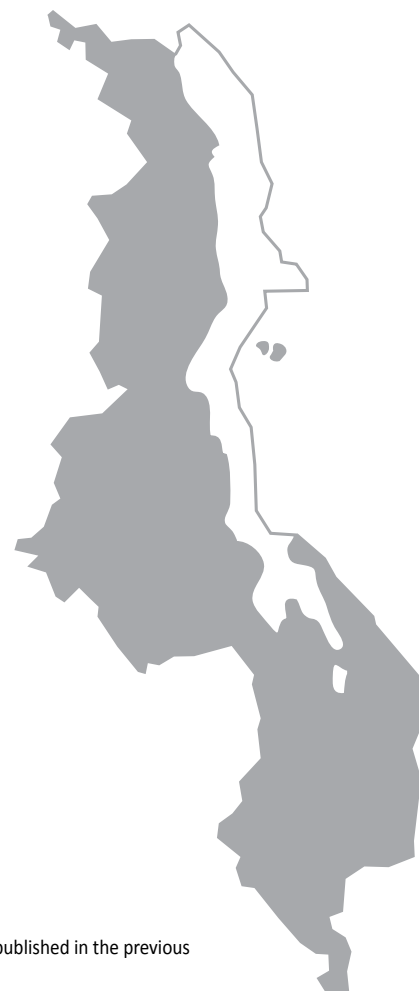


In 2016, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government expanded the Malawi Social Action Fund and other social programs to address child labor, particularly in the tobacco sector. The Government also hired and trained 21 new labor inspectors. However, children in Malawi continue to engage in the worst forms of child labor, including in the harvesting of tobacco and in commercial sexual exploitation. The Government has not finalized or fully implemented key legislation or policies protecting children from the worst forms of child labor, including the Child Labor Policy and the Child Protection Policy. In addition, gaps continue to exist in labor law enforcement related to child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Malawi engage in the worst forms of child labor, including in the harvesting of tobacco and in commercial sexual exploitation.(1) Table 1 provides key indicators on children’s work and education in Malawi.

Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (%)	5 to 14	34.0
Attending School (%)	5 to 14	89.6
Combining Work and School (%)	7 to 14	39.1
Primary Completion Rate (%)		79.3

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2016.(2)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from MICS 5 Survey, 2014.(3)

Data on working children, school attendance, and children combining work and school are not comparable with data published in the previous version of this report because of differences between surveys used to collect the data.

Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Planting and harvesting tea, cotton, and sugar (4, 5)
	Planting and harvesting tobacco, clearing land, building tobacco-drying sheds, cutting and bundling, weeding, and plucking raw tobacco† (1, 6-12)
	Fishing (4, 13)
	Herding livestock (4, 14)
Industry	Quarrying,† mining,†collecting sand, and brickmaking (14-16)
	Construction,† activities unknown (15)
Services	Domestic work in third-party homes (10, 15)
	Ganyu (a form of casual labor) (17, 18)
	Begging† (19)
	Vending and wholesaling (10, 15, 20)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1, 10, 15, 19, 21)
	Herding goats and cattle; farming (predominantly tobacco); fishing; domestic work; and work in small businesses such as rest houses and bars, each sometimes as a result of human trafficking (10, 13, 16, 22-26)
	Forced begging (16, 22)
	Use in crimes (16, 17, 22)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

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Children in Malawi are engaged in hazardous work in the production of tobacco.(9, 15, 22) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness.(9) They are also exposed to pesticides and chemicals.(6) Some children work alongside family members who are tenants on tobacco farms.(1) In the tenancy system, tenants' pay is based on the quantity and quality of tobacco sold to farm owners after the harvest season. Tenants must also pay off loans incurred during the growing season, and when some are unable to repay these debts, their entire families may be placed in debt bondage.(1, 27-29)

Most human trafficking of children for labor in Malawi is internal.(16, 22) Children, typically boys, are trafficked from southern Malawi to work on tobacco farms in Malawi's northern and central regions; they are also forced to work as cattle herders and in the brickmaking industry.(16, 22, 30, 31) Children also are trafficked from Malawi to Mozambique, South Africa, Tanzania, and Zambia, often for use as child labor in the fishing industry.(13, 26, 30, 32) Children who are trafficked may be charged for their clothing, food, housing, and transport. They may also be forced to work in debt bondage and be unable to return home or support themselves.(22)

Girls from rural areas are sometimes promised clothing and lodging from brothel owners. They are later coerced to engage in commercial sexual exploitation to pay off their debts.(16, 22, 30) Girls who work in rest houses or bars are often coerced to engage in commercial sexual exploitation for room and board.(1, 10)




Although primary education is free, considerable barriers to education exist, including families' inability to pay required school-related fees and expenses such as books and uniforms.(1, 10, 26, 33)

Children with family members with HIV/AIDS may assume responsibility as heads of their households and need to work to support their families. These children, especially those who are orphaned, are at increased risk of entering into the worst forms of child labor.(34, 35)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Malawi has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Malawi's legal framework to adequately protect children from the worst forms of child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Section 21 of the Employment Act (36)
Minimum Age for Hazardous Work	Yes	18	Section 22 of the Employment Act; Section 23 of the Constitution (36-38)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Sections 1–9, and Paragraph 6, Sections 1–6 of the Employment (Prohibition of Hazardous Work for Children) Order (39)
Prohibition of Forced Labor	Yes		Section 4 of the Employment Act; Section 27 of the Constitution; Sections 140–147 and 257–269 of the Penal Code; Sections 79 and 82 of the Child Care, Protection and Justice Act; Section 15 of the Trafficking in Persons Act (36-38, 40, 41)
Prohibition of Child Trafficking	Yes		Sections 140–147 and 257–269 of the Penal Code; Section 79 of the Child Care, Protection and Justice Act; Section 15 of the Trafficking in Persons Act (38, 40, 41)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 137 and 138, 140, 142, 147, and 155 of the Penal Code; Sections 23 and 84 of the Child Care, Protection and Justice Act; Sections 15 and 20 of the Trafficking in Persons Act (38, 40, 41)
Prohibition of Using Children in Illicit Activities	Yes		Section 23 of the Child Care, Protection and Justice Act (38)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Section 19 of the Defense Force Act (42)
Non-State Compulsory	No		
Compulsory Education Age	Yes	18	Article 13 of the Education Act (33)
Free Public Education	Yes		Article 13 of the Education Act (33)

* No conscription (42)

Section 21 of the Employment Act sets the minimum age for employment at age 14 in agricultural, industrial, or nonindustrial work.(36) The minimum age is not extended to workers in third-party homes, such as in domestic work, or non-commercial agriculture in which children are known to work.(36, 43, 46) In addition, Malawi lacks a legal framework for the tenancy system used in tobacco production. This is of particular concern since children involved in the tenancy system can face debt bondage.(1, 27-29, 44) Although non-state armed groups are not known to recruit children for military activities in the country, Malawi law does not meet international standards because it does not expressly prohibit this practice.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MOL)	Perform inspections and investigate all labor complaints, including those related to child labor.(15) The Child Labor Unit (CLU) monitors and implements child labor law compliance through child labor monitoring visits.(47)
District Labor Offices	Enforce child labor laws at the district level.(15)
Ministry of Gender, Children, Disability and Social Welfare (MOG) Department of Child Development	Provide child protection and development services.(48)
Ministry of Home Affairs	Enforce human trafficking laws and prosecute human trafficking offenses.(32, 49)
Ministry of Justice and Constitutional Affairs	Prosecute criminal offenders.(50)

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Labor Law Enforcement

In 2016, labor law enforcement agencies in Malawi took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	120 (51)	141 (1)
Inspectorate Authorized to Assess Penalties	Yes	Yes (52)
Training for Labor Inspectors		
Initial Training for New Employees	N/A (51)	Yes (1)
Training on New Laws Related to Child Labor	No (51)	Unknown
Refresher Courses Provided	No (51)	Unknown
Number of Labor Inspections	116 (51)	Unknown
Number Conducted at Worksite	116 (51)	Unknown
Number Conducted by Desk Reviews	0 (51)	Unknown
Number of Child Labor Violations Found	148 (51)	Unknown
Number of Child Labor Violations for Which Penalties Were Imposed	142 (51)	Unknown
Number of Penalties Imposed that Were Collected	142 (51)	Unknown
Routine Inspections Conducted	No (51)	Unknown
Routine Inspections Targeted	No (51)	Unknown
Unannounced Inspections Permitted	Yes (51)	Yes (1)
Unannounced Inspections Conducted	Yes (51)	Unknown
Complaint Mechanism Exists	Yes (51)	Yes (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (51)	Yes (1)

In 2016, the Ministry of Labor (MOL) recruited and trained 21 new labor inspectors. The MOL's Child Labor Unit (CLU) had one full-time employee based in Lilongwe, down from three previously.(1, 53) Each of Malawi's administrative districts employed a District Labor Officer (DLO), who was responsible for enforcing all labor laws including those related to child labor.(15, 19, 46) In previous years, the MOL reported an insufficient amount of funding to carry out the Ministry's child labor monitoring and prevention mandate, and research has not found that the MOL budget for these activities has increased.(19, 53) According to MOL officials, DLOs were limited in their ability to carry out monitoring and reporting due to budget and resource constraints, including a lack of transportation.(15, 19, 46, 54)

The Government supports a child protection helpline operated by an NGO that identifies cases of child sexual and labor exploitation.(22) Research did not find information on the number of calls related specifically to child labor.

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Malawi took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Yes (51)	Yes (55)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (51)	Unknown
Refresher Courses Provided	Unknown (51)	Unknown
Number of Investigations	Unknown (51)	Unknown

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor (cont)

Overview of Criminal Law Enforcement	2015	2016
Number of Violations Found	Unknown (51)	Unknown
Number of Prosecutions Initiated	Unknown (51)	Unknown
Number of Convictions	Unknown (51)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (51)	Yes (1)

The Government has a referral process in place to transfer human trafficking victims detained by law enforcement authorities to service providers, although services remain limited.(56) The Government operates a social rehabilitation center providing assistance to several child trafficking victims in Lilongwe, but the quality of the facility has been reported to be very poor, leading law enforcement officers to regularly refer victims to civil society organization-run shelters.(30, 56) The Government operationalized a text messaging system for sending and analyzing trafficking information from district offices monthly.(55)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Provide policy guidance to support the elimination of child labor and implementation of the National Action Plan on Child Labour (NAP). Chaired by the Ministry of Agriculture, members include representatives from government ministries, trade unions, employers, development partners, and civil society organizations.(19, 31, 35)
National Technical Working Group on Child Labor and Protection	Oversee child protection issues. Includes representatives from the Government, international organizations, development partners, and NGOs, and is chaired by the MOG.(15, 19, 22) The Technical Working Group on Child Labor met three times during the reporting period.(53, 55)
District Child Protection Committees	Coordinate all child protection activities at the district level and improve local coordination on child protection issues. The Government is considering combining these committees with district orphan and vulnerable child committees and district committees on child rights.(19, 22)
National Coordination Committee against Trafficking in Persons*	In 2016, the Trafficking in Persons Act of 2015 required the creation of the committee. In November 2016 its membership list appeared in the Government of Malawi Gazette and the committee met for the first time on December 12, 2016.(1)

* Mechanism to coordinate efforts to address child labor was created during the reporting period.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan on Child Labour for Malawi (2010–2016)	Assigns roles and responsibilities for each ministry in charge of implementing child labor policies, provides a comprehensive framework to reduce the worst forms of child labor, and proposes concrete activities to support policies that combat child labor.(57) In September 2016, an operational planning workshop was held to begin the process of revising the NAP.(58)
Child Protection Strategic Plan	Outlines the responsibilities of the MOL, Malawi Police Service, and MOG in coordinating efforts to combat child labor.(19)
National Action Plan for Vulnerable Children (2015–2019)	Provides a framework for the development of district implementation plans for assisting vulnerable children, including those vulnerable to child labor; coordinated by the MOG.(53, 59)
UN Development Assistance Framework (2012–2016)	Recognizes child labor as a common constraint to the creation of decent and productive employment. Proposes strategies to address child labor, including enforcement of existing labor laws and enactment of pending legislation and policies.(60, 61)
Malawi Growth and Development Strategy II (2011–2016)	Includes strategies to eliminate child labor, such as integrating child labor issues into development initiatives and interventions; highlights that poverty is the root cause of child labor.(15, 60) To ensure consistency across policies, the MOL is incorporating child labor into all the sectors of the Malawi Growth and Development Strategy II.(15, 62)

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In 2016, research was unable to determine whether activities were undertaken to implement the key policies above. The draft National Child Labor Policy, which would provide the Government, civil society, and other partners with a framework to implement child labor prevention programs and activities, underwent national consultation that included circulation among ministries.(1, 15, 19, 53) The Government has not finalized or started implementing the Child Protection Policy, which outlines the Government's child protection strategy.(19, 53) The Government has not integrated child labor elimination and prevention strategies into either the National Youth Policy or the National Education Sector Plan.(63, 64)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor[‡]

Program	Description
USDOL-Funded Projects	USDOL-funded research projects implemented by ILO to increase the knowledge base around child labor by collecting new data, analyzing existing data, and building capacity to conduct research in this area. These projects include the Global Research on Child Labor Measurement and Policy Development (MAP) (2013–2017) in 10 countries, including Malawi, and the Global Action Program on Child Labor Issues Project (2011–2016).(65-67) During the reporting period, the ILO and the National Statistical Office processed, analyzed, and drafted a report for the second National Child Labor Survey.(68) For additional information about USDOL's work, please visit our Web site .
Achieving Reduction of Child Labor in Support of Education II (2015–2018)	\$2 million Japan Tobacco International (JTI)-funded, 3-year project that provides strategies to promote economic empowerment, raise awareness of child labor, and provide education support.(69, 70)
Child Labor Monitoring System [†]	MOL system in pilot districts that identifies working children. Collects data on school attendance and other data points.(19)
National Social Cash Transfer Program [†]	MOG program that supports low-income families in high-risk districts to enable children to stay in school. (15, 48) In FY 2016, the Government maintained the program in 304,534 project participant households at an annual cost of \$68 million.(71) Research has shown a decrease in child labor rates as a result of participation in this program.(72, 73)
Complimentary Basic Education Program [†]	\$1.1 million Government-funded project that promotes school enrollment for children who are removed from child labor. To date, an estimated 11,000 children have graduated from this program.(53)
Malawi Decent Work Country Program (2011–2016)	ILO program that seeks the elimination of the worst forms of child labor and assists youth, women, and people with disabilities by creating additional income-generating opportunities.(60, 74)
Malawi Social Action Fund IV (2014–2019)	\$70 million, World Bank-funded, 5-year project that provides loans for community development and social support programs, including work opportunities, skill-building, and cash transfers.(19, 53) During the reporting period, the project budget was increased from \$32.8 million to \$70 million and extended an additional year to 2019.(1)
Orphans and Vulnerable Children Intervention	\$4.9 million President's Emergency Plan for AIDS Relief-funded program that, in partnership with MOG, provides vulnerable children from birth to age 17 with education, child protection services, birth registration, and shelter and care through the establishment of Community Based Care Centers.(75)
Girls Empowerment Programs [*]	USAID-funded and Save the Children-implemented projects that focus on reducing structural and cultural barriers to girls' access to education. These projects include Let Girls Learn (2016–2021) and Girls' Empowerment through Education and Health Activity (2014–2018) in Balaka and Machinga districts.(1, 75)
Birth Registration Program [†]	EU- and UNICEF-funded program that ensures nearly all health facilities in Lilongwe register children at birth and supports government electronic storage of birth data collected at the district level. The Government's National Registration Bureau initiated hospital birth registration in Zomba and Mulanje districts.(22) The U.S. Centers for Disease Control and Prevention (CDC) supported birth registration in Blantyre, Chitipa, and Ntcheu districts.(19) UNICEF supported birth registration in Lilongwe.(53)
National Registration and ID Program	\$50 million Government and UNDP-cofunded program aiming to register all Malawians older than 16 by the end of 2017.(52)

* Program was launched during the reporting period.

† Program is funded by the Government of Malawi.

‡ The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(15, 32, 76)

Although Malawi has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem in all relevant sectors, including agriculture and commercial sexual exploitation.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Malawi (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all forms of children's work, including work conducted by children in private homes (domestic service) and on noncommercial farms, receive legal protection, including a minimum age for work that complies with international standards.	2009 – 2016
	Ensure legal protection for children working in the tenancy system.	2009 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Publish information about the labor inspectorate's funding and information about the training system for labor inspectors.	2015 – 2016
	Publish information on the number of labor inspections conducted, including at worksites and by desk review, as well as the number of child labor violations that were found and the number of penalties that were imposed and collected.	2016
	Strengthen the labor inspectorate by initiating routine inspections rather than performing inspections solely based on complaints received.	2015 – 2016
	Increase resources to the CLU and district labor inspectors to conduct regular child labor inspections.	2009 – 2016
	Disaggregate data on child labor from child protection hotline calls and publish the information.	2014 – 2016
	Publish information on the training system for criminal law investigators and the number of investigations, violations, prosecutions, and convictions.	2013 – 2016
Government Policies	Ensure activities are undertaken to implement key policies related to child labor.	2016
	Finalize and implement the National Child Labor and Child Protection policies.	2009 – 2016
	Integrate child labor elimination and prevention strategies into the National Education Sector Plan and National Youth Policy.	2011 – 2016
Social Programs	Ensure that additional educational costs and the impact of HIV/AIDS do not serve as barriers to education.	2012 – 2016
	Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor, and develop specific programs to target children in the agriculture sector and commercial sexual exploitation.	2011 – 2016

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