

In 2011, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. Despite severe fuel shortages and the suspension of foreign aid, the Government continued to support social programs to address child labor, particularly in the tobacco sector. The Government has also mainstreamed child labor into the Malawi Growth and Development Strategy (MGDS II) (2011-2016), the Decent Work Country Program (2011-2016) and the United Nations Development Assistance Framework (UNDAF). The Government also provided training on human trafficking to its employees and to police. However, the Government has not finalized or fully implemented neither key legislation nor policies protecting children from the worst forms of child labor, including the Tenancy Bill, the Child Labor Policy and the Child Protection Policy. In addition, the country continues to lack a compulsory education law. The worst forms of child labor in Malawi, particularly in dangerous activities in agriculture and fishing.

### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	33.6 (1,401,759)
Attending School	5-14 yrs.	79.5
Combining Work and School	7-14 yrs.	36.1
Primary Completion Rate		66.8

#### Sources:

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2006.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Malawi are engaged in the worst forms of child labor, primarily in dangerous activities in agriculture and fishing.(3-8) Many work on farms, including in the commercial tea and tobacco sectors.(9, 10) These children may be denied food and experience verbal and physical abuse, sustain injuries from carrying heavy loads, contract respiratory illnesses, and risk exposure to toxic fertilizers and pesticides.(4, 9, 11) Children who sort and handle tobacco risk illness from nicotine absorption, including Green Tobacco Sickness.(9, 11-13) Children are involved (sometimes working alongside family members who are tenants on farms) in the tenancy system; farm owners loan tenants agricultural inputs



and deduct the debt from future profits. Families who cannot meet production quotas and are unable to repay these debts may face debt bondage.(14)

Boys catch, process, and sell fish, reportedly including the local varieties of *chambo* (tilapia) and *mlamba* (catfish).(5, 15) Some work as *bila boys* responsible for pulling and detangling nets. They spend prolonged periods in the water and dive at unsafe depths.(5, 16, 17) Children known as *chingubidi* empty water from small fishing boats. They work long hours, experience seasickness and may receive low pay.(16)

Children, especially boys, herd livestock. They have long workdays and often live alone and away from their families in order to care for animals.(6, 18, 19). Boys are also involved in the worst forms of child labor in quarrying, mining and construction.(6) Children in construction may carry heavy loads and be susceptible to dangerous conditions.

In urban areas, including in markets, children work as vendors.(20, 21) Anecdotal evidence suggests the number of street children in Malawi has increased.(22) Children working on the streets are vulnerable to severe weather, traffic accidents and crime.(4, 23) Children, primarily girls, are involved in domestic service and may be subject to abuse and long hours.(24, 25)

Children, often from rural areas, are exploited in prostitution, begging and sex tourism in urban areas and resorts near the country's lakes. In some cases, such children are victims of trafficking.(24) Within Malawi, boys are trafficked for animal herding and girls are trafficked for work as domestics or in restaurants and bars.(24, 26) Malawian boys may be trafficked to Tanzania for fishing, and girls to South Africa for commercial sexual exploitation. Malawian, Zambian and Mozambican children are trafficked within Malawi for forced labor on farms.(4, 24, 26, 27)

Children affected by HIV/AIDS, including more than 500,000 orphans, are at increased risk of entering into the worst forms of child labor.(23, 28) These children may become the heads of their households or primary caretakers to a sick parent and have to work to support their families.

## Laws and Regulations on the Worst Forms of Child Labor

The Employment Act No. 6, adopted in 2000, sets the minimum age for employment at 14 in agricultural, industrial or non-industrial work. However, this minimum age does not extend to work performed in private homes.(29) The Child Care, Protection and Justice Bill (Child Protection Act), prohibiting child labor, passed in June 2010 and became effective in January 2012. The Act defines a child as a person below 18 and prohibits children under the age of 10 from any work, including within the home.(20, 28, 30) However, the Act does not protect children over age 10 from work performed in private homes.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

The Tenancy Bill, first drafted in 1997, regulates labor tenancy and includes legal protections for children working in agriculture through the tenancy system; however, it has not yet been passed into law.(14, 20, 31)

Although the Constitution states that children under age 16 are entitled to protection from hazardous work, the Employment Act sets the minimum age for hazardous labor at 18.(32) (29) (32) As of the end of the reporting period, March 31, 2012, the list of hazardous occupations, Employment Order, 2011 (“Prohibition of Hazardous Work for Children”) was still under review.(33)

The Penal Code prohibits pornography and criminalizes the procurement of prostitution. However, it does not prohibit the sale of a child into prostitution and its protections only apply to girls, leaving boys vulnerable.(34)

The Government reported to the UNESCO Institute of Statistics that education is compulsory until age 14.(35) Primary schools are free by law. Although families are responsible for school related expenses, such as books and uniforms, the Government directly provides schools with training and teaching resources and provides some book subsidies for poor families.(4, 36) However, government resources to schools are limited.(14, 36, 37)

Both the Employment Act and Malawi's Constitution prohibit and punish slavery, servitude and forced labor.(10, 32) Trafficking can be prosecuted through the child labor, forced labor and hazardous labor provisions of the Employment Act, the Penal Code, and the Child Protection Act.(23, 26, 29, 34, 38) The Child Protection Act also addresses the issues of child abduction and trafficking.(26)

The Defense Force Act sets the minimum age for military recruitment at 18.(20, 39) The Child Care, Protection and Justice Bill (Child Protection Act) prohibits the use of children for illicit activities.

## Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor (MOL), through its Child Labor Unit, is the primary agency coordinating efforts to combat child labor.(31, 40) The Unit provides technical assistance to other government agencies implementing child labor laws at the district and national levels.(40, 41) It provides policy guidance on child labor issues, including to the Child Labor Network, of which it is a member. The Network's membership includes government, trade unions, employers and civil society, and it is responsible for drafting policies, identifying resources and

harmonizing programs and activities for the elimination of the worst forms of child labor.(10, 40) The Child Labor Unit has limited staff and resources to effectively address the problem of child labor in Malawi. No information on the Child Labor Unit budget was available.(31)

In 2011, district level child labor committees comprised of government, NGO, union, and industry representatives regularly met to discuss incidents of child labor. They also monitored and implemented child labor projects in their area. The committees are guided by their district plans.(37, 42)

The Ministry of Gender, Children and Community Development has trained 800 Child Protection Volunteers to monitor child protection issues, including child labor.(31) Other community members also provided child labor monitoring in their localities.(31, 33) Malawi has a number of committees and working groups focused on issues relating to child labor, including: the National Steering Committee on Child Labor, the OVC and Child Protection Committee, the National Technical Working Group on Child Labor and Protection, the District Child Labor and Protection Technical Committee, the Area Child Labor and Protection Committee, and a Community Child Labor and Protection Committee.(31) The effectiveness of these committees and working groups has not been assessed. The same government representatives may sit on more than one committee, as in the case of the National Steering Committee and the OVC and Child Protection Committee.(37, 43) Anecdotal evidence also suggests that there may be some duplication of efforts. No information is available on the level of coordination between these committees.(43)

The MOL's General Inspectorate is charged with performing inspections and investigating all labor complaints, including those related to child labor.(44) While there is no formal mechanism for reporting child labor complaints, they are typically received by district child labor protection committees.(20) Workers and district child labor protection committees notify district labor offices to report hazardous child labor.(10, 40) Labor officers in 29 decentralized district offices administer and coordinate labor inspection services.(40) District labor offices receive funding directly from the Treasury; however, there are still insufficient funds to purchase office space and vehicle fuel in order to conduct inspections.(20)

By law, labor inspectors are required to visit workplaces biannually.(10, 40) They are to use standard forms to guide and report the results of their inspections for child labor. However, according to the ILO, these standard forms are not yet widely used, and mandatory inspections do not regularly take place due to a lack of resources.(31)

During the reporting period, economic, governance, and human rights concerns in Malawi led to violent strikes and resulted in the suspension of direct budget support and aid from many foreign donors.(33, 45) Foreign assistance contributes 40 percent of Malawi's total budget. As a result of the decrease in foreign exchange, Malawi did not have foreign currency to buy fuel, and therefore experienced a serious fuel shortage that disrupted business, public services and development activities, including monitoring and enforcement efforts against the worst forms of child labor.(31, 33, 42) Despite these constraints, in 2011, 1,340 labor inspections were carried out; however, the Government did not disaggregate which of these were related to child labor.(31, 37) Reports indicate that child labor cases during the reporting period were resolved through prosecution, resulting in fines. Fines ranged from \$53 to \$132 and all were paid. Reports suggest that in general, fines were not sufficient to dissuade offenders from continuing to use child labor.(31)

The Inter-Ministerial Task Force on Human Trafficking, led by the Ministry for Gender, Children and Community Development, coordinates anti-trafficking efforts and partners with international organizations and NGOs to draft national action plans to combat trafficking.(26, 38) The National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor are also responsible for addressing trafficking issues specifically related to children.(26, 38) The status of coordination between the Task Force and these two Committees is unknown.

The Ministry of Gender, Children and Community Development is the lead agency responsible for the enforcement of trafficking laws.(40) The Ministry employs workers specifically to identify trafficking and child labor victims. The police also identify and rescue child trafficking and child labor victims.(26, 38) Other agencies supporting the enforcement of child trafficking laws include the Ministry of Justice, the MOL and the Ministry of Local Government and Rural Development.(26, 38, 40) The Ministry of Local Government and Rural Development and the Ministry of Gender, Children and Community Development trained 20 officers on child protection and human trafficking during the reporting period.(31) Police recruits at the Malawi Police Training School were also trained on identifying and combating human trafficking, as part of their standard training curriculum.(31) There is no information on whether trafficking in persons investigations were conducted during the reporting period. During 2011, the Government reported trafficking prosecutions and convictions, however, research did not show which of these were specific to child labor.(26)

The Government of Malawi does not collect data on the number of working children or the number of children engaged in the worst forms of child labor.(37)

## **Government Policies on the Worst Forms of Child Labor**

The draft National Child Labor Policy, prepared in 2009, focuses on the issue of child labor and it would provide government, civil society and other partners with a framework to implement child labor programs and activities. However, it still awaits Cabinet approval.(46) The National Action Plan to Combat Child Labor (2010-2016), adopted on September 28, 2010, assigns roles and responsibilities for each ministry responsible for implementing the National Child Labor Policy.(33) It provides a comprehensive framework to reduce the worst forms of child labor.(33) The Plan proposes concrete activities to support policies to combat child labor.(20, 46) The CPP, adopted in 2010, harmonizes all policies related to children, but it has not been implemented.(28) Malawi also has an Employers' and a National Code of Conduct on Child Labor, which were developed prior to drafting the list of hazardous work. Both codes define conditions under which children are prohibited from work.(20, 41, 46) Malawi has mainstreamed child labor into other important development agendas, including the

Malawi Growth and Development Strategy (MGDS II) (2011-2016), the Decent Work Country Program (2011-2016), and UNDAF.(31, 33) The Government and UN agencies in Malawi work together under the One UN Fund program. This program supports the Government of Malawi's current efforts and seeks to enhance current UN agencies' activities to combat child labor.(33, 37, 43)

The Government's Education Policy provides all children with access to education and eliminated primary school fees.(10) The Government also currently implements the National Education Strategic Plan 2008-2017, which outlines the Government's goals and objectives towards achieving education for all.(14) The National Youth Policy (1996) includes protections for at-risk youth. The Policy includes the provision of services to youth, such as training and educational opportunities, which could contribute to reducing the worst forms of child labor.(10) The question of whether these programs have an impact on child labor does not appear to have been addressed.

## **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

The Government is partnering with ILO-IPEC on a 3-year, \$2.75 million project funded by USDOL to combat child

labor. The project began in 2009 and aims to strengthen child labor policies and develop codes of conduct for the elimination of child labor in the production of tea, tobacco and other agricultural goods. It seeks to withdraw and prevent 4,982 children from involvement in child labor by the end of 2012.(14, 31, 33) The project includes wider use of the child labor monitoring system established under a past USDOL-funded project. However, the Government does not currently systematically collect data on child labor.(37, 43) In 2011, the project planned for its beneficiaries to receive funding from the government Youth Enterprise Development Fund.(33) The Fund was created to address the problem of youth unemployment in Malawi. It provides youth, including those previously in the worst forms of child labor, with access to credit to start their own businesses.(33) In 2011, no project beneficiaries received these benefits.

In 2011, Food and Agriculture Organization (FAO) launched a project to support rural employment and decent work policies that promote equitable and sustainable livelihoods in Malawi and Tanzania. Funded by the Swedish International Development Agency, this 3-year, \$1.8 million dollar project works alongside ILO-IPEC to address child labor in agriculture. USDOL also funds the 4-year project, "Cooperation to Address the Worst Forms of Child Labor in Agriculture: Support to the International Agricultural Partnership," an ILO-FAO partnership.(33, 47) The project began in 2011. It developed an action plan to address child labor in agriculture. It also supported training for Directors of the Ministries of Labor and of Agriculture, as well as for Labor Officers and Agriculture Extension Officers, to ensure that employees of both Ministries are equipped to identify and support child laborers.(33)

There are a number of current initiatives to combat child labor in the tobacco sector. The Government is a steering committee member of the Eliminating Child Labor in Tobacco Growing (ECLT) Foundation's Integrated Child Labor Elimination Project, which intends to reduce child labor in 200 villages in Malawi.(48) Under a private-public partnership agreement, the Government collaborates with Japan Tobacco to implement the project, "Combating Child Labor in the Tobacco Industry."(31) The project receives additional support from the UNDP and the African Development Bank. Research did not identify any current programs focusing on children in the herding and fishing sectors.

The Government also supports the \$8 million, 4-year project, Child Labor Elimination Actions for Real Change (CLEAR) implemented by Save the Children and other NGO partners.(31) The project aims to address the root causes of child labor in the districts of Ntchisi, Mchinji and Rumphi.

With support from UNICEF and Plan Malawi, the Government is campaigning to register the births of children under age 18 in efforts to curb child labor and trafficking in nine districts.(31, 49) The Government also runs transit shelters that take in trafficked and street children and provide them with basic necessities.(4, 10, 31) It does not, however, have rehabilitation centers for these children.(4) The Government has also (19) established child friendly courts, community victim support units and a Child Stop Center to assist child labor victims.(20)

During the reporting period, the Government implemented a cash transfer program to low-income families in high-risk districts to enable their children to stay in school.(20, 31) The cash transfer program has been shown to have an impact on reducing child labor.(50, 51)

Studies on a program, which provides rural financial credits, indicate that children of credit recipients are generally more

likely to attend school and less likely to engage in child labor. Other analysis suggests that these credits may result in more children during the agricultural off-season remaining “idle,” neither working nor attending school, and more children during the peak season participating in agricultural production. Girls, especially, may take over the domestic chores of adult women who become more involved in income-generating activities financed by the credit, thereby delaying their enrollment in school.(52)

In 2011, in collaboration with NGO partners, the Government implemented programs to improve student retention, including developing student hostels and constructing school buildings. (20) In partnership with WFP, the Government provides some school feeding programs. The Government supports Mpemba Boys Home, Chilwa Approved Schools and other institutions that provide temporary and permanent care for orphans.(24) The impact of these programs on reducing child labor has not been assessed.

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Malawi:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Increase the minimum age for work for children employed in the home to 14.	2009, 2010, 2011
	Protect children working in the tenancy system by passing the Tenancy Bill, which regulates tenant farms and protects children working on them.	2009, 2010, 2011
	Ensure that both boys and girls are protected from all forms of sexual exploitation.	2009, 2010, 2011
	Adopt and fully implement the Employment Order.	2011
	Extend current child labor protections to children working in domestic service.	2011
	Ensure that the amount of fines is sufficient to deter individuals exploiting children in the worst forms of child labor.	2011
Coordination and Enforcement	Improve coordination among key agencies and bodies responsible for combating child trafficking.	2009, 2010, 2011
	Publish data on inspections, criminal investigations, prosecutions and other steps taken to enforce laws.	2011
	Assess the effectiveness of current child protection and child labor committees.	2009, 2010, 2011
	Require inspectors to use data collection forms and keep records of workplace visits.	2009, 2010, 2011
	Increase resources to enable labor inspectors to conduct regular child labor inspections.	2009, 2010, 2011
	Improve the current child labor enforcement reporting mechanisms.	2011

Area	Suggested Actions	Year(s) Action Recommended
Policies	Finalize and implement the Child Labor Policy.	2009, 2010, 2011
	Implement the Child Protection Policy.	2011
	Assess the impact that existing education and youth policies may have on addressing child labor in Malawi.	2011
Social Programs	Conduct research to clarify the impact of the cash transfer program and rural credits on child labor.	2011
	Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor and develop programs to specifically target children in the fishing and herding sectors.	2011
	Systematically collect data on the number of working children, including through the use of the child labor monitoring system established under the USDOL-funded project.	2011
	Establish rehabilitation centers for victims of trafficking.	2011

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