

**EMPLOYERS CONSULTATIVE ASSOCIATION OF MALAWI**

**ECAM**

**REPORT ON THE BASELINE STUDY ON CHILD LABOUR  
CONDUCTED IN THE TEA SECTOR-MALAWI**

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## EXECUTIVE SUMMARY

The Employers' Consultative Association of Malawi (ECAM), with financial support from the Norwegian Government, and technical support from the International Labour Organization (ACT EMP) is coordinating an Employer - Focused Child Labour Project in Malawi entitled' ***Employers Fight Against Child Labour***'.

This document constitutes a report of a Baseline Survey of child labour in the tea industry in the country. Among others, the study aimed at determining the existence and magnitude of child labour; the perceptions that perpetuate child labour in the industry and in the surrounding communities, an assessment of the capacities of institutions that engage with the issues of child labour and recommendations on the desired interventions on this subject in the area.

### Summary of Findings

- Child Labour exists as an observable fact in the tea industry.
- From the Study Sample of 128 children between the ages of 10 and 18, a total of 35 were actually found working, out of which 22 were observed in the family owned smallholder sector whilst 13 were from the Commercial Sector.
- Child Labour more prevalent in the smallholder sector than the large-scale estates.
- Almost all employers interviewed demonstrated *a high level of awareness* of the current Labour Legislation on child labour. This knowledge was adequately being translated into policy and action in the sector.
- From the year 2000 employers introduced anti-child labour policies and other measures that are obviously working.
- Absence of a civil registry in Malawi is a major limiting factor in the correct identification of age hence there is a high possibility that a large number of under 18's were still in the formal employment in the sector despite the clear Tea Association of Malawi's policy of the cut-off point being 18(field work) and 21(factory work).
- A lot of employer-led interventions in the sector in the areas of education, health and corporate social responsibility were observed. However, most of these initiatives have gone unnoticed and undocumented in most official governments due to lack of publicity.
- The girl child is a major victim in the cultural context of the area. Early marriages for girls are common. First sex experience for girls is at age 14 to 16 years, and in some cases even earlier.
- High levels of household poverty play a major push factor role in child employment in the study area.
- Incidence of HIV/AIDS contribute to the social vulnerability created by household poverty
- There is an indication of a high school drop- out rate though its relations to the issues of child labour are not very clear.
- Current anti-child labour interventions in the study area are weak.
- Institutional framework to deal with the problem is in place, but the coordination is rather weak.

## **Summary of Recommendations**

### **Existence Of Child Labour**

The awareness campaign should continue, but should involve more partners. The key to this is partnership building among all the key stakeholders. Given that there is a fair amount of awareness and commitment on the part of the various stakeholders to combat child labour, the approach should be participatory and accommodating, rather than confrontational.

### **Anti-Child Labour Policies**

The District Labour Offices (DLOs) and the District Social Welfare Offices (DSWOs) should enter into implementation arrangements with the estate labour administration offices. This will allow for sharing of facilities such as transport while at the same time enhancing rapport and building common understanding on matters of child labour between government departments and estate management.

### **Existence Of Intervention Strategies**

- i. The intervention strategies that have been tried should be carefully studied for their effectiveness or lack of it. There is little value in reinventing the wheel if some of these interventions have proved effective. The strategy should be to build on the effective ones by working in partnership with the implementers, or by supporting the implementers that are already on the ground.
- ii. Intervention strategies should be coordinated to avoid unnecessary duplications. This could be done by forming a loose coordinating unit or committee of all the institutions that deal with child labour at district level so as to share information, for joint implementation of activities, and for the generation and maintenance of information.
- iii. The children withdrawn from child labour should be put into a special education and skills programme. The programme should have three tiers: basic literacy stage, transitional stage, and skills training stage to go with the ages of the children. This would require provision of vocational and skills training facilities in the area, or taking the children to such facilities outside the study districts.

### **Possible Partnership Arrangements**

- i. The capacities of the institutions will need to be enhanced, if not built, so as to increase their potential for effective and efficient handling of child labour matters. This may include offering specialized training in matters of child labour, provisions of the Employment Act and the Labour Relations Act, child rights, and others to some of the key staff of these institutions.
- ii. The institutions should be assisted to establish local structures, or link up with the existing ones, so as to enhance their reach to the targeted subjects. Committees and clubs set up on the estates and in the villages surrounding the estates would provide good fora for discussions and debates on child labour, and also as monitoring (even policing) structures.

These could also be used to gather information on the employment of children. That way, there will also be local community ownership of the interventions.

- iii. The already-existing forms of partnership should be strengthened. They may also be used as intervention entry points for child labour sensitization campaigns. In fact, the tea companies should use these partnerships to influence change in the communities they are assisting.

### **Intervention Delivery Methodologies**

- i. These methodologies should be supplemented with visual instruments, such as documentaries, based on the realities of child labour. Recorded visual and audio documentaries on child labour that may also go on the national television and radio would be powerful methodological instruments in the fight against child labour.
- ii. The capacity of the anti-child labour laws and policy enforcers should be enhanced so that obvious cases of the violation of the law should be prosecuted and publicized so as to act as a deterrent to others.

### **Alternative Livelihoods**

- i. The best option out of the situation for the children is in education and skills training. The environment at the estates is quite ideal for the provision of basic technical, vocational, and artisan skills training due to the existence of machines, wood, garages, etc. The estate owners need to seriously consider this option.
- ii. The smallholder tea production sector promises to be an important livelihood alternative. With increased support it could become a viable alternative to the faltering peasant subsistence crop production. Increased support to smallholder tea production should be given priority.

### **The Smallholder Link**

- i. The large-scale tea sector should use its linkages with the smallholder sector to make interventions towards the elimination of child labour in this sector. The large-scale sector may introduce market conditionalities relating to child labour.
- ii. The large-scale sector should enter into dialogue with the government on the future development of the smallholder sector. With support from the large-scale sector, the smallholder sector promises a lot of opportunities for growth. It has the potential of becoming the major livelihood base for the land-pressured communities of the area.

## **1.0 Introduction**

### **1.1 Background**

This document is a report of a baseline study of child labour in Malawi's tea industry. It presents the findings of a desk and field study on the issues of child labour in the tea-producing districts of Thyolo and Mulanje in southern Malawi. The Employers' Association of Malawi (ECAM) commissioned the study. ECAM is a membership-based association of employers established in 1963 and registered under the Trustees Incorporation Act. Its core functions include to: serve, represent, promote, guide and protect employers' interests in matters of labour, employment and socio-economic issues; and to create capacity and provide leadership to employers in dealing with cross-cutting issues such as HIV/AIDS, gender and child labour.

ECAM commissioned this study in partnership with the Tea Association of Malawi, which represents the interests of the tea growers and producers at both the national and international levels. It coordinates various activities in the tea industry and acts as a united voice for its members. Established in 1934 the Tea Association currently has a membership of 11 companies. It is governed by a Board of Directors and maintains close links with the Tea and Coffee Merchants Association. The Tea Association is a member of ECAM and is represented on the ECAM Governing Council.

The interests of the Tea Association had a major bearing on the design and conduct of this study. The study was carried out with the aim of generating information that would assist the employers in the tea industry and other stakeholders to develop suitable strategies and interventions for dealing with the worst forms of child labour in this industry. A threat by the international community of a boycott of Malawi's tea products for reasons of the use of child labour would be suicidal for the country's economy and a great demotivation to the national poverty eradication initiatives.

### **1.2 The Tea Industry**

The tea industry is Malawi's second major foreign exchange earner, after tobacco. It is vital to the country in other ways as well. Not only does it provide opportunities for employment, it generates wealth in various directions through the services required for its daily operations. It contributes directly to government revenues through various forms of taxation, fuels and vehicles, purchase of local foodstuffs and materials. With a total annual labour force of over 60,000 the industry is the second largest employer of labour in the private sector, surpassed only by the sugar industry. Between 2004 and 2005, the Mulanje estates alone had a total labour force of not less than 40,607 workers, while those of Thyolo had more than 30,425 workers. Of the latter, 24, 373 were male and 6,052 were

female.<sup>1</sup> The figures for the Mulanje estates are more systematic and comprehensive. They give a fuller picture of the size of the estate labour force there:

*Table 1: Size of Labour Force on Mulanje Tea Estates: July 1999 – June 2004*

<b>Year</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
1999/2000	<b>36, 318</b>	15, 007	<b>51, 343</b>
2000/2001	30, 526	9, 569	40, 095
2001/2002	21, 242	7, 624	28, 866
2002/2003	22,589	6, 350	28,938
2003/2004	31, 230	9, 377	40, 607

However, there are some major seasonal variations in employment in the tea industry (see Table 2). This is due to the seasonal nature of the tea industry itself. More labour is employed during the rainy season as opposed to the dry season. The seasonal demands of the industry render employment in tea production rather temporary in nature, except for a small group of more experienced and conditioned workers. Granted the temporary nature of employment in the industry, it still remains the second largest single private sector employer of labour.

The above figures suggest that there were some major reductions in employment in the tea industry between mid-1999 and mid-2003. These could be due to bad growing seasons for those years. The employment situation picked up between end 2003 and mid-2004. These changes might have affected some specific categories of employees more than others. Under normal circumstances, such volatility in the labour market would render vulnerable social categories such as children, women, migrants, tenants, and other minorities extremely susceptible to exploitative employment practices. In the absence of the breakdown in the actual categories or classes of the workers on the tea estates in the study area, it is difficult to make that analysis in this study.

The tea industry in Malawi is in two parts: the large private estates and the smallholder farms. The total area under tea production in Malawi is 18,799.99 hectares. Of these, 9,335.68 hectares are in Mulanje and 8,816.11 hectares in Thyolo. Some 648.20 hectares are planted at Kawalazi in Nkhata Bay district, close to 700 kilometres north of the southern tea-producing centres. Together, the 11 tea companies have a total of 21 processing factories.

### **1.3 The Smallholder Sector**

The smallholder sector was created as a political project of the former president of Malawi, Dr Hastings Kamuzu Banda. In his speech to parliament in 1966, Dr Banda directed that no commercial crop in Malawi should be the monopoly of

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<sup>1</sup> These figures are not complete. Comprehensive employment figures on the Thyolo estates were not available at the time of this study

white farmers and large companies. He sent a team of experts to Kenya to study the smallholder sector there with a view to its application to Malawi. In the same year smallholder farmers in Mulanje district grew 25 hectares of tea. In the following year the planted area doubled. In 1967 the government created the Smallholder Tea Authority to promote and foster the development of tea production by smallholder farmers. The scheme was expanded from Mulanje and Thyolo in the south to Kawiya and Kawalazi in Nkhata Bay district in the north. However, there was little enthusiasm on the part of the smallholder growers. Politicians and government bureaucrats, with little involvement of small peasant growers – dominated for the most part the scheme except for in the initial Thyolo and Mulanje operations. Some of the earlier operations were thus sold to private companies.

With the improvements in tea prices between 1984 and 1986, the government approved a new scheme in what were referred to as the “soft areas” and tea plants were brought in for consolidation and expansion. The scheme was increased in 1989/90, central nurseries were re-introduced and the numbers of the small growers increased. Currently there are close to 8000 smallholder growers each with an average of 1.25 hectares of land. The smallholder sector accounts for between 10 to 15 percent of the total tea hectareage in the country.

The Smallholder Tea Authority has been characterized by political, bureaucratic, and market challenges resulting in some form of resistance by producers. At present, the producers have lined themselves up with the large-scale companies that provide them with farm inputs and market outlets. The 8000 producers are organized in the National Smallholder Development Committee and are attached to six companies: Lujeri, Eastern Produce, Conforzi, Satemwa, Makandi and Zoa. These arrangements are predominantly for input supply and produce marketing.

The above recent developments have created supply, service and market chain linkages between the smallholder sector and the large tea companies that have resulted in some kind of integration between the two sectors. These have implications for child labour:

- With the support by the large tea companies, the smallholder sector may rapidly expand, and given their family nature, this may in turn entrench the phenomenon of child labour.
- The support provided by the large-scale companies to the smallholder producers does not include production organization in which the issues of labour, including child labour, are located.
- The large companies have no legal or any other mandate to make direct labour-related interventions in the smallholder sector. After all, the latter is a government project. Any increase in the phenomenon of child labour in the smallholder sector will taint the image of the large-scale sector due to the linkages cited above. The intervention limitations weaken the position of the large-scale sector in the labour matters.

This study was commissioned on the belief that some children work in various tasks relating to tea production in the country. However, for lack of concrete statistics and other data, the existence and scope of child labour in the entire tea industry cannot be precisely determined.

#### **1.4 Aims And Objectives**

This study thus aims at generating and analyzing data on child labour in Malawi's tea industry so as to:

- determine the prevalence of child labour in this sector of the country's economy;
- examine the dynamics and perceptions that perpetuate the employment of children in the tea industry;
- highlight and analyse the social and economic factors that account for the release of child labour from their households into wage employment in the tea industry;
- examine the impact of work on the children's health and education, with special attention to gender differences and similarities, and particularly so in the face of risks to contraction of HIV/AIDS.

#### **1.5 Use Of Findings**

It is expected that the study will generate information that:

- a) enhances the knowledge and understanding of the phenomenon of child labour in Malawi's tea industry;
- b) promotes sustainable awareness raising campaign against child labour;
- c) provides guidelines to employers and other stakeholders on necessary actions;
- d) provides specific recommendations for strategic interventions aimed at combating child labour, and particularly its worst forms.

The conceptual framework and the methodological approaches to this study were developed and designed to generate the data that directly respond to the above stated aim, objectives, and intended use of the findings. Attention was also paid to the context of child labour in the Malawi economy in general and the specific context of the tea industry and the nature of its labour force.

#### **1.6 Methodological Context**

The study was carried out with the understanding that it is simply a baseline or a rapid assessment survey. It is not a longitudinal study. As such, its value is in the extent to which it will provide the state of the art analysis of child labour rather than the finer scientific details. The analysis of the basic facts and figures of the phenomenon will matter more than the detailed scientific calculations.

Of late, there has been increasing concern with the employment of children in some sectors of the Malawi economy. The Malawi Government and other interested stakeholders have characterized the existence of child labour as a "problem" and have openly recognized its existence. Both the government and the other stakeholders have made efforts to determine the extent of the child labour "problem" in the country. Unfortunately, lack of comprehensive statistical

data and the inadequacy of specific studies on the topic make it difficult to determine the magnitude of the “problem”, its dynamics and effects on the children and their families – as well as the general implications of the use of child labour for the country’s economy. In 2002, the Malawi Government initiated the *Malawi Child Labour Survey* (MCLS) to look into specific issues of child labour in the country. It focused on the magnitude of child labour, its reasons, and effects of work on child development. A similar study was done on *Children in Commercial Sexual Exploitation and Street Kids* in selected towns in all the three regions of the country in 2003. Both surveys were generic in nature. Similarly, the Centre for Social Research at the University of Malawi, with support from ILO/IPEC, carried out a generic baseline survey of child labour in 2003. For some unexplained reasons, the survey did not include the tea producing districts. It only focused on tobacco producing areas of the central and northern districts of Malawi with the argument that “these districts were chosen because they were known to have many estates, relative to other districts” (CSR, 2003:3). A couple of years earlier, the same centre carried out a study on tenant labour in tobacco estates in the same regions, *The Smoking Business, Tobacco Tenants in Malawi* (2000). The study had a component of child labour, focusing, to a large extent, on the tenant households resident on the tobacco estates at the expense of those in the villages contiguous to the estates. The findings of this study highlighted the extent of child labour on the tobacco estates, the root causes of child employment, the conditions the child workers are subjected to, the effects of wage and non-wage labour on the welfare of the children, their education and health. The present study was modeled along the two previous studies done by the CSR in 2000 and 2003. The instruments used in the present study were adapted from the CSR studies. In terms of its results, the findings of the present study are similar to those of the previous surveys by CSR.

## **1.7 Methodological Approaches**

Drawing from the previous studies, the present study adopted both quantitative and qualitative methods, and used both primary and secondary sources of information. Its methodological approaches were designed in such ways that the information they generated provided adequate possibilities for comparative analysis of child labour in the tea and in the other industries in the country.

### **(a) Document Review**

Key documents were collected from ECAM, the child labour employing companies, the Tea Association, and other stakeholders in relation to the objectives of this assignment. Academic literature and comparative studies on child labour were reviewed for their insights into how to approach the subject under study. Wherever possible, additional and comparative information was obtained from the findings of related and concurrent studies. Of special importance was the data from the offices of the Labour Department that show the numerical size(s) and the structure of the labour force in the tea industry; and the social categories of the workers in relation to age and gender.

### **(b) Field Data Collection Methods**

Field data were collected by use of three methodological approaches:

- i. **Household questionnaire:** a household questionnaire was randomly administered to some 102<sup>2</sup> households drawn from the villages contiguous to the tea estates, from the compounds on the estates, and from the smallholder producers. A total of 57 households were visited in Thyolo district, randomly sampled around Bvumbwe, Chisunga, Mpezu, Nchima, Conforzi, Nansonia, Matawale (Makwasa), Khonjeni, Naming'omba, and Satemwa. Of the 57 households visited in Thyolo, 12 were of the smallholder producers and 45 from the estates. Out of the latter, 15 or one-third were from the estate compounds. A figure of one-third of the households to be drawn from the estate compounds was deliberately chosen due to the exposure of these households to estate work.

The remaining 45 out of the total 102 households were randomly sampled in Mulanje district around Bondo, Makaula<sup>3</sup>, Sayama, Mimosa, Lujeri, Esparansa, Limbuli, and Smallholder (Mulanje). Of the 45 households in Mulanje, 15 were from the smallholder producers, and the remaining 30, one-third or ten were from the estate compounds. The compounds were randomly sampled on Chisunga, Conforzi, Nchima, Nansonia, Naming'omba, and Satemwa in Thyolo; and Sayama, Lujeri, Limbuli, Esparansa, and Mimosa in Mulanje. The criteria for choosing the villages were:

- close location to the estate – only villages bordering estates were selected
- concentration of settlements and physical size of the villages – small, medium and large village settlements were chosen. This was not done by scientific calculation because the exact numbers of the households in these villages were not known. The selection was therefore by determining the physical spread of the village settlements.
- Geographical coverage – the villages were selected far from each other so that the information is gathered from a wide area and to avoid over-concentration in one locality.

The compounds were chosen on the basis of their physical sizes (just as was the case with the villages), and on the basis of geographical spread. Due to the larger number of the estates in Thyolo compared to Mulanje, there was a slight over-sampling of both the villages and the compounds in the former than in the latter.

A total of 187<sup>4</sup> adult informants, regarded as household heads or parents or guardians, were interviewed in the villages and the compounds cited above. A total of 101 were interviewed in Thyolo and 86 in Mulanje. The total number of the children from these households was 521: 318 in Thyolo and 203 in Mulanje. In Thyolo, 211 children were from the households from the villages bordering the estates and from the

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<sup>2</sup> A total of 100 households were targeted, 102 were actually interviewed.

<sup>3</sup> Some of these villages are known by their own names and not by the names of the estate they border.

<sup>4</sup> These include household heads and guardians of the children. Contributions were received from some adult members found in the households.

compounds on the estates, and 107 from the smallholder families. The figures for Mulanje were 114 and 89, respectively.

Of the 521 children in this study, 167, representing 32% were below the age of 10 years, and 354, representing 68% were of ages ranging from 10 to 18 years category. The latter became the main focus of the study. The cut off point of 10 years was chosen because in most official documents in Malawi this is the age regarded as the entry point for children in the enterprise level of employment though economic activity for children starts at as low as 5 years of age. Thus, much of the analysis in the subsequent sections of this document centers on the 10-18 years age group. However, this does not mean that the children below the age of 10 years were not engaged in productive labour. In this case productive labour is the same as engagement in economic activity. Rather it is because the data show more direct connections between age and engagement in child labour for the children aged 10 years and above. Using the official definition of child labour, there were, surely, isolated cases of the children below the age of 10 years engaged in child labour, but these were not as many.

The household questionnaire generated information on the factors that account for the release of child labour from the households to wage employment, parent and guardian perception and views on child labour, parental awareness on matters of child labour, and other social and economic factors that impinge on the employment of children on the tea estates and other sectors. In addition, the household questionnaire was used to create a base from which a sample of child workers could be identified, isolated and interviewed in detail using the child labour questionnaire.

- ii. **Child worker questionnaire:** this was designed for the individual child workers identified in the households and those found at the workplaces. A total of 128 child workers were identified and isolated for individual interviews in order to determine the specific labour tasks they were involved in, the amount of time they spent in productive labour (meaning economic activity) the conditions under which they worked and the effect of productive labour on their welfare. Of the 128 interviewed for these purposes, 91 or 71.1% were male, and 37 or 28.9% were female; 38 were from the compounds on the estates, 58 from the villages contiguous to the estates, and 32 from the smallholder households. Some 35 children were found actually working and were interviewed at the place of work. Of these, 5 were from the compounds and 8 from the villages contiguous to the estates - 19 were from Thyolo and 16 from Mulanje. The majority of the children interviewed at their workplaces, 22 (9 girls and 13 boys), were from the smallholder households – 10 in Mulanje and 12 in Thyolo.

The ages of the 128 interviewees isolated for the child labour questionnaire ranged from 10 to 18 years so as to be consistent with what is provided for in the definition of child labour in most official documents in Malawi, and in other previous studies in the country. Age was therefore

the main criteria in randomly isolating these informants. The random isolation of the children for the child labour questionnaire was done immediately after administering the household questionnaire. In most cases, one child per household was interviewed. No child was interviewed in some 7 households where the responses to the household questionnaire showed no presence of children engaged in wage labour or in work outside the household, except for engagement in family enterprises.

- iii. **In-depth qualitative interviews:** these were conducted with key staff in the tea companies - managers and personnel officers, the Tea Association, and with the officials from the institutions that deal with the issues of child welfare – district labour offices, social welfare offices, district education offices, and employees of non-governmental organizations. The in-depth interviews generated information on the existence of institutions, infrastructures, and specific policy interventions and strategies that may aid employers, workers and surrounding communities in dealing with the issues of child labour; and the types of partnerships that may be forged.

## **1.8 Structure of The Report**

The account below presents the findings of this study in five main sections. The first section (**2.0-2.4**) discusses the findings relating to the prevalence of child labour both in the national context in general, and in the tea industry in particular. This section also examines the dynamics and perceptions that perpetuate the employment of children in the tea industry. The second section (**3.0-3.3**) highlights and analyses the social and economic factors that account for the release of child labour from the households into wage employment in the tea industry and other sectors. The impact of work on the children's welfare in terms of education, health and others, are examined in the third section (**4.0-4.2**) of this document. Special attention is paid to gender differences and similarities, and particularly so in the face of risks to contraction of HIV/AIDS. The fourth section (**5.0-5.3**) of the document focuses on the identification of possible partners and stakeholders in the issues of child labour, the policy dimensions and intervention strategies. The last section (**6.0-6.5**) isolates some key observations and makes recommendations on these. A few appendices have been included for additional information relating to the study.

## 2.0 Existence Of Child Labour

### 2.1 National Context

*Malawi is generally regarded as one of the countries in the region with the highest incidence of child labour. Child labour in Malawi is also to a large extent explained by poverty, lack of resources, especially educational, etc as well as poor institutional and regulatory settings.*

FAFO Institute for Applied Social Science Research and Centre for Social Research, 2000, p. 73.

A report of the Malawi Demographic and Health Survey (MDHS) conducted by the National Statistical Office in 2000 shows that 9 percent of the children aged between 5 and 14 years were working for non-relatives, two-thirds of which without pay. Some 62%

were working in family enterprises or on family farms; and 19% were doing domestic work for at least 4 hours in a day. Overall, 27% of the children were either working for a non-relative (paid or unpaid) or spending at least 4 hours a day doing household chores (NSO, 2000). The MDHS observed that although boys are more likely to be involved in four or more hours of domestic work per day, there is little difference in the overall percentage in work (26.4 to 27.6 percent). However, the MDHS figures indicate that girls are more likely to work without pay for non-relatives than boys, 6.8 per cent compared to 4.4 per cent, and that more girls are engaged on family farms or family businesses than boys, 69.7% to 53.8%.

In 2002, the MCLS observed that there were about 3.8 million children in the 5-17 year age range, representing 34% of Malawi's population (NSO, 2002). Out of these, 2.7 million attended school representing 72% of the 5-17 year age range. It further observed that 3.2 million children worked within their family's houses and outside their homes in economic and non-economic activities some twelve months prior to the survey. This was about 80% of the 5-17 year age range. The survey also observed that 1.5 million children or 38% of the same age range were economically active during the same period, and some 1.1 million or 29% were economically active a week prior to the survey. The survey estimated that there were 1.4 million children engaged in child labour, representing 37% of the 5-17 age group and 47% of the working children.

The MCLS defined as child labour any economic or non-economic activity that was detrimental to the health, safety and education of a child or is likely to cause harm to the morals and would affect the normal development of the child. The operational definition of child labour in Malawi is therefore:

*Any activity that employs a child less than the age of 14 years [or] any activity that exploits a child, prevents a child from attending school, [and] negatively impacts on the health, social, cultural, psychological, moral, religious and related dimensions of the child's upbringing. The temporal aspects of child labour include working seven or more hours per week. Other forms of child labour include pornography and child prostitution, and other worst forms of hazardous work.*

Working children below the age of 14 years who work for more than 7 hours in a week, and those between the ages of 15 to 17 who work in agriculture for more than 7 hours a week are classified as child workers. The central issues here are

the nature of the work – has to be hazardous - and the length, in terms of hours, of the work. Commercial agriculture is considered hazardous because of the use of harmful chemicals.

The national figures do not make detailed breakdowns of child workers per industry. In fact, the NSO has very wide classifications or categorizations of “industry”. Agriculture, forestry, hunting and fishing are grouped together as one classification of “industry”, separate from three other groupings: mining and quarrying, construction, and manufacturing in one group, wholesale, retail trade, restaurants and hotels, in another group, and community, social and personal service as a separate classification. The MCLS figures indicate that the use of child labour was more pronounced in agriculture, forestry, hunting and fishing at about 53.5%, followed by community, social, and personal service at 42.1%. Wholesale, retail trade, restaurants and hotels employed about 3.9 percent of the child workers, while mining and quarrying, construction and manufacturing employed 0.5 percent.

For a predominantly agrarian country in which 86% of the population is in the countryside, these figures make sense. After all, agriculture and the related activities account for 91.6% of the country’s total employment compared to 4.4 percent for manufacturing and 4 percent for community and social services.

## **2.2 Child Labour Existence In The Tea Industry**

Due to the wide definitions and categorizations of “industry” it is difficult to determine with any degree of precision how many of the children employed in agriculture are specifically in the tea industry.

### ***(A) From Previous Studies On Child Labour***

Available academic literature suggests that the phenomenon of child labour in this sector of the Malawi economy is quite an old one, dating back to the origins of the colonial settler economy in the late 1880s (Chirwa 1993 and 1994). The Scottish missionaries at the Blantyre Mission established in 1876 expressed concerns with the employment of children from as early as 1904. The white settlers justified their employment of children on the account of the scarcity and seasonal variability of the supply of adult workers, and on the importance of socializing children into work ethics relevant for their social and economic growth. It was also argued that the settlers could not compete unless they employed children because adult workers preferred to migrate to more lucrative labour markets outside the country such as in South Africa and the then Southern Rhodesia (now Zimbabwe). These arguments came to the peak from the 1930s with the rapid expansion of the tea industry. The settlers further argued that the factors influencing the employment of children on their plantations and estates lay in the social structures and the livelihood requirements of the households resident on the estates and those in the villages contiguous to the estates. Child wage-employment, and employment in kind, were survival strategies and a matter of livelihoods for poor households.

For the more recent period, two studies are worth mentioning. One is the study by a sociology Master's Degree student in 1995 (Phoso, 1995)<sup>5</sup>. It revealed that male children accounted for as much as 25% of the labour in nursery tending and weeding on the tea estates of Thyolo, and possibly as much as 38% of the labour in coffee and macadamia nut picking. Male child workers were generally referred to as *kamphongo*, meaning a "small male goat" for the reason of their speed in running errands, versatility in work, and thoroughness in tending tea nurseries and in the picking of coffee and macadamia nuts. The second is a video documentary shot in Thyolo in 2002/3. It shows that 6 out of every 10 women currently working on the Thyolo tea estates had worked on the same, or other estates when they were young girls (Manyozo, 2003)<sup>6</sup>. It further argues that in most cases child workers were used in locations away from the public eye, and may work for as much as 8 hours in a day, with short lunch breaks. The documentary also shows young schoolgirls performing weeding tasks on a tea estate. The girls interviewed in the documentary stated that they often dropped out of school and entered into early marriages.

From the above-cited studies, and from the other available literature on the subject, the following impressions are created:

- a) *History And Culture Of Child Employment*: There is a long history and an established culture of child employment in the tea industry. The reasons for these include: the structure of the labour force – drawn predominantly from the villages contiguous to the tea estates and from the households resident on the estates. These factors are connected to the history of a labour tenancy system called *thangata* that required land landowners to collect rent in the form of labour. The system created a culture of resident workers complimented by free labour from the villages. *Thangata* gave the landowners access to the labour of not only the male tenants, but also that of his wife and children. The children of a tenant were socialized and cultured in plantation agricultural work from an early age. Much as *thangata* was abolished at the time of independence in 1964, the culture of household and resident labour persists. It is like employing an entire family. Work on the tea estates is not just an economic activity. It is a culture.
- b) *Child Labour As Sensitive And Emotive Issue*: The earlier studies indicate that child labour is a sensitive and emotive concept. The reason is that it is often viewed either as a natural extension of the social and economic activities the children are domestically engage in, or as a form of socialization. In the normal household setting children are socialized from an early age towards playing a productive role in society and in the family (FAFO and CSR, 2000:73). Child wage labour may also act as a survival mechanism for poor households. In fact, in Malawi, child labour is to a large extent explained by poverty, lack of resources, especially land in the cases of Mulanje and Thyolo, as well as poor institutional and regulatory settings. Poverty and economic necessity exert major pressure on families

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<sup>5</sup> F. Phoso, 1995, *Child Labour In Domestic Service And The Tea Estates: Case Of Blantyre And Thyolo Districts*, Masters' Degree Thesis, Department of Sociology, Chancellor College.

<sup>6</sup> P.L. Manyozo, 2003, *Forgotten Cornerstones: Child Labour On The Thyolo Tea Estates*, video documentary study funded by UNICEF.

to make use as early as possible of the time and labour of their children to assist in family survival, often at the expense of education.<sup>7</sup>

- c) *Social Structures And Livelihoods Requirements*: Since child employment may be a matter of livelihoods for some poor households, structures of the households may determine whether or not some of their young members engage in productive labour for wages or in kind. The age and gender compositions of the children in a particular household will determine who is employed in the family farm or business, and who goes out to work for wages. An earlier study done in Thyolo found that children between 6 and 14 years account for 8 percent of all regular working households members in male-headed households and 29% in female-headed households.<sup>8</sup> The available literature indicates that boys are more likely to work for wages in the tea industry than girls. However, this is made possible because girls bolster family production by spending more hours in household chores and in the family farm. The same factors contribute to the release of adult labour to wage employment.
- d) *Child Labour As A Cost Minimization Measure*: Available literature indicates that large and well-capitalized estates may be less inclined to employing children. The small and undercapitalized ones, offering low wages, and less attractive to the adult workers, may be the major employers of child workers. For these reasons, smallholder estates have preponderance for employing child workers. This partly also because of their family nature of the enterprises. As family enterprises they use the labour of children in the same manner as any other family farm.
- e) *Employment May Be Risky To Child Workers*: Employment, especially under poor and harsh conditions, may affect the children's health, education, and other forms of social welfare. The literature consulted for this study does not indicate the use of children in obvious hazardous conditions such as near moving machines. However, there are social risks such as the negative effects on the children's education, health, and physical growth. Further risks relate to the long hours the children are engaged in labour.

### ***(B) From the Perspectives of Employers and Other Stakeholders***

The dominant view of the employers is that there is no child labour in their industry. This is because the industry has in place policies that bar the employment of children. Statistical returns from the estates found at the district labour offices indicate that there are no workers under the age of 14 years.

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<sup>7</sup> For a detailed discussion on this see FAFO and CSR, 2000, *The Smoking Business, Tobacco Tenants in Malawi*.

<sup>8</sup> Kamkondo W.C.D and K. Wellard, 1994. *Women and Children in the Smallholder and Estate Subsector in Malawi. Supplementary Report to Estate Extension Service Trust*. Rural Development Department, Bunda College of Agriculture, Lilongwe.

*Table 2: Employment on the Mulanje Tea Estates, July 1999 - June 2004*

July 1999 – June 2000

<b>AGE GROUP</b>	<b>PEAK SEASON</b>		<b>OFF SEASON</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>Below 14 years</b>	-	-	-	-
<b>15- 18 years</b>	15	36	3	3
<b>19-25 years</b>	3209	1070	2650	663
<b>26- 45 years</b>	12298	7132	9151	4986
<b>46- 55 years</b>	5246	600	3620	459
<b>56 years and above</b>	78	30	67	28
<b>TOTAL</b>	20848	8868	15491	6139

July 2000 – June 2001

<b>Below 14 years</b>	-	-	-	-
<b>15- 18 years</b>	395	158	158	36
<b>19-25 years</b>	4290	2295	1934	1082
<b>26- 45 years</b>	10688	3230	6426	1335
<b>46- 55 years</b>	3440	722	2035	408
<b>56 years and above</b>	705	223	455	80
<b>TOTAL</b>	19518	6628	11008	2941

July 2001-June 2002

<b>AGE GROUP</b>	<b>PEAK SEASON</b>		<b>OFF SEASON</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>Below 14 years</b>	-	-	-	-
<b>15- 18 years</b>	74	24	41	-
<b>19-25 years</b>	3888	1818	2460	629
<b>26- 45 years</b>	6347	2916	4295	1085
<b>46- 55 years</b>	2081	645	1281	326
<b>56 years and above</b>	447	133	328	48
<b>TOTAL</b>	12837	5536	8405	2088

July 2002 – June 2003

<b>AGE GROUP</b>	<b>PEAK SEASON</b>		<b>OFF SEASON</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>Below 14 years</b>	-	-	-	-
<b>15- 18 years</b>	48	33	20	5
<b>19-25 years</b>	3660	1172	2034	527
<b>26- 45 years</b>	7213	2093	4846	1383

<b>46- 55 years</b>	2513	615	1490	341
<b>56 years and above</b>	463	114	301	67
<b>TOTAL</b>	13897	4027	8691	2323

July 2003-June 2004

<b>AGE GROUP</b>	<b>PEAK SEASON</b>		<b>OFF SEASON</b>	
	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
<b>Below 14 Years</b>	-	-	-	-
15 – 18	14	12	2	-
19 – 25	4,706	1,663	3,127	951
25 – 45	9,797	2,915	7,591	2,292
46 – 55	3,022	754	2,067	555
56 & Above	541	148	363	87
<b>TOTALS</b>	18,080	5,492	13,150	3,885

The above table records the labour force from the age of 15 years. The numbers of workers in the 15-18 year age range is low if compared to the large numbers in the 19-25 years range. Granted the difference in the number of years between the two ranges, one would have expected the difference in the actual numbers of the workers in the two ranges to be fairly even. Considering also the narrow transition between 18 and 19 years, the gap in the numbers between the two age ranges should have been smaller than suggested here.<sup>9</sup>

The children in the 15 to 18 year age group would constitute child workers if the standard legal definition were strictly followed. The legal position in Malawi, as stated in Section 22 (1) of the Employment Act (2000), is that: *no person between the ages of 14 and 18 years shall work or be employed in any occupation or activity that is likely to be:*

- (i) *harmful to health, safety, education, morals or development of such a person;*
- (ii) *prejudicial to his attendance at school or any vocational training programme.*

Work in commercial agriculture carries the above risks. If it is done by those between 14 and 18 years, it constitutes child labour. The figures therefore would be interpreted, as showing that there is child labour in the Malawi tea estates. However, considering the comparatively low figures in this category, if compared to the other age categories, this group of workers is relatively small.

The above figures do not give a fuller picture of the situation. For example, the dividing line between 14 and 15 years may be very thin. As a result, a lot of young people between 13 and 14 may easily graduate upwards to 15 years and above. The same applies to those between 15 and 18 years old. They can easily graduate into the next age category. The above figures do not show how many of

<sup>9</sup> The figures are not consistent. It is difficult to discern the patterns because not all the employers provide their monthly returns.

these workers were 15 or 16 or 17 or 18. All of them could have been 15 years old, or 16 or 17 or 18. The picture could have been clearer had it been that those aged 18 were not reported together with those aged 15 years old.

Of special interest to this study is the revelation that the above figures contradict the official policy of the estates on the employment of children. The official policy categorically states that the estates do not employ anybody below the age of 18 years yet the above figures show that the estates in fact do employ people below that age. This inconsistency may raise some contentious questions about both the sincerity and the effectiveness of the official estate policy.

Given that in Malawi the law permits children aged 14 to 18 years to work under specific conditions as prescribed by the law, one gets the impression that the above figures are an attempt to be consistent with the law. It is also important to note that the figures are based on returns filed by the employers themselves. It is therefore possible that those compiling the figures were trying to be systematically compliant with the law. The format of reporting follows the age categorizations provided in the law.

Officials at the Mulanje District Labour Office maintained that prior to the year 2000 children were widely employed in the tea industry. Threats of an international ban on Malawi tea on account of the use of child labour, coupled with the policy and legal interventions by the Malawi Government, have forced the employers in the tea industry to stop the employment of children under the age of 14 years.

The study noted that employers have some technical challenges in their efforts to eliminate child labour. Most difficult is to verify the ages of the prospective child workers. In the absence of a system of civic registration, birth certificates and identification cards, it is not easy to verify the ages of those that come to seek employment. If they are aware of the risk of being turned away, they may hide their exact ages and beat the system. The estate officials are aware of this.

*Eastern Produce Malawi Limited Policy on Child Labour is to create and maintain a safe, healthy and equitable working environment for young people.*

*Notwithstanding the laws of the country, it is Eastern Produce Malawi Limited's policy not to employ any person less than 18 years of age.*

*In addition to the above policy, any person from the ages of 21 years will not be employed in any occupation or activity that is likely to be harmful to the health, safety, education, moral or development of that person, or prejudice their attendance at school or any other vocational training programme. Examples of such employment would be spraying of chemicals, and or of factory work in the vicinity of [moving] machinery.*

Eastern Produce Child Labour Policy Statement  
28 February 2005

From the year 2000/1 most estates began to actively pursue policies aimed at eliminating child labour. The estates' temporary employment contracts have a standard anti-child labour clause, and some of them have standard written policies. A good example of a company with a written standard policy is Eastern Produce Malawi Limited. Their policy is found in all their estate offices. All the estates in both Mulanje and Thyolo have signposts indicating that they do not employ children. The signs are also found in the estate offices. Estate Managers are

instructed to follow, obey and implement the company policies.

The contention of this study is that it is one thing to have written policies and sign posts; it is another to implement them. There is ample evidence suggesting that some managers may not be effective in implementing these policies. Good evidence for this comes from Satemwa Tea Estates where, in 2004, at least 4 children employed in tea nurseries were withdrawn after inspection by authorities<sup>10</sup>. This incident would suggest any of the following:

- Some managers do not strictly follow the written anti-child labour policy
- Managers do not have a system of verifying the ages of the children
- Some children beat the system by effectively hiding their ages.

*Consider a 14 or 15 year-old girl. She is an orphan and has to take care of her siblings. She comes to look for employment. What do you do? Do you turn her away?*

Mulanje DLO.

*Often the most difficult situation is when a destitute child comes to look for ganyu, and you know that the child is a destitute and genuinely needs assistance. Out of human consideration one would be tempted to offer employment to such a child. In the process one would contravene the law.*  
Personnel Officer, Satemwa Estate

Two other factors affect the effective implementation of the anti-child labour policy. First is the geographical location of the estates. Officials at both Lujeri and Satemwa estates reported that it is possible for field managers in the estates close to the border with Mozambique to be rather carefree in employing immigrant workers. In the process some under-aged workers may slip through. Second

is the humanitarian consideration. Estate managers are often under pressure from economically disadvantaged households and individuals to provide them with employment. In the face of the HIV/AIDS pandemic and the resultant increase in orphaned children, one would be tempted to provide employment to under-aged orphaned children. Third is the tactics employed by the adult workers who come with their own children or relatives as “helpers”. They bring in children to assist them with their daily task, and often claim that the child or children have been brought in only for the day. Such children are not employed by the estate as such. They are in fact “employed” by the adult workers as extensions to their labour. These are real challenges to the effective implementation of the anti-child labour policy on most estates.

On the positive note, the incident at Satemwa suggests that some estates have an effective inspection mechanism and that they indeed implement their policy. The fact that they were able to fish out these child workers and withdraw them from employment indicates actual official commitment to the anti-child labour policy. However, granted that the employment of children on the nurseries of this estate occurred more than once, would suggest laxity in the implementation of the policy on the part of the field managers.

*Being aware of the company's policy against child labour, you hereby confirm that you are over 18 years of age or above.*

Section 7 of the Conforzi Tea and Tobacco Plantations Company Temporary Employment Contract

This study further observes that most of the anti-child labour

\_\_\_\_\_ 2004 after inspection by officials from

interventions are recent, put in place only from around 2000/2001. The Eastern Produce written policy cited above is dated 28 February 2005 suggesting that the publicity of these interventions has only just recently improved. Several factors would account for these developments. Among these are:

- The official anti-child labour campaign has gained root and employers are positively responding to it.
- The employers have made actual commitment to the local and international calls for the elimination of child labour.
- Employers are responding to the legal changes at the national level. The Malawi Constitution (1995), and the new labour laws such as the Labour Relations Act of 1996 and the Employment Act of 2000 have created a legal context within which the employers now fit their anti-child labour interventions. The employers are also responding to these legal instruments.
- Reporting on the issues of child labour has improved, and the employers therefore feel that there is nothing to hide. However, this might or might not mean that there is actual reduction in the use of child labour.
- The increased reporting is a result of both the official campaign and the initiative by civil society institutions. As will be shown in the subsequent sections of this document, a number of civil rights institutions operate in the tea producing districts. In their activities, these institutions employ a rights-based approach to a number of economic and social welfare issues. Increased awareness of civil rights among both the employers and the communities in the areas is exerting pressure on the former, hence the interventions cited above.

The above are among the key factors that explain the anti-child labour perceptions of the employers.

*I am therefore grateful to report that the team discovered no single case of child labour or child abuse. In view of this, my office really appreciates and commends your estates for the total elimination of child labour.*

District Labour Officer, Mulanje, to General Manager (West), Eastern Produce, Mulanje, 28/06/04

The officials from the District Labour Office at Mulanje maintained that most estates in the district were effective in the implementation of their anti-child labour policies to the extent that what remains at the present is the use of children in domestic labour, which is widespread. This

view is however contrasted by that of other stakeholders who maintain that considerable numbers of children are in fact employed in various activities relating to tea production, and mostly in tasks that are hidden to the public eye. Such tasks include running errands, herding, looking after the children of adult workers, guarding crops and others. There is a unanimous view that smallholder tea estates tend to be the major users of child labour in the tea industry, including in Mulanje district itself.

### **(c) The Household Survey**

The official view is, in some cases, also contrasted by the data from the field study. The data from the household questionnaire indicate that of the 521 children in this study, 485 or 93% were engaged in productive labour in the 12 months prior to the study; and 443 or 85% were engaged in productive labour within 7 days prior to the study. Out of the 521, 354 or 68% were aged between 10 and 18 years. The majority of these were engaged in productive labour in the family farm: 191 or 54% compared to 131 or 37% engaged in family business, and 135 or 38% in various activities related to tea, coffee, macadamia and tobacco production.<sup>11</sup> However, those engaged specifically in activities relating to tea production were about 103 or 17%. Most of those that worked on the tea estates were male children aged from 12 years, the majority of whom were recorded on the smallholder estates - more than 53% of the child tea estate workers. The data show a fairly large tendency for the child workers to engage in more than one form of productive labour: on the family farm, family business, on the estates, and in buying and selling. This created a lot of multiple responses to the questions put to them. If this is taken into account, the engagement of children in productive labour can be considered to be higher than the individual figures indicated here.

*Table.3: Productive Child Labour by Type of Work Last 12 Months*

<b>Age</b>	<b>Productive Labour: N = 354 (68% of 521)</b>	<b>Percentage (%)</b>
10 – 18 years	On Family farm	54
	On Estates (Tea, Coffee, Tobacco, Macadamia)	38
	On Family business	37
	In Tea Production Activities	17

The above table does not include the children below 10 years of age, constituting 32% of the children in the households. The reason is that though some of these were engaged in productive labour during the period under consideration, their involvement was mostly in domestic activities, some of which may be unrelated to the topic under consideration here. However, their contribution to the social reproduction of the household labour force needs to be considered. These young children are baby-sitters, messengers, water drawers, food servers, and others. Through these activities they contribute to the social reproduction of the household labour force. By the same means, they contribute to the release of adult and fellow child workers from the household to economic activities.

### **(d) The Child Labour Survey**

Of the 128 child workers who responded to the child labour survey, 99 or 77.3% indicated that they had at least worked on a tea estate in the twelve months prior to the survey; and 98 or 76.6% indicated that they had engaged in productive work, paid or non-paid during the same period. For the period 7 days prior to this survey, 86.8% indicated that they had engaged in productive labour, compared to 13.2% who did not work in any way. The majority of those who engaged in productive labour worked on the family farm, 31%; followed by those who worked in a family business, 14.2%; those who worked for *ganyu* at 23.9%, and those who worked for either a weekly or monthly wage at 12.4%. If those that worked

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<sup>11</sup> These figures do not add up to 100% due to those that had engaged in multiple labour activities.

for *ganyu* were combined with those that worked for pay on a weekly or monthly basis, these data would suggest that 36.3% of those that were engaged in productive labour had worked for a wage.

*Table 4: Productive Child Labour by Type of Work Last 7 Days*

Age	Productive Labour: N = 128 (25% of 521)	Percentage (%)
10 – 18 years	Weekly or monthly wage labour	12.4
	<i>Ganyu</i>	23.9
	Own account	5.3
	Family business	14.2
	Family farm	31.0
	Did not work	13.2
	Total	100

However, it must be noted that some of these respondents had worked for pay on both the tea estates and outside the estates. This makes it difficult to state with precision the exact percentage of the child workers engaged in tea estate work that were paid for. Granted this limitation, the above figures suggest that the number of the children in paid labour in the study area is considerable. This observation confirms the findings by earlier studies that “Malawi is generally regarded as one of the countries in the [southern Africa] region with the highest incidence of child labour”<sup>12</sup>

Of special importance to this study were the categories of work the child workers were engaged in. Both on the estates and in the family farms, gardening was the major task, followed by a combination of running errands, taking care of smaller children, delivering food, etc grouped together as “others”. Tea picking and selling and buying recorded equal percentages:

*Table 5: Percentage of Child Workers by Labour Task Last 7 Days*

Age	Labour Task: N = 128 (25% of 521)	Percentage (%)
10 – 18 years	Household chores	7.8
	Gardening	39.2
	Tea picking	12.7
	Herding	6.9
	Selling and buying	12.7
	Others	20.6
	Total	100

Household chores include domestic labour in the houses of employers. Gardening, tea picking, and herding are labour tasks that are common on the tea estates. If these were combined, the conclusion would be that the amount of child labour in these tasks on the estates is in excess of 58%. The picture becomes bigger if tasks such as running errands and taking care of the younger children of the adult workers are taken into consideration.

Equally important to this study were the “selling and buying” tasks the child workers were engaged in. It was discovered that in most cases the child workers were employed in these tasks by adult workers, or used by their parents as strategies for income supplementation. Some of the “selling and buying” tasks in

<sup>12</sup> See FAFO and CSR, 2000. *The Smoking Business: Tobacco Tenants in Malawi*. Oslo: FAFO.

which the children were engaged could be viewed as detrimental to their social and moral development. These included collecting bottles at bottle stores, or packets of chibuku beer. However, to a large extent the children were used in the selling and buying of food items such as bananas, fruits, vegetables and sugar canes, soft drinks, and confectioneries.

### 2.3 Extents And Intensity Of Work

The child labour questionnaire was used to capture the extent and intensity of work for the child workers in terms of the hours and days they engage in productive labour.

*Table 6: Extent and Intensity of Engagement in Productive Labour: N=128 (25% of 521)*

Age	Days in a Week	%	Hours in a Day	%
10 – 18 years	1	0.9	1	1.8
	2	7.1	2	12.3
	3	7.1	3	20.2
	4	22.1	4	28.9
	5	23.0	5	7.0
	6	28.3	6	9.6
	7	11.5	7	7.9

The above figures suggest that about 85% of the 128 child workers who responded to the child labour questionnaire worked for 4 to 7 days a week; and 53% worked between 4 to 7 hours a day. In addition, some 3 percent indicated that they worked 9 hours in a day. The percentage of those that worked for 4 or more hours is therefore 56%, compared to 34% that worked for between 1 and 3 hours in a day. Noticeable in the figures in the above table is the indication that about 63% of the child workers were engaged in productive labour for 5 to 7 days in a week. Considering their ages (12 to 17 years), the above figures indicate that the intensity of work for the child labourers is high.

At this point there is a divergence between the official policy and the respondents' views. The official policy in the estate sector is that the worker is employed on an 8-hour day. The wages are also based on that thinking. The 8-hour working day is also the official working day in Malawi. Any employee working less than 8 hours in a day would be "under-working". The above figures could be due to the temporary nature of child labour, including the tendency for employment on *ganyu* (temporary task or piece work) basis. These are compounded by the prevailing conditions in the smallholder sector where the official 8-hour working day may not apply due to the family nature of the enterprises.

This study inquired into the time of the year and time of the day the child workers were most engaged. The results reveal that, in fact, the majority of the children spend more time in productive labour after school hours and most of them work only on a temporary basis:

*Table 7: Child Labour Status N=128 (25% of 521)*

Age	Labour Status	Percentage (%)
	Permanent basis	15.9

10 – 18 years	Temporary/Part-time	22.1
	Seasonal basis only	8.0
	After school	50.4
	No specific time	3.5
	Total	100

If the observation that most children work for more than 4 hours in a day is taken into consideration, it therefore follows that these children spend most of their after school hours in productive labour. This would mean that they work for the whole of the afternoon given that school hours are generally in the morning. Those that work on a permanent basis are found mostly in domestic work and in buying and selling, and on smallholder farms. These are school dropouts and those who have never been to school.

## 2.4 Perceptions Of Child Workers

The field data for this study indicates that the majority of the child workers are not particularly happy about working for wages. They would rather be in school, 67%, compared to 15% who would rather be working. The latter were mostly older children aged 15 and above who have already dropped out of school. Paradoxically, the child workers do not spend much of their earnings from employment on school needs:

*Table 8: Use of Earnings by Child Workers N=128 (25% of 521)*

Age	Expenditure On	Percentage (%)
10 – 18 years	School needs	9.7
	Bought household needs	6.5
	Bought personal needs	61.3
	Saved part of	8.1
	Others	14.5
	Total	100

These figures suggest that much of the child workers' earnings is used for purchasing personal needs, particularly clothing, and also used on the purchase of household requirements. Part of it is given directly to parents (under "others") also to be used for household requirements. All these could be indications of the extent to which the child worker earnings are used as a survival strategy for the less privileged households. One reason for the earning of the child workers being spent on personal needs is because the earnings are small. They can only cater for small purchases, hence the tendency for the child workers to use these earnings on second hand clothes, which are cheap, and on snacks on the way to and from school, and at school.

### 3.0 Factors Influencing Child Labour

*She is my granddaughter. When she receives pay she brings us some food, salt, soap, and other items. To day she has brought meat, cooking oil, soap and salt. She really helps me.*

Voice from video documentary, *Forgotten Cornroctone 2003*

The factors that influence child labour in Malawi are many. As earlier studies have noted, these, among others, include:<sup>13</sup> cultural perceptions and socialization methods, the high incidence of poverty, the low levels of literacy

rates, inadequate access to educational facilities, and the low levels of awareness of the dangers of child labour.

#### 3.1 The Culture Of Child Labour

There is no doubt that child labour is a culture in Malawi. As noted elsewhere above, both the 2000 DHS and the 2002 MCLSA reported very high incidences of child labour in the Malawi households. The present study made similar findings: over 80% of the children in the households visited were engaged in some kind of productive labour. The reasons for this were stated as:

- The work the children were doing had a traditional role in the socialization of the children, and was not particularly hazardous because it was done under parental control. For as long as it was confined to working within the household context it was child work, and not necessarily constituting child labour if the official definition is strictly adhered to.
- The labour of the children was important because, as household members, the children had an obligation to contribute to the subsistence requirements of their households. This was particularly the case with those households that could not survive on their peasant production. The 2003 video documentary study recorded a number of cases of such households in which the working children bring home, not only cash, but also food and grocery items.
- Child labour, if used within the household context, was a way of helping parents – an obligation to the parents.
- The children had to fend for some of their personal needs that the parents may not be aware of, or may not feel that they are particularly important. This is the reason some children engage in wage labour.

#### *Our Observations*

From the data generated by the household questionnaire this study made a number of observations that connect the social and economic status of the households to the release of children to wage labour. The following were among the key ones:

<sup>13</sup> For details see Chirwa 1993 and 1994; FAFO and CSR, 2000; NSO, 2000 and 2002

- Since the children are socialized into productive labour in the households themselves, the transition to wage labour is just a natural outcome. It becomes a cultural process that is similar to a rite of passage.
- Of the 102 households interviewed, 81, representing 79%, reported having no land or having access to pieces of land less than 0.25 hectare, no plough, and no physical assets or capital goods that could be turned into cash or could be used to generate income. Poverty thus exerts pressure on such families to use their children in productive economic activities including wage employment.
- Over 75% of the households do not have adequate domestic items such as bicycles, beds, pots, radios, and others. This indicates that these households are among the poorest of the rural poor. The level of poverty, as observed by many other previous studies on child labour, is indeed among the major causes of child labour in the rural households.

### 3.2 Choices And Preferences Of Parents And Guardians

Though there is a cultural perception and recognition of the importance of child contribution to the household subsistence needs, the dominant view of most parents and guardians is that they would rather have their children in school. Of the 102 household heads (parents or guardians) interviewed, 64 or 62.7% preferred their children were in school compared to 37.3% that preferred their children worked or engaged in family business. However, in terms of preference along the lines of gender, the tendency for the majority of the parents and guardians was for their male children to be in school, 68% compared to 32% that preferred both male and female children to be in school. Most parents and guardians preferred their female children to marry at the age of 20 or 22 years, some even much earlier at 18 years of age.

The findings from the present study compare favourably to the CSR/ILO/IPEC study of 2003. The earlier study found that 75% of the parents preferred their children to be in school. However, there were some major variations among the districts the study visited. Parents in the districts of Mangochi and Mchinji did not value much their children's education.

*Mwana wanga ukwatiwe ndidzidya nsomba, eee*

*Masamba ndatopa nawo, eee*

*My daughter you should marry so I should eat fish*

*Am tired of vegetables....*

Popular folk song from the area. Free translation

The preference for female children to marry is not just a simplistic factor of gender bias. There are fundamental cultural and livelihoods considerations involved in this:

- The communities in the study area are predominantly matrilineal, where men live in the wives' homes upon marriage. The men have access to land through their wives. Marriage is therefore a mechanism for securing land, access to it, and access to the labour of men. Parents would

therefore prefer to have their daughters marry so as to secure land and to ensure access to the labour of their daughters' husbands.

- In the context of acute land pressure and livelihood struggles, families bank on married daughters as a social insurance in the sense that they bring it men as producers and providers of economic support. This is well captured in folk music from the study area, as the one cited above.
- Male children are preferred for education with the understanding that, in any case, they will move out of their parents' households, and off their households' land upon marriage or when they get employment in town.

### **3.3 Alternative Livelihoods**

As noted above, due to land pressure and increasing population density, there are limited alternative sources of livelihoods in the study area. In fact, this, in itself, is among the major causes of child labour in the study area. Most of the available livelihoods strategies are land based, and the land is in short supply. Table 2 above has shown that 12.7% of the child workers were engaged in buying and selling. This suggests that buying and selling is emerging as a noticeable alternative means of livelihoods, with all its social effects on the children. This is a reflection of a much wider development at the national level. Vending and other activities of the informal sector are on the increase in the country.<sup>14</sup> Less known is the status of artisanal skills among the youth and adolescent children in the area. This is because there are no institutions offering artisanal skills training in the study area, which would offer possibilities for alternative livelihoods.

Mention should be made of the existence of a Youth Development Centre of the Church of Central Africa Presbyterian in Mulanje district. The centre has facilities for vocational and skills training for the youth. However, the institution is poorly funded and thus almost abandoned for the most part.

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<sup>14</sup> These have been detailed in Chirwa, 2004, *Working Out of Poverty: Employment and Poverty Reduction in Malawi*. GOM/ILO>

## **4.0 Social Implications Of Child Labour**

In this study there was no clear evidence of children working in the worst forms of hazardous environments such as moving machines, factory fumes, and others. However, there are social risks of child labour.

### **4.1 Social Risks**

Most of the risks relate to education, health, and morals. In relation to education, it has been noted that 50% of the child workers engaged in productive labour after school hours. Of these, 30% reported that it affects their take-home assignments (home work), and 15% maintained that it affects their school attendance, and 5% said they have had to drop off from school at one point. Of the 99 children who reported to have worked on the estates in the previous 12 months, 56% reported to have had some kind of “minor” accidents that caused cuts and bruises. Leg ulcers and other types of wounds were the most cited. This was because of the stabs they got from the pruned tea trees. This study observed that wounds, bruises and leg ulcers from the pruned tea trees might not be entirely caused by work on the tea estates. Walking in the pruned tea estates in search for firewood could cause them. People in the area collect the pruned tea trees for firewood. The possibility of sustaining stabs and bruises in the process is high.

Fevers were reported in more than 80% of the 89 child workers who had worked on the estates in the previous 12 months. This could be due to malaria, which is common in the study area, but also due to pneumonia as a result of exposure to cold weather particularly during the months of March to August. The period between May and July is the coldest part of the year in the study area. With the exception of accidents, physical effects of child labour in the study area are difficult to determine. However, it can be speculated that the long hours the children work in productive labour have effects on their physical growth. The intensity of child labour may also be accompanied by nutritional deficiencies given that the children may not have adequate access to food. All these may have effects on the children’s physical growth.

The stakeholders in the issues of child labour maintain that there are moral risks as well. They cite exposure of children to money at an early stage as being detrimental to their moral growth. Once used to handling money at an early stage, the children may not develop other positive values of good living sincere their perception of life will revolve around money issues. The children may not positively ascribe to the values of common good, sacrifice, self-help, and others of that nature. Also often cited as having a moral effect on children is the exposure of the children to bars, bottle stores, and other recreational facilities of that nature. With money in their pockets, the children are tempted to drink and go out with sex workers at an early stage of their lives.

### **4.2 Child Labour In The Face Of HIV/AIDS**

Some of these moralistic comments and fears may be genuine. The two study districts, along side Machinga and Mangochi, also in the southern region, have among the highest incidences of HIV/AIDS infection rates among the youth in the

country. They are also districts with very high rates of STIs. Data produced by the *Medicines Sans Frontiers* (MSF) suggest that the STI and HIV/AIDS infection rates in the two study districts of Mulanje and Thyolo are on the increase, and they are affecting the youth. The data for this study shows that HIV/AIDS awareness among the child workers aged between 14 and 17 years is fairly high, 59% of the respondents. Most of them got the HIV/AIDS messages through the radio, the rights awareness campaigns run by NGOs, at school, and through posters pegged to notice boards and tree bulks in public places.

Further evidence for social concerns come from the DHS data. These indicate that in the southern districts of Malawi, the two study districts included, sexual activity for girls begins at the age of 16.5 years or earlier. In some cases, at as early as 14 years a girl may have first sex. For most boys it is around 17 years and higher. More than half of the adolescents (15-19 years old) in the southern region have started sexual activity. These figures raise a real concern for increased possibilities of HIV/AIDS transmission in the region.

## 5.0 Supporting Frameworks And Institutions For Interventions

- ✓ The state and employers shall make policies that support the combination of education and appropriate work for children and that comply with International Labour standards.
- ✓ The state and employers shall take into account views and opinions of children in all actions concerning harmful and exploitative child labour.
- ✓ The state and employers shall discourage use of harmful and exploitative child labour.

National Code of Conduct on Child Labour

Among the main objectives of this study was to identify and assess the capacities of possible partners for the design of intervention strategies in issues of child labour in the study area. The sections below identify the key possible partners and analyses their capacity.

The analysis is limited to only those partners that work in the study area, leaving out those that may be working outside the area but may have interest in matters of child labour. Before going into these, the account below starts with a discussion on the legal and policy frameworks for dealing with the issues of child labour in the country.

### 5.1 Legal Framework

Prior to the year 2000 there was not much of interventions into the issues of child labour in Malawi though some amount of awareness existed. In fact there was an old colonial law, passed in the late 1930s, which prohibited the employment of children, particularly in hazardous environments. Currently Malawi has adequate legal framework for interventions into the issues of child labour:

#### *(a) The Malawi Constitution*

The starting point is the Republic of Malawi Constitution adopted in 1995 following the transition from a one party regime to multiparty democracy. In its section 23 the Malawi Constitution defines as a child any person who is under the age of 16 years and provides the rights of children regardless of the circumstances of their birth. Children are entitled to equal treatment before the law, to be protected from economic exploitation or any treatment, work or punishment that is, or is likely to be hazardous, interfere with their education, or be harmful to their health or to their physical, mental or spiritual or social development. In section 25 the Malawi Constitution states that all persons are entitled to education; and section 26 (3) prohibits forced labour and any tied labour that amounts to servitude. Section 31 covers issues of labour and states that every person shall have the right to fair and safe labour practices and fair remuneration, and every person shall be entitled to fair wages and equal remuneration for work of equal value without distinction or discrimination of any kind, and in particular on bases of gender, disability or race.

The Constitutional provisions are therefore wide enough and applicable to all matters of child labour. In fact, from what has been said above about the employment of children in the tea estates, there are grounds enough to argue that there are some constitutional violations worth addressing.

#### *(b) Labour Laws*

In addition to the Constitution, Malawi has specific laws with provisions on child labour. The Employment Act of 2000 is the key one. Part (iv) of the Act has provisions that are specific to child labour. Among these are:

- Section 21 (2) prohibits the employment of persons under the age of 14 years in any private agricultural, industrial undertaking or any branch thereof. This, however, does not apply to work done in homes, vocational training technical schools, or other training institutions.
- Section 22 (1) states that no person between the ages of 14 and 18 years shall work or be employed in any occupation or activity that is likely to be:
  - (iii) harmful to health, safety, education, morals or development of such a person;
  - (iv) prejudicial to his attendance at school or any vocational training programme.
- Section 23 compels every employer to keep a register of any person under the age of 18 years employed by or working for him.
- Section 24 creates penalties for contravention of the provisions of Part (iv) of the Act. A person who contravenes any provision of this part of the law shall be guilty of an offence and liable to a fine of MK20,000 and to imprisonment for five years.

#### *Our Observations*

Much as this law is adequate as a general legal framework for handling matters of child labour, some of its provisions may be difficult to enforce. The following are noted:

- i. The law provides a legalistic definition of child labour based on chronological age. Social and cultural dimensions of a child are not included. In Malawi, it is not uncommon for a person aged between 16 and 18 years to be married and even have a child. This is particularly true of adolescent girls in most districts in the southern region of the country, including the present study area. Prohibiting the employment of such persons may be problematic.
- ii. Given the temporary nature of child labour (employed mostly on *ganyu* basis) it is extremely easy for the employers to ignore and thus contravene the legal requirement to keep a register of child employees
- iii. One may argue that the exclusion of child work in homes may be a loophole for the use of exploitative domestic child labour.

#### *(c) International law*

In addition to the specific national laws, Malawi is a signatory to a number of international instruments for the protection of children. These include: the United Nations Charter on the Rights of the Child, the ILO Convention Against Worst Forms of Child Labour (Convention No. 182), and the ILO Convention on

Minimum Age of Entry into Employment (Convention No. 138). These have been used as official bases for policy interventions in the matters of child labour.

## **5.2 Policy Framework**

From the year 2000 there has been increasing official awareness and effort to intervene in the matters of child labour, partly as a result of the Malawi Government's ratification of the international instruments, and partly also due to the compelling efforts of the ILO. Following the ratification of the ILO Conventions, the Ministry of Labour established a Steering Committee on Child Labour with membership from government, donors, employers, trade unions, and other civil society organisations. The Committee formulated an action plan on the elimination of child labour in the country. There have also been changes within the structures of the Ministry itself. A special unit was created within the Ministry, with officers specifically designated to coordinate activities relating to the elimination of child labour. Among others, the unit has been responsible for the following activities:

- Reviewing all labour-related legislation in collaboration with the Malawi Law Commission
- Training labour inspectors in the issues of child labour
- Training labour inspectors to prosecute child labour cases in line with the law, and with support from the ILO/IPEC programme
- Conducting an awareness and sensitization campaign for employer and worker organisations on matters of child labour
- Developing a code of conduct for the employment of child labour
- Monitoring the implementation of the code of conduct by the employers
- Reviewing policies dealing with discrimination and occupation safety, particularly in the light of HIV/AIDS

It is difficult to determine the effectiveness of these interventions given that there have not been any programme evaluations. If any, they have not been made public.

As noted elsewhere above, the tea companies have copies of the Labour Relations Act, the Employment Act, and the National Code of Conduct on Child Labour. In companies these are displayed on the notice boards in offices, together with the company policy on child labour.

## **5.3 Institutional Framework**

In addition to the legal and policy frameworks, there is an institutional framework for the possible design and implementation of partnership intervention strategies in matters of child labour in the study area. The following are among the key players with various intervention projects and activities:

### *(a) Government Departments*

The starting point is government departments, particularly the Labour Offices, the Social Welfare Offices, the Education Offices, the Department of Youth, the Department of Community Development, the Police Service and the Magistrate Courts. The District Labour Offices have both the legal and policy mandates to handle matters of child labour. Among others, they have the legal powers to inspect employment places, to receive and maintain employment registers and to

prosecute offenses relating to labour laws. The DLOs also act as labour compliant centres, where arbitration, counseling and other services are supposed to be provided.

*We conduct periodic inspection visits to the estates, not only on the issues of child labour, but also on all matters relating to labour.*

DLO, Mulanje

*Since the year 2000, we have intensified our field visits and periodic inspections. We also rely on volunteer surveillance by youth organizations and others in the district. These assist in bringing in more and regular information to us.*

DLO, Thyolo

The DLOs at both Mulanje and Thyolo conduct periodic inspections of the tea estates and other labour employing places. There is adequate evidence that the employers know these inspections, and that the latter cooperate with the DLOs.

The District Labour Office at Thyolo has a programme of

withdrawing child workers from employment. At the time of this study, a total of 20 children had been withdrawn and were in school. Most of these children were withdrawn from the tea estates in the district. The estates included: Nchima, Kasembereka, Miyanga, Satemwa, Conforzi, Kumadzi, Mafisi and Zoa.

The programme offers a good case example, if not an experiment, to assess the desirability of this approach to dealing with the matters of child labour. The contention of this study is that the approach has some major weaknesses. An analysis of the Thyolo figures highlights some of these weaknesses:

*Table 9: Withdrawn Child Workers in Thyolo: N = 20*

Class	No	Age Range (Years)	Comments
Standard 1	1	12	At 12 years is too late for early primary
Standard 2	8	9-14	9 years is for Std 4, 14 years is for Form 1 or 2
Standard 3	7	11-12	11 years is for Std 6, 12 for Std 7
Standard 4	3	13-14	At 13 or 14 years should be in secondary school
Standard 5	0	- -	
Standard 6	1	14	Should have been in secondary school

In Malawi, the official age for entering into standard one in public primary school is 6 years.<sup>15</sup> Primary school runs from standard 1 to 8. It therefore takes at least 8 years to complete primary education. The above table shows that most of these children are beyond the ages for the classes they are in. By the time they reach standard 8, which is the last class for primary education, they should have been entering university. The implications are that:

- i. There is the possibility of these children suffering from inferiority complex and stigma when mixed in the same classes with the other children who are much younger than them. They probably feel out of place.
- ii. The older children are less likely to be enthusiastic about attending school since they have outgrown the classes they find themselves in.

<sup>15</sup> In most private schools the age is lower by one or two years. Children start standard 1 at 4 or 5 years.

- iii. The older the children are, the greater the social pressures on them. The domestic demands on them also increase. As a result, they have less time to dedicate to their educational requirements.
- iv. At the age of 14 to 16 years the children, and especially the girls, are already exposed to sexual life. The sexual temptations are high and the chances of dropping out of school and entering into early marriage is also high. Equally high is the possibility of becoming pregnant while in school.

It is therefore not surprising that the DLO at Thyolo has observed that the school attendance rate for these children is not so high.

The District Social Welfare Offices (DSWOs), as the name suggests, handle matters of child social welfare, including child development, orphan care, rehabilitation, placement and repatriation of abandoned children. They also have programmes in economic empowerment with components of child and youth empowerment.

Of special importance is the Child Protection Committee at the District Assembly

*We promote child rights, and we monitor all issues of child welfare... We have observed some elements of child labour in the district both at the estates and in domestic service. Child labour in domestic service, in restaurants, and trading activities is becoming prevalent while child labour on the tea estates is minimizing... It took a long time for tea estate owners to admit the existence of child labour on the estates. Now they do admit that it needs to be addressed, that is why it is gradually reducing.... Of late, there has been a noticeable element of young commercial sex workers, and girls serving in bars and bottle stores.*

DSWO, Thyolo

level coordinated by DSWO. The Committee deals with all matters of child protection: juvenile justice, child labour, child abuse, child rights, orphan hood, and others. It comprises government departments: DSWO, Youth, DLO, Judiciary, Education, Police, and the District Executive Committee (DEC) of the District Assembly. Compared to Mulanje, the Child Protection Committee at Thyolo is more established and more active. It has village-

based child protection volunteers who report on the issues of child labour.

The Thyolo DSWO also works with a youth organization, the Thyolo Active Youth Organisation (TAYO) in monitoring child labour, and conducting sensitization campaigns on the same matter, and on other issues relating to child welfare. With the support from the Youth Council, and UNICEF, the DLO and the DSWO in Thyolo have, jointly with youth organizations, set up Child Labour School Clubs in not less than 16 schools in the district. The programme includes the sensitization of traditional leaders, DEC members, and employers on matters of child labour.

The Police Service and the Magistrate Courts are responsible for matters of justice, arrest and prosecution, and therefore key to the implementation of the labour laws – particularly in the handling of offenses relating to labour laws. However, there was no evidence of the police being involved in any activities relating directly to the issues of child labour in the two districts in this study.

On its part, the District Education Office is the implementer of the national education policy. Its connection with the issues of child labour is in terms of provision of education facilities to children. There are a number of schools that are either on the estates or in the villages close to the estates. In Thyolo alone, out of the 187 schools in the district, not less than 35 are either on estate land or in villages bordering the estates.

From the colonial period, right up to the 1970s, tea estates provided food in the schools on their estates. In fact, some of these schools were founded by the estate owners, or on their request to the missionaries or the government. Probably due to economic downturns the estates stopped operating feeding centers in schools. However, of late, there have been some non-governmental organizations and government donor-supported feeding programmes in selected schools in the study area. The largest of these is in Thyolo district, supported by the World Food Programme (WFP). Both the DLO and the DSWO in the district report that school attendance is high where there are feeding centers. Naming'omba alone in Thyolo provides meals for less than 720 school children.

It has been noted elsewhere above that child labour affects school attendance for those children engaged in it. It is common practice in the area for the teenage children to look for *ganyu* work on the estates or estate-related work. This is particularly the case on the smallholder estates.

#### *Our Observations*

This study observed several limitations in relation of the capacities of government departments to handle matters of child labour in the study area. Among the key ones are:

- **Inadequate coordination:** with the exception of those activities that pass through the District Assemblies, there is little coordination among the government departments in the handling of the issues of child labour. The two departments that have some coordinated efforts are the District Labour Office and the District Social Welfare Office. In most cases the government departments work in isolation from each other. It is therefore not surprising that some officials in the Education Department Office at Thyolo claimed to be “unaware” of the children the DLO have withdrawn from child labour and has facilitated their re-entry into school.
- **Limited budgets:** district offices of government departments operate on very limited budgets. In fact, they have general operational budgets with no specific allocations for specific task such as child labour matters. The limited budgets could be a contributory factor to working in isolation, as the departments do not have adequate resources to enable them involve others in their activities.
- **Inadequate facilities:** district offices do not have adequate transport, fuels, and other facilities for inspections, maintenance of registers and other records. Though the DSWOs have motorcycles for their fieldwork, often they do not have adequate fuel. The physical structures of the DLOs and the DSWOs are not properly designed for counseling services. They do not have privacy rooms for the counseling of child victims. As a result,

the child victims may find these offices rather repulsive and oppressive. Also absent are facilities for keeping records and processing data such as computers. Only the Mulanje District Labour Office has an old computer. The DSWOs, the Community Development Offices and the Youth Offices do not have computers. All these departments, including the DLOs do not have fax machines. They are therefore handicapped in terms of modern communication, data processing and storage, and record keeping.

- **Inadequate personnel and skills:** with the exception of the Police Service, there isn't enough staff at the district offices. In both Mulanje and Thyolo, the DLOs and the DSWOs have less than 10 members of permanent staff. The DSWO at Mulanje was without an officer for more than a year following the transfer of the previous officer. The office thus has a backlog of activities and work to be accomplished. The staff in the key government departments dealing with matters related to child labour are also limited in their training in the fields relating to the issues on the topic, and particularly so in the areas of law and human rights. Admittedly, some of these staff members have had exposure to human and child rights issues, but only on *ad hoc* bases.
- **Laissez faire approach:** much as the existing labour laws provide adequate safeguards for the protection of child workers, there is a tendency not to strictly follow them in implementation. Instead, the tendency is to use consultative methods rather than the legal approach of taking offenders to court. In the process the law looks as if it does not have much powers. This is in the nature of conflict management in labour relation. The procedure is that any violation is handled by investigation, consultation or counseling, and mutual settlement. Only in grave violation would a matter be taken directly to prosecution.
- **Exclusiveness of Committees:** committees such as the Child Protection Committee are exclusive to government departments. Membership does not include employers, and other institutions such as non-governmental organizations that are not members of the District Assemblies.

*(b) Non-governmental institutions*

Both the labour laws and the policy practice provide adequate room for partnership with civil society organisations in the design and implementation of intervention strategies that address the issues of child labour in the study area. A number of civil society institutions operate programme activities that are either directly or indirectly connected to efforts addressing child labour issues. The following are among the key ones:

**Active Youth Initiative for Social Enhancement (AYISE):** a non-governmental organisation based in Blantyre and registered under the Trustees Act. It has interventions in issues of child rights, child development, and responsible leadership among the youths. Its intervention area extends to parts of Thyolo.

**Churches and Relief Development (CARD):** has run activities related to child protection, including on matters of child labour in some target areas in Changata

and Khwetemure in the Makwasa area. It has also formed village-based committees.

**Development Broadcasting Unit (DBU) of the Malawi Broadcasting Corporation (MBC):** has village-based radio listening clubs (RLCs) that cover issues of child labour, the right to development, HIV/AIDS, and others. The programme links the village communities with social services providers. It provides a useful voice to the village communities in the area on the national radio.

**Eye of the Child (EOC):** is a child rights advocacy NGO involved in civic education and research. It implements project activities in paralegal services, juvenile justice, and child labour. The organisation was a member of the government task force that designed the action plans on child labour, and runs civic education projects on the same topic. Its experience in child labour awareness campaigns dates back to 1999, and picked up in full from 2001. Thyolo district has been one of the areas of intervention.

**Institute for Policy Interaction (IPI):** based in Blantyre, it is a training and advocacy institution on matters of national policy and law. It has taken particular interest in issues of workers' rights, especially for the rural agricultural workers. IPI has run awareness campaigns on child labour, fair wages, worker compensation, and others. Using public talks, focus group discussions, presentations, and popular performances, IPI has targeted the tea producing areas of Thyolo and Mulanje for its interventions.

**Malawi Congress of Trade Unions (MCTU):** is an umbrella membership body of trade unions. Its mandates in labour issues are encompassing, and include commitment to the elimination of child labour. It works at the national level, and, with partnership with others, has intervention areas in a number of districts in the country. A key partnership is with the Association for the Elimination of Child Labour that acts as a coordinating agency for child labour issues, especially in commercial agriculture.<sup>16</sup>

**Congress of Malawi Trade Unions (COMATU):** is another umbrella body for trade unions. Some of the trades unions operate on the tea estates are members of this body. Its members have activities on child labour in the Mulanje and Thyolo districts. In fact, COMATU members are more active in the tea sector than the MCTU.

**Joint Consultative Committees (JCCs):** these are committees of estate employees responsible for collective bargaining and dispute resolution. They are patronized by both unionized and non-unionized workers, and recognized by the employers.

**Medicines Sans Frontiers (MSF):** (The Doctors Without Borders) is probably the largest intervention institution in aspects of HIV/AIDS in the study area. It offers services in voluntary testing, counseling and treatment (VCT), including the

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<sup>16</sup> Details of some of these national institutions are contained in CSR/ILO/IPEC, *Child Labour Baseline Survey*. Zomba, CSR.

provision of ARVS. It works in partnership with government institutions, particularly the departments of health and education.

**National Initiative for Civic Education (NICE):** is a civic education, and rights advocacy institution. It covers wide areas and has village-based intervention structures through its partners, the Public Affairs Committee (PAC). Child and worker rights are among the issues covered in its civic education and advocacy campaigns.

**OXFAM:** has a programme on Sound Labour Relations using a rights-based approach. It started in 2003, but not focusing on children as such. The move away from the focus on children is because UNICEF supports initiatives in this area. The OXFAM programme is run jointly with DLOs, and targets Joint Consultative Committees (JCCs) of estate employees. The programme also provides support to the DLOs to conduct inspection visits and to carry out sensitization campaigns for estate managers, workers, and others. Not less than 40 estate managers and 70 JCC members have received sensitization training through this programme in Mulanje alone. The value of the programme is in its efforts to bring the issues of worker rights to the fore.

**Thyolo Active Youth Organisation (TAYO):** a youth NGO with interest in all matters affecting the general development and welfare of the youth and children. It has very close connections with government departments, and operates as a pool of village-based volunteers for the Child Protection Programme of the government, and as monitors and surveillance agents on matters of child labour, child abuse, and others.

#### *Our Observations*

This study made several observations in relation to the capacity of these institutions to effectively handle issues of child labour. These include:

- **Absence of village-based or community-based structures:** with the exception of the NICE/PAC partnership, CARD and the Child Protection Programme, the government bodies and some programmes of the civil society organizations do not have village-based or community-based structures. Admittedly they run their interventions in the communities, but rather from outside. This limits the effectiveness of their interventions.
- **Limited budgetary horizons:** with the exception of the MSF, these institutions have very limited donor-dependent budgets. The budgets are for specific project interventions that often are not sustained once the donor funding dries up. The sustainability of the interventions by these organisations is therefore not guaranteed. The same applies to the donor-funded government programmes.
- **Staff limitations:** as local NGOs, these institutions are limited in their staffing levels, and the professional expertise of their staff. The staff are generalist with no specific training and professional expertise in matters of child labour, child counseling, law and other related fields.

- **Mobility limitations:** like government departments most of these local NGOs do not have field vehicles that would be ideal for work in the areas of the tea estates. NICE staff uses motorbikes that are often without adequate fuel.
- **Inadequate coordination:** as is the case with the interventions run by the government departments, there is very little coordination and joint implementation in the interventions run by non-governmental organizations. Even in the cases where the interventions are run jointly with some government departments, the partnership is rather weak. Officials in government departments constantly complain of being bypassed, or being only marginally involved in the activities. In some cases the government departments are only used to legitimize the project interventions, and not as active implementation partners. These complaints applied mostly to the local and small NGOs. The partnership tended to be stronger with the larger international NGOs. Understandably this could be due to the fact that the local and small NGOs' budgetary horizons are more limited compared to those of the larger international NGOs. The limited resources in turn limit the space the local and small NGOs could allow for the effective partnership with the government departments.

On the positive side, it must be emphasized that these institutions use very appropriate methods for reaching out to their targeted subjects. A combination of popular performances, public talks, literature distribution, have proved to be effective in the study area.

*(c) Estates*

Estates themselves are providers of social services in the area. On almost all estates there are social facilities that benefit, not only the estate employees, but also the communities in the surrounding areas. Some estates make social investments in the surrounding communities. For example, Eastern Produce provides funding for construction of school blocks, bridges, and under-five clinics in Mulanje the areas surrounding the company's estates. It also provides health facilities and ambulance services on all its estates that are of benefit to the surrounding communities as well. The total cost of such investments to the company has risen from under K1 million to over K3 million over the last three years.

## **6.0 Conclusions, Observations And Recommendations**

The sections below offer some conclusions, observations and recommendations in relation to the main objectives of the study. The recommendations should be regarded as suggestions rather than prescriptions.

### **6.1 On Existence Of Child Labour**

It has been observed that the tea industry has a long history of employing children in various capacities. However, perceptions are changing due to the official efforts and the work of the non-governmental actors working on the issues of child rights, human rights, social advocacy and lobbying. Awareness among the employers and other stakeholders is fairly high. From the year 2000/2001 the employers began to take active policy intervention in the matters of child labour. As a result, the numbers of children employed in the industry may be reducing. We therefore conclude that the efforts in combating child labour have already begun. They only need to be strengthened.

#### *Recommendations:*

We therefore recommend the following measures:

The awareness campaign should continue, but should involve more partners. The key to this is partnership building among all the key stakeholders. Given that there is a fair amount of awareness and commitment on the part of the various stakeholders to combat child labour, the approach should be participatory and accommodating, rather than confrontational.

### **6.2 Anti-Child Labour Policies**

It has been further observed that the tea companies have anti-child labour policies in place. However, effective implementation is weakened by institutional and regulatory settings. Increased inspection and supervisory interventions would drastically improve the effective implementation of the existing anti-child labour policies.

#### *Recommendation:*

The DLOs and the DSWOs should enter into implementation arrangements with the estate labour administration offices. This will allow for sharing of facilities such as transport while at the same time enhancing rapport and building common understanding on matters of child labour between government departments and estate management.

### **6.3 Existence Of Intervention Strategies**

It has been observed that some intervention strategies are already in place in the study area. We further observe that though this is the case, the efforts in combating child labour are rather disjointed and lack proper coordination.

#### *Recommendations:*

- iv. The intervention strategies that have been tried should be carefully studied for their effectiveness or lack of it. There is little value in reinventing the wheel if some of these interventions have proved effective. The strategy should be to build on the effective ones by working in

partnership with the implementers, or by supporting the implementers that are already on the ground.

- v. Intervention strategies should be coordinated to avoid unnecessary duplications. This could be done by forming a loose coordinating unit or committee of all the institutions that deal with child labour at district level so as to share information, for joint implementation of activities, and for the generation and maintenance of information.

The study has highlighted a case of withdrawal of children from child labour and reintegration into school. The Thyolo case should be used as a learning experience.

#### *Recommendations*

The withdrawn children should be put into a special education and skills programme. The programme should have three tiers: basic literacy stage, transitional stage, and skills training stage to go with the ages of the children. This would require provision of vocational and skills training facilities in the area, or taking the children to such facilities outside the study districts.

#### **6.4 Possible Partnership Arrangements**

It has been observed that a number of the institutions that handle matters of child labour at the district level have limited capacity of their own in a variety of ways. Furthermore, most of them do not have local structures.

#### *Recommendations:*

- iv. The capacities of these institutions will need to be enhanced, if not built, so as to increase their potential for effective and efficient handling of child labour matters. This may include offering specialized training in matters of child labour, provisions of the Employment Act and the Labour Relations Act, child rights, and others to some of the key staff of these institutions.
- v. These institutions should be assisted to establish local structures, or link up with the existing ones, so as to enhance their reach to the targeted subjects. Committees and clubs set up on the estates and in the villages surrounding the estates would provide good fora for discussions and debates on child labour, and also as monitoring (even policing) structures. These could also be used to gather information on the employment of children. That way, there will also be local community ownership of the interventions.

The study has further observed that the tea companies themselves provide social and other developmental services in the communities surrounding their estates. In doing this they link up and cooperate with the existing local and community groups and institutions such as the village development committees, the school committees and the village health committees.

#### *Recommendation*

These already-existing forms of partnership should be strengthened. They may also be used as intervention entry points for child labour sensitization campaigns.

In fact, the tea companies should use these partnerships to influence change in the communities they are assisting.

### **6.5 Intervention Delivery Methodologies**

We have observed that some intervention strategies employ very effective delivery methodologies, particularly those using direct contacts with people such as popular performances and group discussions.

#### *Recommendation*

These methodologies should be supplemented with visual instruments, such as documentaries, based on the realities of child labour. Recorded visual and audio documentaries on child labour that may also go on the national television and radio would be powerful methodological instruments in the fight against child labour.

We have also observed that the laws applicable to child labour are not strictly implemented or adhered to. This is partly as a result of the inadequate capacity of the enforcing institutions, but also partly due to just a *laissez faire* attitude to the issues of child labour.

#### *Recommendation*

The capacity of the enforcing agents should be enhanced so that obvious cases of the violation of the law should be prosecuted and publicized so as to act as a deterrent to others.

### **6.6 Alternative Livelihoods**

The data collected for this study indicate serious limitations in the livelihood capacities of the households from which child workers are drawn. This is partly due to land pressure that the estates themselves have caused.

#### *Recommendations*

- iii. The best option out of the situation for the children is in education and skills training. The environment at the estates is quite ideal for the provision of basic technical, vocational, and artisanal skills training due to the existence of machines, wood, garages, etc. The estate owners need to seriously consider this option.
- iv. The smallholder tea production sector promises to be an important livelihood alternative. With increased support it could become a viable alternative to the faltering peasant subsistence crop production. Increased support to smallholder tea production should be given priority.

### **6.7 The Smallholder Link**

This study has highlighted the child labour challenges created by the smallholder sector in the tea industry. Given that the Smallholder Tea Authority is a project of the government, but at this time heavily supported by the large-scale commercial tea sector, there is need to open debate on the future development of this sector. This is important because with the anti-child labour interventions in the large-scale tea sector there is a danger that the phenomenon of child labour is increasingly shifting to the smallholder sector. Much as the large-scale producers cannot make direct intervention in the smallholder sector, there is still a danger

that they will aid the entrenchment of the culture of the employment of children in the smallholder sector by market chain linkages and the support they are currently providing to this sector.

*Recommendations*

- iii. It is therefore hereby recommended that the large-scale tea sector should use its linkages with the smallholder sector to make interventions towards the elimination of child labour in this sector. The large-scale sector may introduce market conditionalities relating to child labour.
  
- iv. The large-scale sector should enter into dialogue with the government on the future development of the smallholder sector. With support from the large-scale sector, the smallholder sector promises a lot of opportunities for growth. It has the potential of becoming the major livelihood base for the land-pressured communities of the area.

## **7.0 ANNEXES**

### **Annex 1: List of Informants**

#### **(a) ECAM**

V. Sinjani  
B. Kayuni

#### **(b) Ministry of Labour**

B. Ng'oma  
M. Mwasikakata (ILO/IPEC)

#### **(c) District Government Officers**

##### **(i) Mulanje District**

District Commissioner, Mulanje  
Director of Administration, Mulanje  
District Labour Officer, Mulanje  
Assistant District Labour Officer, Mulanje  
District Social Welfare Officer, Mulanje  
District Community Development Officer, Mulanje  
Programme Manager, OXFAM, Mulanje

##### **(ii) Thyolo District**

District Labour Officer, Thyolo  
Assistant District Labour Officer, Thyolo  
District Social Welfare Officer, Thyolo  
District Community Development Officer, Thyolo  
District Education Desk Officer, Thyolo

#### **(c) Estates**

General Manager, Eastern Produce, Mulanje  
Personnel Manager, Lujeri Estate, Mulanje  
Personnel Officer, Conforzi Estate, Thyolo  
Personnel Officer, Satemwa Estates, Thyolo

## **Annex 2: Draft Report Discussions**

### **(a) Tea Association and ECAM**

G. Chirwa, Tea Association

P. Nindi, Tea Association

V. Sinjani, ECAM

B. Kayuni, ECAM

### **(b) Estate Management**

A J Kalinga, Conforzi, General Manager

T R Crawford, Naming'omba, General Manager

S. Murrn, Naming'omba, Managing Director

Managing Director, Satemwa

General Manager, Satemwa

General Manager, Makandi

Production Manager, Makandi

D.V. Singh, Makandi

J.A. Kanyuka, Makandi