Malawi

The Government of Malawi has supported social programs targeting working children and their families. However, implementation of existing policies and limited enforcement has hindered the elimination of the worst forms of child labor. The Government has not passed legislation protecting children working on tenant farms. Children continue to engage in such work particularly in the tea and tobacco sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.6*
Attending School	5-14 yrs.	79.5
Combining Work and School	7-14 yrs.	36.1

^{*} Population of working children: 1,401,759



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Malawi are engaged in the worst forms of child labor, commonly in agriculture. 3568 Many work on farms, including in the commercial tea and tobacco sectors. These children are exposed to verbal and physical abuse, physical injuries from carrying heavy loads, respiratory problems and toxic fertilizers and pesticides. Nicotine absorption from handling tobacco causes illness, including Green Tobacco Sickness. 3569 Children are involved in the tenancy system sometimes working alongside family members who are tenants on farms—in which farm owners loan tenants agricultural inputs and deduct the debt from future profits. Families who cannot meet production quotas and repay these debts might face debt bondage.3570

Boys are involved in the worst forms of child labor in quarrying, mining and construction. These children carry heavy loads, work long hours and are exposed to dangerous conditions. Children are also involved in herding livestock and processing, selling and catching fish, which exposes children to risks such as drowning.³⁵⁷¹ Boys work as vendors in urban areas.³⁵⁷² Girls are involved in domestic service, and may be subject to work long hours and abuse.³⁵⁷³

Children are also exploited—and in some cases trafficked—into other worst forms of child labor, including prostitution, begging and sex tourism.³⁵⁷⁴ Within Malawi, boys are also trafficked for animal herding and girls for work in restaurants, bars and domestic service.³⁵⁷⁵ Malawian children and children from Zambia and Mozambique are trafficked for forced labor on farms.³⁵⁷⁶

Children affected by HIV/AIDS, including more than 500,000 orphans, are more at risk of entering into the worst forms of child labor.³⁵⁷⁷

Laws and Regulations on the Worst Forms of Child Labor

In July 2010, the Parliament of Malawi adopted the Child Care, Protection and Justice Bill (Child Protection Act), which addresses the issue of child trafficking and prohibits child labor.³⁵⁷⁸

MION	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 Employment Act No. 6 (2000) sets the minimum age for employment at 14. This minimum age does not extend to work performed in vocational technical schools, training institutions or private homes.³⁵⁷⁹ The Employment Act sets the minimum age for hazardous labor at 18.3580 However, the Constitution states that children under age 16 are entitled to protection from hazardous work.3581 This discrepancy may lead to inconsistent enforcement of the law. While the Employment Act and Malawi's Constitution forbid children from engaging in hazardous labor, they do not elaborate on specific types of work prohibited to children. 3582 However, during the reporting period, the Government of Malawi published an updated list of hazardous tasks.³⁵⁸³ 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.3584

Malawi has not established an age to which education is compulsory, leaving children under

age 14—who are neither required to be in school nor permitted to work legally—vulnerable to the worst forms of child labor

The Employment Act and Malawi's Constitution prohibit and punish slavery, servitude and forced labor. 3585 Although trafficking can be prosecuted through the child labor, forced labor and hazardous labor provisions of the Employment Act and Penal Code, specific anti-trafficking legislation currently does not exist in Malawi. 3586 The Penal Code includes protections for girls from sexual exploitation, but not boys. 3587 It criminalizes procurement, but not the sale of girls into prostitution and prohibits pornography. 3588

The Defense Force Act sets the minimum age for military recruitment at 18. 3589

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.³⁵⁹⁰ This unit provides technical assistance to other government agencies implementing child labor laws at the district and national levels.³⁵⁹¹

The Child Labor Unit 2010/2011 budget is \$165,563.³⁵⁹² District labor offices receive funding directly from the Treasury; however, there are still insufficient funds to purchase office space and vehicle fuel to conduct inspections.³⁵⁹³

Malawi also has created a coordination mechanism to address human trafficking.

Led by the Ministry for Gender, Children and Community Development, the Inter-ministerial Task Force on Human Trafficking coordinates anti-trafficking efforts and partners with international organizations and NGOs to draft national action plans to combat trafficking. 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.³⁵⁹⁵ Reportedly, no coordination exists between the Task Force and these two committees.³⁵⁹⁶

The MOL's General Inspectorate is charged with performing inspections and investigating all labor complaints, including those related to child labor.³⁵⁹⁷ While there is no formal mechanism for reporting child labor complaints, they are typically received by district child labor protection committees.³⁵⁹⁸ Labor officers in 29 decentralized district offices administer and coordinate labor inspection services.³⁵⁹⁹ To report hazardous child labor, workers and district child labor protection committees are encouraged to notify these district labor offices.³⁶⁰⁰

By law, labor inspectors are required to visit workplaces biannually. They are to use standard forms to guide and report the results of their inspection 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 lack of resources. 3602

In 2010, the MOL's 160 inspectors performed 1,400 inspections. A Labor Inspection Policy provides instruction on how to conduct general labor inspections. However, no information is available on the extent of use of this policy. District government staff received training on the use of the ILO-developed child labor law enforcement manual, and enforcement officers and members of the Child Labor Network were trained on child labor. During the reporting period, 49 child labor prosecutions resulted in fines of up to \$132.

The Ministry of Gender, Children and Community Development is the lead agency responsible for the enforcement of trafficking laws.³⁶⁰⁷ The Ministry employs child protection workers to identify trafficking and child labor victims.³⁶⁰⁸ The police also rescue child trafficking victims.³⁶⁰⁹ 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.³⁶¹⁰

The Government of Malawi has a National Child Labor Database that identifies child laborers.³⁶¹¹

Government Policies on the Worst Forms of Child Labor

The draft National Child Labor Policy (2009), which provides government, civil society and other partners with a framework to implement child labor programs and activities, still awaits Cabinet approval. In October 2010, the Government approved the National Action Plan to Combat Child Labor (2010–2016), which proposes concrete activities to support this and other policies to combat child labor. Malawi also has a Code of Conduct on Child Labor, which defines conditions under which children are prohibited from work.

The Child Labor Unit of the MOL also provides policy planning and 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.³⁶¹⁵

Malawi has mainstreamed child labor into other important development agendas. For instance, Malawi's Growth and Development Strategy 2006–2011 makes the elimination of the worst form of child labor a priority, and it sets a budget for efforts to combat child labor, including activities of the child labor unit. The Child Protection Policy (CPP), which harmonizes all policies related to children, was developed to be implemented in line with this strategy. However, the CPP has not been implemented.

The government and UN agencies in Malawi work together under the One UN Fund program.

Among other things, this program seeks to enhance current UN agencies' activities to combat child labor.³⁶¹⁸ The government's Decent Work Country Program prioritizes the elimination of the worst forms of child labor and includes an indicator to monitor progress toward this end.³⁶¹⁹

The National Education Policy promotes linkages between formal education and industry, internship and vocational training. The National Youth Policy (1996) includes protections for atrisk youth. The policy addresses the problem of youth unemployment and lack of education and includes services, such as training and educational opportunities, which could contribute to eliminating child labor. The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government is implementing the National Education Strategic Plan 2008–2017. During the reporting period, the Ministry of Education ran national campaigns to promote free primary education, trained more primary school teachers and provided incentives for teachers t take positions in rural areas. 3622

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

The Government partners with international organizations to withdraw and prevent children from the worst forms of child labor. A 3-year, \$2.75 million project funded by USDOL aims to strengthen child labor policies, scale up the child labor monitoring system and develop codes of conduct for the elimination of child labor

in the production of tea, tobacco, and other agricultural goods. The project seeks to withdraw and prevent 4,982 children by the end of 2012. 3623 The Government of Malawi is also 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. 3624

The Government has established child friendly courts, community victim support units and a child stop center to assist child labor victims.³⁶²⁵ To help victims of trafficking, the government runs a shelter providing counseling and rehabilitation for child trafficking victims and street children. The Government of Malawi conducted a child trafficking study in partnership with UNICEF.³⁶²⁶

The Government of Malawi implemented a cash transfer program to low-income families to enable their children to stay in school.³⁶²⁷ The cash transfer program has shown an impact in reducing child labor, though details on specific ways the program helped were not available as of this reporting.³⁶²⁸

In collaboration with NGO partners, the Government implemented programs to improve student retention, including developing hostels, feeding shelters and constructing school buildings.³⁶²⁹

While the Government's efforts to eradicate child labor increased in 2010, existing programs are insufficient to address the scope of the problem in Malawi.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Make education compulsory for all children to age 14, the minimum age for employment.
- Clarify the minimum age for hazardous work.
- Protect children working in the tenancy system by passing the Tenancy Bill, which regulates tenant farms and protects children working on them.
- Ensure that both boys and girls are protected from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve coordination among key agencies and bodies responsible for combating child trafficking.
- Require inspectors to use newly developed data collection forms and keep records of workplace visits.
- Increase resources to enable labor inspectors to conduct regular child labor inspections.

IN THE AREA OF POLICIES:

- Finalize and implement the Child Labor Policy.
- Implement the Child Protection Policy.
- Assess the impact that existing policies may have on addressing child labor in Malawi.

IN THE AREA OF PROGRAMS:

- Clarify the impact of the cash transfer program on child labor.
- Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor.

³⁵⁶⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2004. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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