

---

Antananarivo, reporting, December 3, 2007, para 2c. See also U.S. Embassy- Antananarivo official, E-mail communication, July 22, 2008.

<sup>2103</sup> U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.30.B.

<sup>2104</sup> U.S. Department of State, "Country Reports- 2007: Madagascar," section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Madagascar." See also U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.30.B.

<sup>2105</sup> U.S. Embassy- Antananarivo, reporting, February 29, 2008, para 3.29.I. See also USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, 61.

<sup>2106</sup> ILO-IPEC, *Combating the Worst Forms of Child Labour in*

*Madagascar, Project Document*, i, 43, and 45.

<sup>2107</sup> U.S. Embassy- Antananarivo official, Interview, November 15, 2007. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar - IPEC's Contribution to the National Action Plan to Eliminate Child Labour*, Technical Progress Report, Geneva, September 2007, 3 and 6.

<sup>2108</sup> U.S. Department of State, "Country Reports- 2007: Madagascar," section 6d. See also ILO-IPEC, *Combating the Worst Forms of Child Labour in Madagascar, Technical Progress Report*, 4, and 7.

<sup>2109</sup> ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

<sup>2110</sup> USAID, *Anti-trafficking in Persons Programs in Africa: A Review*, 61.

## Malawi

### Incidence and Nature of Child Labor

Children in Malawi work on tea, tobacco, and subsistence farms.<sup>2111</sup> Children also work in domestic service in both urban and rural areas, and reports indicate that they rarely receive wages.<sup>2112</sup> Boys work in herding, animal husbandry, and informal labor such as street vending.<sup>2113</sup> Bonded labor of entire families, including children, is widespread on tobacco plantations.<sup>2114</sup> Children also work in the construction, fishing, and forestry sectors.<sup>2115</sup>

Malawi is a source and transit country for children trafficked for commercial sexual exploitation as well as forced labor as domestics and in agriculture, including cattle herding.<sup>2116</sup> Children are trafficked to South Africa for commercial sexual exploitation.<sup>2117</sup> These children are usually between 14 and 18 years and may be recruited with promises of employment, study, or marriage.<sup>2118</sup> Malawian boys as young as 9 years are recruited by estate owners from Zambia and Mozambique and trafficked to these countries to engage in agricultural work under harsh conditions.<sup>2119</sup>

In urban areas, children engaging in prostitution are found outside nightclubs and hotels.<sup>2120</sup> In some communities, young girls are involved in commercial sexual exploitation in exchange for food, clothing, and other commodities. Some girls are sold to become sex slaves along the northern border districts of Malawi.<sup>2121</sup> The commercial sexual exploitation of children is reported to be increasing in Malawi's larger cities and towns, communities, tourist resorts, and some rural areas.<sup>2122</sup> There are reports that boys as well as girls are being commercially sexually exploited by European tourists along Malawi's lakeshore.<sup>2123</sup> The sexual exploitation of girls is also reportedly being perpetrated by teachers and fellow students.<sup>2124</sup> According to UNICEF, teachers sexually exploit girl students in exchange for money, causing some to become pregnant and drop out of school.<sup>2125</sup>

### Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years. Exceptions are made for certain work in vocational technical schools, other training institutions, and in homes.<sup>2126</sup> The law also

prohibits children between 14 and 18 years from being employed in work that could harm their health, safety, development, education, or morals, or in work that could interfere with their attendance at school or any vocational or training program.<sup>2127</sup> Employers are required to keep a register of all employees under the age of 18 years.

<i>Selected Statistics and Indicators on Child Labor</i> <sup>2128</sup>	
Working children, 5-14 years (%), 2004:	35.9
Working boys, 5-14 years (%), 2004:	38
Working girls, 5-14 years (%), 2004:	34
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	14
Compulsory education age:	Not compulsory
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	120
Net primary enrollment rate (%), 2005:	93
School attendance, children 5-14 years (%), 2004:	77
Survival rate to grade 5 (%), 2004:	42
ILO-IPEC participating country:	Associated
* Must pay for miscellaneous school expenses.	

Violations of any of these laws can result in a fine and 5 years of imprisonment.<sup>2129</sup> The law also protects children under 16 years 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.<sup>2130</sup> The Constitution prohibits slavery and servitude, as well as any forms of bonded, forced, or compulsory labor. Violators are subject to a monetary fine and 2 years of imprisonment.<sup>2131</sup> The law prohibits the procurement of any girl under 21 years for the purpose of unlawful sexual relations,

either in Malawi or elsewhere. Abduction, the procuring of a person for prostitution or work in a brothel, and involuntary detention for sexual purposes are all prohibited by law.<sup>2132</sup> The minimum age for voluntary recruitment into the military is 18 years, although those younger may enlist with parental consent.<sup>2133</sup>

The Ministry of Labor (MOL) and police are responsible for the enforcement of child labor laws and policies.<sup>2134</sup> In April 2007, the MOL provided child labor law enforcement training for district level government officers from nearly two-thirds of the country's districts.<sup>2135</sup> In rural areas, MOL youth committees continue to monitor and report on child labor. According to USDOS, the child labor enforcement efforts of labor inspectors and police were hindered by a lack of resources.<sup>2136</sup>

The Ministry of Women and Child Development and the police are responsible for handling trafficking cases and assisting trafficking victims.<sup>2137</sup> This agency has recently committed to more than doubling its child protection officer staff to 1,000 for the purposes of monitoring trafficking and child labor at the community level.<sup>2138</sup> In 2007, the Government trained 160 new child protection officers, bringing the total to 520, who are placed throughout all Malawi's districts.<sup>2139</sup> The National Steering Committee on Child Labor and the National Steering Committee on Orphans and Vulnerable Children are responsible for monitoring trafficking.<sup>2140</sup> During 2007, the Government continued to prosecute child traffickers, most of whom were trafficking children for the purposes of agricultural work, cattle herding, and domestics.<sup>2141</sup> The Government also arrested several individuals for abducting children for child labor. The Ministry of Women and Child Development ensured that the children were repatriated to their home villages.<sup>2142</sup>

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

In 2007, the Government of Malawi has for the first time budgeted funds explicitly for child labor activities.<sup>2143</sup>

Seventy-four members of the Malawian police were trained in March 2007 to provide services to child sexual abuse and trafficking victims.<sup>2144</sup> The

Government recently committed USD 20 million to its 2004-2009 National Plan of Action for Orphans and Vulnerable Children,<sup>2145</sup> which includes protection for victims of human trafficking, trafficking prevention, and awareness-raising activities.<sup>2146</sup>

In 2005, the Government of Malawi began participating in a 3-year, USD 2.1 million ILO-IPEC project, funded by USDOL, which aims to withdraw 2,000 and prevent 3,000 children from entering exploitive labor in tobacco farming and domestic service.<sup>2147</sup> Winrock International is implementing a 5-year, USDOL-funded global project with activities to combat exploitive child labor through the provision of basic education in Malawi through 2007.<sup>2148</sup>

In 2007, the Government, with the assistance of international organizations and NGOs, provided training to its officials, highlighting laws that could be used to investigate and prosecute child trafficking cases.<sup>2149</sup> The Government held district meetings and educated numerous child protection officers, social workers, police and immigration officers, and judges on trafficking.<sup>2150</sup> In June 2007, the Government and UNICEF initiated an awareness-raising campaign, known as "Lekani," which highlights the problems of child labor and child trafficking.<sup>2151</sup>

The Government opened a center in Lilongwe that will provide trafficking victims with food, shelter, medical care, psychosocial services, legal aid, and vocational training. The Government, in collaboration with UNICEF and NGOs, operated a center in the southern region for abused and exploited children, including children exploited into prostitution, which offers counseling, rehabilitation, and reintegration services.<sup>2152</sup>

---

<http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=4727>.

<sup>2113</sup> ILO-IPEC, *Malawi Child Labour 2002 Report* ILO-IPEC and Ministry of Labour and Vocational Training, Zomba, February 2004, 41; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=940>. See also UNICEF, *Albania: Child Trafficking*, [online] [cited November 30, 2007]; available from [http://www.unicef.org/albania/protection\\_695.html](http://www.unicef.org/albania/protection_695.html). See also U.S. Department of State, "Country Reports- 2007: Malawi," section 6d.

<sup>2114</sup> ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, project document, Geneva, 2005, 7-8. See also U.S. Department of State, "Country Reports- 2007: Malawi," section 6c.

<sup>2115</sup> ILO-IPEC, *Malawi Child Labour 2002 Report* 43.

<sup>2116</sup> U.S. Department of State, "Malawi (Tier 1)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806>.

See also United Nations Economic and Social Council Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography, Juan Miguel Petit, Addendum: Communications to and from Governments*, Geneva, March 27, 2006, 19-20; available from <http://tb.ohchr.org/default.aspx?country=mlw>. See also Jonathan Martens, Maciej 'Mac' Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery: Trafficking in Women and Children for Sexual Exploitation in Southern Africa, 3rd edition*, International Organization for Migration Regional Office for Southern Africa, Pretoria, May 2003, 85-92; available from <http://www.iom.org.za/site/media/docs/TraffickingReport3rdEd.pdf>.

<sup>2117</sup> U.S. Department of State, "Country Reports- 2007: Malawi," section 5. See also Jonathan Martens, Maciej 'Mac' Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery*, 85-92.

<sup>2118</sup> U.S. Department of State, "Country Reports- 2007: Malawi," section 5.

<sup>2119</sup> United Nations Economic and Social Council Commission on Human Rights, *Report of the Special Rapporteur* 19-20. See also U.S. Embassy- Lilongwe, *reporting*, December 3, 2007.

<sup>2120</sup> UN Convention on the Rights of the Child, *First periodic report of Malawi on the implementation of the Convention on the Rights of the Child, CRC/C/MWI/2*, Geneva, 2007, 130; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MWI.2.pdf>.

<sup>2121</sup> Ibid.

<sup>2122</sup> ECPAT International CSEC Database, *Malawi*, accessed March 17, 2008; available from

---

<sup>2111</sup> Line Eldring, *Child Labour in the Tea Sector in Malawi: A Pilot Study*, Fafo, Oslo, 2003, 14, 17-20; available from <http://www.fafo.no/pub/rapp/714/714.pdf>. See also U.S. Department of State, "Country Reports- 2007: Malawi," section 6d.

<sup>2112</sup> U.S. Department of State, "Country Reports- 2007: Malawi," section 6d. See also M.G. Tsoka, *Rapid Assessment of Child Domestic Labour in Malawi*, ILO-IPEC and the University of Malawi Centre for Social Research, Zomba, January 2005, v, 20; available from

<http://www.ecpat.net/>. See also Jonathan Martens, Maciej 'Mac' Pieczkowski, and Bernadette van Vuuren-Smyth, *Seduction, Sale and Slavery*, 80-85.

<sup>2123</sup> UN Convention on the Rights of the Child, *First periodic report of Malawi on the implementation of the CRC*, 131. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Malawi."

<sup>2124</sup> ECPAT International CSEC Database, *Malawi*. See also Fiona Leach, Vivian Fiscian, Esme Kadzamira, Eve Lemani, and Pamela Machakanja, *An Investigative Study of the Abuse of Girls in African Schools*, Department for International Development (DFID), London, August 2003; available from <http://www.dfid.gov.uk/pubs/files/investudyafricaedpaper54.pdf>. See also Integrated Regional Information Networks, "Malawi: Abuse of women and girls a national shame", IRINnews.org, [online], February 1, 2006; available from <http://www.irinnews.org/print.asp?ReportID=51488>.

<sup>2125</sup> U.S. Department of State, "Country Reports- 2007: Malawi," section 5.

<sup>2126</sup> Government of Malawi, *Employment Act No.6*, article 21.

<sup>2127</sup> *Ibid.*, article 22.

<sup>2128</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Malawi, *Employment Act No.6*, (2000), part IV, article 21; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/58791/65218/E00MWIo1.htm>. See also U.S. Department of State, "Malawi," in *Country Reports on Human Rights Practices- 2007*

Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100491.htm>. See also Government of Malawi, *Constitution of the Republic of Malawi*, (2004), chapter 4, article 25; available from <http://www.sdn.org.mw/constitut/dtindx.html>.

<sup>2129</sup> *Ibid.*, articles 23-24.

<sup>2130</sup> Government of Malawi, *Constitution of the Republic of Malawi*, chapter IV, article 23

<sup>2131</sup> U.S. Embassy- Lilongwe, *reporting, March 1, 2007*. See also Government of Malawi, *Constitution of the Republic of Malawi*, chapter IV, article 27. See also Government of Malawi, *Employment Act No.6*, article 4(1)-(2).

<sup>2132</sup> Government of Malawi, *Penal Code*, [previously online]; available from <http://www.protectionproject.org>[hard copy on file]. See also U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2133</sup> Coalition to Stop the Use of Child Soldiers, "Malawi," in *Child Soldiers Global Report 2004*, London, 2004; available from <http://www.child-soldiers.org/>

[regions/country?id=128](http://www.child-soldiers.org/regions/country?id=128).

<sup>2134</sup> U.S. Department of State, "Country Reports- 2007: Malawi," section 6d.

<sup>2135</sup> *Ibid.*

<sup>2136</sup> *Ibid.*

<sup>2137</sup> *Ibid.*, section 5.

<sup>2138</sup> Integrated Regional Information Networks, "Malawi: Government intensifies campaign against child labour", IRINnews.org, [online], November 30, 2007 [cited December 10, 2007]; available from <http://www.irinnews.org/Report.aspx?ReportID=75626>.

<sup>2139</sup> U.S. Embassy- Lilongwe, *reporting, March 5, 2008*, section 5i.

<sup>2140</sup> U.S. Embassy- Lilongwe, *reporting, March 1, 2007*.

<sup>2141</sup> U.S. Embassy- Lilongwe, *reporting, March 5, 2008*, sections 3b, 4f.

<sup>2142</sup> U.S. Department of State, "Country Reports- 2007: Malawi," section 5. U.S. Department of State, "Trafficking in Persons Report- 2007: Malawi."

<sup>2143</sup> ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, technical progress report, Geneva, September 2007, 2.

<sup>2144</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Malawi."

<sup>2145</sup> UNICEF, *Malawi- Background*, [online] [cited December 10, 2007]; available from [http://www.unicef.org/infobycountry/malawi\\_2424.html](http://www.unicef.org/infobycountry/malawi_2424.html). See also The Policy Project, *Recent Successes: Malawi*, [online] [cited October 18, 2006]; available from <http://www.policyproject.com/countries.cfm?country=Malawi>.

<sup>2146</sup> U.S. Department of State, "Malawi (Tier 1)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2007: Malawi."

<sup>2147</sup> ILO-IPEC, *Country Programme to Combat Child Labour in Malawi*, project document, Geneva, 2005, 2. See also ILO-IPEC, *Program to Combat Child Labor in Malawi*, technical progress report, September 2007, 21.

<sup>2148</sup> Winrock International, *Project Fact Sheet: Reducing Child Labor through Education (CIRCLE 1)*, [online] n.d. [cited March 18, 2008]; available from <http://www.winrock.org/fact/facts.asp?CC=5411&bu=>

<sup>2149</sup> U.S. Embassy- Lilongwe, *reporting, March 5, 2008*, section 4g.

<sup>2150</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Malawi."

<sup>2151</sup> U.S. Embassy- Lilongwe, *reporting, March 5, 2008*, section 6b.

<sup>2152</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Malawi."