In 2018, Malawi made a moderate advancement in efforts to eliminate the worst forms of child labor. The government debated an amendment to the Employment Act that would prohibit tenancy farming, and passed the Tobacco Industry Bill of 2018, which requires tobacco growers to report on efforts to eliminate child labor in tobacco farming. It also finalized the National Children's Policy, which will begin implementation in 2019. In addition, government inspectors also facilitated the removal of more than 1,000 victims of child labor and referred them to social services provided by the Ministry of Gender, Children and Social Welfare. 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. 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 I. Statistics on Children's Work and Education

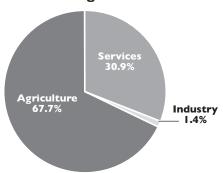
Children	Age	Percent
Working (% and population)	5 to 14	43.2 (1,965,690)
Attending School (%)	5 to 14	89.9
Combining Work and School (%)	7 to 14	45.4
Primary Completion Rate (%)		76.9

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2019. (2)

Source for all other data: International Labor Organization's analysis of statistics from National Child Labour Survey, 2015. (3)

g Children by Sector,

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



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 (4,5)
	Planting and harvesting tobacco, clearing land, building tobacco-drying sheds, cutting and bundling, weeding, and plucking raw tobacco† (1,4-12)
	Herding livestock (13)
Industry	Quarrying,† mining,† collecting sand, and brickmaking† (13,14)
	Construction,† activities unknown (14)
	Domestic work in third-party homes (14,15)
Services	Ganyu (a form of casual labor) (16)
	Begging† (13,17)
	Vending and wholesaling (14,18)

Table 2. Overview of Children's Work by Sector and Activity (Cont.)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1,4,6,13,14,17,19)
	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 (4,13,20,21)
	Forced begging (13,20)
	Use in crimes (13,20)

<sup>†</sup> Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

Children in Malawi are engaged in hazardous work in the production of tobacco. (9,14,20,22) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness. They are exposed to pesticides, chemicals, and harsh weather conditions; they also utilize sharp tools. (7,9,23) Some children work alongside family members who are tenants on tobacco farms. (1,5,23,24) In the tenancy system, tenants' pay is based on the quantity and quality of tobacco sold to farm owners after the harvest season, and parents have an incentive to use their children to increase their earnings. Tenants often incur loans during the growing season; in many case, they are unable to repay these debts, resulting in entire families being placed in debt bondage. (1,25,26) Many children working under these conditions do not attend school. (5,23)

Most child trafficking for labor in Malawi takes place internally. (13,20) Boys from southern Malawi are particularly vulnerable, and are forced 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. (13,20,27) Child trafficking also takes place from Malawi to other countries, including Mozambique, South Africa, Tanzania, and Zambia. (21,27) Child victims of human trafficking 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. (20,28)

Girls from rural areas sometimes move to larger cities in search of work. In some cases, they are provided clothing and lodging from brothel owners and, if unable to find other work, engage in commercial sexual exploitation to pay off their debts. (1,13,20,27)

Primary education is tuition-free, and in September 2018, the government abolished secondary school fees to facilitate access to secondary education. However, considerable barriers to education exist, including families' inability to pay required school-related expenses, such as books and uniforms. (1,21,29-31) Long distances, poor school infrastructure, and the lack of water, electricity, and sanitation facilities also negatively impact children's attendance at school. In addition, safety concerns may negatively affect attendance; reports indicate that children are sometimes victims of sexual assault at school. (5,7,15,21,29,32,33) Additionally, many girls in grades six to eight are pulled from school to perform domestic work at home. (29)

Children with family members with HIV/AIDS may need to assume responsibility as heads of their households, including working to support their families. These children, especially those who are orphaned, are at increased risk of entering into the worst forms of child labor. (34)

# 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
WALL TO THE	ILO C. 138, Minimum Age	✓
ATTO:N	ILO C. 182, Worst Forms of Child Labor	<b>√</b>

<sup>‡</sup> Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.

Table 3. Ratification of International Conventions on Child Labor (Cont.)

Convention	Ratification
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 the worst forms of child labor, including the minimum age for work and the military recruitment by non-state actors.

**Table 4. Laws and Regulations on Child Labor** 

•			
Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	14	Section 21 of the Employment Act (35)
Minimum Age for Hazardous Work	Yes	18	Section 22 of the Employment Act; Section 23 of the Constitution (35,36)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Sections I–9, and Paragraph 6, Sections I–6 of the Employment (Prohibition of Hazardous Work for Children) Order (37)
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 (35,36,38-40)
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 (38-40)
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; Sections 15 and 20 of the Trafficking in Persons Act (38-40)
Prohibition of Using Children in Illicit Activities	Yes		Section 23 of the Child Care, Protection and Justice Act (38)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 19 of the Defense Force Act (41)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	18	Article 13 of the Education Act (30)
Free Public Education	Yes		Article 13 of the Education Act (30)

<sup>\*</sup> No conscription (41)

Malawi currently lacks a legal framework for the tenancy system which is often used in tobacco production, and leaves children vulnerable to the worst forms of child labor. Families working under the tenancy system are particularly vulnerable to debt bondage because loans advanced to farmers operating under this arrangement are often of a higher value than the profits farmers receive from crop yields. (1,25,26,42,43) In 2018, the Cabinet debated an amendment to the Employment Act that would prohibit tenancy farming. However, the government decided to defer consideration of the amendment until the ILO completes a study on the extent of tenancy farming in Malawi. (29)

The government also passed the Tobacco Industry Bill 2018 which requires tobacco growers to report on issues of child labor. (44,45) Growers found using child labor may be subject to a fine of \$2,800 or imprisonment for up

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to one year. The Commissioner may also cancel the registration of a tobacco grower if the grower fails to submit a report that is satisfactory. (46)

Section 21 of the Employment Act sets the minimum age for employment at age 14 in agricultural, industrial, or non-industrial 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) 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.

During the reporting period the government reviewed categorizations of hazardous work under the Occupational Safety, Health and Welfare Act, and determined that tasks associated with domestic work and non-commercial agriculture will not be categorized as hazardous. (29,46)

# **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)	Performs inspections and investigates all labor complaints, including those related to child labor. (14) The Child Labor Unit monitors and implements child labor law compliance through child labor monitoring visits. (6,47)
District Labor Offices	Enforce the child labor laws at the district level. (14)
Malawi Police Service	Investigates suspected cases involving the worst forms of child labor. Analyzes and operationalizes systems to track trafficking trends. (48)
Ministry of Gender, Children, Disability and Social Welfare (MOG) Department of Child Development	Provides child protection and development services. (32)
Ministry of Homeland Security	Enforces human trafficking laws and prosecutes human trafficking offenses. (49)
Ministry of Justice and Constitutional Affairs	Prosecutes criminal offenders. (50)

# **Labor Law Enforcement**

In 2018, 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	2017	2018
Labor Inspectorate Funding	Unknown	\$98,000 (29)
Number of Labor Inspectors	122 (1)	65 (47)
Inspectorate Authorized to Assess Penalties	Yes (I)	Yes (46)
Initial Training for New Labor Inspectors	Yes (51)	Yes (46)
Training on New Laws Related to Child Labor	No (I)	N/A (46)
Refresher Courses Provided	Yes (29)	Yes (29)
Number of Labor Inspections Conducted	Unknown	1,324 (29)
Number Conducted at Worksite	Unknown	556 (29)
Number of Child Labor Violations Found	Unknown	1,085 (29)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown (29)
Number of Child Labor Penalties Imposed that Were Collected	Unknown	Unknown (29)
Routine Inspections Conducted	Unknown	Yes (29)
Routine Inspections Targeted	Unknown	Yes (29)
Unannounced Inspections Permitted	Yes (I)	Yes (29)

Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Labor Law Enforcement	2017	2018
Unannounced Inspections Conducted	Unknown	Yes (29)
Complaint Mechanism Exists	Yes (I)	Yes (29)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (I)	Yes (29)

During the reporting period, inspectors facilitated the removal of 1,085 victims of child labor and referred them to social services provided by the Ministry of Gender, Children and Social Welfare. Social services providers facilitated counseling for sexually abused children, placement in school for school-aged children, and vocational skills training for others. (29,46)

The number of labor inspectors is likely insufficient for the size of Malawi's workforce, which includes more than 7 million workers. (51) According to the ILO's technical advice of a ratio approaching 1 inspector for every 40,000 workers in least developed economies, Malawi would employ about 175 labor inspectors. (52,53) Enforcement of child labor laws remains challenging due to the lack of resources for inspections. (1,29,54)

In December 2018, the Employers Consultative Association of Malawi partnered with the MOL to develop and adopt a child labor code of conduct to better ensure private sector compliance with the government's efforts on the elimination of child labor. (29,46) 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 2018, criminal law enforcement agencies in Malawi took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, training for criminal investigators.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

2017	2018
Yes (51)	Unknown (29)
Unknown (I)	Unknown (29)
Unknown (I)	Unknown (29)
Unknown	Unknown (29)
Unknown (55)	Unknown (55)
Yes (I)	Yes (46)
	Yes (51) Unknown (1) Unknown Unknown Unknown Unknown Unknown Unknown Unknown Unknown (55)

Specialized units for child labor issues do not exist within the Malawi Police Service or the Directorate of Public Prosecutions, which may impede the ability of the government to enforce criminal laws related to child labor. (29) In addition, children who are the victims of commercial sexual exploitation are sometimes arrested by the police and detained alongside adults. In some instances, these children fall victim to abuse, including sexual extortion, by the police. (29)

Many children in Malawi lack birth certificates. The inability of law enforcement officials to verify the ages of child victims may have impeded efforts to prosecute traffickers under the Child Care, Protection and Justice Act and the Trafficking in Persons Act. (54)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including a lack of coordination efforts.

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

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Provides 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. (17,34) The National Steering Committee on Child Labor did not meet in 2018. (55)
National Technical Working Group on Child Labor and Protection	Oversees child protection issues. Chaired by the MOG, includes representatives from the government, international organizations, development partners, and NGOs. (14,17,20) The National Technical Working Group met once during the reporting period. (55)
District Child Protection Committees	Coordinates all child protection activities at the district level and improve local coordination on child protection issues. (17,20) The District Child Protection Committees met regularly during the reporting period, and provided recommendations to District Executive Committees, which met once a month. (55)
National Coordination Committee Against Trafficking in Persons	Mandated by the Trafficking in Persons Act of 2015. (6) Coordinates and oversees investigations and prosecutions, training, victim care, and human trafficking data collection. (56) Met once in 2018. (54)

Although the government has established coordinating bodies to address child labor, research was unable to determine outcomes of coordination efforts and found no evidence that these bodies function as meaningful coordinating mechanisms.

#### 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** 

Description
Aims to facilitate the coordination of all policies related to the needs of children to ensure child protection, including the prevention of child labor and trafficking. (57) The policy was finalized during the reporting period, and approved in January 2019. (47)
Outlines the responsibilities of MOL, Malawi Police Service, and MOG in coordinating efforts to combat child labor. (12,17,58) Between April and November 2018, an evaluation of the Child Protection Strategic Plan was conducted with support from UNICEF. The findings and recommendations from the evaluation will be used to develop a new child protection strategy, and refine UNDAF. (12,55)
Provides a framework for the development of district implementation plans. (59,60) Research was unable to determine whether activities were undertaken to implement the National Action Plan for Vulnerable Children during the reporting period.
Outlines 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. (61,62) Research was unable to determine whether activities were undertaken to implement the National Plan of Action Against Trafficking in Persons during the reporting period.
Recognizes child labor as a common constraint to the creation of decent and productive employment. Signed between the government and the UN in September 2018, proposes strategies to address child labor, including prioritizing investments in child education, ensuring schools are safe from violence, and providing vocational skills for out-of-school children. (12,63,64)

<sup>†</sup> Policy was approved during the reporting period.

In 2018, the government began reviewing the National Action Plan on Child Labor with technical assistance from the ILO, and anticipates launching the plan in 2019. (29,46) An evaluation concluded in November 2018 found that the Child Protection Strategic Plan target for reducing the prevalence of child labor has not been achieved. (12) The draft National Child Labor Policy, which would provide the government, civil society, and other partners

<sup>‡</sup>The Government had other policies that may have addressed child labor issues or had an impact on child labor.



with a framework to implement child labor prevention programs and activities, is still undergoing national review that includes circulation among ministries. (1,6,14,17,30)

The government has not integrated child labor elimination and prevention strategies into either the National Youth Policy or the National Education Sector Plan. (65,66)

# VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, 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)	, ,		
Achieving Reduction of Child Labor in Support of Education II (ARISE) (2015–2018)	\$4.7 million Japan Tobacco International (JTI)-funded, 3-year project to promote economic empowerment, raise awareness of child labor, and provide education support. (68) In July 2018, the project partnered with Lilongwe University of Agriculture and Natural Resources to incorporate child labor issues into the curriculum In October 2018, in conjunction with the Ministry of Education, developed a guide on establishing anti-child labor clubs, and trained teachers and established anti-child labor clubs in 18 schools reaching 5,789 children. (69 Supported the development of a code of conduct for employers on the elimination of child labor in Malawi, which was published in December 2018. (70) Project ended in December 2018. (29)		
Child Labor Monitoring System†	MOL system in pilot districts that identifies working children. Collects various data including school attendance. (17) Research was unable to determine whether activities were undertaken to implement the Child Labor Monitoring System during the reporting period.		
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. (51) Research has shown a decrease in child labor rates among participants of this program. (71,72) Research was unable to determine whether activities were undertaken to implement the National Social Cash Transfer Program during the reporting period.		
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. (59)		
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. (17,59) To date the program has established 2 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. (51)		
Orphans and Vulnerable Children Intervention†	\$4.9 million, USAID and 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 to vulnerable childrefrom birth to age 17 through the establishment of Community Based Care Centers. (73) Research was unabled determine whether activities were undertaken to implement the Orphans and Vulnerable Children Intervention during the reporting period.		
Girls Empowerment Programs	USAID-funded and Save the Children-implemented projects that focus on reducing structural and cultural barriers to girls' access to education. Projects include Let Girls Learn (2016–2021) and Girls' Empowerment through Education and Health Activity (2014–2018) in Balaka and Machinga districts. (6,73) In 2018, the Ministry of Education, Science and Technology, in conjunction with Save the Children, hosted a conference highlighting progress made in the implementation of the Inclusive Education in Malawi Program. (74) In 2018, with U.S. Government support, the Government of Malawi adopted an Adolescent Girls and Young Women strategy focusing on health, education, gender equality, and economic empowerment. (55,75)		
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 supports hospital birth registrations in Zomba and Mulanje districts. (20) The U.S. Centers for Disease Control and Prevention supports birth registration in Blantyre, Chitipa, and Ntcheu districts. (13) UNICEF supports birth registration in Lilongwe. (59) To date, efforts made to link national identification registration and birth registration databases to facilitate birth registration for children under age 16 have resulted in the registration of 4.5 million children. (55)		

# Table 10. Key Social Programs to Address Child Labor (Cont.)

Program	Description
National Registration and ID Program†	\$50 million government and UNDP co-funded program that aims to register all Malawians. (76) In 2017, 9 million people over the age of 16 and 4.5 million under the age of 15 were registered. By July 2018, 90 percent of the national registration identity cards were distributed. (56,77)

<sup>†</sup> 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 commercial sexual exploitation.

#### VII. 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 II. 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 – 2018
	Raise the minimum age for work from 14 years to the age up to which education is compulsory.	2018
	Ensure legal protection for children working in the tenancy system.	2009 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
Enforcement	Publish information on the number of penalties that were imposed and collected for child labor violations.	2016 – 2018
	Increase the number of labor inspectors to meet the ILO's technical advice.	2017 - 2018
	Increase resources to the labor inspectorate to conduct regular child labor inspections.	2009 – 2018
	Disaggregate data on child labor from child protection hotline calls and publish the information.	2014 – 2018
	Publish information on training for criminal law investigators and the number of investigations, violations, prosecutions, and convictions.	2013 – 2018
	Ensure that children who are engaged in commercial sexual exploitation are not arrested and detained.	2018
Coordination	Ensure all coordinating bodies are able to carry out their intended mandates.	2018
Government Policies	Ensure that activities are undertaken to implement key policies related to child labor.	2016 – 2018
	Renew the National Action Plan on Child Labor for Malawi.	2017 – 2018
	Integrate child labor elimination and prevention strategies into the National Education Sector Plan and the National Youth Policy.	2011 – 2018
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 – 2018
	Ensure that activities are undertaken to implement key programs related to child labor.	2017 – 2018
	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 – 2018
	Ensure all children are registered at birth, and increase efforts to register children who were not issued birth certificates at birth.	2018

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