: Malawi." See also U.S. Embassy- Lilongwe, *reporting, March 1, 2007.*