

In 2022, Malawi made moderate advancement in efforts to eliminate the worst forms of child labor. Criminal law enforcement officials increased the number of convictions related to the worst forms of child labor and participated in ten trainings on laws protecting children from child labor. In addition, Malawi's Ministry of Labor began piloting a child labor monitoring system to enhance data collection, identification of working children through school attendance data, and improve coordination within the tobacco sector. However, children in Malawi are subjected to the worst forms of child labor, including forced labor in the farming of tobacco and in commercial sexual exploitation, sometimes as a result of human trafficking. Despite its legal abolition, many families are still working under the tenancy system, which frequently leads to these families and their children falling into situations of debt bondage. In addition, minimum age protections do not cover children working in domestic households or non-commercial farms.



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

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 (% and population)	5 to 14	26.3 (1,456,305)
Attending School (%)	5 to 14	83.3
Combining Work and School (%)	7 to 14	28.4
Primary Completion Rate (%)		89.0

Source for primary completion rate: Data from 2021, published by UNESCO Institute for Statistics, 2023. (1)

Source for all other data: International Labor Organization's analysis of statistics from Integrated Household Survey (IHS), 2020. (2)

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	Production of tea and household crops (3-5)
	Planting and harvesting tobacco,† including land preparation, weeding, harvesting, and shelling (3,5-8)
	Herding livestock (5,9)
	Fishing (5)
Industry	Brickmaking† (9)
	Construction† (5,9)
Services	Domestic work (5,10-12)
	Begging† (5)
	Vending (5,12-14)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (3,5,15-17)
	Forced labor in herding goats and cattle, farming including tobacco, fishing, brickmaking, domestic work, and work in small businesses such as rest houses and bars (3,5,17-20)
	Forced begging (17)

† 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.

Children in Malawi are engaged in hazardous work in the production of tobacco. (18,21-23) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness. (22,24) They are also exposed to pesticides, chemicals, and harsh weather conditions. (22) Some children work alongside family members who are

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tenants on tobacco farms. (22,25,26) In the tenancy system, the quantity and quality of the tobacco sold to farm owners after the harvest season determines the pay tenants receive, incentivizing parents to use their children as workers to increase their earnings. Tenants often incur loans from farm owners during the growing season; in many cases they are unable to repay these debts, resulting in tenants, and often their families, falling into debt bondage. (25,27) Although the government legally abolished the tenancy system in 2021, research indicates the continued exploitation of children in conditions of forced labor related to the production of tobacco, indicating the need for targeted government programs and interventions to support the transition of tenant farmers and their families to alternative systems of livelihood. (7) In 2022, the government, with support from the ILO, conducted a survey, including validation of data, to provide quantitative information on the tenancy system to inform future programing and policy reforms. (28) The UN reported that a large number of children working on tobacco farms have remained out of school since the COVID-19 pandemic. (7)

Although primary education is tuition-free, considerable barriers to education exist, including families' inability to pay required school-related expenses, such as books and uniforms. (18,29,30) In addition, long distances, a lack of teachers, safety concerns related to sexual violence within schools, poor school infrastructure, and the lack of desks, water, electricity, feminine hygiene products, and sanitation facilities also negatively impact children's attendance at school. (10,11,18,23,30,31) Orphaned children and children with family members with HIV/AIDS may need to assume responsibility as heads of their households, including working to support their families. These children, especially those who become orphaned, are at increased risk of leaving school early and entering into the worst forms of child labor. (32,33) Moreover, rural households are particularly vulnerable to both economic and climate shocks, likely contributing to the use of child workers as a coping strategy. (29)

## II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Malawi's legal framework to adequately protect children from the worst forms of child labor, including lack of legal protections for children working in private homes and on farms.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	14	Section 21 of the Employment Act (34)
Minimum Age for Hazardous Work	Yes	18	Section 22 of the Employment Act; Section 23 of the Constitution (34,35)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Sections 1–9 and Paragraph 6 of the Employment (Prohibition of Hazardous Work for Children) Order (36)

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Section 4 of the Employment Act (2021); 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; Sections 2 and 14–16 of the Trafficking in Persons Act (35,37–40)
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; Sections 2, 15, and 16 of the Trafficking in Persons Act (38–40)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 137, 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)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 19 of the Defense Force Act (41)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	18	Article 13 of the Education Act (42)
Free Public Education	Yes		Articles 2 and 13 of the Education Act (42)

\* Country has no conscription (41)

Section 21 of the Employment Act sets the minimum age for employment at age 14 for agricultural, industrial, or non-industrial work. (34) The Act, however, exempts work performed in homes and non-commercial farms, leaving children working at these sites without minimum age protections. (34,43) The minimum working age also is lower than the compulsory education age, which may encourage children to leave school before the completion of compulsory education. (42) In addition, Malawian law does not have criminal provisions for the use of children in illicit activities, such as the selling of drugs. Furthermore, 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 explicitly prohibit this practice. (44)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role & Activities
Ministry of Labor (MOL)	Performs inspections and investigates all labor complaints, including those related to child labor and child trafficking. (5) Through its Child Labor Unit, monitors and implements child labor law compliance through child labor monitoring visits. (18,45) Coordinates with the Ministry of Homeland Security and the Ministry of Gender, Children, Disability and Social Welfare (MGCDSW) to conduct investigations and refer children for social services. (18) District child labor offices enforce child labor and human trafficking laws at the district level, including monitoring child labor data and school attendance. (18) With support from the Eliminating Child Labor in Tobacco foundation, a tobacco industry-funded foundation for elimination of child labor, MOL is piloting a Child Labor Monitoring System to strengthen data collection, improve identification of working children through school attendance data, and enhance coordination. (5)
The Malawi Police Service and Ministry of Justice	Investigate child labor and forced labor cases. Prosecute criminal offenders of the worst forms of child labor through MOL. (5) Coordinate with the Ministry of Homeland Security on child trafficking cases, particularly those involving a cross-border dimension. (5)
Tobacco Commission	Oversees regulation of the tobacco industry and enforcement of the Tobacco Industry Bill, including child labor issues. Receives annual reports from tobacco growers on child labor issues in their supply chains, including efforts to prevent and eliminate child labor; and may impose penalties, including canceling the registration of growers who fail to satisfactorily report on child labor in their annual reports to the Commission. (18,46)

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### Labor Law Enforcement

In 2022, labor law enforcement agencies in Malawi took actions to address child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor (MOL) that may hinder adequate labor law enforcement, including insufficient financial resource allocation.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2021	2022
Labor Inspectorate Funding	Unknown (18)	\$100,000 (5)
Number of Labor Inspectors	Unknown (18)	165 (5)
Mechanism to Assess Civil Penalties	No (18,34)	No (34)
Training for Labor Inspectors Provided	Unknown (18)	Yes (5)
Number of Labor Inspections Conducted at Worksite	676 (47)	307 (48)
Number of Child Labor Violations Found	111 (47)	700 (48)
Number of Child Labor Violations for Which Penalties Were Imposed	14 (18)	Unknown (5)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (18)	Unknown (5)
Routine Inspections Conducted	Yes (18)	Yes (5)
Routine Inspections Targeted	Yes (18)	Yes (5)
Unannounced Inspections Permitted	Yes (34)	Yes (34)
Unannounced Inspections Conducted	Yes (18)	Yes (5)
Complaint Mechanism Exists	Yes (18)	Yes (5)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (18)	Yes (5)

Under Malawian law, child labor is a criminal offense, and as such, labor investigators refer violations related to child labor to criminal law enforcement authorities for investigation and the imposition of penalties. (34) Research indicates that Malawi does not have an adequate number of labor inspectors, vehicles, and other material resources to carry out their mandated duties, particularly in the agricultural sector in which child labor is particularly prevalent. (5,49) Moreover, to increase monitoring of the tobacco sector, MOL and tobacco companies have a memorandum of understanding that includes industry support for training of labor inspectors and financing of labor inspections on tobacco farms, such as covering transportation costs to inspection sites. (18,50) The agreement also establishes a complaint mechanism by which field technicians working for tobacco companies report child labor findings to labor officers for follow-up investigation and response. (50,51)

### Criminal Law Enforcement

In 2022, criminal law enforcement agencies in Malawi took actions to address child labor (Table 7). However, gaps exist within the operations of the Malawi Police Service that may hinder adequate criminal law enforcement, including inappropriate detention of victims of child labor.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2021	2022
Training for Criminal Investigators Provided	Yes (18)	Yes (5)
Number of Investigations	3 (5)	3 (5)
Number of Prosecutions Initiated	3 (5)	3 (5)
Number of Convictions	1 (5)	3 (5)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (18)	Yes (5)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (18)	Yes (5)

The government does not operate a hotline; rather, it works with a local NGO that operates a 24-hour National Helpline Service. During the reporting period, the NGO received 119 calls related to human trafficking, of which 51 pertained to children. (18) In 2022, the Malawi Police Service offered three trainings for new criminal investigators, and ten trainings on laws related to the worst forms of child labor. (5) Although the government provided some information on investigations, it generally does not provide disaggregated information on the ages

of human trafficking victims or the nature of exploitation, which may lead to gaps in the coordination between agencies and the ability of rehabilitation services to account for the special needs of children. (8)

Many children in Malawi lack birth certificates. The inability of law enforcement officials to verify the ages of child survivors of human trafficking and commercial sexual exploitation may have impeded efforts to prosecute traffickers under the Child Care, Protection and Justice Act, and the Trafficking in Persons Act. (52) In addition, police sometimes arrest and detain child sex trafficking survivors alongside adults. In some instances, these children fall victim to abuse, including sexual extortion, by the police. (18,53)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established a key mechanism to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including a lack of clarity of institutional mandates.

**Table 8. Key Mechanism to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Activities
National Steering Committee on Child Labor (NSCCL)	Provides policy guidance to support the elimination of child labor and implementation of the National Action Plan on Child Labor. Chaired by the Ministry of Agriculture, with MOL acting as the main technical advisor and secretariat, and includes representatives from government ministries, including Homeland Security and MGCDSW, as well as trade unions, employers, development partners, and civil society organizations. (18,54,55) Local coordination of child labor and child welfare issues occurs through District and Community Child Labor Committees. (18,56,57) Although the government confirmed the NSCCL was active during the reporting period, it did not provide information on its activities to verify it is functioning according to its intended mandates. (5)

Although MOL officials and the District and Community Child Labor Committees receive training on child labor issues, there is lack of standard guidance related to child labor definitions and concepts, which results in lapses in coordination on identifying and responding to children in child labor. (51)

#### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including insufficient mainstreaming of child labor issues into relevant national policies.

**Table 9. Key Policies Related to Child Labor**

Policy	Description & Activities
National Action Plan on Child Labor (2020–2025)	Outlines the government's strategies for the elimination of the worst forms of child labor, with a focus on six critical areas: (1) laws and policy; (2) the institutional and human resource capacity of stakeholders involved in child labor elimination; (3) public education and awareness; (4) prevention, withdrawal, rehabilitation, and social re-integration of children in child labor; (5) mitigating HIV/AIDS and other chronic illnesses; and (6) improving the availability of information on child labor. (58)
National Child Labor Mainstreaming Guide	Provides guidance to government ministries, departments, and agencies, as well as other social partners in addressing child labor through integration of child labor elimination strategies into key policies. Aims to also enhance responsive planning and service delivery, and multi-sectoral collaboration in addressing child labor. (49,59)
National Children's Policy (2019–2025)	Aims to facilitate the coordination of policies related to the needs of children to ensure child protection, with an emphasis on prevention of child labor and human trafficking. (5,18,60)

‡The government has other policies that may have addressed child labor issues or had an impact on child labor. (5,57)

Research indicates that the government continued to support key national policies, but could not determine specific activities undertaken to implement them during the reporting period; financial constraints limit the scope and implementation of national policies. (5) In addition, the Government of Malawi has adopted a National Youth Policy and a National Education Sector Plan. However, child labor elimination and prevention strategies have not been integrated into these policies, despite their potential impact on child labor. (61,62)

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### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2022, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including lack of implementation of programs.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description & Activities
National Social Cash Transfer Program†	MGCDSP-led program that supports low-income families in high-risk districts to enable children to stay in school and prevent child labor. (18,51) As of September 2022, the program provided monthly/bi-monthly cash transfers to approximately 300,000 households, benefiting around 1.4 million individuals. (5) An evaluation of the National Social Cash Transfer Program found that, although the program provided benefits for other aspects of children's well-being, it had achieved little reduction of child labor as the work of children only shifted from external employment to labor within the household, due to families using funds from the program to expand their household agricultural activities. (63) In 2022, the government published an updated strategic plan to support the Social Cash Transfer Program, which outlines plans for increasing coverage of social protection support, improving the sensitivity of the program to address vulnerabilities and respond to economic shocks, strengthen delivery mechanisms and financing capacities, and develop mechanisms for regular adjustment of transfers to account for inflation. (64) The updated plan, however, does not include specific child labor elimination strategies to mitigate the issues raised in the program evaluation.
Education Assistance Programs‡	Government-funded programs to provide educational assistance and support for vulnerable families by addressing educational barriers contributing to child labor. (51) Includes the Complementary Basic Education Program, a \$1.1 million project that promotes school enrollment for children removed from child labor. (18) Also includes MGCDSP's Early Childhood Development Program that provides services to 2.4 million children through preschools and parenting groups. (18) In 2022, the government planned 150 new Community Based Care Centers to expand preschool and early-childhood care facilities. (5)
Accelerating Action for the Elimination of Child Labor in Supply Chains in Africa (ACCEL)	Government of Netherlands-funded program, implemented by the ILO, totaling \$9.7 million, aimed at promoting employment, inclusive growth, and social protection; acceleration of progress towards Sustainable Development Goals; elimination of child labor; addressing decent work deficits in the tobacco sector; and other issues related to work and social protection. (65) During the reporting period, the ILO and the government participated in a planning workshop outlining Malawi's commitments and policy priorities as an Alliance 8.7 Pathfinder Country, prioritizing ratification and domestication of relevant international labor standards on child labor and forced labor. (66) The ILO also supported the Employer's Consultative Association of Malawi in developing and launching an updated employer's guide and code of conduct for child labor elimination. (67) Finally, ACCEL worked with the Tea Association of Malawi (TAML) to establish a compliance task force and district-level points of contact to support child labor monitoring among TAML members and smallholder farmers. (5)

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

† 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. (5,51,68)

The government, with the European Union, UNICEF, and the U.S. Centers for Disease Control and Prevention, provides ongoing support for programs to increase birth registration and data collection in various districts across the country. (69,70) However, 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 in domestic work and commercial sexual exploitation.

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

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

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all forms of children's work, including work conducted by children in homes and on non-commercial farms, receive legal protection, including a minimum age for work that complies with international standards.	2009 – 2022
	Raise the minimum age for work from 14 to 18 to align with the compulsory education age.	2018 – 2022
	Update the legal framework to explicitly criminalize the use of children by adults for illicit activities.	2020 – 2022
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2022



**Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Enforcement	Publish information on the number of civil penalties imposed and collected for child labor violations.	2016 – 2022
	Increase human and material resources, such as vehicles, to the labor inspectorate to conduct regular labor inspections, particularly in the agricultural sector.	2009 – 2022
	Ensure that child survivors of commercial sexual exploitation do not fall victim to sexual extortion and are not arrested or detained.	2018 – 2022
	Maintain and publish disaggregated information on criminal law enforcement efforts related to the worst forms of child labor, including ages of exploited children and the nature of exploitation.	2021 – 2022
Coordination	Standardize approaches for training and responding to child labor to strengthen coordination and case management among key stakeholders involved in the protection of children.	2020 – 2022
	Ensure that the National Steering Committee on Child Labor is operating according to its mandates and publish information about its activities.	2022
Government Policies	Ensure sufficient financial support and that activities are undertaken to implement national policies related to prevention and elimination of child labor and publish results from activities implemented during the reporting period.	2020 – 2022
	Integrate child labor elimination and prevention strategies into the National Education Sector Plan and the National Youth Policy.	2011 – 2022
Social Programs	Develop social programs to support families and children transitioning from the tenancy system, including prevention of child labor.	2022
	Take measures to address barriers to education, including by defraying auxiliary educational costs, improving school infrastructure, increasing the number of teachers, increasing schools and transportation resources serving rural areas, and instituting mechanisms to address sexual violence occurring within schools.	2012 – 2022
	Ensure that all children are registered at birth and increase efforts to register children who were not issued birth certificates.	2018 – 2022
	Support targeted programs that expand educational opportunities for orphan-headed households and families affected by HIV/AIDS.	2022
	Improve harmonization of child labor prevention and elimination measures into the National Social Cash Transfer Program to increase its effectiveness in preventing and removing children from child labor.	2020 – 2022
	Increase the scope of social programs to reach more children at risk of the worst forms of child labor and develop specific programs to target children in domestic work and commercial sexual exploitation.	2011 – 2022

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