

# Malawi

## MODERATE ADVANCEMENT

In 2013, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government updated its Education Act, making education compulsory, and launched its National Youth Policy. The Government held its first meeting of the Child Labor National Steering Committee and supported social programs to address child labor, particularly in the tobacco sector. However, children in Malawi continue to engage in child labor in agriculture and fishing. 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.

### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Malawi are engaged in child labor in agriculture and fishing. (1-3) Table 1 provides key indicators on children's work and education in Malawi. Data on some of these indicators are not available from the sources of this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5-14 yrs.	20.6 (885,333)
Attending School (%)	5-14 yrs.	81.3
Combining Work and School (%)	7-14 yrs.	22.2
Primary Completion Rate (%)		74.2

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Integrated Household Survey 3, 2010–2011.(5)

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

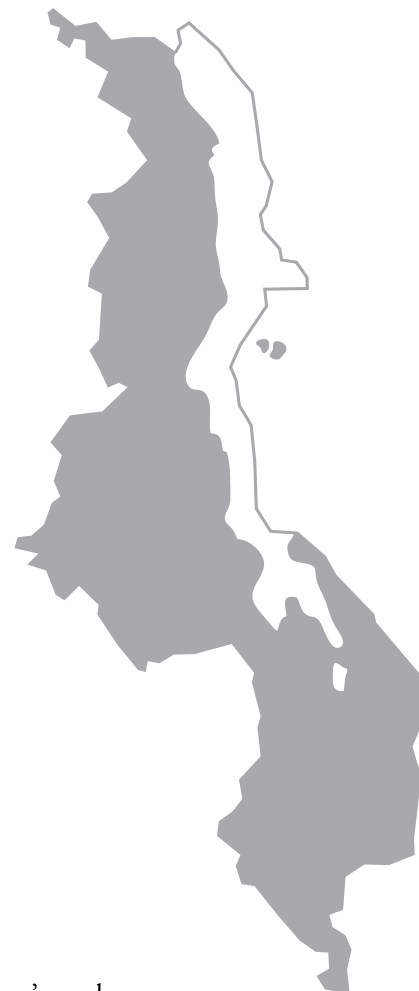
**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Farming, activities unknown (2, 6, 7)
	Planting and harvesting tea, cotton,* and sugar* (1, 8, 9)
	Clearing the land, building tobacco drying sheds, planting and harvesting tobacco†, cutting and bundling, weeding and plucking raw tobacco* (10-14)
	Catching, processing†, and selling fish* (2, 3, 9)
	Herding livestock* (9, 15, 16)
Industry	Quarrying and mining (2)
	Construction, activities unknown† (2, 7)
	Domestic work in third-party homes (7, 8)
Services	Ganyu (a form of casual labor) (16, 17)
	Begging† (16, 18)
	Vending and wholesale retailing (2, 7, 8, 16, 19)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (7, 8)
	Herding goat and cattle*, farming (predominantly tobacco), domestic work, and work in restaurants, brothels, and bars as a result of human trafficking (1, 18, 20-23)
	Forced begging and use in commission of crimes (17, 18, 22, 24)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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 are engaged in hazardous work in the production of tobacco.(7, 18) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness.(12, 25, 26) Children are also exposed to pesticides and chemicals.(10, 26) Children may work alongside family members who are tenants on farms.(16) In this tenancy system, farm owners loan agricultural inputs to tenants and deduct the debt from future profits. Those who cannot meet production quotas and are unable to repay these debts may face debt bondage.(27)

Most labor trafficking of children in Malawi is internal.(18) Children, typically boys, are trafficked from southern Malawi to tobacco farms in Malawi's northern and central regions. Children are trafficked from Malawi to Tanzania for child labor in fishing. Children who are trafficked may be charged for their transport, food, clothing, and housing, and may be forced to work in debt bondage without resources to return home or provide for themselves.(18, 21)

Limited evidence suggests that girls from rural areas have been promised clothing and lodging from brothel owners, for which they are later charged high fees and are coerced to engage in commercial sexual exploitation to pay off their debts.(18)




Although primary education is free, barriers to education include families' socioeconomic pressures and inability to pay required school-related expenses such as books and uniforms.(1, 7, 28, 29) Despite some Government support for book subsidies for poor families and training and teaching resources for schools, resources overall are limited and students drop out for many reasons, including poor school conditions and the lack of school materials, uniforms, qualified teachers, and relevant school curricula.(1, 8, 16, 19, 30)

Children with family members with HIV/AIDS may assume the responsibility of the head of their households, sometimes becoming the primary caretaker to a sick parent and having to work to support their families.(31) These children, especially those who are orphaned, are at increased risk of entering into the worst forms of child labor.(32-35)

## II. LEGAL FRAMEWORK ON 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 relevant laws and regulations related to child labor including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Section 21 of Employment Act No. 6 (36)
Minimum Age for Hazardous Work	Yes	18	Section 22 of the Employment Act No. 6 (36, 37)
List of Hazardous Occupations Prohibited for Children	Yes		Employment (Prohibition of Hazardous Work for Children) Order, 2012 (38)

**Table 4. Laws and Regulations Related to Child Labor (cont)**

Standard	Yes/No	Age	Related Legislation
Prohibition of Forced Labor	Yes		Section 4 of the Employment Act; Section 27 of the Constitution; Section 82 of the Child Care, Protection, and Justice Act No. 22 of 2010 (25, 36, 37)
Prohibition of Child Trafficking	Yes		Section 140-147 and 257-269 of the Penal Code; Section 79 of the Child Care, Protection, and Justice Act No. 22 of 2010 (25, 39)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 137-138, 140, 142, 147, 155 of the Penal Code; Sections 23 and 84 of Child Care, Protection, and Justice Act No. 22 of 2010 (25, 39)
Prohibition of Using Children in Illicit Activities	Yes		Section 23 of Child Care, Protection, and Justice Act No. 22 of 2010 (25)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Section 19 of the Defense Force Act, 2004 (40, 41)
Compulsory Education Age	Yes	14	Education Bill, 2013 (4, 29)
Free Public Education	Yes		Presidential Podium Statement, 1994 (29)

\* No conscription or no standing military.

Malawian law has three different sources that speak to the minimum age for hazardous work. While Section 23 of the Constitution states that children under age 16 are entitled to protection from hazardous work, Section 22 of the Employment Act sets the minimum age for hazardous labor at 18.(36, 37, 42, 43) Additionally, the Child Care, Protection, and Justice Act defines children as persons 16 and under, and therefore its restriction on hazardous work does not protect children ages 16–18. Consequently, there is some confusion regarding the enforcement of the minimum age for hazardous work.(25, 42)

Section 21 of the Employment Act sets the minimum age for employment at 14 in agricultural, industrial, or non-industrial work.(36) However, it does not apply to work in homes, leaving child domestic workers vulnerable to exploitation.(36, 42) Section 79 of the Child Care, Protection, and Justice Act includes protections for children through age 16 from trafficking.(25, 44) Children age 17 are not protected. Article 142 of the Penal Code punishes permitting the sexual exploitation of girls, even though the sale of a child into prostitution is not prohibited. While the Penal Code prohibits pornography and criminalizes the procurement of prostitution, it only applies to girls, and it does not prohibit the sale of a child into prostitution.(39) The Penal Code includes provisions for indecent assault against boys; however, boys may still be vulnerable to sexual exploitation.(39)

While there is a legal framework for labor inspection of commercial farms, it does not cover inspections in private homes, including for domestic work, or privately owned farms.(42, 45)

The Tenancy Bill, first drafted in 1997, would regulate labor tenancy and include legal protections for children working in agriculture through the tenancy system.(7, 19, 43, 46) However, due to the exploitative nature of the tenancy system, including its impact on child labor, in 2013, the Ministry of Labor (MOL) supported outlawing the tenancy system, and is no longer pursuing passage of the Tenancy Bill.(45)

In October 2013, the Government passed the Education Bill, making education compulsory until age 14.(4, 45, 47, 48)

### 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).

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

Organization/Agency	Role
Ministry of Labor (MOL) – Child Labor Unit (CLU)	Monitor and implement child labor law compliance through child labor monitoring visits.(49)
MOL – General Inspectorate	Perform inspections and investigate all labor complaints, including those related to child labor.(7)
Ministry of Home Affairs	Enforce trafficking laws and identify trafficking and child labor victims.(50)
District Labor Offices	Enforce child labor laws at the district level.(7)

Law enforcement agencies in Malawi took actions to combat child labor, including its worst forms.

### *Labor Law Enforcement*

In 2013, MOL was allocated roughly \$2.5 million for labor-related work; however, it is not clear how much was allocated for child labor activities.(7) The Child Labor Unit (CLU) had three full-time employees based in MOL in Lilongwe during the reporting period.(45) The Ministry advocated for CLU to be upgraded into a department, which would enable it to have staff members focused on children in each of the country's districts.(45)

Each of Malawi's administrative districts employed a District Labor Officer (DLO), who was responsible for all labor issues including child labor.(7, 45) In January 2014, MOL employed 29 DLOs and 120 labor inspectors, 60 of whom are dedicated to monitoring child labor.(7) District labor offices are directly funded from the Treasury.(7) 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 fuel for vehicles.(7, 45, 51)

Six hundred labor inspections were carried out in 2013.(7, 29) The Government did not conduct proactive labor inspections. Most labor inspections were conducted in response to reported labor law violations.(7) In the agricultural sector, inspectors focused on large, commercial farms due to limited resources.(7)

The CLU in MOL reported that there were six child labor violations in Kasungu District (a tobacco-growing region) in 2013, but could not give exact figures for the whole country.(18) All of the cases in Kasungu were settled out of court, and the offenders paid all wages due, including repatriation costs.

The Government operates a referral process to transfer trafficking victims detained by law enforcement authorities, though services remain limited.(18) Government officials reported providing assistance to several child trafficking victims at a social rehabilitation center in Lilongwe for orphans, vulnerable children, trafficking victims, and gender-based violence victims.

### *Criminal Law Enforcement*

Child labor cases during the reporting period were resolved through out-of-court settlements and payment of fines.(18) While reports on several trafficking cases were consolidated, the police did not systematically report child labor cases.(52) According to the Malawi Police Service's law enforcement data for seven districts, 15 trafficking offenders were convicted in 2013; however, it is not clear that all of these cases involved child trafficking victims. Reported penalties for convicted traffickers included fines and prison sentences of up to 30 months.(29) The Mchinji and Phalombe district police also provided information on trafficking cases in their districts, separately.(18) During 2013, Mchinji police reported arresting suspects in 10 trafficking cases, and obtaining eight trafficking convictions.(29) Phalombe police reported five investigations involving 12 suspects; each investigation involved boys and young men being sent to Mozambique for forced labor on farms. In Phalombe, eight traffickers were convicted, with sentences ranging from 12 to 18 months' imprisonment with hard labor, with two others convicted but given suspended sentences. The Kasungu District Social Welfare Office identified 59 child labor victims and returned them to their homes in 2013.(18)

## **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 6).

**Table 6. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Child Labor Network	Draft policies, identify resources, and harmonize programs and activities for the elimination of the worst forms of child labor.(46, 49, 53)
National Steering Committee on Child Labor	Provide policy guidance to support the elimination of child labor and implementation of the National Action Plan to Combat Child Labor (NAP). Chaired by the Ministry of Agriculture, members include representatives from government ministries, trade unions, employers, development partners, and civil society organizations.(18, 31)
Child Protection Technical Working Group	Oversee child protection issues. Includes representatives from the Government, international organizations, development partners, and NGOs and is chaired by the Ministry of Gender, Children, and Social Welfare.(7, 18)
District Child Protection Committees	Coordinate all child protection activities at the district level and improve local coordination on child protection issues. May be combined with a district orphan and vulnerable child committee and a district committee on child rights.(18)

The Child Labor Network met twice at the national level during the reporting period.(7, 45) In January 2013, the National Steering Committee on Child Labor held its first meeting in Malawi.(7, 49)

## V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Malawi has established policies related to child labor, including its worst forms (Table 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
National Action Plan to Combat Child Labor (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 to combat child labor (33)
Employers' and a National Code of Conduct on Child Labor	Defines conditions under which children are prohibited from work (9)
National Education Sector Plan (2008–2017)*	Provides a framework for quality and relevant education to Malawians, including providing technical and vocational training and education for in and out-of-school youth (45, 54, 55)
National Youth Policy†	Includes strategies targeting youth ages 14–25, including creating more educational and training opportunities.(56) Launched in 2013.(7, 45, 57)
Malawi Decent Work Country Program (2011–2016)	Includes the priority of creating more and better employment and income-generating opportunities for vulnerable groups, including youth, women, and people with disabilities, as well as ensuring the elimination of the worst forms of child labor.(45, 58)
The United Nations Development Assistance Framework (UNDAF) (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, provision of labor services, and enactment of the pending legislation and policies.(7, 58, 59)
Malawi Growth and Development Strategy II 2011–2016 (MGDS II)	Includes strategies to eliminate child labor, such as integrating child labor issues into development initiatives and interventions; recognizes that poverty is the root cause of child labor; and specifically lists fighting child labor as a line item in MGDS II.(7, 58) Currently, MOL is mainstreaming child labor into all sectors of MGDS II to ensure consistency and relevance.(7, 60)

\* The impact of this policy on child labor does not appear to have been studied.

† Policy was launched during the reporting period.

The National Child Labor Policy, which focuses on the issue of child labor and provides Government, civil society, and other partners with a framework to implement child labor programs and activities, awaits Cabinet approval and is not yet in effect.(18, 27) The Government has not finalized or fully implemented the Child Protection Policy, which outlines the Government's child protection strategy.(61)

## VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Malawi funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

**Table 8. Social Programs to Address Child Labor**

Program	Description
Global Research on Child Labor Measurement and Policy Development (MAP)†	USDOL-funded, research project implemented by ILO in 10 countries, including Malawi, to increase the knowledge base around child labor by collecting new data, analyzing existing data, and building capacity to conduct research in this area.(62)
Global Action Program on Child Labor Issues Project	USDOL-funded project implemented by ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to improve the evidence base on child labor through data collection and research.(63)
Cooperation to Address the Worst Forms of Child Labor in Agriculture: Support to the International Agriculture Partnership	USDOL-funded, 4-year project that focuses on data collection and research on child labor in agriculture. The Government implemented an action plan to address child labor in agriculture and trained MOL and Ministry of Agriculture officials in strategies to identify and support child laborers.(64)
Child Labor Elimination Actions for Real Change	\$8 million Eliminating Child Labor in Tobacco Growing (ECLT)-funded, 4-year project that contributes to the elimination of hazardous child labor in tobacco-growing areas in Malawi within the context of NAP for the Elimination of Child Labor in Malawi. Targeted 14,725 boys, girls, women, and men.(7)
Policy Support to an ECLT-Sponsored Conference in Malawi on Child Labor in Agriculture	\$465,000 ECLT-funded, 2-year project provides technical and policy support to ECLT and Government of Malawi-sponsored 2012 National Conference on Child Labor in Agriculture and production of the conference outcome document.(65)
Achieving Reduction of Child Labor in Support of Education	Japan Tobacco International (JTI)-funded, 3-year project that provides strategies to improve livelihoods for families through training in agribusiness and entrepreneurship; raises awareness on child labor; and provides education support. With the Government, the project improved child labor laws and enforcement practices.(14)
Program to Reduce WFCL in Tobacco-Growing Communities in Malawi	\$1.3 million JTI-funded, 3-year project that reduces child labor in tobacco communities in Malawi.(65)
Project on Combating Child Labor in the Tobacco Industry	\$3 million JTI-funded project that in partnership with UNDP and the African Development Bank, addresses child labor in the tobacco industry through public-private partnerships.(7, 66)
One UN Fund program	Supports the Government of Malawi's current efforts to reduce poverty and seeks to enhance UN agencies' current activities to combat child labor(7)
One UN Fund Child Labor Projects	\$90,000 One UN Fund-funded 3-year project that improves social protection through the reduction of child labor in Malawi, and a \$58,400 1-year project improves social protection through the reduction of child labor in Malawi.(65)
National Social Support Program*	Supports interventions that target the most vulnerable children.(46, 67, 68)
Child Labor Monitoring System (CLMS)‡	MOL system supports continuous data collection, analysis, and reporting, and identifies working children and refers them to appropriate services.(18, 31)
Malawi Social Action Fund III*	\$51 million World Bank-funded 6-year project that provides loans for community development and social support programs.(69, 70)
Anti-Human Trafficking Project	Salvation Army-implemented project that provides rehabilitation and training. In 2013, the project identified 89 child Trafficking In Persons victims, and assisted in the return of 73 children to their homes. The shelter also provided short training programs in tailoring and carpentry to 15 children.(18)
National Social Cash Transfer*‡	Ministry of Gender, Child, and Social Welfare program that supports low-income families in high-risk districts to enable their children to stay in school.(18, 71, 72)
Shelter‡	Ministry of Gender, Child, and Social Welfare program that provides shelter for children in Lilongwe, and that takes in trafficked and street children.(7)
School Feeding Program*	World Food Program and U.S. Department of Agriculture-funded programs provide school feeding to help keep children in school.(73)
Birth Registration*‡	EU and UNICEF-funded program that ensures nearly all health facilities in Lilongwe register children at birth and supports Government computerization of birth data collected at the district level. The Government's National Registration Bureau initiated hospital birth registration in Zomba and Mulanje districts totaling 2,000 births in each district between August 2013 and February 2014.(18)

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**Table 8. Social Programs to Address Child Labor (cont)**

Program	Description
Child Protection Information Management System‡	Government of Malawi system that tracks child victims and survivors of violence, abuse, exploitation, and neglect.(7)
Helplines‡	Youth Net and Counseling (YONECO) child protection helpline handling approximately 5,000 calls per month, and successfully identifying cases of child sex and labor exploitation. Another child helpline in Kasungu District uses Lilongwe-based government operators.(18)

\*The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Malawi.

Although Malawi has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem.

## 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 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Enact or amend existing legislation to ensure that the minimum age for children employed in the homes is age 14.	2009 – 2013
	Address the inconsistency in the law for the minimum age for hazardous work, and ensure that the minimum age of 18 is enforced, in compliance with international standards.	2013
	Ensure children over 16 are protected from trafficking in persons.	2013
	Protect children currently involved in the tenancy system.	2009 – 2013
	Ensure that both boys and girls are protected from all forms of sexual exploitation.	2009 – 2013
	Ensure all forms of children's work, including children working in private homes (domestic service) and on non-commercial farms, receive legal protection.	2011 – 2013
Enforcement	Increase resources to CLU and district labor inspectors to conduct regular child labor inspections.	2009 – 2013
	Conduct more proactive labor law inspections and cover smaller farms in inspections conducted in the agricultural sector.	2013
	Provide information on the number of arrests, penalties, and convictions for trafficking of children, including for commercial sexual exploitation.	2013
Government Policies	Finalize and implement the Child Labor and Child Protection policies.	2009 – 2013
	Assess the impact that existing social policies may have on addressing child labor in Malawi.	2011 – 2013
Social Programs	Conduct research to clarify the impact of existing social programs, including cash transfer programs, on child labor.	2011 – 2013
	Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor, and develop programs to target children in the fishing and herding sectors, specifically.	2011 – 2013
	Prioritize resources toward improving education infrastructure, teacher training, and other factors that may serve as barriers to education.	2012 – 2013

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