



## Malawi - Researched and compiled by the Refugee Documentation Centre of Ireland on 16 May 2012

### Information on sexual exploitation/prostitution of women and children

A report by the United States Department of State under the heading 'Children' states:

"Child abuse remained a serious problem. The press regularly reported cases of sexual abuse of children, including arrests for rape, incest, sodomy, and defilement. A 2008 study by the safe schools program in Machinga found that 90 percent of girls and 47 percent of boys in primary schools experienced some form of violence, including sexual touching by other students, sexual abuse by teachers, corporal punishment, and verbal and psychological abuse.

During the year parliament passed the Child Care, Protection, and Justice Act, which prohibits subjecting a child to any social or customary practice that is harmful to the health or general development of a child. Targeted practices included child trafficking, forced labor, forced marriage or betrothal, and use of children as security for debts or loans." (United States Department of State (8 April 2011) *2010 Human Rights Report: Malawi*)

This report also states:

"The trafficking of children for sexual purposes was a problem, and child prostitution for survival without third-party involvement also occurred. The new Child Care, Protection, and Justice Act stipulates punishment up to and including life imprisonment for child traffickers." (Ibid)

Another report by the *United States Department of State* under the heading 'Malawi (Tier 2)' notes:

"Malawi is primarily a source country for men, women, and children subjected to forced labor and sex trafficking. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and parts of Europe..." (United States Department of State (27 June 2011) *2011 Trafficking in Persons Report – Malawi*)

This report also states:

"Brothel owners or other facilitators lure girls from rural areas with promises of nice clothing and lodging. Upon arrival, the girls are charged high fees for these items and coerced into prostitution in order to pay off these debts. South African and Tanzanian long-distance truck drivers and mini-bus operators transport victims across porous borders by avoiding immigration checkpoints. Some local businesswomen who travel regularly to neighboring countries to buy clothing for import have been identified as traffickers. Reports of European tourists paying for sex with teenage boys and girls continue.

The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained its efforts to ensure forced labor victims' access to protective services and it prosecuted and convicted labor trafficking offenders; however, adults in forced prostitution or forced labor and children exploited in domestic service and prostitution still did not receive adequate attention and the government prosecuted no such offenses during the reporting period. While one trafficking offender received a short prison sentence, most convictions resulted in sentences of fines or out-of-court settlements with compensation to victims, both of which failed to provide an adequate deterrent. The government continued to depend heavily on international organizations and multi-national NGOs for funding most anti-trafficking programs and took no action to prevent trafficking during the reporting period.” (Ibid)

In a section titled ‘Protection’ this report states:

“The government maintained its efforts to ensure victims' access to appropriate services during the reporting period. The government has not yet established systematic procedures for proactively identifying victims of trafficking among vulnerable populations, especially women and girls in prostitution. The government funded one rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence; it is unknown how many trafficking victims the center assisted during the reporting period. Over 100 police stations throughout the country housed victim support units to respond to gender-based violence, including trafficking crimes; these units continued to provide limited counseling and, in some places, temporary shelter to victims. Government-run hospitals provided trafficking victims with limited access to medical and psychological services. The government, at the district level, also referred victims to various NGO-run shelters, which catered largely to vulnerable children and youth, with some providing specialized care for women, though not for men.” (Ibid)

A report by the *United Nations Human Rights Council* under the heading ‘Right to life, liberty and security of the person’ states:

“In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that a process for the development of legislation on trafficking had been initiated and expressed the hope that the new law would ensure that children are protected from trafficking for any reason, including economic and sexual exploitation. In 2010, CEDAW reiterated its concern about the scope of trafficking and the extent to which girls and women are involved in sexual exploitation, including prostitution, and the limited statistical data relating to these issues. It recommended, inter alia, that Malawi take the necessary legislative measures, including the effective prosecution and punishment of traffickers. CRC had expressed similar concerns in 2009.” (United Nations Human Rights Council (4 August 2010) *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 Malawi* - par.21)

Paragraph 23 notes:

“The ILO Committee of Experts also noted that while the use, procurement or offering of persons under 18 years of age for the purposes of prostitution or pornography appeared to exist in Malawi, national legislation did not seem to prohibit this worst

form of child labour. It urged Malawi to take measures, as a matter of urgency, to adopt national legislation in that regard.” (Ibid)

A report by the *UN Committee on the Elimination of Discrimination Against Women (CEDAW)* under the heading ‘Article 6 – Suppression of the exploitation of women’ states:

“There is no available data on the number of women and children involved in sexual exploitation, including prostitution, pornography and trafficking, although these are recognized social problems.

In terms of trafficking, reports from the International Organization for Migration (IOM) indicate that women and girls are recruited along major trucking routes by long-distance truck drivers, who promise them jobs, marriage, or an education in South Africa. They cross the border at Beitbridge or Komatipoort with no documents. Once in Johannesburg, the victims are held as sex slaves. Malawian businesswomen also traffic victims to brothels in Johannesburg. Of the 80 people deported to Malawi every month from South Africa, IOM reports that at least two are trafficking victims.” (UN Committee on the Elimination of Discrimination Against Women (CEDAW) (20 October 2008) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Sixth periodic report of States parties Malawi* -par.149)

This report also states:

“According to a report by the Malawi Human Rights Commission, young girls from poor families are being sold to wealthy people as sex slaves in remote areas in the northern border districts of Karonga and Chitipa. Some parents are giving away their daughters to pay off debts. In the northern region of Malawi, a traditional custom known as *kupimbira* is practiced by the Nyakyusa and Ngonde, who live along the shores of Lake Malawi, along the Tanzanian border, and in the Misuku Hills. Under this tradition, girls are held in perpetual bondage and are often subject to abuse.

European tourists have visited Malawi to engage in the sexual exploitation of children. They have recruited girls and boys in the holiday resorts along Lake Malawi. In some instances, sex tourists are resident in Malawi engaged in various legitimate activities. For instance, in 2002, a British national was arrested on suspicion of sodomizing street children. He was convicted and his conviction was upheld by the Malawi Supreme Court of Appeal but he was pardoned by the former Head of State, in May 2003. He had been convicted on three counts and sentenced to 12 years of imprisonment with hard labour. He had served only 1 year and 6 months of his sentence and has since been deported.” (Ibid, par.151)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

**References:**

UN Committee on the Elimination of Discrimination Against Women (CEDAW) (20 October 2008) *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Sixth periodic report of States parties Malawi*

[http://www.ecoi.net/file\\_upload/470\\_1247472939\\_n0856267.pdf](http://www.ecoi.net/file_upload/470_1247472939_n0856267.pdf)

(Accessed 16 May 2012)

United Nations Human Rights Council (4 August 2010) *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 Malawi*

[http://www.ecoi.net/file\\_upload/470\\_1286789693\\_a-hrc-wg-6-9-mwi-2-e.pdf](http://www.ecoi.net/file_upload/470_1286789693_a-hrc-wg-6-9-mwi-2-e.pdf)

(Accessed 16 May 2012)

United States Department of State (8 April 2011) *2010 Human Rights Report: Malawi*

<http://www.state.gov/j/drl/rls/hrrpt/2010/af/154356.htm>

(Accessed 15 May 2012)

United States Department of State (27 June 2011) *2011 Trafficking in Persons Report – Malawi*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4e12ee64c>

(Accessed 15 May 2012)

#### **Sources Consulted:**

Amnesty International

Electronic Immigration Network (EIN)

European Country of Origin Information Network

Human Rights Watch

Immigration and Refugee Board of Canada

Lexis Nexis

United Kingdom Home Office

UN Committee on the Elimination of Discrimination Against Women (CEDAW)

UNHCR Refworld

United Nations Human Rights Council

United States Department of State