Malawi

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

The Government of Malawi is an associated country of ILO-IPEC.[2228] The government is participating in an ILO-IPEC regional program funded by USDOL to prevent the worst forms of child labor, and withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa.[2229] In April 2001, the Ministry of Labor and Vocational Training (MOLVT) signed an agreement with ILO-IPEC's SIMPOC to conduct a USDOL-funded national household survey on child labor.[2230] Survey results will be used as the basis for drafting an action plan to implement ILO Convention 182.[2231]

The Ministry of Gender, Youth and Community Services collaborated with stakeholders to form the National Task Force on Children and Violence, which deals with child labor as well as other threats to children's health and well being.[2232] The Tobacco Association of Malawi also initiated a child labor task force to raise awareness and formulate strategies to eliminate the problem. The task force is made up of representatives from government, business, international organizations, and labor, and was formed in November 2000.[2233]

The MOLVT has partnered with UNICEF and the Norwegian Agency for International Development to raise awareness of the dangers of child labor.[2234] Approximately USD 900,000

[2228] ILO-IPEC, *All About IPEC: Program Countries*, [online] [cited August 22, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

[2229] ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture in Kenya, Tanzania, Uganda, Zambia and Malawi*, technical progress report, no. 2, RAF/00/P51/USA, Geneva, March 30, 2002, 18.

[2230] The pilot study was completed in 2001. The results of the main survey are scheduled to be released in late 2002 or early 2003. See ILO-IPEC, *SIMPOC: Malawi*, project document, MLW/01/P50/USA, March 12, 2001, 18-19.

[2231] U.S. Department of State, *Country Human Rights Practices- 2001: Malawi*, Washington, D.C., March 4, 2002, 423-27 [cited August 29, 2002]; available from http://www.state.gov/g/drl/rls/hrrpt/2001/af/8390.htm.

[2232] In 2000, the Task Force worked with Save the Children to produce a situation analysis study on child abuse in Malawi. See ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture, technical progress report*, 18.

[2233] U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*, February 2001.

[2234] Suzgo Khunga, "Minister Bemoans the Increase in Child Labour," allAfrica.com, *The Chronicle Newspaper* (Lilongwe), March 25, 2002, [cited December 13, 2002]; available from http://allafrica.com/stories/printable/200204020420.html. In 2000, UNICEF provided technical and financial assistance for projects to mobilize communities and form alliances with traditional authorities as well as regional and district officers to combat child labor. In 2001, UNICEF funded a pilot project designed to inform and sensitize the Development and Executive Committees of the Lilongwe District about child labor and to create a mechanism for these committees to educate the public and seek solutions to the problem. See ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture, technical progress report*, 18-19.

will be provided to fund a common plan for action to eliminate child labor.[2235] Four tobacco-exporting companies joined forces in July 2001 to eliminate child labor in tobacco growing districts through the establishment of a program called Tobacco Exporters Children Service.[2236] Several international and national unions have signed agreements with tobacco workers and producers to eradicate child labor on commercial farms.[2237]

Basic education has remained a priority for Malawi since the early 1980s when the government proposed a 10-year National Development Plan in Education.[2238] In the early 1990s, Malawi expanded this plan to include goals outlined by the Education for All program.[2239] Since that time, Malawi has abolished school fees, more than doubled enrollment, increased education spending, launched several teacher training and adult literacy programs, reformed primary curriculums, built new schools, expanded early education, and invested in efforts to enroll and retain girls at all education levels.[2240]

In addition to subsidies from the government, educational institutions in Malawi receive contributions from religious organizations, local authorities, community associations, and local and international NGOs.[2241] Responding to reports of relatively high school drop-out rates among girls, UNICEF and the Government of Malawi announced in July 2002 a four-year plan to provide full and equal access to basic education through community schools.[2242] Save the Children-US has helped the Government of Malawi to expand rural education and train teachers through a village-

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[2235] Khunga, "Minister Bemoans the Increase in Child Labour."

[2236] The program is funded by the NGO, the Elimination of Child Labour in Tobacco, and will run in 60 villages in two target districts for four years. The program includes four components: education, food security, safe water and health programs. See Hobbs Gama, "Poverty Responsible for Alarming School Dropouts," allAfrica.com, *African Church Information Service*, September 9, 2002, [cited December 13, 2002]; available from http://allafrica.com/stories/printable/200209090278.html.

[2237] The International Confederation of Free Trade Unions (ICFTU) and the International Union of Foodworkers signed an agreement with the International Association of Tobacco Producers to eradicate child labor on plantations. The Malawi Congress of Trade Unions (affiliated with the ICFTU) and the Tobacco Tenants and Allied Workers Union signed a similar agreement with the Tobacco Association of Malawi at a national level. International Confederation of Free Trade Unions (ICFTU), *Report for the WTO General Council Review of Trade Policies of Malawi*, Geneva, February 6-8, 2002, [cited December 13, 2002]; available from http://www.icftu.org/displaydocument.asp?Index=991214742&Language=EN.

[2238] UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports - Malawi*, prepared by Ministry of Education, Sports, and Culture, pursuant to UN General Assembly Resolution 53/84, [cited December 13, 2002]; available from http://www2.unesco.org/wef/countryreports/malawi/contents.html.

[2239] Ibid.

[2240] Ibid.

[2241] The Government of Norway is assisting Malawi to ensure that children receive free primary education through UNICEF's "All Children in School" Program. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Briefs: Malawi*, [online] 2002 [cited September 12, 2002]; available from http://www.beps.net/ChildLabor/Database.htm.

[2242] UNWire, *Malawi: UNICEF, Government Say Girls Face Education Obstacles*, United Nations Foundation, [online] July 11, 2002 [cited December 13, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=27580.

based schools program aimed to increase girls' attendance.[2243] USAID also supports government efforts to encourage girls to enroll and remain in school, such as improving the quality of basic education and revising prohibitive policies like the former law requiring the expulsion of pregnant girls.[2244]

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 31.5 percent of children ages 10 to 14 years were working.[2245] Children are largely found working in the informal sector or in farming, domestic service, and small businesses that include street-side welding, bicycle repair and furniture making. Children are rarely employed in the formal manufacturing sector.[2246]

Traditionally, children have worked in the agricultural sector alongside their parents.[2247] Children are used in crop production, including tea and maize,[2248] and on commercial tobacco farms, where the incidence of working children is particularly high.[2249] Children also frequently perform domestic work to allow adults to work longer hours in the fields.[2250] In 2001, children working on

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[2243] Save the Children Fund-US provides funds and technical assistance to help communities construct schools. School management committees composed of community members are responsible for school administration. Schools are conveniently located reducing parents' fears regarding their daughters' safety to and from classes. See Save the Children - USA, *Village-Based Schools Improve Girls' Enrollment in Malawi*, (Success Stories: Education), [online] 2002 [cited November 15, 2002]; available from http://www.savethechildren.org/mothers/programs/education.htm.

[2244] USAID, *Malawi*, [online] 2002 [cited November 15, 2002]; available from http://www.usaid.gov/country/afr/mw/.

[2245] World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. However, a 2000 Malawi Demographic and Health Study found that a larger 53 percent of children worked either in family businesses, on farms, for non-relatives (as paid or unpaid employees) or spent 4 or more hours a day doing housework. See ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture, technical progress report*, 20.

[2246] U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d. See U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*.

[2247] U.S. Embassy- Lilongwe, *unclassified telegram no. 1873*, November 2001. See also Line Eldering, Sabata Nakanyane, and Malehoko Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa" (paper presented at the IUF/ITGA/BAT Conference on the Elimination of Child Labor, Nairobi, October 8-9, 2000), 38-39.

[2248] Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 38. See also U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*. See U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d. See also ILO-IPEC, *Child Labor in Commercial Agriculture in Africa*, Technical Workshop on Child Labour in Commercial Agriculture in Africa; Dar es Salaam, United Republic of Tanzania, August 27-30, 1996, Geneva, 1997, para. 35 [cited December 13, 2002]; available from http://www.ilo.org/public/english/standards/ipec/publ/policy/papers/africa/index.htm.

[2249] A study on the tobacco sector in Malawi revealed that 78 percent of children ages 10 to 14 worked with their parents on tobacco estates on a full-time or part-time basis, and it also noted that children under the age of 10 were found working with their parents as full-time workers on the estates. See W. C. D. Kamkondo and K. Wellard, *Women and Children in the Smallholder and Estate Subsector in Malawi*, supplementary report to Estate Extension Service Trust (Lilongwe: Rural Development Department, Bunda College of Agriculture, 1994), as cited in Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 40.

[2250] Ibid., 39.

commercial farms received international attention, prompting the tobacco industry to declare a ban on the use of child labor.[2251]

Malawi is considered to be a country of origin for child trafficking. [2252] According to a 2001 report conducted by the University of Malawi, businesswomen from Malawi, Tanzania and Zambia draw children between the ages of 12 and 13 into trafficking with promises of jobs in the United Kingdom and South Africa. In addition, young girls from Malawi's rural areas are frequently lured to larger towns to work as babysitters but ultimately find themselves employed as barmaids and prostitutes. There have also been reports of young women working as domestic servants in urban areas for little or no wages.[2253]

Primary education is free but not compulsory under the Constitution.[2254] There are no current enrollment or attendance rates available for Malawi.[2255] Research recently published by the World Bank has shown that despite the increases in enrollment following the government's decision to abolish school fees, the drop-out rate has continued to average around 50 percent throughout the 1990s.[2256] Indirect costs of education, family illnesses and the lack of interest in education have decreased the demand for school. Insufficient numbers of teachers and teaching materials, poor sanitation, poor teaching methods, and inadequate classrooms have also contributed to the government's inability to provide quality education. Although Malawi's education policies have led to increases in education for the poor, regional variations in enrollment and education quality have persisted, secondary education continues to favor the rich, and girls' enrollment remains lower than that of boys, regardless of their economic class.[2257]

[2251] "ILO Warns Malawi On Child Labour," allAfrica.com, *Panafrican News Agency* (Blantyre), August 28, 2000, [cited December 13, 2002]; available from http://allafrica.com/stories/printable/200008280006.html. See Integrated Regional Information Networks, "Malawi: Tobacco industry bans use of child labor", IRINnews.org, [online], November 17, 2001 [cited December 13, 2002]; available from http://www.irinnews.org/report.asp?ReportID=12357&SelectRegion=Southern_Africa&Selections. See Brian Ligomeka, "Tobacco Industry Bans Use of Child Labour," allAfrica.com, *African Church Information Service* (Blantyre), October 19, 2001, [cited December 13, 2002]; available from http://allafrica.com/stories/printable/200110190453.html.

[2252] Protection Project, "Malawi," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, 337-38 [cited August 26, 2002]; available from http://209.190.246.239/ver2/cr/Malawi.pdf.

[2253] U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6f.

[2254] U.S. Embassy- Bangui, *unclassified telegram no. 885*, October 2, 2002.

[2255] In 1996, the gross primary enrollment rate was 131.3 percent, and in 1994, the net primary enrollment rate was 102.6 percent. World Bank, *World Development Indicators 2002*. In 1992, the gross primary attendance rate was 85.9 percent and the net primary attendance rate was 58.1 percent. USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

[2256] In both 1990-1991 and 1997-1998, the average enrollment rate in the second half of primary school (Standards five through eight) is 50 percent of the enrollment in the first half (Standards 1-4). See 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., August 29, 2002, 4-5 [cited December 13, 2002]; available from http://www.worldbank.org/afr/wps/wp29.htm.

[2257] Ibid., 4.

Child Labor Law and Enforcement

The Employment Act No. 6 of 2000 sets the minimum age for employment at 14 years, but does not apply to work done in vocational technical schools, other training institutions or unpaid work in homes.[2258] The Employment Act also allows children between the ages of 14 and 18 to engage in non-hazardous work that is not prejudicial to their attendance at school or any other vocational or training program.[2259] Employers are required to keep a register of all employees under the age of 18, and violation of this law can result in a fine of MK 20,000 (USD 241) and five years of imprisonment.[2260] There are no express legal restrictions on children's work hours.[2261] The Constitution and the Employment Act prohibit forced and compulsory labor. Violators are liable for penalties of MK 10,000 (USD 120) and two years of imprisonment under the Employment Act.[2262] The trafficking of persons is not specifically prohibited by law.[2263] However, the Penal Code does prohibit the procurement of any girl under the age of 21 to have unlawful sexual relations, either in Malawi or elsewhere.[2264] Furthermore, it is also illegal to procure and transport a woman or girl with the intention of making her a prostitute.[2265]

The MOLVT and the police are charged with enforcement of child labor laws, but enforcement has been minimal due to lack of resources.[2266]

The Government of Malawi ratified both ILO Convention 138 and ILO Convention 182 on November 19, 1999.[2267]

[2258] Employment Act. No. 6, Section 21, as cited in Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 37.

[2259] Ibid.

[2260] Employment Act. No. 6, Section 23, as cited in U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*. See also Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 37. For currency conversion, see FX Converter, [online] [cited August 28, 2002]; available from http://www.carosta.de/frames/convert.htm.

[2261] U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d.

[2262] *Constitution of the Republic of Malawi*, Section 26 [cited October 4, 2002]; available from http://www.sas.upenn.edu/African_Studies/Govern_Political/mlwi_const.html. See also U.S. Embassy- Lilongwe, *unclassified telegram no. 0390*.

[2263] U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6f.

[2264] Malawi's Gender, Youth and Community Services Ministry has announced plans to patrol pubs, drinking places and other entertainment areas in search of underage female barmaids working as prostitutes. See Raphael Tenthani, "Malawi to Crack Down On Teenage Barmaids," allAfrica.com, *Panafrican News Agency* (Blantyre), December 14, 2000, [cited December 13, 2002]; available from http://allafrica.com/stories/printable/200012140082.html.

[2265] Protection Project, "Malawi."

[2266] U.S. Department of State, *Country Reports- 2001: Malawi*, 424-27, Section 6d.

[2267] ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 26, 2002]; available from http://ilolex.ilo.ch:1567/english/newratframeE.htm.