

In 2017, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The government published the results of the National Child Labor Survey and continued to implement the Trafficking in Persons Act of 2015 by training officials on the law and launching the National Plan of Action against Trafficking in Persons. However, children in Malawi continue to engage in the worst forms of child labor, including in the harvesting of tobacco and in commercial sexual exploitation, sometimes as the result of human trafficking. The government has not finalized or fully implemented key legislation or policies to protect children from child labor, including the Child Labor Policy and the Child Protection Policy. In addition, gaps continue to exist in labor law enforcement related to child labor, including financial resource allocation.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Malawi engage in the worst forms of child labor, including in the harvesting of tobacco and in commercial sexual exploitation, sometimes as the result of human trafficking. (1) 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	43.2 (1,965,690)
Attending School (%)	5 to 14	89.9
Combining Work and School (%)	7 to 14	45.4
Primary Completion Rate (%)		76.9

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2018. (2)

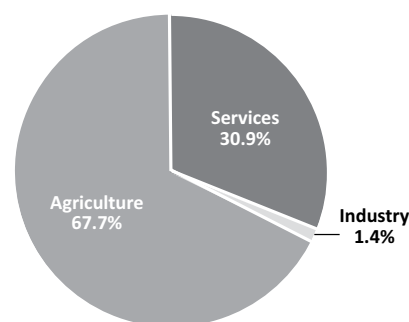
Source for all other data: Understanding Children's Work Project's analysis of statistics from National Child Labour Survey, 2015. (3)

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 sugar (4)
	Planting and harvesting tobacco, clearing land, building tobacco-drying sheds, cutting and bundling, weeding, and plucking raw tobacco† (5; 6; 7; 8; 9; 10; 1)
	Herding livestock (11)
Industry	Quarrying,† mining,† collecting sand, and brickmaking† (11; 12; 13)
	Construction,† activities unknown (12)
	Domestic work in third-party homes (12)
Services	Ganyu (a form of casual labor) (14; 15)
	Begging† (16)
	Vending and wholesaling (12; 17)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (5; 12; 16; 18; 1)
	Herding goats and cattle; farming (predominantly tobacco); fishing; brickmaking; domestic work; and work in small businesses such as rest houses and bars, each sometimes as a result of human trafficking (19; 13; 20; 21; 22; 23)

Figure 1. Working Children by Sector, Ages 5-14



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Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Forced begging (13; 20)
	Use in crimes (13; 14; 20)

† 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. (8; 12; 20; 24) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness. (8) They are also exposed to pesticides and chemicals. (6) Some children work alongside family members who are tenants on tobacco farms. (1) 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 also pay off loans incurred during the growing season and, because they are unable to repay these debts, entire families are placed in debt bondage. (25; 26; 27; 1)

Most human trafficking of children for labor in Malawi is internal. (13; 20) Boys in particular 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. (13; 20; 28) Children also are trafficked from Malawi to other countries, including Mozambique, South Africa, Tanzania, and Zambia. (23; 28; 29) Children who are trafficked may be charged for their clothing, food, housing, and transport. They may also be forced to work in debt bondage because of these charges and be unable to return home or support themselves. (20; 30)

Girls from rural areas are sometimes provided clothing and lodging from brothel owners. After they have left home, they are coerced to engage in commercial sexual exploitation to pay off their debts. (13; 20; 28) Girls who work in rest houses or bars are often coerced to engage in commercial sexual exploitation in exchange for room and board. (31; 1)




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. (23; 32; 1) Reports also indicate that children are often victims of sexual assault, with evidence of incidents occurring at schools, which impedes their access to education. (33; 34; 6)

Children with family members with HIV/AIDS may assume responsibility as heads of their households and need 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. (35; 36)

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 child labor, including the minimum age to work and the prohibition of military recruitment by non-state actors.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Section 21 of the Employment Act (37)
Minimum Age for Hazardous Work	Yes	18	Section 22 of the Employment Act; Section 23 of the Constitution (37; 38)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Sections 1–9, and Paragraph 6, Sections 1–6 of the Employment (Prohibition of Hazardous Work for Children) Order (39)
Prohibition of Forced Labor	Yes		Section 4 of the Employment Act; 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; Section 15 of the Trafficking in Persons Act (37; 38; 40; 41; 42)
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; Section 15 of the Trafficking in Persons Act (40; 41; 42)
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 (40; 41; 42)
Prohibition of Using Children in Illicit Activities	Yes		Section 23 of the Child Care, Protection and Justice Act (40)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Section 19 of the Defense Force Act (43)
Non-state	No		
Compulsory Education Age	Yes	18	Article 13 of the Education Act (32)
Free Public Education	Yes		Article 13 of the Education Act (32)

* No conscription (43)

Section 21 of the Employment Act sets the minimum age for employment at age 14 in agricultural, industrial, or non-industrial work. (37) 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. (37) In addition, Malawi lacks a legal framework for the tenancy system used in tobacco production, leaving children vulnerable to the worst form of child labor, including debt bondage, since families encounter debt bondage because of the tenancy system. (25; 26; 27; 44; 1) 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.

The government amended the Constitution, which raised the age of adulthood from 16 to 18, bringing the definition of a child in line with the UN CRC. (1; 45)

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 the Ministry of Labor (MOL) that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MOL)	Perform inspections and investigate all labor complaints, including those related to child labor. (12) The Child Labor Unit monitors and implements child labor law compliance through child labor monitoring visits. (46)
District Labor Offices	Enforce child labor laws at the district level. (12)
Malawi Police Service	Investigate suspected cases involving the worst forms of child labor. (47) Analyze and operationalize systems to track trafficking trends. (48)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Ministry of Gender, Children, Disability and Social Welfare (MOG) Department of Child Development	Provide child protection and development services. (33)
Ministry of Home Affairs	Enforce human trafficking laws and prosecute human trafficking offenses. (29; 49)
Ministry of Justice and Constitutional Affairs	Prosecute criminal offenders. (50)

Labor Law Enforcement

In 2017, labor law enforcement agencies in Malawi took actions to combat child labor (Table 6). However, gaps exist within the operations of MOL that may hinder adequate labor law enforcement, including financial resource allocation.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown	Unknown
Number of Labor Inspectors	141 (5)	122 (1)
Inspectorate Authorized to Assess Penalties	Yes (51)	Yes (1)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (5)	Yes (52)
Training on New Laws Related to Child Labor	Yes (1)	No (1)
Refresher Courses Provided	Unknown	Unknown
Number of Labor Inspections Conducted	Unknown	Unknown
Number Conducted at Worksites	Unknown	Unknown
Number of Child Labor Violations Found	Unknown	Unknown
Number of Child Labor Violations for Which Penalties were Imposed	Unknown	Unknown
Number of Child Labor Penalties Imposed that were Collected	Unknown	Unknown
Routine Inspections Conducted	Unknown	Unknown
Routine Inspections Targeted	No (1)	Unknown
Unannounced Inspections Permitted	Yes (5)	Yes (1)
Unannounced Inspections Conducted	Yes (1)	Unknown
Complaint Mechanism Exists	Yes (5)	Yes (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (5)	Yes (1)

While the government provided training to 24 new labor inspectors, the number of labor inspectors is likely insufficient for the size of Malawi's workforce, which includes over 7 million workers. (52) According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in least developed country economies, Malawi would employ roughly 175 labor inspectors. Enforcement of child labor laws remains challenging due to the lack of resources for inspections. (1)

The government supports a child protection helpline operated by an NGO that identifies cases of child sexual and labor exploitation. (20) Research did not find information on the number of calls related specifically to child labor.

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Malawi took actions to combat child labor (Table 7). However, gaps exist within the operations of criminal enforcement agencies that may hinder adequate criminal law enforcement, including lack of information.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Yes (48)	Yes (52)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Unknown (1)
Refresher Courses Provided	Unknown	Unknown (1)
Number of Investigations	Unknown	Unknown
Number of Violations Found	Unknown	Unknown
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (5)	Yes (1)

While comprehensive data on training criminal investigators is not available, in 2017, 50 police officers, prosecutors, and magistrates were trained on the Trafficking in Persons Act of 2015. (1) The Act also called for the creation of an anti-trafficking fund, which the government established in December 2017 with funding of \$68,000. The fund is designed to finance training of enforcement and protection officers and provide support and care to victims. (1; 42; 53)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and 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 Labor. Chaired by the Ministry of Agriculture, includes representatives from government ministries, trade unions, employers, development partners, and civil society organizations. (16; 54; 36) Research was unable to determine whether the National Steering Committee on Child Labor was active during the reporting period.
National Technical Working Group on Child Labor and Protection	Oversee child protection issues. Chaired by the MOG, includes representatives from the government, international organizations, development partners, and NGOs. (12; 16; 20) Research was unable to determine whether the National Technical Working Group was active during the reporting period.
District Child Protection Committees	Coordinate all child protection activities at the district level and improve local coordination on child protection issues. (16; 20) Research was unable to determine whether the District Child Protection Committees were active during the reporting period.
National Coordination Committee against Trafficking in Persons	Mandated by the Trafficking in Persons Act of 2015. (5) Coordinates and oversees investigations and prosecutions, training, victim care, and trafficking data collection. The Committee met once in 2017. (53)

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 implementation.

Table 9. Key Policies Related to Child Labor

Policy	Description
Child Protection Strategic Plan	Outlines the responsibilities of the MOL, Malawi Police Service, and the MOG in coordinating efforts to combat child labor. (16; 55)
National Action Plan for Vulnerable Children (2015–2019)	Provides a framework for the development of district implementation plans for assisting vulnerable children, including those vulnerable to child labor; coordinated by the MOG. (56; 57)
National Plan of Action Against Trafficking in Persons (2017–2022)	Outlines the objectives to counter trafficking in persons: strengthen prevention; provide support and protection for victims; strengthen detection, investigation, and prosecution of offenses; encourage partnership and coordination; and conduct research, monitoring, and evaluation. (58; 59)
UN Development Assistance Framework (2012–2018)	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 pending legislation and policies. (60; 61; 1)

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In 2017, the government published the results of the National Child Labour Survey. (62) For the reporting period, research was unable to determine whether activities were undertaken to implement the key policies above. The National Action Plan for Child Labor for Malawi expired in 2016 and has not been renewed. The draft National Child Labor Policy, which would provide the government, civil society, and other partners with a framework to implement child labor prevention programs and activities, is still undergoing national review that includes circulation among ministries. (5; 12; 16; 56; 1) The government has not finalized or started implementing the Child Protection Policy, which outlines the government's child protection strategy. (16; 56) The government has not integrated child labor elimination and prevention strategies into either the National Youth Policy or the National Education Sector Plan. (63; 64)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, 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 implementation.

Table 10. Key Social Programs to Address Child Labor†

Program	Description
Global Research on Child Labor Measurement and Policy Development (MAP)	USDOL-funded research project implemented by the ILO in 10 countries to increase the knowledge base around child labor by collecting new data, analyzing existing data, and building capacity of governments to conduct research in this area. (65) In 2017, the MAP project held a dissemination seminar for the National Child Labor Survey and began consultations on a policy appraisal to understand and monitor child labor and decent youth employment. (65) Additional information is available on the USDOL website.
Achieving Reduction of Child Labor in Support of Education II (ARISE) (2015–2018)	\$2 million Japan Tobacco International (JTI)-funded, 3-year project that provides strategies to promote economic empowerment, raise awareness of child labor, and provide education support. (66; 67) During 2017, the Lilongwe University of Agriculture and Natural Resources (LUANAR) developed the curriculum and training modules, which will be rolled out in 2018 (68). Also in 2017, 200 adolescents ages 14–17 who were removed from child labor graduated from the ARISE model farm school. (69)
Child Labor Monitoring System†	MOL system in pilot districts that identifies working children. Collects data on school attendance and other data points. (16)
National Social Cash Transfer Program†	MOG program that supports low-income families in high-risk districts to enable children to stay in school. As of September 2017, 430,000 children participated in the program. (52) Research has shown a decrease in child labor rates because of participation in this program. (70; 71; 72)
Complimentary Basic Education Program†	\$1.1 million government-funded project that promotes school enrollment for children who are removed from child labor. To date, an estimated 11,000 children have graduated from this program. (56)
Malawi Social Action Fund IV (2014–2019)	\$70 million, World Bank-funded, 5-year project that provides loans for community development and social support programs, including work opportunities, skill-building, and cash transfers. (16; 56) Key activities established two integrated and functional safety net delivery systems; reached 985,635 regular participants and 225,000 emergency response participants under the public works program; trained 24,208 people in livelihood and skills development activities; and formed and strengthened 5,241 Community Savings and Investment Promotion and other livelihood groups. (52)
Orphans and Vulnerable Children Intervention†	\$4.9 million, USAID funded, President's Emergency Plan for AIDS Relief-funded program that, in partnership with MOG, provides education, child protection services, birth registration, and shelter and care through the establishment of Community Based Care Centers to vulnerable children from birth to age 17. (73)
Girls Empowerment Programs	USAID-funded and Save the Children-implemented projects that focus on reducing structural and cultural barriers to girls' access to education. These projects include Let Girls Learn (2016–2021) and Girls' Empowerment through Education and Health Activity (2014–2018) in Balaka and Machinga districts. (5; 73)
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 registrations in Zomba and Mulanje districts. (20) The U.S. Centers for Disease Control and Prevention supported birth registration in Blantyre, Chitipa, and Ntcheu districts. (16) UNICEF supported birth registration in Lilongwe. (56)
National Registration and ID Program†	\$50 million government and UNDP co-funded program that aims to register all Malawians. (51) Nine million people over the age of 16 and 4.5 million under the age of 15 were registered. (53)

† 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. (12; 29; 74)

For the reporting period, research was unable to determine whether activities were undertaken to implement a number of the key programs above. 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 commercial sexual exploitation.

VI. 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 private homes (domestic service) and on non-commercial farms, receive legal protection, including a minimum age for work that complies with international standards.	2009 – 2017
	Ensure legal protection for children working in the tenancy system.	2009 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
Enforcement	Publish information about the Labor Inspectorate's funding and information about training for labor inspectors and ensure that labor inspectors receive training on new laws related to child labor.	2015 – 2017
	Publish information on the number of labor inspections conducted, including at worksites, the number of child labor violations that were found, and the number of penalties that were imposed and collected.	2016 – 2017
	Publish information about whether routine inspections are conducted, if routine inspections are targeted, and whether unannounced inspections are conducted.	2015 – 2017
	Increase the number of labor inspectors to meet the ILO's technical advice.	2017
	Increase resources to the Labor Inspectorate to conduct regular child labor inspections.	2009 – 2017
	Disaggregate data on child labor from child protection hotline calls and publish the information.	2014 – 2017
	Publish information on training for criminal law investigators and the number of investigations, violations, prosecutions, and convictions.	2013 – 2017
Government Policies	Ensure that activities are undertaken to implement key policies related to child labor.	2016 – 2017
	Renew the National Action Plan on Child Labour for Malawi.	2017
	Finalize and implement the National Child Labor and Child Protection policies.	2009 – 2017
	Integrate child labor elimination and prevention strategies into the National Education Sector Plan and National Youth Policy.	2011 – 2017
Social Programs	Ensure that additional educational costs, exposure to sexual violence, and the impact of HIV/AIDS do not serve as barriers to education.	2012 – 2017
	Ensure that activities are undertaken to implement key programs related to child labor.	2017
	Increase the scope of existing social programs to reach more children at risk of the worst forms of child labor, and develop specific programs to target children in agriculture and commercial sexual exploitation.	2011 – 2017

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