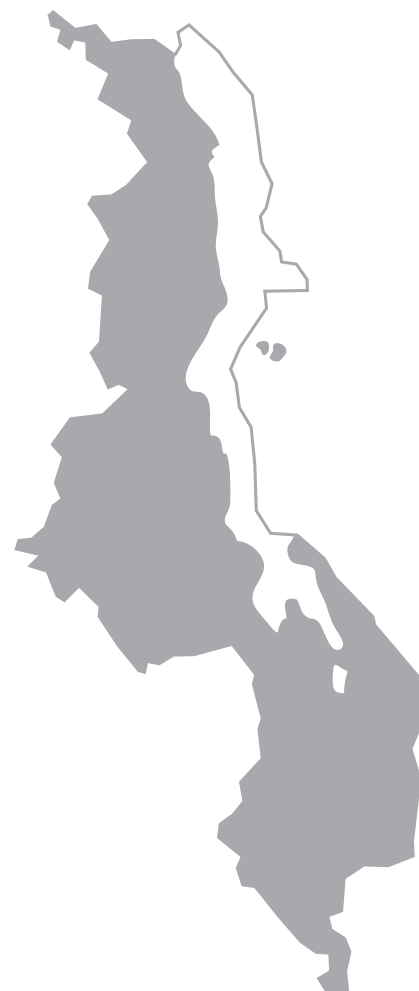


In 2015, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed the Trafficking in Persons Act, which will address key gaps in its legal framework. The Government also increased funding for its Social Cash Transfer Program and supported other social programs to address child labor, particularly in the tobacco sector. However, children in Malawi continue to engage in the worst forms of child labor, including in the harvesting of tobacco 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. Gaps continue to exist in labor law enforcement related to child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Malawi are engaged in the worst forms of child labor, including in the harvesting of tobacco and fishing.(1, 2) 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)	5-14 yrs.	20.6 (885,333)
Attending School (%)	5-14 yrs.	81.3
Combining Work and School (%)	7-14 yrs.	22.2
Primary Completion Rate (%)		79.3

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(3)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Integrated Household Survey 3, 2010–2011.(4)

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* (5, 6)
	Planting and harvesting tobacco,† clearing land, building tobacco-drying sheds, cutting and bundling, weeding and plucking raw tobacco (7-13)
	Catching, processing,*† and selling fish* (1, 14, 15)
	Herding livestock* (5, 16, 17)
Industry	Quarrying*† and mining*† (2)
	Construction,*† activities unknown (2)
Services	Domestic work in third-party homes* (2, 12)
	Ganyu* (a form of casual labor) (17, 18)
	Begging*† (17, 19)
	Vending and wholesaling* (2, 12, 17, 20)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (2, 12, 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 (6, 14, 22-26)
	Forced begging* (6, 22)
	Use in illicit activities, including crimes (6, 18, 22)

* 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.

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Children are engaged in hazardous work in the production of tobacco.(2, 13, 22) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness.(8, 13) They are also exposed to pesticides and chemicals.(7, 8) Some children work alongside family members who are tenants on tobacco farms.(17) 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 pay off loans incurred during the growing season, and those who are unable to repay these debts may face debt bondage.(27-29)

Most human trafficking of children for labor in Malawi is internal.(6, 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.(6, 22, 30) Additionally, children are trafficked from Malawi to South Africa, Tanzania, and Zambia for use as child labor in the fishing industry.(14, 30, 31) 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.(6, 22, 30) They may also be promised well-paid jobs as domestic workers, but end up working in rest houses or bars, ultimately being coerced to engage in commercial sexual exploitation for room and board.(12)




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.(12, 26, 32)

Children with family members with HIV/AIDS may assume responsibility as head of their households and have 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.(33, 34)

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).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Section 21 of the Employment Act No. 6 of 2000 (35)
Minimum Age for Hazardous Work	Yes	16/18	Section 22 of the Employment Act No. 6 of 2000; Section 23 of the Constitution; Section 2 of the Child Care, Protection and Justice Act, 2010 (35-37)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Sections 1–9, and Paragraph 6, Sections 1–6 of the Employment (Prohibition of Hazardous Work for Children) Order, 2012 (38)
Prohibition of Forced Labor	Yes		Section 4 of the Employment Act No. 6 of 2000; 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, 2010; Section 15 of the Trafficking in Persons Act, 2015 (35-37, 39, 40)

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

Standard	Yes/No	Age	Related Legislation
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, 2010; Section 15 of the Trafficking in Persons Act, 2015 (37, 39, 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, 2010; Sections 15 and 20 of the Trafficking in Persons Act, 2015 (37, 39, 40)
Prohibition of Using Children in Illicit Activities	Yes		Section 23 of the Child Care, Protection and Justice Act, 2010 (37)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Section 19 of the Defense Force Act (41)
Compulsory Education Age	Yes	18	Article 13 of the Education Act, 2013 (32)
Free Public Education	Yes		Article 13 of the Education Act, 2013 (32)

* No conscription (41)

In 2015, the Government passed the Trafficking in Persons Act, which will address previous gaps in the legal framework related to protecting all children under age 18 from trafficking in persons, including protection from commercial sexual exploitation regardless of gender.(40)

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 age 18.(35, 36, 42, 43) Consequently, there is some confusion regarding the legal minimum age for engaging in hazardous work.(37, 42)

Section 21 of the Employment Act sets the minimum age for employment at age 14 in agricultural, industrial, or nonindustrial work.(35) 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.(35, 42, 44) In addition, Malawi lacks a legal framework for the tenancy system used in tobacco production. This is of particular concern, considering that children involved in the tenancy system can face debt bondage.(17, 27-29)

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.(45)
MOL	Perform inspections and investigate all labor complaints, including those related to child labor.(2)
Ministry of Home Affairs	Enforce human trafficking laws and prosecute trafficking in persons.(31, 46)
District Labor Offices	Enforce child labor laws at the district level.(2)
Ministry of Gender, Children, Disability and Social Welfare—Department of Child Development	Provide child protection and development services.(47)
Ministry of Justice and Constitutional Affairs	Prosecute criminal offenders.(48)

Labor Law Enforcement

In 2015, labor law enforcement agencies in Malawi took actions to combat child labor, including its worst forms (Table 6).

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Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	120 (49)	120 (49)
Inspectorate Authorized to Assess Penalties	Yes	Yes
Training for Labor Inspectors		
■ Initial Training for New Employees	N/A (49)	N/A (49)
■ Training on New Laws Related to Child Labor	No (49)	No (49)
■ Refresher Courses Provided	No (49)	No (49)
Number of Labor Inspections	215† (49)	116 (49)
■ Number Conducted at Worksite	215 (49)	116 (49)
■ Number Conducted by Desk Reviews	0 (49)	0 (49)
Number of Child Labor Violations Found	145 (49)	148 (49)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	142 (49)
■ Number of Penalties Imposed That Were Collected	Unknown	142 (49)
Routine Inspections Conducted	No (49)	No (49)
■ Routine Inspections Targeted	No (49)	No (49)
Unannounced Inspections Permitted	Yes (49)	Yes (49)
Unannounced Inspections Conducted	Yes (49)	Yes (49)
Complaint Mechanism Exists	Yes (49)	Yes (49)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (49)	Yes (49)

† Data are from the Government of Malawi for the period from January 2014 to May 2014.

In 2015, the Ministry of Labor's (MOL) Child Labor Unit (CLU) had one full-time employee based in Lilongwe, down from three last year.(50) Each of Malawi's administrative districts employed a District Labor Officer (DLO), who was responsible for enforcing all labor laws including those on child labor.(2, 19, 44) The MOL was allocated roughly \$2.65 million for recurrent expenses and capital expenditure funding for a new community college initiative. Of this amount, \$11,262 was allocated for the CLU, which was a considerable reduction from the previous year, and the MOL reported it was an insufficient amount to carry out the Ministry's child labor monitoring and prevention mandate.(19, 50) 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.(2, 19, 44, 51) The MOL advocated for the CLU to be upgraded from a unit into a child labor department, which would enable it to have staff members focused on enforcing laws related to child labor in each of the country's districts.(44)

The Government supports a child protection helpline operated by an NGO that identifies cases of child sexual and labor exploitation. Another child helpline covering the Kasungu District was run by NGOs but uses Lilongwe-based government employee operators.(22) Research did not find information on the number of calls related specifically to child labor.

Of the 148 child labor violations found, the MOL required employers to pay back wages but did not assess additional fines or penalties. A total of 210 children were removed from child labor a result of inspections and referred to social services.(50)

Criminal Law Enforcement

In 2015, 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	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Yes (49)	Yes (49)
■ Training on New Laws Related to the Worst Forms of Child Labor	No (49)	Unknown (49)
■ Refresher Courses Provided	No (49)	Unknown (49)
Number of Investigations	Unknown (49)	Unknown (49)
Number of Violations Found	Unknown (49)	Unknown (49)
Number of Prosecutions Initiated	Unknown (49)	Unknown (49)

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

Overview of Criminal Law Enforcement	2014	2015
Number of Convictions	Unknown (49)	Unknown (49)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (49)	Yes (49)

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.⁽⁵²⁾ 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, 52)

While criminal law enforcement data related to the worst forms of child labor are unknown, the Malawi Police Service provided trafficking in persons data from five police stations. In 2015, 142 victims were rescued and 58 suspects were convicted.⁽⁴⁶⁾ In addition, during 2015, Phalombe District Police reported 55 trafficking victims and five cases resulting in conviction, with prison sentences ranging from 18 to 24 months with hard labor.⁽⁴⁶⁾

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. 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, 34, 53) The National Steering Committee on Child Labor met one time. ⁽⁵⁰⁾
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 Ministry of Gender, Children, Disability, and Social Welfare. ^(2, 19, 22) The National Technical Working Group on Child Labor met for the first time during the reporting period. ⁽⁵⁰⁾
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. ^(19, 22)

In 2015, the National Steering Committee on Child Labor met one time, and the National Technical Working Group on Child Labor met for the first time during the reporting period.⁽⁵⁰⁾

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 9).

Table 9. 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 to combat child labor. ⁽⁵⁴⁾
Child Protection Strategic Plan	Outlines the responsibilities of the MOL, Malawi Police Service, and the Ministry of Gender, Children, Disability, and Social Welfare to coordinate efforts combating child labor. ⁽¹⁹⁾
National Action Plan for Vulnerable Children† (2015–2019)	Coordinated by the Ministry of Gender, Children, Disability, and Social Welfare, was launched in 2015 and provides a framework for the development of district implementation plans for assisting vulnerable children. ^(50, 55)
National Youth Policy*	Includes strategies targeting youth ages 14 to 25, including creating more educational and training opportunities. ⁽⁵⁶⁾
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 the pending legislation and policies. ^(57, 58)

Table 9. Policies Related to Child Labor (cont)

Policy	Description
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.(2, 57) To ensure consistency across policies, the MOL is incorporating child labor into all the sectors of the Malawi Growth and Development Strategy II.(2, 59)
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 youth.(60)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was launched during the reporting period.

In 2015, the National Child Labor Policy, which will focus on the issue of child labor and provide the Government, civil society, and other partners with a framework to implement child labor programs and activities, awaited Cabinet approval and was not yet in effect.(2, 19, 50) Additionally, the Government has not finalized or fully implemented the Child Protection Policy, which outlines the Government’s child protection strategy.(19, 50)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Malawi funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Social Programs to Address Child Labor

Program	Description
Global Research on Child Labor Measurement and Policy Development (MAP) (2013–2017)	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.(61) During the reporting period, the ILO and the National Statistical Office collected data for the second National Child Labor Survey.(62)
Global Action Program on Child Labor Issues Project (2011–2016)	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 in Malawi.(63)
Child Labor Elimination Actions for Real Change (2011–2015)	\$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 the Child Labor NAP for Malawi. Targets 10,000 children for prevention from child labor.(2, 19, 64)
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, raises awareness on child labor, and provides education support.(65, 66)
Program to Reduce the Worst Forms of Child Labor in Tobacco-Growing Communities in Malawi (2011–2015)	Combined \$4.5 million JTI-funded, 4-year project to reduce child labor in tobacco communities in Brazil, Malawi, and Zambia.(67) In Malawi, the project budget is \$1.3 million.(66)
Project on Combating Child Labor in the Tobacco Industry	\$3 million JTI-funded project in partnership with UNDP and the African Development Bank that addresses child labor in the tobacco industry through public-private partnerships.(2)
Child Labor Monitoring System†	MOL system in pilot districts to identify working children and collect data on school attendance and other data points.(19)
National Social Cash Transfer Program†	Ministry of Gender, Children, Disability, and Social Welfare program that supports low-income families in high-risk districts to enable their children to stay in school.(2, 47, 68) In FY 2015, the Government maintained the program at 304,534 beneficiary households at an annual cost of \$68 million, which represents a \$3 million increase from FY 2014.(69) Research has shown a decrease in child labor rates as a result of participation in this program.(70, 71)
Complimentary Basic Education Program†	\$1.1 million Government-funded project that enrolls children withdrawn from child labor into school. To date, an estimated 11,000 children have graduated from this program.(50)

Table 10. Social Programs to Address Child Labor (cont)

Program	Description
Malawi Decent Work Country Program (2011–2016)	ILO program that seeks the elimination of the worst forms of child labor and targets youth, women, and people with disabilities through creating additional income-generating opportunities.(57, 72)
Malawi Social Action Fund IV (2014–2018)	\$32.8 million, World Bank-funded, 4-year project that provides loans for community development and social support programs, including work opportunities, skill-building, and cash transfers.(19, 50)
Anti-Human Trafficking Project	Salvation Army-implemented project that provides shelter, rehabilitation, and training for victims of human trafficking.(22)
Shelter Program†	Ministry of Gender, Children, Disability, and Social Welfare program that provides shelter for children in Lilongwe and takes in trafficked and street children.(2)
Orphans and Vulnerable Children Intervention	\$4.9 million President’s Emergency Plan for AIDS Relief-funded program in partnership with the Ministry of Gender, Children, Disability, and Social Welfare that 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.(73)
Girls’ Empowerment through Education and Health Activity	USAID and Save the Children-funded project that focuses on reducing structural and cultural barriers to girls’ access to education in Balaka and Machinga districts.(73)
School Feeding Program	World Food Program and U.S. Department of Agriculture-funded program that provides meals to help keep children in school.(2, 74)
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.(50)

* 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 in all relevant sectors, including agriculture and fishing.

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	Address the inconsistency in the law for the minimum age for hazardous work in compliance with international standards.	2013 – 2015
	Ensure that all forms of children’s work, including children working in private homes (domestic service) and on noncommercial farms, receive legal protection, including a minimum age for work that complies with international standards.	2009 – 2015
	Ensure legal protection for children working in the tenancy system.	2009 – 2015
Enforcement	Make the labor inspectorate’s funding publicly available.	2015
	Institutionalize training for labor inspectors, including by training new labor inspectors at the beginning of their employment on new laws related to child labor, and provide refresher courses.	2015
	Strengthen the labor inspectorate by initiating routine inspections rather than performing inspections solely based on complaints received.	2015
	Increase resources to the CLU and district labor inspectors to conduct regular child labor inspections.	2009 – 2015
	Disaggregate data on child labor from child protection hotline calls and make data available to the public.	2014 – 2015

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

Area	Suggested Action	Year(s) Suggested
Enforcement	Make information publicly available on the training system for criminal law investigators and the number of investigations, violations, prosecutions, and convictions.	2013 – 2015
Government Policies	Integrate child labor elimination and prevention strategies into the National Education Sector Plan and National Youth Policy.	2011 – 2015
	Finalize and implement the National Child Labor and Child Protection policies.	2009 – 2015
Social Programs	Ensure that additional costs to education and the impact of HIV/AIDS do not serve as barriers to education.	2012 – 2015
	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 agriculture sectors, specifically.	2011 – 2015

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