

²³⁰³ U.S. Embassy - Antananarivo, *reporting, March 3, 2009*, section 27a.

²³⁰⁴ U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar." See also Integrated Regional Information Networks, "Madagascar: No Welcome for Sex Tourism", [online], October 7, 2008 [cited October 8, 2008]; available from <http://www.irinnews.org>.

²³⁰⁵ Private Agencies Collaborating Together (PACT), *Combating Exploitive Child Labor in Madagascar*, Proposal, 2008.

²³⁰⁶ Ibid.

²³⁰⁷ Ibid., i, 43, and 45.

²³⁰⁸ ILO-IPEC, *Combating the Worst Forms of Child Labour, September 2008 Technical Progress Report*, 5-6.

²³⁰⁹ U.S. Department of State, "Trafficking in Persons Report- 2008: Madagascar." See also U.S. Department

of State, "Country Reports- 2008: Madagascar," section 6d.

²³¹⁰ USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, Washington, DC, April, 2007, 61; available from http://pdf.usaid.gov/pdf_docs/PDACJ521.pdf.

²³¹¹ ILO-IPEC Geneva official, E-mail communication to USDOL official, April 16, 2009.

²³¹² Ibid. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=8511>.

²³¹³ UNICEF, *Project Report: Fighting Against the Abuse, Exploitation and Trafficking of Malagasy Children*, Antananarivo, March 2008, 2-3.

Malawi

Incidence and Nature of Child Labor

In Malawi, children work in the agriculture, industrial, and service sectors.²³¹⁴ In agriculture, children work on smallholder farms, including commercial tea and tobacco farms.²³¹⁵ Some children are engaged in forced and bonded labor on tobacco plantations, alongside their families.²³¹⁶

Children, particularly boys, are found in the cattle herding and fishing industry sectors.²³¹⁷ Children also work in the informal sector as street vendors, porters for merchants, and brick makers.²³¹⁸

Children, especially boys, break rocks and haul sand in the construction sector.²³¹⁹ Girls work in domestic service for long hours, where they are often unpaid and abused.²³²⁰

Malawi is a source, destination, and transit country for children trafficked for commercial sexual exploitation, as well as for forced labor. Reports indicate that most trafficking occurs within Malawi and that children are most commonly trafficked for agriculture labor.²³²¹ Children are trafficked to areas such as Kasungu, Salima, Thyolo, Mulanje, and Chikwawa for labor on tobacco and tea estates.²³²² Boys are trafficked internally for animal herding. Girls are trafficked internally for labor in restaurants and bars, as domestic laborers, and for commercial sexual

exploitation.²³²³ Some impoverished families resort to selling girls into sexual slavery in the northern region of Malawi, including districts such as Karonga and Chitipa.²³²⁴ Children are also trafficked to the lake shore areas such as Chilumba, Nkhata Bay, Nkhotakota, Monkey Bay, Salima, and Mangochi for sex tourism.²³²⁵

Children are trafficked along trucking routes in Malawi to South Africa for commercial sexual exploitation.²³²⁶ Malawian children are also trafficked to Zambia and Tanzania for cattle herding.²³²⁷ Boys as young as 9 years are trafficked from Zambia and Mozambique to Malawi by plantation owners and are engaged in hazardous agricultural work.²³²⁸

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.²³²⁹ Exceptions are made for certain work in vocational technical schools, other training institutions, and homes.²³³⁰ 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.²³³¹ The law protects children under 16 years against

economic exploitation and hazardous work. The law prohibits any treatment, work, or punishment that is harmful to a child's health or physical, mental, spiritual, or social development, and any work that interferes with a child's education.²³³² Employers are required to keep a register of all employees under the age of 18 years.²³³³ Violation of the provisions under the Labor Code can result in a fine and 5 years of imprisonment.²³³⁴

procuring of a person for prostitution or work in a brothel, and involuntary detention for sexual purposes are all prohibited by law.²³³⁸ The minimum age for voluntary recruitment into the military is 18 years, although those younger may enlist with parental consent.²³³⁹

The Ministry of Labor and the police are responsible for the enforcement of child labor laws and policies.²³⁴⁰ The Ministry and police investigate complaints and tips through their 150 labor officers. However, according to USDOS, the child labor enforcement efforts of the labor inspectors and police were hindered by the lack of resources.²³⁴¹ The Ministry of Women and Child Development is the lead ministry for combating child trafficking.²³⁴² In addition, the police have 34 support units that focus on managing trafficking cases.²³⁴³ According to USDOS, the Government of Malawi cooperated with the Government of Zambia regarding cross-border child trafficking cases.²³⁴⁴

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

The Government of Malawi included an indicator for combating child labor in its 2006 to 2011 Development and Growth Strategy.²³⁴⁵ The Ministry of Labor budgeted USD 2.47 million for the 2008-2009 fiscal year for its program to combat child labor, which includes labor inspections, community awareness activities, support to families, agricultural tools, money transfers, and education.²³⁴⁶ The Government and ILO continued to work with businesses to eliminate child labor in sectors such as tea and tobacco.²³⁴⁷ The Government runs a shelter for child trafficking victims and street children in the nation's capital.²³⁴⁸ In addition, the Government provides counseling, rehabilitation, and repatriation services to trafficking victims.²³⁴⁹

The Government of Malawi provided training on child protection and trafficking to its peacekeepers that were deployed abroad.²³⁵⁰ The Government also developed a Law Enforcement Training Manual that was designed to teach police and magistrates how to manage child labor cases.²³⁵¹ During the reporting period, the Ministry of Labor provided child labor training

| <i>Selected Statistics and Indicators on Child Labor</i> ²³³⁵ | |
|--|----------------|
| Population, children, 5-14 years, 2004: | 3,657,292 |
| Working children, 5-14 years (%), 2004: | 35.9 |
| Working boys, 5-14 years (%), 2004: | 38.0 |
| Working girls, 5-14 years (%), 2004: | 34.0 |
| Working children by sector, 5-14 years (%): | |
| - Agriculture | - |
| - Manufacturing | - |
| - Services | - |
| - Other | - |
| Minimum age for work: | 14 |
| Compulsory education age: | Not compulsory |
| Free public education: | Yes* |
| Gross primary enrollment rate (%), 2007: | 116.5 |
| Net primary enrollment rate (%), 2006: | 87.0 |
| School attendance, children 5-14 years (%), 2004: | 77.0 |
| Survival rate to grade 5 (%), 2004: | 43.4 |
| ILO Convention 138: | 11/19/1999 |
| ILO Convention 182: | 11/19/1999 |
| CRC: | 1/2/1991 |
| CRCOPAC: | No |
| CRCOPSC: | No |
| Palermo: | 3/17/2005 |
| ILO-IPEC participating country: | Associated |

*In practice, must pay for various school expenses

The law prohibits slavery and servitude, as well as any forms of bonded, forced, or compulsory labor.²³³⁶ Violators are subject to a monetary fine and 2 years of imprisonment.²³³⁷ The law prohibits the procurement of any girl under 21 years for the purpose of unlawful sexual relations, either in Malawi or elsewhere. Abduction, the

courses to its labor officers, police, social welfare officers, and magistrates.²³⁵² UNICEF, ILO, the Norwegian Church Aid, and other NGOs provided support for these trainings.²³⁵³ According to USDOS, the Government of Malawi continued its strong efforts to raise public awareness on child labor and trafficking.²³⁵⁴

The Government of Malawi participated in a USDOL-funded 3-year USD 2.1 million ILO-IPEC project that ended in December 2008 and withdrew 2,353 and prevented 3,942 children from entering exploitive labor in agriculture and domestic labor.²³⁵⁵ In addition, the Government of Malawi, in partnership with the Eliminating Child Labor in Tobacco Growing Foundation, continued to implement the Integrated Child Labor Elimination Program. The Program is a 4-year USD 4 million project that aims to reduce child labor through awareness-raising and improving the living conditions of children and their families.²³⁵⁶

²³¹⁴ ILO-IPEC, *Malawi: Child Labour Data Country Brief*, Geneva, January, 2008; available from www.ilo.org/ipecinfor/product/download.do?type=document&id=7802.

²³¹⁵ J. Oldenzil, G. Otten, and India Committee of the Netherlands, *Sustainabilitea: The Dutch Tea Market and Corporate Social Responsibility*, SOMO, Centers for Research on Multinational Corporations, 2006, page 41; available from <http://www.indianet.nl/sustainabilitea.pdf>. See also U.S. Department of State, "Country Reports- 2008: Malawi," section 6d. See also U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 1.

²³¹⁶ U.S. Department of State, "Country Reports- 2008: Malawi," sections 5 and 6c.

²³¹⁷ U.S. Embassy- Lilongwe, *reporting*, May 30, 2008, para 1.

²³¹⁸ Bright B. Sibale and Evans Kachale, *Educational perspectives related to the impact of the HIV/AIDS pandemic on child labour in Malawi*, ILO-IPEC and Centre for Development Management Consulting and Learning Facility, October 2004, 2; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=121>. See also, UNICEF, *Malawi- Real lives*, [online] [cited February 2, 2009]; available from http://www.unicef.org/infobycountry/malawi_2429.html.

²³¹⁹ Kwakwarhi Mwanamai, *Malawi: Poverty afflicts children orphaned by AIDS*, UNICEF, November 5, 2005; available from

www.unicef.org/infobycountry/malawi_29672.html?q=printme.

²³²⁰ U.S. Department of State, "Country Reports- 2008: Malawi," section 6d. See also M.G. Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi Volume I: Main Report*, ILO-IPEC and the University of Malawi Centre for Social Research, Zomba, January 2005; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=4727>. See also Ministry of Justice, *First periodic report of Malawi on the implementation of the Convention on the Rights of the Child*, 2007, 22; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvancesVersions/CRC.C.MWI.2.pdf>.

²³²¹ U.S. Department of State, "Malawi (Tier 2)," in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

²³²² Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 66.

²³²³ U.S. Department of State, "Trafficking in Persons Report- 2008: Malawi." See also Millenium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, ILO-IPEC, September, 2008, viii, 21.

²³²⁴ Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 130.

²³²⁵ *Ibid.*, 66.

²³²⁶ U.S. Department of State, "Country Reports- 2008: Malawi," section 5. See also Integrated Regional Information Networks, "Southern Africa: Major destination for traffickers in women and children", April 23, 2004 [cited January 23, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=49630>.

²³²⁷ Ministry of Justice, *First periodic report of Malawi on the implementation of the CRC*, 21.

²³²⁸ 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; available from http://www.unhchr.ch/html/menu2/2/60chr/summaries/13_E.doc.

²³²⁹ Government of Malawi, *Employment Act No.6*, article 21.

²³³⁰ *Ibid.*

²³³¹ *Ibid.*, article 22.

²³³² Government of Malawi, *Constitution of the Republic of Malawi*, chapter IV, article 23.

²³³³ Government of Malawi, *Employment Act No.6*, article 23.

²³³⁴ *Ibid.*, article 24.

²³³⁵ For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and

ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Malawi, *Employment Act No.6*, (2000), part IV, article 21; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWIo1.htm>. For age to which education is compulsory, see U.S. Department of State, "Malawi," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. For free public education, see Government of Malawi, *Constitution of the Republic of Malawi*, (2004), chapter 4, article 25; available from <http://www.sdn.org.mw/constitut/dtindx.html>. See also U.S. Department of State, "Country Reports-2008: Malawi," section 5.

²³³⁶ Government of Malawi, *Constitution of the Republic of Malawi*, article 27. See also, Government of Malawi, *Employment Act No.6*, article 4 (1).

²³³⁷ Government of Malawi, *Employment Act No.6*, article 4 (2).

²³³⁸ Government of Malawi, *Penal Code*, [previously online] 2004], article 140; available from <http://www.protectionproject.org> [hard copy on file].

²³³⁹ Coalition to Stop the Use of Child Soldiers, "Malawi," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=128>.

²³⁴⁰ U.S. Department of State, "Country Reports- 2008: Malawi," section 6d.

²³⁴¹ Ibid.

²³⁴² U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, section 1.

²³⁴³ Ibid., section 6b.

²³⁴⁴ Ibid., section 5g.

²³⁴⁵ U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 7.

²³⁴⁶ Ibid., section 5.

²³⁴⁷ U.S. Embassy- Lilongwe, *reporting*, May 30, 2008, para 2.

²³⁴⁸ U.S. Embassy- Lilongwe, *reporting*, January 12, 2009.

²³⁴⁹ Millenium Center for Research & Development, *Final Report: Child Trafficking in Malawi*, 56. See also U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, section 2.

²³⁵⁰ UN Committee on the Rights of the Child, *Written Replies by the Government of Malawi to the List of Issues Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Second Periodic Report of Malawi*, CRC/C/MWI/Q/2/Add.1, Geneva, January 9, 2009, section 66; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MWI.Q.2.Add.1.doc>. See also, U.S. Department of State, "Trafficking in Persons Report- 2008: Malawi."

²³⁵¹ U.S. Embassy- Lilongwe, *reporting*, January 12, 2009, section 5.

²³⁵² Ibid.

²³⁵³ U.S. Embassy- Lilongwe, *reporting*, February 13, 2009, para 5f.

²³⁵⁴ U.S. Department of State, "Trafficking in Persons Report- 2008: Malawi."

²³⁵⁵ ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Project Document, Geneva, 2005, 2, cover page. See also ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, Final Technical Progress Report, Geneva, March 2009, 1 and 26.

²³⁵⁶ ECLT Foundation, *Quick Facts: ECLT in MALAWI, ICLEP 2*, [[cited February 22, 2009]; available from http://www.eclt.org/activities/projects/malawi_iclep2.html. See also, ECLT Foundation, *Integrated Child Labour Elimination Program, Phase 2*, [May 21, 2007] [cited February 22, 2009]; available from <http://www.eclt.org/filestore/ICLEP2Programme.pdf>. See also, Alain Berthoud, *Response to "Playing with Children's Lives: Big Tobacco in Malawi"*, [online] March 4, 2008 [cited February 23, 2009]; available from <http://www.corpwatch.org/article.php?id=14947>.

Mali

Incidence and Nature of Child Labor

In Mali, 60 percent of children in rural areas are economically active, compared with 36 percent of children in urban zones, according to a report prepared by UCW. Most working children are employed in agriculture, including in hazardous activities such as mixing chemicals to prepare

pesticides, spraying pesticides, and carrying heavy loads.²³⁵⁷ Children, including street children, work within the informal urban sector, in activities such as begging, vending goods, portering, and garbage scavenging.²³⁵⁸

Children work in hazardous conditions in garages, workshops, quarries, and gold mines,