



MALAWI

MODERATE ADVANCEMENT

In 2023, Malawi made moderate advancement in efforts to eliminate the worst forms of child labor. The government enacted an updated Tobacco Industry Bill, which reaffirms its abolition of the tenancy system and mandates growers of tobacco to annually report on their efforts to prevent child labor in order to maintain their licenses to sell tobacco. The government also substantially increased resources for a program that provides cash transfers to households vulnerable to child labor by increasing the cash benefit level by 57 percent, expanding coverage from 10 to 15 percent, and introducing 3 months of cash transfers for 105,000 households in urban areas to cushion project participants from *kwacha* post-devaluation impact. In addition, the government approved an Alliance 8.7 Pathfinder Country policy roadmap, which outlines objectives to accelerate progress to eliminate child labor in Malawi through legal reforms, awareness raising, social protection, and other interventions. However, despite these efforts, minimum age protections do not cover children working in domestic households or on non-commercial farms. Many families also still work under the tenancy, which frequently leads to these families and their children falling into situations of debt bondage.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	5 to 14	26.3% (1,456,305)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	83.3%
Combining Work and School	7 to 14	28.4%

Children in Malawi are subjected to the worst forms of child labor, including forced labor in the farming of tobacco and in commercial sexual exploitation, sometimes as a result of human trafficking.

Overview of Children’s Work by Sector and Activity



Agriculture

Planting and harvesting tobacco,[†] production of tea and household crops, livestock herding, and fishing.



Industry

Construction.[†]



Services

Domestic work, vending, and begging.[†]



Categorical Worst Forms of Child Labor[‡]

Forced labor in herding animals, tobacco farming, domestic work, and work in small businesses such as rest houses and bars. Commercial sexual exploitation, sometimes as a result of human trafficking.

[†] 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.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Malawi's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Criminally prohibit the use of a child in prostitution and establish criminal penalties for using boys ages 14 to 17 in prostitution.

Ensure that all forms of children's work, including work conducted by children in homes and on non-commercial farms, receive legal protection, including a minimum age for work that complies with international standards.

Raise the minimum age for work from 14 to 18 to align with the compulsory education age.

Criminally prohibit the use of children by adults for illicit activities.

Criminally prohibit the recruitment of children under age 18 by non-state armed groups.

Enforcement

Publish information on labor law enforcement activities, including inspectorate funding, number of labor inspectors, training for labor inspectors, number of worksite inspections, the number of child labor violations identified through inspections, and the number of civil penalties imposed and collected for child labor violations.

Provide the labor inspectorate with sufficient human and material resources, such as vehicles, to conduct regular labor inspections, particularly in the agricultural sector, and to reduce the burden of labor arbitration responsibilities that limit time dedicated for onsite labor inspections.

Ensure that child survivors of commercial sexual exploitation do not fall victim to sexual extortion and are not arrested or detained.

Maintain and publish disaggregated information on criminal law enforcement efforts related to the worst forms of child labor, including the age of exploited children and the nature of their exploitation.

Provide criminal law investigators with additional fiscal resources and specialized training for responding to the worst forms of child labor.

Coordination

Standardize approaches for training and responding to child labor to strengthen coordination and case management among key stakeholders involved in the protection of children.

Ensure that the National Steering Committee on Child Labor is operating according to its mandates and publish information about its activities.

Government Policies

Implement national policies related to prevention and elimination of child labor and publish results from activities implemented on an annual basis.

Integrate child labor elimination and prevention strategies into the National Education Sector Plan and the National Youth Policy.

Social Programs

Develop social programs to support families and children transitioning from the tenancy system.

Take measures to address barriers to education, including by defraying auxiliary educational costs, improving school infrastructure, increasing the number of teachers, increasing schools and transportation resources serving rural areas, and instituting mechanisms to address sexual violence occurring within schools.

Ensure that all children are registered at birth and increase efforts to register children who were not issued birth certificates.

Support targeted programs that expand educational opportunities for orphan-headed households and families affected by HIV/AIDS.

Institute safeguards to ensure that households receiving support under the National Social Cash Transfer Program do not use the labor of their children, including by requiring school attendance for children.

Increase the scope of social programs to reach more children at risk of the worst forms of child labor and develop specific programs to target children in domestic work and commercial sexual exploitation.



CHILDREN AT HIGHER RISK

Some children work alongside family members who are tenants on tobacco farms. In the tenancy system, the quantity and quality of the tobacco sold to farm owners after the harvest season determines the pay tenants receive, incentivizing parents to use their children as workers to increase their earnings. Tenants often incur loans from farm owners during the growing season; in many cases they are unable to repay these debts, resulting in tenants, and often their families, falling into debt bondage. Although the government legally abolished the tenancy system in 2021, research indicates that children continue to be subjected to forced labor conditions while producing tobacco, indicating the need for targeted government programs and interventions to support the transition of tenant farmers and their families to alternative systems of livelihood. In addition, orphaned children may need to assume responsibility as heads of their households, including working to support their families. These children, especially those who become orphaned, are at increased risk of leaving school early and entering into the worst forms of child labor. Moreover, rural-based children are particularly at risk for extreme poverty and economic and climate shocks, likely resulting in higher prevalence of child labor.



BARRIERS TO EDUCATION ACCESS

Although primary education is tuition-free, considerable barriers to education exist, including families' inability to pay required school-related expenses, such as books, uniforms, and examination fees. In addition, long distances, a lack of teachers, safety concerns related to sexual violence within schools, poor school infrastructure, and the lack of desks, water, electricity, feminine hygiene products, and sanitation facilities also negatively impact children's attendance at school. In 2023, schools in Malawi, particularly in the southern region, sustained substantial damage as a result of Cyclone Freddy, which resulted in \$30.2 million in damage to public education assets. Teaching was suspended during the disaster period, affecting over 724,000 learners.









LEGAL FRAMEWORK FOR CHILD LABOR

Malawi has ratified all key international conventions concerning child labor. However, Malawi's laws do not meet international standards on minimum age for work, prohibition of using children in illicit activities, and prohibition of military recruitment of children by non-state armed groups.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 14 Years		Section 21 of the Employment Act
Minimum Age for Hazardous Work, 18 Years		Section 22 of the Employment Act; Section 23 of the Constitution
Identification of Hazardous Occupations or Activities Prohibited for Children		Sections 1–9 and Paragraph 6 of the Employment (Prohibition of Hazardous Work for Children) Order
Prohibition of Slavery, Debt Bondage, and Forced Labor		Section 4 of the Employment Act (2021); Section 27 of the Constitution; Sections 141 and 257–269 of the Penal Code; Sections 79 and 82 of the Child Care, Protection and Justice Act; Sections 2 and 14–16 of the Trafficking in Persons Act
Prohibition of Child Trafficking		Sections 140–147 and 257–269 of the Penal Code; Section 79 of the Child Care, Protection and Justice Act; Sections 2, 15, and 16 of the Trafficking in Persons Act

Legal Framework for Child Labor (Cont.)

Child Labor Laws and Regulations	Meets International Standards	Legislation
Prohibition of Commercial Sexual Exploitation of Children		Sections 137, 138, 140, 142, 147, and 155 of the Penal Code; Section 23 of the Child Care, Protection and Justice Act; Sections 15 and 20 of the Trafficking in Persons Act
Prohibition of Using Children in Illicit Activities		
Minimum Age for Voluntary State Military Recruitment, 18 Years		Section 19 of the Defense Force Act
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*	
Prohibition of Military Recruitment by Non-state Armed Groups		
Compulsory Education Age, 18 Years		Article 13 of the Education Act
Free Public Education		Articles 2 and 13 of the Education Act

* Country has no conscription

Section 21 of the Employment Act sets the minimum age for employment at age 14 for agricultural, industrial, or non-industrial work, but exempts work performed in homes and non-commercial farms, leaving children working at these sites without minimum age protections. The minimum working age also is lower than the compulsory education age, which may encourage children to leave school before the completion of compulsory education. In addition, Malawian law does not have criminal provisions for the use of children in illicit activities, such as the selling of drugs. In addition, Malawi's laws do not criminally prohibit the use of a child for prostitution nor do they assess criminal penalties for using boys between the ages of 14 and 17 in prostitution. Furthermore, 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. In 2023, Malawi passed the updated Tobacco Industry Bill. The bill reaffirms abolition of both child labor and tenancy labor, and outlines mandates for tobacco growers to include their efforts to prevent child labor in their annual reports to the Tobacco Commission.



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in Malawi took actions to address child labor. However, insufficient financial and operational resources for labor inspectors hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Labor (MOL): Performs inspections and investigates all labor complaints, including those related to child labor and child trafficking. Through its Child Labor Unit, monitors and implements child labor law compliance through monitoring visits. Coordinates with the Ministry of Homeland Security and the Ministry of Gender, Children, Disability and Social Welfare (MGCDSW) to conduct investigations and refer children for social services. District child labor offices enforce child labor and human trafficking laws at the district level, including monitoring child labor data and school attendance. With support from the Eliminating Child Labor in Tobacco Foundation, a tobacco industry-funded foundation for elimination of child labor, the MOL is piloting a child labor monitoring system to strengthen data collection, improve identification of working children through school attendance data, and enhance coordination.

Malawi Police Service and Ministry of Justice: Investigate child labor and forced labor cases while providing support services for survivors. The Malawi Police Service is under the Ministry of Homeland Security. Coordinates with Ministry of Justice, which prosecutes criminal offenders of the worst forms of child labor.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	N/A	Imposed Penalties for Child Labor Violations	Yes
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Yes
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Yes

In 2023, **165** labor inspectors conducted **1,096** worksite inspections, finding an **unknown** number of labor inspections. It is **unknown** whether prosecutions related to the worst forms of child labor were initiated or whether perpetrators were convicted, although **27** investigations were conducted.



COORDINATION, POLICIES, AND PROGRAMS

<p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>Malawi established a mechanism to coordinate its efforts to address child labor. However, it is unknown whether this mechanism is carrying out activities as intended.</p>	<p>National Steering Committee on Child Labor (NSCCL): Provides policy guidance to support the elimination of child labor and oversees the implementation of the National Action Plan on Child Labor. Chaired by the Ministry of Agriculture, with MOL acting as the main technical advisor and secretariat, and includes representatives from government ministries, including Homeland Security and MGCDSW, as well as trade unions, employers, development partners, and civil society organizations. Local coordination of child labor and child welfare issues occurs through District and Community Child Labor Committees. Although the government confirmed the NSCCL was active during the reporting period, it did not provide information on its activities.</p>
<p>Key Policies Related to Child Labor</p> <p>Malawi has established policies related to child labor. However, research was unable to determine whether activities were undertaken to implement these policies during the reporting period.</p>	<p>National Action Plan on Child Labor (2020–2025): Outlines the government's strategies for the elimination of the worst forms of child labor, with a focus on six critical areas: (1) laws and policy; (2) institutional and human resource capacity of stakeholders involved in child labor elimination; (3) public education and awareness; (4) prevention, withdrawal, rehabilitation, and social re-integration of children in child labor; (5) mitigating HIV/AIDS and other chronic illnesses; and (6) improving the availability of information on child labor. During the reporting period, the government reviewed the National Action Plan on Child Labor for purposes of planning a successor policy when the Action Plan expires in 2025.</p>

Coordination, Policies, and Programs (Cont.)

<p>Key Policies Related to Child Labor</p> <p><i>†This policy was developed during the reporting period.</i> <i>‡The government has other policies that may have addressed child labor issues or had an impact on child labor.</i></p>	<p>National Alliance 8.7 Strategic Roadmap:[†] Establishes priorities and areas of intervention for Malawi to achieve SDG Target 8.7 to eliminate child labor and forced labor, and outlines mandates and responsibilities of Malawi government agencies and development partners. Roadmap identifies the following areas for prioritization: review and institutionalization of legal and policy framework; strengthening enforcement; capacity building; provision of services; educational access; social protection; and coordination.</p> <p>National Child Labor Mainstreaming Guide: Provides guidance to government ministries, departments, and agencies, as well as other social partners in addressing child labor through integration of child labor elimination strategies into key policies. Aims to also enhance responsive planning and service delivery, and multisectoral collaboration in addressing child labor. Research was not able to determine if activities were undertaken to implement the policy during the reporting period.</p>
<p>Key Social Programs to Address Child Labor</p> <p>In 2023, Malawi funded and participated in programs that include the goal of eliminating or preventing child labor. However, insufficient integration of child labor strategies into a key government social protection program limited its efficacy in preventing and eliminating child labor.</p> <p><i>† Program is funded by the Government of Malawi.</i> <i>‡ The government had other social programs that may have included the goal of eliminating or preventing child labor</i></p>	<p>National Social Cash Transfer Program (NSCTP):[†] MGCDWS-led program that supports low-income families in high-risk districts to enable children to stay in school and prevent child labor. Approximately 300,000 households, representing 1.4 million individuals, receive cash transfers from the program, which assists families in food security and payment of educational expenses. In its mid-year budget review held in November 2023, the government increased the cash benefit level by 57 percent, expanded coverage from 10 to 15 percent, and introduced 3 months of cash transfers for 105,000 households in urban areas to cushion project beneficiaries from <i>kwacha</i> post-devaluation impact. However, an evaluation of the program found that it had achieved little reduction of child labor as the work of children only shifted from external employment to labor within the household, due to families using funds from the program to expand their household agricultural activities.</p> <p>Education Assistance Programs:[†] Government-funded programs to provide educational assistance and support for vulnerable families by addressing educational barriers contributing to child labor. Includes the Complementary Basic Education Program, a \$1.1 million project that promotes school enrollment for children removed from child labor. Also includes MGCDWS 's Early Childhood Development Program that provides services to 2.4 million children through preschools and parenting groups. In 2023, the government provided school meals to more than 2 million primary school learners.</p> <p>ILO Programs: Include Accelerating Action for the Elimination of Child Labor in Supply Chains in Africa (ACCEL), a Government of Netherlands-funded program, totaling \$9.7 million, aimed at promoting employment, inclusive growth, and social protection; acceleration of progress towards Sustainable Development Goals; elimination of child labor; and other issues related to work and social protection. In 2023, ACCEL conducted trainings for the communities on child labor, skills development for youth, and organized field visits. Also include ADDRESS, a Government of Norway-funded project focused on promoting decent work standards in Malawi's tobacco sector, including the elimination of child labor. In 2023, ADDRESS supported trainings and community engagements on a decent work agenda, elimination of child labor, and collective bargaining rights.</p>

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects
 For references, please visit dol.gov/ChildLaborReports