

Malawi

Incidence and Nature of Child Labor

An estimated 8.9 percent of children ages 5 to 14 were counted as working in Malawi in 2000. Approximately 7.7 percent of all boys 5 to 14 were working compared to 10 percent of girls in the same age group.²⁹⁰¹ Children work on tobacco and tea farms, on subsistence farms, and as domestic servants and vendors. Girls working as domestic servants in urban areas often receive little or no pay.²⁹⁰² To a lesser extent, children also work in other informal sector jobs, such as welding, furniture making, bicycle repair, carpentry, and brick making.²⁹⁰³ Children in the agricultural sector often work alongside their parents in fields where their parents work as tenant farmers.²⁹⁰⁴ Situations of bonded labor have been reported among tobacco tenants and their families, including children.²⁹⁰⁵ Reports indicate an increased number of children perform agricultural work to earn money for food or to support their families.²⁹⁰⁶ Along the border with Tanzania, young girls have reportedly been traded or sold to tribal chiefs and taken to other villages.²⁹⁰⁷ Over the past few years, the practice of poor families exchanging daughters for cattle or money has reportedly re-emerged, though it is not widespread.²⁹⁰⁸ Child labor is one of many problems associated with poverty. In 1997, the most recent year for which data are available, 41.7 percent of the population in Malawi were living on less than USD 1 a day.²⁹⁰⁹

Malawi is a source country for children trafficked internally and to South Africa for forced labor or commercial sexual exploitation. Children are also trafficked within the country for exploitation in forced agricultural labor.²⁹¹⁰ There are unconfirmed reports of small numbers of children trafficked internally to

²⁹⁰¹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report entitled "Data Sources and Definitions."

²⁹⁰² U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Malawi*, Washington, D.C., February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41613.htm>. See also The Republic of Malawi, *National Report on The Follow-Up to The World Summit For Children*, UNICEF, 2000, 3; available from http://www.unicef.org/specialsession/how_country/edr_malawi_en.PDF.

²⁹⁰³ Liv Tørrres, *The Smoking Business: Tobacco Tenants in Malawi*, Fafo Institute for Applied Social Sciences, 2000, 74; available from <http://www.faf.no/pub/rapp/339/339-web.pdf>. See also ILO/IFBWW, *Change in Malawi: Children Working in the Brick Kilns*, Geneva, March 2001; available from <http://www.ilo.org/public/english/dialogue/actrav/genact/child/download/malawi.pdf>.

²⁹⁰⁴ U.S. Embassy- Lilongwe, *reporting*, October 2, 2001. An ILO-IPEC study demonstrated that in a survey of 74 children in four districts, 94 percent of children working in agriculture in the sample study were under 14 years old, 87 percent missed school as a result of work, and 51 percent were injured on the job during the previous 12 months. See ILO-IPEC, *Malawi Child Labor Baseline Survey Report*, February 12, 2003, 25, 26, 30.

²⁹⁰⁵ International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies of Malawi*, online, Geneva, February 6-8, 2002, [accessed December 16, 2005]; available from <http://www.icftu.org/displaydocument.asp?Index=991214742&Language=EN&Printout=Yes>. See also Tørrres, *The Smoking Business*, 78-79.

²⁹⁰⁶ U.S. Department of State, *Country Reports- 2004: Malawi*, Section 6d.

²⁹⁰⁷ U.S. Embassy- Lilongwe, *reporting*, March 10, 2004.

²⁹⁰⁸ U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5. See also U.S. Embassy- Lilongwe official, email communication to USDOL official, May 20, 2005.

²⁹⁰⁹ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

²⁹¹⁰ U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*, U.S. Department of State, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>. See also U.S. Embassy- Lilongwe, *reporting*, March 10, 2004.

resort areas around Lake Malawi for exploitation in the sex tourism industry.²⁹¹¹ Child prostitutes are reported to be found outside nightclubs and hotels in urban areas.²⁹¹² The HIV/AIDS pandemic has increased the incidence of sexual exploitation of minors, who are perceived by their exploiters to be healthier.²⁹¹³

Primary education is free and guaranteed by the Constitution for at least 5 years, although it is not compulsory.²⁹¹⁴ In 2002, the gross primary enrollment rate was 140 percent.²⁹¹⁵ Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 72.5 percent of children ages 5 to 14 years were attending school.²⁹¹⁶ As of 2001, 44 percent of children who started primary school were likely to reach grade 5.²⁹¹⁷ Educational costs such as stationery and school clothes, opportunity costs of sending a child to school, family illnesses, and lack of interest in education are lowering school attendance. HIV/AIDS is exacerbating dropout rates, particularly for girls who are expected to take on increased domestic roles following the death of a parent.²⁹¹⁸ The sexual abuse of female students by teachers and older male students has also had a negative impact on girls' attendance.²⁹¹⁹ Insufficient finances, lack of teachers and teaching materials, poor sanitation, poor teaching methods, and inadequate classrooms have contributed to the inconsistent quality of education.²⁹²⁰

Child Labor Laws and Enforcement

The Employment Act of 2000 sets the minimum age of employment at 14 years. Exceptions are made for work done under certain conditions in vocational technical schools, other training institutions, and in

²⁹¹¹ U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*. See also ECPAT International, *Malawi*, in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=103&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

²⁹¹² ECPAT International, *Malawi*.

²⁹¹³ U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5. Within a sample of 549 children involved in commercial sexual exploitation 14.9 percent were under the age of 14 years. See Government of Malawi and ILO-IPEC, *Malawi Child Labour 2002 Report*, Lilongwe, February 2004, 87.

²⁹¹⁴ Families are responsible for purchasing books and uniforms, though some very poor families could access a public book fund. See The Republic of Malawi, *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 25-1, 2; available from <http://www.sdn.org.mw/constitut/intro.html>. See also U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.

²⁹¹⁵ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definitions of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

²⁹¹⁶ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

²⁹¹⁷ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

²⁹¹⁸ Samer Al-Samarrai and Hassan Zaman, *The Changing Distribution of Public Education Expenditure in Malawi, Africa Region Working Paper Series No. 29*, World Bank, Washington D.C., 2002, 5; available from <http://www.worldbank.org/afr/wps/wp29.htm>. See also Esme Kadzamira and Pauline Rose, *Educational Policy Choice and Policy Practice in Malawi: Dilemmas and Disjunctures*, IDS Working Paper 124, Institute of Development Studies, 2001, 10, 16; available from <http://www.ids.ac.uk/ids/bookshop/wp/wp124.pdf>.

²⁹¹⁹ Integrated Regional Information Networks, "SOUTHERN AFRICA: Sexual abuse of schoolgirls largely unpunished", IRINnews.org, [online], February 6, 2004 [cited June 30, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=39353>.

²⁹²⁰ Samer Al-Samarrai and Hassan Zaman, *The Changing Distribution of Public Education Expenditure in Malawi*, 5.

homes.²⁹²¹ The Act prohibits children between the ages of 14 and 18 from performing hazardous work or work that interferes with their attendance at school or any vocational or training program.²⁹²² The Constitution of Malawi protects children under 16 against economic exploitation as well as any treatment, work, or punishment that is hazardous, interferes with their education, or is harmful to their health or physical, mental, or spiritual and social development.²⁹²³ The government published a national code of conduct regarding child labor. The code will be disseminated to all farmers found guilty of violating the code.²⁹²⁴ Employers are required to keep a register of all employees under the age of 18 years. Violation of the law can result in a fine of Malawi Kwacha (MK) 20,000 (USD 168.74) and 5 years of imprisonment.²⁹²⁵

The worst forms of child labor may be prosecuted under different statutes in Malawi. Both the Constitution and the Employment Act prohibit forced and compulsory labor. Violators are liable for penalties of MK 10,000 (USD 84.37) and 2 years of imprisonment under the Employment Act.²⁹²⁶ Trafficking in persons is not specifically prohibited by law, but the Penal Code contains several provisions that may be used to prosecute human traffickers.²⁹²⁷ Specifically, it prohibits the procuring of any girl under the age of 21 years for the purpose of unlawful sexual relations, either in Malawi or elsewhere. Abduction, procuring of a person for prostitution or work in a brothel, and involuntary detention for sexual purposes are also prohibited by the Penal Code.²⁹²⁸ The government has also strengthened legal protections for students who are subject to exploitation and inappropriate relationships at school.²⁹²⁹ The minimum age for voluntary recruitment into the military is 18 years, although those younger may enlist with parental consent.²⁹³⁰

Beginning in November 2004, inspectors from the Ministry of Labor and Vocational Training (MOLVT) were given the authority to conduct investigations and press charges.²⁹³¹ According to the U.S. Department of State, enforcement of child labor laws by the police and labor inspectors is limited due to resource and capacity constraints, although there is some monitoring of rural child labor by MOLVT youth committees.²⁹³² Police and the Ministry of Gender, Child Welfare, and Community Services handle trafficking cases that are brought to the attention of the authorities.²⁹³³ In August 2005, a Zambian trafficker was arrested and fined 24,000 Kwacha (USD 200) for attempting to smuggle 15 boys between 9 and 15 years across the border.²⁹³⁴ In 2005, seven employers, mostly cattle farmers and tobacco growers,

²⁹²¹ The Republic of Malawi, *Employment Act of 2000*, (2000), Part IV-Employment of Young Persons, 21; available from <http://www.sdn.org.mw/~esaias/ettah/employment-act/>.

²⁹²² *Ibid.*, Part IV-Employment of Young Persons, 22.

²⁹²³ *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 23.

²⁹²⁴ See U.S. Department of State, *Country Reports- 2004: Malawi*, Section 6d. See also U.S. Embassy- Lilongwe, *reporting*, August 23, 2005.

²⁹²⁵ *Employment Act*, Part IV-Employment of Young Persons, 23-24. For currency conversion see FX Converter, [online] [cited December 16, 2005]; available from <http://www.oanda.com/convert/classic>.

²⁹²⁶ *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 27. See also *Employment Act*, Part II-Fundamental Principles, 4. (1)-(2). For currency conversion see FX Converter.

²⁹²⁷ U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

²⁹²⁸ See Government of Malawi, *The Penal Code*, as cited in The Protection Project Legal Library, 140; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaF.pdf>. See also U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

²⁹²⁹ U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.

²⁹³⁰ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=783.

²⁹³¹ As a result, two child trafficking cases resulted in convictions, and 13 children were removed from situations of forced labor on tea and tobacco estates. See U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

²⁹³² U.S. Department of State, *Country Reports- 2004: Malawi*, Section 6d.

²⁹³³ *Ibid.*, Section 5.

²⁹³⁴ The verdict prompted criticism that the penalty was too lenient, alleging that legislation is aimed at protecting girls, not boys. See Integrated Regional Information Networks, "MALAWI: Outrage over lenient fine for trafficking boys", IRINnews.org, [online], August 24, 2005 [cited August 26, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=48740>.

were prosecuted and convicted of employing children, paying fines between USD 60 and 100.²⁹³⁵ Also in 2005, 14 children were rescued from situations of trafficking in persons and repatriated, in part due to the efforts of child protection workers in the rural areas.²⁹³⁶

The government implemented a Child Justice Act in 2004. The Act was developed in coordination with UNICEF, international donors, and NGOs, and is intended to provide access to the justice system for juveniles by establishing a court dedicated to children's issues.²⁹³⁷ The child labor elimination unit within MOLVT is working with UNICEF to register violations of child labor laws and build capacity on child labor issues.²⁹³⁸

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Malawi participated in a regional ILO-IPEC program funded by USDOL to withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa, including in Malawi's tobacco sector; the project ended in May 2005.²⁹³⁹ Currently, the government is participating in a USD 2.1 million, USDOL-funded project to combat child labor in tobacco growing and domestic service.²⁹⁴⁰

Also funded by USDOL, Winrock International is implementing a project to combat exploitative child labor through the provision of basic education.²⁹⁴¹

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/19/1999	✓
Ratified Convention 182	11/19/1999	✓
ILO-IPEC Associated Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan		

The Government of Malawi, through its MOLVT, chairs a National Steering Committee on Child Labor,²⁹⁴² which has developed an action plan against child labor. The plan includes the drafting of a national policy against child labor and reviewing existing legislation, establishing child labor monitoring committees, and coordinating income generation activities.²⁹⁴³ Through the plan, the government has published a code of conduct on child labor and trained 77 child labor youth activists to raise awareness in local communities.²⁹⁴⁴ In 2005, the Ministry also conducted training courses for its 150 child labor inspectors and its community and district level labor committees.²⁹⁴⁵

²⁹³⁵ U.S. Embassy- Lilongwe, *reporting*, August 23, 2005.

²⁹³⁶ Child protection workers are voluntary community members that receive a small honoraria as part of a UNICEF project. See *Ibid.*

²⁹³⁷ U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.

²⁹³⁸ CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999)*, Geneva, 2004; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/>.

²⁹³⁹ International Child Labor Program U.S. Department of Labor, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agriculture Sector in Africa, Project Summary*, 2000. See also ILO-IPEC, *Targeting the worst forms of child labour in commercial agriculture in Kenya, Malawi, Tanzania, Uganda, and Zambia, TPR*, technical progress report, Geneva, March 10, 2005, 1.

²⁹⁴⁰ The 3-year project was funded in 2005. See ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, project document, Geneva, September 2005.

²⁹⁴¹ Winrock International, *Child Labor Reduction through Community-Based Education*, [online] 2005 [cited December 20, 2005]; available from http://www.winrock.org/where/display_country.cfm?ID=5544&CountryID=1280.

²⁹⁴² The Labor Commissioner chairs the committee. Membership includes government, donors, workers, employers, representatives and civil society organizations. See ILO-IPEC, *Baseline Survey Report*, 49.

²⁹⁴³ CEACR, *Observation, Minimum Age Convention, 1973 (No. 138) Malawi (ratification: 1999)*, Geneva, 2003; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/>. See also ILO-IPEC, *Baseline Survey Report*, 50.

²⁹⁴⁴ U.S. Embassy- Lilongwe, *reporting*, August 23, 2005.

²⁹⁴⁵ *Ibid.*

For the first time, in 2005/2006, the Government of Malawi earmarked USD 60,000 to support MOLVT child labor education activities and to purchase equipment for labor inspectors at the district level.²⁹⁴⁶

The Ministry of Gender, Child Welfare, and Community Services formulates policies on childcare and protection and relies on the Child Rights Unit and other partners to help carry out those policies.²⁹⁴⁷ In 2005, with funding from the Nordic Agency for Development, the Ministry trained 240 child protection workers from all regions of the country to work with vulnerable children, including street children.²⁹⁴⁸

In 2004, the government established an inter-ministerial anti-trafficking committee.²⁹⁴⁹ The government has also undertaken various measures to raise public awareness of trafficking issues, including workshops for teachers and traditional authorities, meetings for rural families with young children, and radio jingles.²⁹⁵⁰ The Ministry of Gender, Child Welfare, and Community Services has launched a National Plan of Action for Orphans and Vulnerable Children that aims to improve access to essential services, including education, health, water, sanitation, and birth registration. The Plan includes provisions for trafficking victim protection, awareness raising, and prevention.²⁹⁵¹ As part of the plan, approximately 200 child protection officers were trained to identify trafficking victims, and 37 Victim Support Units were established in collaboration with UNICEF. The units are responsible for providing protective and support services to exploited children, including trafficking victims.²⁹⁵² The government also works to rehabilitate and reintegrate children in prostitution by providing them with education and vocational training.²⁹⁵³ The government has also provided immigration officers and police with basic counter-trafficking training.²⁹⁵⁴

The government is implementing a long-term education strategy called Vision 2020 that focuses on improving access, quality and equity in primary, secondary and tertiary education; strengthening the science, technical, vocational and commercial components of school curriculum; improving special education; and improving the education management plan.²⁹⁵⁵ In May 2005, the World Bank began financing a 5-year project to support Malawi's education sector. Among the project's components are improving the quality and capacity of teacher training, improving learning conditions at secondary schools, providing schools with basic learning materials, and strengthening community participation.²⁹⁵⁶

²⁹⁴⁶ Ibid.

²⁹⁴⁷ UN Committee on the Rights of the Child, *Summary record of the 765th meeting: Malawi*, Geneva, January 31, 2002, Paras. 20 and 54; available from

<http://www.unhcr.ch/TBS/doc.nsf/e121f32fbc58faafc1256a2a0027ba24/1e631bcfbb5f333ec1256b5a005a5c68?OpenDocument>.

²⁹⁴⁸ U.S. Embassy- Lilongwe, reporting, August 23, 2005.

²⁹⁴⁹ The committee began developing a national anti-trafficking action plan, but efforts were stalled due to lack of data on human trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

²⁹⁵⁰ Ibid.

²⁹⁵¹ Ibid. See also Integrated Regional Information Networks, "MALAWI: New child welfare plan gives stakeholders common platform", IRINnews.org, [online], June 21, 2005 [cited June 21, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=47747>.

²⁹⁵² See U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*. See also U.S. Department of State, *Country Reports- 2004: Malawi*, Section 5.

²⁹⁵³ U.S. Department of State, *Trafficking in Persons Report- 2005: Malawi*.

²⁹⁵⁴ Ibid.

²⁹⁵⁵ Ministry of Education and Human Resources, *Vision for Education*, [online] n.d. [cited June 30, 2005]; available from <http://www.malawi.gov.mw/educ/educvis.htm>. This education strategy is intended to update and improve the Education Policy and Investment Framework developed in 1995, which outlined education policy over a 10-year period in an attempt to accommodate free primary education and other reforms. See Ministry of Education and Human Resources, *Role of Education in National Development*, [online] n.d. [cited June 30, 2005]; available from <http://www.malawi.gov.mw/educ/educrole.htm>. See also Kadzamira and Rose, *Educational Policy Choice and Policy Practice in Malawi*, 8.

²⁹⁵⁶ World Bank, *Education Sector Support Project 1*, in World Bank, [online] n.d. [cited December 16, 2005]; available from <http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=355870&menuPK=355904&Pobjectid=P070823>.