

In 2014, Malawi made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government continued to support social programs to address child labor, particularly in the tobacco sector, and expanded its social cash transfer program by an additional 34,000 households. It also approved a Child Protection Strategic Plan. However, children in Malawi continue to engage in child labor, including 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, including in agriculture and fishing. (1-3) 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 (%) | | 74.2 |

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.(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.

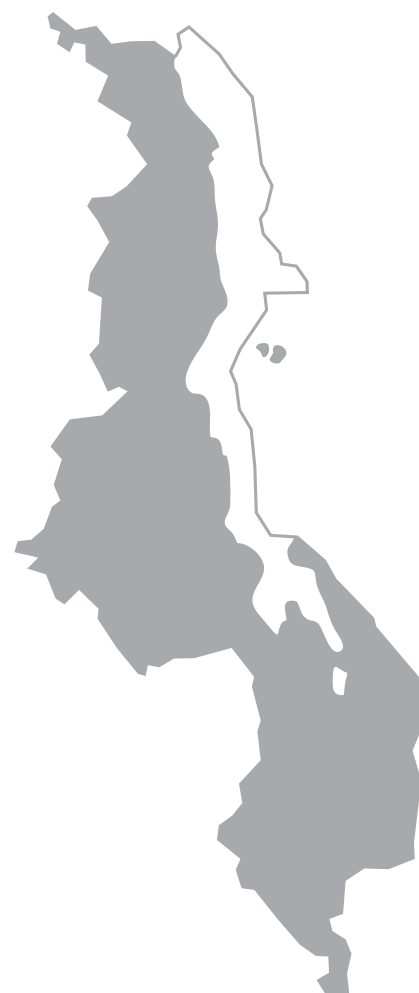
Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|---|--|
| Agriculture | Planting and harvesting tea, cotton,* and sugar* (1, 6, 7) |
| | Planting and harvesting tobacco,† clearing land, building tobacco-drying sheds, cutting and bundling, weeding and plucking raw tobacco (8-12) |
| | Catching, processing,† and selling fish* (2, 13, 14) |
| | Herding livestock* (7, 15, 16) |
| Industry | Quarrying* and mining*† (3) |
| | Construction,*† activities unknown (3) |
| Services | Domestic work in third-party homes (3, 6, 17) |
| | Ganyu (a form of casual labor) (16, 18) |
| | Begging† (16, 19, 20) |
| | Vending and wholesaling (3, 6, 16) |
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation, sometimes as a result of human trafficking (3, 6, 20) |
| | Herding goats* and cattle,* farming (predominantly tobacco); fishing; domestic work; and work in restaurants, brothels, and bars as a result of human trafficking (1, 13, 17, 19, 21-23) |
| | Forced begging (19, 23) |
| | Use in illicit activities, including crimes (18, 19, 23) |

* 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.(3, 19) Children who handle tobacco risk illness from nicotine absorption, including green tobacco sickness.(10, 24) Children are also exposed to pesticides and chemicals.(8, 24) Some children work alongside family members who are tenants on tobacco farms.(16) In this 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.(25, 26)

Most human trafficking of children for labor in Malawi is internal.(19) Children, typically boys, are trafficked from southern and central Malawi to tobacco farms in Malawi's northern and central regions.(19) Children are trafficked from Malawi to Tanzania for child labor in fishing.(13, 27) Children who are trafficked may be charged for their transport, food, clothing, and housing; they may also be forced to work in debt bondage without the resources to return home or to provide for themselves.(19)

Limited evidence suggests that girls from rural areas have been promised clothing and lodging from brothel owners, for which they are later coerced to engage in commercial sexual exploitation to pay off their debts.(19)




Although primary education is free, barriers to education include families' inability to pay required school-related expenses such as books and uniforms.(1, 28)

Children with family members with HIV/AIDS may assume responsibility as head of their households, sometimes becoming the primary caretaker for a sick parent and having 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.(29-31)

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 (32) |
| 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 (32-34) |
| 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 (35) |
| Prohibition of Forced Labor | Yes | | Section 4 of the Employment Act No. 6 of 2000; Section 27 of the Constitution; Section 82 of the Child Care, Protection and Justice Act, 2010 (32-34) |
| 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 (34, 36) |

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

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| 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 Child Care, Protection and Justice Act, 2010 (34, 36) |
| Prohibition of Using Children in Illicit Activities | Yes | | Section 23 of Child Care, Protection and Justice Act, 2010 (34) |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |
| Minimum Age for Voluntary Military Service | Yes | 18 | Section 19 of the Defense Force Act (37) |
| Compulsory Education Age | Yes | 18 | Paragraph 6 of the Education Act, 2013 (28) |
| Free Public Education | Yes | | Paragraph 6 of the Education Act, 2013 (28) |

* No conscription (37)

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.(32, 33, 38, 39) 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 legal minimum age for hazardous work.(34, 38)

Section 21 of the Employment Act sets the minimum age for employment at 14 in agricultural, industrial, or nonindustrial work.(32) The minimum age is not extended to workers in third-party homes, such as in domestic work, or non-commercial agriculture where children are known to work.(32, 38, 40) Moreover, Section 79 of the Child Care, Protection and Justice Act includes protections for children through age 16 from being trafficked.(34, 41) However, children age 17 are not protected. While the Penal Code prohibits pornography and criminalizes the procurement of prostitution, this provision only applies to girls, and the law does not specifically prohibit the sale of a child into prostitution.(36)

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.(42) |
| MOL | Perform inspections and investigate all labor complaints, including those related to child labor.(3) |
| Ministry of Home Affairs | Enforce human trafficking laws and prosecute trafficking in persons.(27) |
| District Labor Offices | Enforce child labor laws at the district level.(3) |
| Ministry of Gender, Children, Disability and Social Welfare—Department of Child Development | Provide child protection and development services.(43) |
| Ministry of Justice and Constitutional Affairs | Prosecute criminal offenders.(44) |

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

Labor Law Enforcement

In January 2014, MOL employed 29 DLOs and 120 labor inspectors, 60 of whom are dedicated to monitoring child labor.(3, 20) In 2014, the Child Labor Unit (CLU) had three full-time employees based in Lilongwe.(20, 40) Each of Malawi's administrative districts employed a District Labor Officer (DLO), who was responsible for all labor issues including child labor.(3, 20, 40) MOL was allocated roughly \$1.8 million for recurrent expenses; of this amount, \$24,700 was allocated for the CLU, which was

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insufficient due to the scale of child labor.(20) District labor offices are directly funded from the Treasury.(3) 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.(3, 20, 40) The Ministry 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 children in each of the country's districts.(40)

Approximately two hundred labor inspections were carried out in 2014.(20) Most labor inspections were conducted in response to reported labor law violations.(19) In the agricultural sector, inspectors focused on large, commercial farms due to limited resources.(3) The Government supports a child protection helpline operated by an NGO that handles approximately 5,000 calls per month, and identifies cases of child sexual and labor exploitation. Another child helpline in Kasungu District uses Lilongwe-based government operators.(19) Research did not find information on whether a formal referral mechanism exists between the MOL and the Ministry of Gender, Children, Disability and Social Welfare, or, despite having child protection hotlines, the number of calls related specifically to child labor.

The CLU reported that there were 137 child labor violations in Kasungu District (a tobacco-growing region) in 2014 and 8 in Lilongwe District, but could not give exact figures for the whole country.(20) All of the cases were settled out of court, and the employers paid all wages due, as well as repatriation costs.(20)

Criminal Law Enforcement

Research did not find information regarding the number of investigators responsible for enforcing criminal laws on the worst forms of child labor, the training provided to these investigators, and on the number and quality of investigations. While reports on several human trafficking cases were consolidated, the police did not systematically report child labor cases.(45) The Government operates a referral process to transfer human trafficking victims detained by law enforcement authorities, although services remain limited.(45) The Government operates a social rehabilitation center providing assistance to several child trafficking victims in Lilongwe, however the quality of the facility has been reported to be very poor.(45)

According to the Malawi Police Service's law enforcement data for two of Malawi's 28 districts, 25 trafficking offenders were convicted in 2014; 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 36 months.(45) In addition, during 2014, Phalombe District police reported 13 investigations involving 31 suspects and 124 child trafficking victims. In Phalombe, 11 cases resulted in conviction, with sentences ranging from 15 to 36 months' imprisonment with hard labor.(45)

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 |
|--|---|
| 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.(20, 31, 46) |
| 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.(3, 19, 20) |
| 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, 20) |

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 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.(29, 47) |
| 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 combatting child labor.(20) |
| National Youth Policy* | Includes strategies targeting youth ages 14–25, including creating more educational and training opportunities.(3, 48, 49) |
| 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 and enactment of the pending legislation and policies.(50, 51) |
| Malawi Growth and Development Strategy II (MGDS 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.(3, 50) To ensure consistency across policies the MOL is incorporating child labor into all the sectors of MGDS II.(3, 52) |
| 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.(53) |

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

† 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.(3, 20) The Government has not finalized or fully implemented the Child Protection Policy, which outlines the Government's child protection strategy.(20)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Malawi funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on 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) (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.(54) During the reporting period, the ILO and the MOL prepared for the 2015 execution of the second National Child Labor Survey.(20) |
| 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.(55) |
| 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.(3, 20, 56) |
| Achieving Reduction of Child Labor in Support of Education (2012-2014) | 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.(12, 20) |
| Program to Reduce WFCL 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 Malawi, Zambia, and Brazil.(57) |
| 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.(3) |

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

| Program | Description |
|--|---|
| Child Labor Monitoring System (CLMS)‡ | MOL system in pilot districts to identify working children and collect data on school attendance and other data points.(20) |
| National Social Cash Transfer‡ | 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.(3, 58, 59) In fiscal year 2014, the Government expanded the program to 304,534 beneficiary households at an annual cost of \$65 million.(60) Research has shown a decrease child labor rates as a result of participation in this program.(61, 62) |
| Malawi Decent Work Country Program (2011-2016) | Seeks the elimination of the worst forms of child labor and targets youth, women, and people with disabilities for creating more and better employment and income-generating opportunities.(40, 50, 63) |
| Malawi Social Action Fund III and IV* | MASAF III was a \$51 million World Bank-funded 6-year project, ending in June 2014, that provided loans for community development and social support programs.(64, 65) Succeeded by MASAF IV, a \$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, in October 2014.(20) |
| Anti-Human Trafficking Project | Salvation Army–implemented project that provides shelter, rehabilitation, and training for victims of human trafficking.(19) |
| Shelter Program‡ | Ministry of Gender, Children, Disability and Social Welfare program that provides shelter for children in Lilongwe, and that takes in trafficked and street children.(3) |
| School Feeding Program* | World Food Program and U.S. Department of Agriculture-funded program provides meals to help keep children in school.(3, 66) |
| 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.(19) The U.S. Centers for Disease Control and Prevention (CDC) supported birth registration in Chitipa, Ntcheu, and Blantyre districts.(20) |

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

‡ 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 9).

Table 9. 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. | 2013–2014 |
| | 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. | 2009–2014 |
| | Ensure that children over age 16 are protected from trafficking in persons. | 2013–2014 |
| | Ensure that both boys and girls are protected from all forms of sexual exploitation. | 2009–2014 |
| | Ensure legal protection for children working in the tenancy system. | 2009–2014 |
| Enforcement | Increase resources to CLU and district labor inspectors to conduct regular child labor inspections. | 2009–2014 |
| | Conduct more proactive labor law inspections, in all relevant sectors, establish a referral mechanism for victims from the MOL to the Ministry of Gender, Children, Disability and Social Welfare, and disaggregate child protection hotline calls. | 2013–2014 |
| | Make information publicly available on the number of investigators and training, and the number of investigations in addition to consolidated national data on convictions and penalties, for human trafficking of children. | 2013–2014 |

Table 9. Suggested Government Actions to Eliminate Child Labor, Including Its Worst Forms (cont)

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Government Policies | Integrate child labor elimination and prevention strategies into the National Education Sector Plan and National Youth Policy. | 2011–2014 |
| | Finalize and implement the National Child Labor and Child Protection policies. | 2009–2014 |
| Social Programs | Ensure that additional costs to education and the impact of HIV/AIDS do not serve as barriers to education. | 2012–2014 |
| | Assess the impact that existing programs may have on child labor. | 2011–2014 |
| | 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. | 2011–2014 |

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