



CHILD LABOUR

NATIONAL ACTION PLAN ON CHILD LABOUR FOR MALAWI 2010 - 2016

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FOREWORD

The Malawi Government fully recognizes the far-reaching adverse impact of child labour on children, the society and the economy, in the short term as well as the long term. Child labour does not only deprive the children of their right to proper development and education, but also of their future ability to sustain themselves and to participate actively in the development of their country. In the short term, the society suffers from the social ills of juvenile delinquency and the economy is robbed of a skilled and healthy labour force to drive its economic and social progress. There can never be a win-win situation in condoning child labour.

It is due to this visionary recognition that the Government, right from around the inception of pluralistic democracy in 1994, put in place measures to safeguard and protect the rights and welfare of the children. The Government acceded to the Convention on the Right of the Child (CRC) in 1989. The provisions of the CRC as well as of relevant International Labour Organization's Conventions (Convention 138 on Minimum Age in Employment and 182 on the Worst Forms of Child Labour) and Recommendations were incorporated in the 1994 Constitution. These protection provisions were further elaborated in the new Employment Act of 2000. The free primary education programme, instituted in 1994, was also a hygienic factor in favour of the fight against child labour.

The government of Malawi has thus demonstrated commitment towards elimination of child labour through ratification of international conventions as well as improvement of the national legal and policy environment. The government has not only created an enabling environment but went further, in collaboration with its cooperating partners including the ILO, UNICEF, NORAD and other international and national organizations, to initiate grass-root level and national interventions to fight child labour. Anecdotal evidence from the implementation of the interventions so far points to the fact that it is possible to combat child labour and that the interventions have been effective.

This National Plan of Action, developed through a highly participatory process over a period of more than two and half years, provides a vehicle for the government, social partners, the civil society and all other stakeholders to translate the policy pronouncements into concrete programmes and activities and to ensure coordination of the various institutions and their programmes for maximum impact.

I am convinced that the drive to fight child labour in Malawi has reached a point of no return, as the fruits of action are visible for everyone to see. Government, through this National Action Plan on Child Labour, reiterates its commitment to fight child labour and thus calls on the workers and their organizations and employers and their organizations, the NGOs, our cooperating partners, parents and all the duty holders and stakeholders to join hands in a unity of purpose to fight child labour. Our cooperating partners are urged to continue their assistance for the cause. It is a battle that together we will definitely win. The government and all its partners are fully aware that the Plan is just an initial necessary step but not sufficient to

achieve the desired goal of combating child labour. The successful implementation of the plan is imperative and it is the duty of all of us to ensure that this happens. Government commits itself to providing the enabling environment and doing its expected part.

This National Plan of action builds upon the Child Labour Policy and contributes to the overall objectives of the Malawi Growth and Development Strategy. The Plan of Action will be aligned with the MGDS process to ensure consistency and relevance.

Yunus Mussa, MP

Minister of Labour

ACKNOWLEDGEMENTS

The development of the National Plan of Action on Child Labour has followed a highly participatory process involving wide ranging consultations with the social partners, development partners, NGOs and civil society organizations in various fora from 2006. It is thus a product that embraces the inputs of the people and is owned by them. The Ministry of Labour is grateful to all those who were involved in the consultative process.

The Ministry would like to express its profound gratitude to the Employers Consultative Association of Malawi (ECAM) and the Malawi Congress of Trade Unions (MCTU) for their active participation and untiring support in the entire process of developing this document. Special thanks go to our development partners, particularly the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF) for their technical and financial support. The collaboration between these two organizations in the execution of this activity has not only been exemplary but also sets precedence for future collaboration, particularly in the implementation of the One UN concept.

The Child Labour Network, comprising governmental and non-governmental organizations-national and international employers and workers organizations, and civil society organizations, has been instrumental in shaping the National Action Plan and making it truly inclusive and representative of a cross-section of the population in Malawi. The Ministry thus owes the network a vote of thanks.

The support provided by line Ministries in the development of this document deserves recognition, particularly Ministries of Development Planning and Cooperation, Education, Finance, and Gender, Child Development and Community Services, to mention just a few. I also wish to thank the staff in the Ministry of Labour for their untiring efforts in coordinating and providing leadership throughout the process. To all those that were involved in one way or the other behind the scenes recognition is also due.

Andrina F. Mchiela (Mrs.)

Secretary for Labour

ABBREVIATIONS

ADD	Agriculture Development Division
ADMARC	Agriculture Development and Marketing Corporation
AIDS	Acquired Immune Deficiency Syndrome
CRC	Convention on the Rights of the Child
ECAM	Employers' Consultative Association of Malawi
DCLC	District Child Labour Committee
GDP	Gross Domestic Product
HIV	Human Immuno-Deficiency Virus
IGA	Income Generating Activities
IHS	Integrated Household Survey
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
LDC	Least Developed Country
MASAF	Malawi Social Action Fund
MCLS	Malawi Child Labour Survey
MCTU	Malawi Congress of Trade Unions
MDHS	Malawi Demographic and Health Survey
MICS	Multiple Indicator Cluster Survey
MoL	Ministry of Labour
NAP	National Action Plan
NGO	Non-Governmental Organizations
NSO	National Statistical Office
OVC	Orphans and other Vulnerable Children
PWP	Public Works Program
PLSCE	Primary School Leaving Certificate Examination
SIMPOC	Statistical Information and Monitoring Programme on Child Labour
SSA	Sub-Saharan Africa
TAs	Traditional Authorities
TECS	Together Ensuring Children's Security
TWG	Technical Working Group
UNICEF	United Nations Children's Fund
WFCL	Worst Forms of Child Labour

EXECUTIVE SUMMARY

It is estimated that 220 million children in the world are child labourers and 26% of them are found in sub-Saharan Africa. While most African countries have ratified the relevant ILO conventions dealing with elimination of child labour, the problem continues to prevail. In most cases the poor economic conditions in families compel parents to involve their children in economic activities too early and very often, compromising school attendance and performance. In Africa the majority of child labourers are found in agriculture and its related activities. The children work for long hours in hazardous situations and often with little or no pay at all.

As part of a global response towards the elimination of child labour, the International Labour Organization has developed the Global Action Plan for elimination of the worst forms of child labour by 2016. The member countries are expected to put in place appropriate time-bound measures by the end of 2008.

Child labour is still rampant in Malawi despite efforts to deal with it since 2002. Malawi ratified Conventions 138 on the minimum age for employment and 182 on the worst forms of child labour in 1999. A comprehensive child labour survey was carried out and revealed that 37% of the children between ages of 5 and 15 were involved in child labour. 53.5% of these children worked in agriculture and 42.1% in community and personal services sector. The rest were divided between other sectors like wholesale, retailing, quarrying, mining, construction, manufacturing, street work and commercial sex exploitation. The situation was confirmed by a Malawi Demographic and Health Survey in 2004. The Multiple Cluster Indicator Survey conducted in 2006 however showed that the prevalence of child labour had fallen from 37% to 29%. This could be a result of the work on child labour since 2002.

The various studies that have been carried out in Malawi have identified that child labour happens as a result of many factors. The economic situation in Malawi is a critical issue in addressing child labour. 40% of the population live below the poverty line and in most cases they have to involve their children in economic activities in an effort to provide food for the family. This is particularly bad during the lean period when food from the last harvest is depleted and yet the new crop has to be tended to, to get a good harvest. This compromises the children's school attendance usually resulting in the children dropping out of school. The school facilities in the country are also poor and the pupil teacher ratio in public schools is so high that school is not attractive to children. In addition, the HIV and AIDS pandemic has complicated the situation further in Malawi. With an adult infection rate of 12%, many children are left orphaned or become bread winners while looking after sick parents. There are also cultural factors that tend to encourage child labour. In many communities, children who are initiated between the ages of 10 and 14 are deemed to be adults. After initiation, schooling is not a priority. Most children enter marriage or join the workforce. Finally, there are employers who are particularly interested in children working for them because of the nature of tasks that they have to be done.

The law in Malawi put the minimum age for work as 14 years and it prohibits young people between the ages of 14 and 18 years working in hazardous situations. The Malawi Constitution also protects a child under the age of 16 from economic exploitation and work that is likely to be hazardous, interfere with education or that is harmful to their health, physical, mental and spiritual or social development (Malawi Constitution, 1995).

The enforcement of the current law, however, has been difficult due to resource constraints and low levels of awareness among enforcement agencies. The government is in the process of developing a child labour policy and gazetted a list of hazardous occupations for children.

The government of Malawi has demonstrated commitment towards elimination of child labour through ratification of international conventions as well as improvement of the legal and policy environment. Immediately after ratifying ILO conventions 138 and 182 in 1999, a revised employment Act 2000, included the provisions prohibiting child labour. In addition the government in partnership with the ILO carried out a national survey to determine the state of child labour in the country. This was followed by a programme supported by the ILO to combat child labour in tobacco plantations. Since then other organizations like UNICEF, NORAD and international and local NGOs have taken interest in Child labour and significant inroads have been made into its elimination. The free education programme has also played a significant role in mitigating against child labour. While there are still expenses to be met by parents in purchase of books and uniforms, there are no costs related to tuition, which allows many children from poor families to attend school. There is however need to mainstream child labour issues in all development activities to ensure that all the gains that have been made so far do not get eroded.

For child labour issues to be put into the national agenda, the following priorities have been identified for the National Action Plan:

- a) Development and improvement of the policy and legislative framework;
- b) Building the capacity of the education sector;
- c) Creating Awareness on child labour;
- d) Bridging the information gap in child labour;
- e) Building the institutional and technical capacity of service providers;
- f) Provision of services to withdrawn and prevented children to enable them achieve their education objectives; and
- g) Mitigate the effects of HIV and AIDS on working and at risk children.

The NAP has been developed through a participatory process. A consultant was hired in February 2007 and did a situational analysis in the three regions of Malawi with various stakeholders. Government, workers and employers, NGOs as well as UN agencies were consulted and a situational report developed. The report was used in a stakeholders' workshop in November 2007 to start the development of the NAP. A specially constituted taskforce was selected to assist the consultant with the development process and finally edit the document to ensure consistency and coherence. The document was then presented to the national stakeholders on child labour and child protection, and then to the National Steering Committee for endorsement and the Tripartite Labour Advisory Council for adoption.

The Ministry of Labour will coordinate the implementation of the NAP. Child Labour, however, requires a multidisciplinary approach and many government departments as well as NGOs will be called to play a part in providing various services. Workers and employers' organizations will also be central in the implementation of the NAP. The implementation of the NAP calls for mainstreaming of the issues of child labour into the programmes of key government departments like education, agriculture, social welfare, child development as well as NGOs. It will also be crucial for district and community level structures to be strengthened so that they can fully participate in the implementation.

For the NAP to become a reality there will be need to mobilize the required resources for implementation from both internal and external sources. Mechanisms will be put in place to facilitate resource mobilization by government and individual partner organizations.

1.0 INTRODUCTION

1.1 Background

At a global level, it is estimated that there were 317 million children aged 5-17 years old who were economically active in 2004 and out of these 218 million were child labourers. Of the child labourers, 126 million were engaged in hazardous work. There were 191 million children aged 5-14 years old who were engaged in economic activities and 166 of these children were child labourers. These 2004 figures represent an 11% drop in child labour compared to the 2000 figures. It is further estimated that 26% of child labourers are found in Sub-Saharan Africa. In most of African countries, there is a huge challenge to make the poor communities distinguish between exploitative child labour and light work performed as part of the traditional family support system. The poor economic and social conditions compel parents to involve their children in economic activities. In addition, the education system does not provide a conducive learning environment, which leads to high drop out rates in schools. The vast majority of working children are found in agriculture and the informal sector making it difficult to reach them with appropriate interventions. More often than not, the children work in isolation, without payment, and for long hours in hazardous and abusive conditions.

As part of the global response, the International Labour Organisation (ILO) has developed the Global Action Plan against Child Labour. This plan urges ILO member states to commit themselves to the elimination of all worst forms of child labour by 2016¹. To this effect, all member States would, in accordance with Convention No. 182, design and put in place appropriate time bound measures by the end of 2008. Convention 182 aims at eradicating the worst forms of child labour, which include: slavery and all forms of bonded or forced labour; use of children in prostitution and for pornography; illicit activities; and hazardous work.

Child labour in Malawi has been one of the major concerns for the Government and the stakeholders. The Malawi Child Labour Survey (MCLS) undertaken in 2002 indicated that 37% of the children aged 5-17 were involved in child labour. This was confirmed in the 2004 Malawi Demographic and Health Survey. According to the MCLS (2002), use of child labour in Malawi was more pronounced in agriculture, forestry, hunting and fishing representing about 53.5%, followed by community, social and personal service at 42.1%. Wholesale, retail trade, restaurants and hotels employed about 3.9% of the child workers, while mining and quarrying, construction and manufacturing employed 0.5%. However, the 2006 Malawi Multiple Indicator Cluster Survey found that 29% of children in the 5-14 age group were engaged in child labour².

So far the Government of Malawi (GoM) has made significant progress in addressing the situation of child labour. The GoM ratified ILO Convention 138 on the Minimum age of entry into employment and Convention 182 on the Worst Forms of Child Labour, in 1999. Furthermore, Malawi has domesticated these conventions into her Constitution, the Employment Act of (2000) and the National Code of Conduct on Child Labour. All these instruments are designed to protect children from labour exploitation and work towards elimination of child labour by ensuring that children below the age of 14 are not being

¹ The International Labour Conference later adjusted the target period to 2015.

² It is not clear whether the drop in the reported incidence of child labour was due to definition and methodology differences in the surveys or was a genuine drop in the levels of child labour.

employed or engaged in any form of employment and those between the ages of 14 and 18 are not engaged in hazardous employment.

This National Action Plan (NAP) on child labour is another milestone in the effort to eliminate child labour in Malawi. It is set to provide direction for progressive elimination of child labour from 2010 to 2016. This NAP is guided by the Global Action Plan on Child Labour, and will among other objectives ensure mainstreaming child labour in the national economic and social development framework.

1.2 Definitions³

For the purpose of this policy the following definitions have been adopted:

Child: Any person under the age of eighteen years.

Child labour: Any activity that employs a child below the age of 14 or that engages a child between the ages of 14 and 17 and prevents him or her from attending school or concentrating on school, or negatively impacts on the health, social, cultural, psychological, moral, religious and related dimensions of the child's upbringing.

Worst Forms of Child labour: ILO Convention 182 defines the worst forms of child labour as:

- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) Work which, by its nature or in the circumstances in which it is carried out, is likely to harm the health, safety and morals of children. This is often referred to as "hazardous child labour".

The Convention, however, leaves the determination of the types and forms of hazardous work to the competent national authorities in consultations with employers and workers organizations.

Child work: This is acceptable work undertaken by a child of any age that does not interfere with the child's schooling and his or her physical, moral, emotional or psychological development. It enables children to learn the roles they are expected to take on during adulthood.

1.3 Rationale for the NAP

Child labour was first identified as a problem in the tobacco plantations by trade unions with support from the Catholic missionaries in the mid 1990s. Government recognized the problem

³ The definitions in this section are based on the provisions of international treaties that Malawi is party to including the ILO Conventions 138 and 182 and the Convention on the Rights of the Child

and the need to put in place measures to deal with it in the late 1990s and at the beginning of the millennium. With support from development partners, particularly UNICEF and the ILO, several programmes are being implemented in Malawi to combat child labour. Governmental and non-governmental organizations, employers and workers, and civil society organizations are involved in the implementation of programmes aimed at eliminating child labour. The Ministry of Labour is the line Ministry that deals with child labour and it has established a Child Labour Unit (CLU) to provide leadership and coordination at all levels.

However, despite these efforts, there is no framework to guide the numerous players in terms of priorities and the implementation framework so as to optimize the impact of the interventions being implemented. The development of this comprehensive National Action Plan (NAP) on Child Labour by government in collaboration with stakeholders provides such needed priority and operational framework for action on child labour in Malawi. It is a public commitment of government and stakeholders to work towards elimination of child labour in a systematic way. The NAP will provide a coherent framework and sense of direction for the various actors in the field.

1.4 The National Action Plan Development Process

The development of the NAP on Child Labour followed a participatory and extensive consultation process. The first step in the development of the NAP was a detailed situational analysis, which involved the review of relevant survey and research reports. Key informants interviews and focus group discussions were also conducted as part of this process. A tripartite plus sub-committee of the Child Labour Network, a network of all key organizations involved in child labour programmes, was set up to work with and guide the consultant in the development and implementation of the situational analysis. Consultations and interviews were done with various actors including government departments, traditional and opinion leaders, non-governmental and community based organizations as well as children, including those that have been involved in child labour. The objectives of the situational analysis study were as follows:

- To determine the types of work-related activities of children that place them at risk;
- To assess the gravity of that risk in different circumstances, including which forms of work are the most hazardous and should be stopped as a matter of priority;
- To identify the extent and causes of these different forms of child work and child labour;
- To formulate a programme of action that identifies the most appropriate ways to address worst forms of child labour.

Several feedback and validation meetings were held to discuss various stages of the situational analysis exercise. The second step was the development of the NAP document based on the situational analysis report. A tripartite plus brainstorming meeting was organized which discussed a framework of strategic objectives and priorities were established. A series of meetings were held to discuss the draft NAP document. The third step was an in-depth review of the document by a specially constituted tripartite technical committee, which aligned and prioritized the NAP objectives in line with the national priorities and also edited the whole

document to ensure coherence and consistency. In the fourth step, the document was presented to the national stakeholders on child labour and child protection, and then to the National Steering Committee for endorsement and the Tripartite Labour Advisory Council for adoption.

2.0 SITUATIONAL ANALYSIS

2.1 Malawi's Social Economic Context

Malawi has a population of 13.1 million and is one of the least developed countries (LDC) in the world with a high incidence of poverty, ranking 164 out of 177 countries on the 2007/8 Human Development Index. According to the 2006 Welfare Monitoring Survey, 40 percent of the population is poor while 15 percent is ultra poor. There are more people who are poor in rural areas (44 percent) compared to urban areas (11 percent). According to the WMS 70 percent of the population is literate. Approximately 87 percent of the population lives in rural areas and the majority of them depend heavily on agriculture for their livelihoods. The country has an area of 118,500 km² and is one of the most densely populated countries in sub-Saharan Africa with an average land holding of 0.8 of a hectare per household and 139 people per square Kilometer.

Agriculture is the backbone of Malawi's economy, accounting for about 36 percent of GDP; 90 percent of foreign exchange earnings (tobacco 65 percent, sugar 11 percent and tea 10 percent) and employing 87 percent of the population. The sector is characterized by a dual system consisting of a small but relatively mechanized and productive commercial sector and a highly traditional based subsistence sector. The government shifted its focus from small scale to large scale farming a few years after independence as a way of accelerating development through rapid growth in this sector that was expected to trickle down to other sectors. In a bid to ensure availability of labour and reduce labour costs, the tenancy labour system was extensively used. In the late 1990's the government liberalized the growing of barley tobacco by smallholder farmers which was previously restricted to commercial farmers. This increased the production of barley tobacco by smallholder farmers mostly through the tenancy system. There is evidence that children are extensively used in the agricultural sector either as direct labour or as part of family labour in the estates and family farms. Generally, agricultural productivity is low, primarily due to dependence on rain-fed agriculture, declining soil fertility, and lack of inputs. The status quo is exacerbated by weak links to markets and limited access to extension services, land and credit.

The economy comprises a small and shrinking formal sector accounting for about 10 percent of the total employment and a large non-formal sector. The majority of the labour force is engaged in subsistence agriculture and informal economy where productivity is very low. Due to limited alternative livelihood opportunities, most people eke out a living through ungainful employment in the informal sector. The major problem for the country therefore is high under employment rather than absolute unemployment. The 1998 population and housing census pegged unemployment at 1 percent. Rapid rural-urban migration has increased urban unemployment and under employment and has overstretched the provision of social services.

2.2 Overview of Working Children

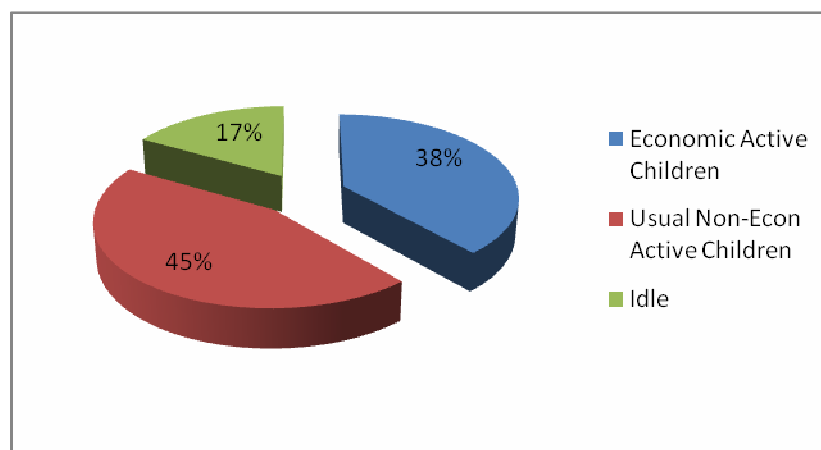
Child labour constitutes one of the major development problems in Malawi. It is widespread in the agricultural sector and is rapidly spreading to the other sectors of the economy. Currently

children are employed in commercial farms, smallholder farms, domestic service, informal sector and are involved in commercial sex. However, child trafficking for labour exploitation and use of children for illicit activities are some of the emerging issues that need attention sooner than later.

2.2.1 Characteristics of Working Children

The analysis in this section is largely based on the Malawi Child Labour Survey done in 2002. It is the only child labour comprehensive national sample survey based on the ILO SIMPOC methodologies. Where necessary, reference has been made to other study reports on child labour including the 2004 Malawi Demographic and Health Survey and the 2006 Multiple Indicator Cluster Survey (MICS) undertaken by the Government of Malawi in collaboration with UNICEF. According to the Malawi Child Labour Survey, there were about 3.8 million children in the 5-17 year age range, representing 34 percent of the estimated total population in Malawi; 1.5 million of these, or 38 percent, were economically active⁴. The majority (45 percent) were engaged in non-economic activities while only 17 percent were inactive. See Figure 2.1 for details.

Figure 2.1 Percentage Distribution of Children's Activities



Source: Malawi Child Labour Survey, 2002

Table 2.1 below presents the distribution of the usual working children by sex and geographic location. The majority of the children (78 percent) were based in rural areas. It is striking to note that 95 percent of the children engaged in economic activities were based in rural areas as compared to 70 percent for the children engaged in non-economic activities. This finding is consistent with the view that most economically active children are engaged in farms, which are rural-based. Slightly more boys than girls were involved in usual⁵ economic activities (50.5 percent vs. 49.5 percent), while considerably more girls than boys were engaged in non-economic activities (56.6 percent compared to 43.4 percent), pointing to gender disparities in allocation of chores even after controlling for the fact that there were more working girls than boys in general. The central region recorded the highest number of economically active

⁴ . Economically active children are those children that worked for pay in cash or in-kind, or as unpaid workers for family gain during a specific period. On the other hand, non-economic activities are those activities of domestic nature performed within the household or voluntary and charitable activities. For example, chores like cooking, child minding, house cleaning, washing and ironing. See Malawi Child Labour Survey (2002), NSO – Malawi Govt, Zomba. Feb 2004. Page 4

⁵ Usual as opposed to current refers to person's main activities or what a person has been doing for the longest period within the last 12 months. Current refers to the main activities during the reference week.

children (627,000), followed by southern region (625,000) and the northern region with about 200,000.

Table 2.1: Estimates of the Number of Usual Working Children: Sex Composition, Geographic Distribution

	Usual Economic Active	Percentage ⁶		Usual Non-Economic Active	Percentage		Total
		Vertical	Horizontal		Vertical	Horizontal	
1. Number of working children 5-17 years old	1,452,900	46.3		1,686,120	53.7		3,139,020
2. Region-sex composition							
<i>2.1 Distribution of working children by Region</i>							
- Northern Region	201,268	13.9	50.8	194,831	13.4	49.2	396,099
- Central Region	626,563	43.1	47.5	693,629	47.7	52.5	1,320,192
- Southern Region	625,068	43.0	43.9	797,659	54.9	56.1	1,422,727
Distribution of working children by sex							
- Male	734,282	50.5	50.1	732,335	43.4	49.9	1,466,617
- Female	718,617	49.5	43.0	953,786	56.6	57.0	1,672,403
Urban-Rural Distribution							
- Urban	72,496	5.0	12.7	496,967	29.5	87.3	569,463
- Rural	1,380,404	95.0	53.7	1,189,153	70.5	46.3	2,569,557

Source: Malawi Child Labour Survey 2002, Table 5.1a, p.35.

2.2.2 Distribution of Working Children

About 44 percent of the working children were engaged in agriculture, forestry, hunting and fishing sector. This represents about 95 percent of the usual economically active working children. Apart from about 3 percent involved in construction, wholesale and retail trade, restaurants and hotels, the rest of 3.2 million working children (53%) were involved in non economic activities. Children in non-economic activities were more likely to combine schooling and work than their counterparts in economic activities. In terms of occupation, most children were agricultural workers while a few were in sales category (vending) as well as service workers.

In terms of geographical distribution, the northern region recorded the highest proportion of children involved in farming, forestry, hunting and fishing (48 percent) followed by central

⁶ “Vertical” percentage refers to the distribution of variables across categories while “horizontal” refers to distribution within a category. For example, considering the “region” category, vertical percentages refer to distribution of children across regions while horizontal percentages refer to distribution of children within each region.

and then southern region. An opposite trend emerged for the children in usual non-economic activities with the southern region having the highest number (55 percent) followed by central and northern (52.1 percent and 47.7 percent), respectively. There were generally more boys than girls in the agriculture sector. Older children were more likely to work in the agriculture sector and younger children were mostly in non-economic activities.

In terms of place of work about 38 percent of the usual working children were working on family's farms and 4.4 percent in plantations. Very few were working in family dwelling (1.4 percent), employer's house (1.0 percent) and shop/market (1.2 percent). Again, boys dominated across all age groups in the family farms and plantations. All sampled working children in non-economic activities were working in family dwellings. As already mentioned, working children in urban areas were more likely to work in non –economic activities than in rural areas while the rural areas had more economically active children than urban areas.

2.3 Overview of Child Labour

2.3.1 General Child Labour Situation

The Malawi Child Labour Survey 2002 defined child labour as working children below the age of 14 years who worked for more than 7 hours in the reference week, as well as working children between the ages of 15-17 if they worked in agriculture for more than 7 hours in the reference week⁷. The survey estimated that there were 1.4 million children engaged in child labour, representing a child labour prevalence⁸ of 37 percent and almost half of the working children. Survey results show that child labour is concentrated in the young ages of 5-14. Well over a third of the child labourers are between 5 and 9 years old and about 80 percent are 14 years and below. The survey also shows that child labour is predominantly rural and that there are slightly more girls than boys engaged in child labour. The predominance of girls is reflected in the regions as well as urban- rural set up save for the northern region, which consistently portrays more boys than girls across all ages. The Child Labour Baseline Study of 2003 and the Malawi Demographic and Health Survey of 2004 corroborated these findings. In the baseline survey, over 95 percent of the child labourers were below the age of 14.

About 58 percent of the child labourers had attended school up to standard 5, 12 percent up to standard 8, 1 percent had post primary education and 29 percent never attended school. This implies that most children either dropped out of school or combined both education and child labour. Girl child labourers tended to have a higher education level than boys, supporting the view that girls drop out of school as they move into senior classes and become of age. Over three quarters of the children who never attended school were in rural areas.

The survey showed that child labour is concentrated in two major sectors namely, agriculture which accounted for 53 percent of all child labourers and community, social and personal services, contributing 43 percent. About 4 percent were in the wholesale, retail trade, restaurants and hotels while the mining and quarrying, construction and manufacturing sectors had an insignificant number of child labourers. Within the Community and social services, domestic child labour is believed to be prevalent as well as commercial sex exploitation. There was a moderate inclination for girls to be engaged in community, social and personal services,

⁷ This working definition excludes children outside agriculture that might otherwise have qualified as child labour.

⁸ Prevalence of child labour is calculated as the proportion children engaged in child labour to the total number of children in the reference age group (5-17 in this case).

which was more pronounced in urban areas where the proportion of girls was at 36 percent compared to 27 percent for boys.

Most of the children (52 percent) worked in their family dwellings save for the Northern region and in urban areas where less than half worked in family dwellings. 20 percent of children worked in plantations while 17 percent worked on family farms. In the Northern region very few children worked in plantations but in family farms (almost 40 percent). This could be that children working with their parents as tenants may have responded as working on their family farms. In urban areas more boys worked in plantations while more girls worked on family farms. These findings support the finding that there are very limited off-farm activities in the country. The overwhelming majority of child labourers (98.5 percent) are unpaid family workers. On average 65 percent of them worked 11-25 hours a week, 10 percent 26-48 hours a week while only 3 percent worked more than 49 hours. The family economic status background shows mixed results: while a quarter of the children came from families falling in MK1, 000-MK1, 999 monthly expenditure category, child labour tended to increase with the level of monthly expenditures⁹.

2.3.2 Characteristics of Child Labourers in the Streets

The Survey also had a special component for children on the streets. A total of 396 children between the ages of 5-17 were interviewed in the cities and selected towns across the country including border towns. A significant number of the children were below ten years (13 percent) while the majority were in the 10-14 age category. Only 22 percent were aged between 15 and 17 years. Over 80 percent of the children were on the streets due to poverty and only 4 percent of them had mothers who were working. 87 percent had ever attended school while only 30 percent were attending school at the time of the survey. Of these, 63 percent had absconded from school. About 17 percent of the boys had ever been engaged in economic activity compared to 12 percent among girls. Furthermore, 14 percent of children between 15-17 years were currently engaged in economic activity. The most common activity was begging, accounting for 71 percent of the children who spent more than 9 hours a week on the streets. About 60 percent of the boys preferred life in rehabilitation centers to street life compared to only 35 percent among girls. This finding needs to be further analyzed as it has serious implications on withdrawal and rehabilitation strategies.

2.3.3 Children in Commercial Sexual Exploitation (CSEC)

The survey also had a component that examined in some detail the extent and characteristics of child prostitution by interviewing a total of 549 girls from the cities and a selected number of districts. 15 percent of the girls were aged 10-14 while 85 percent were in the 15-17 years age group. Over 90 percent of children had been in the sex trade for less than three years, save for a few girls in Zomba and Mwanza who had been in the trade for 5 years. Most of the sex workers were from the same district or town of origin. Only a fifth of them migrated from other regions and about the same proportion came from another town within the same district. Half the sample were double orphaned while 70 percent had lost one parent through death or did not know their whereabouts and 60 percent did not have their mothers.

Only Nine percent of these girls reported attending school. However, Mwanza and Mangochi had striking figures recording 29 percent and 23 percent respectively, of children who combined school and prostitution. It was not immediately clear whether they were attending

⁹ This could mean that family expenditure is an endogenous variable, i.e. household expenditure also depends on the level of income contributed by child labourers.

school only as a strategy to attract clients or not. Seventy two percent had dropped out of school while only 17 percent reported having never attended school. This finding is similar to what was found in the main survey for child labourers in general. Girls tend to drop out of school more than boys to join child labour. Fifty five percent of the children received not more than K2, 500 per week and most of them (87 percent) reported that they were using condoms. Most of these children had never worked before while a few had worked in house keeping, vending, hairdressing and knitting. Only 7.2 percent were running businesses in vending, hairdressing and knitting. The Child Labour Baseline Study of 2003 found some cases of child prostitution taking place in communities and plantations. Income and food security and poverty were cited as the main reasons for such practices.

2.3.4 Child Labour and Internal Migration (Child Trafficking for Labour Exploitation)

Trafficking of children for agricultural labour, cattle herding, domestic service, sex work, and as menial labourers for small businesses exists in Malawi even though there has not been any comprehensive study done to determine the extent to which this is happening. In most cases trafficking victims are lured by fraudulent job offers into situations of forced labour and commercial sexual exploitation mostly within Malawi. In a 2003 Child Baseline Study¹⁰, it was found that a good percentage of children working in certain districts were migrants. Specifically, it was found that in Kasungu and Mchinji where tobacco growing is extensive, only 21 percent and 43 percent of the children, respectively, came from within the districts. The child labourers in Kasungu came from many districts but the key ones were Dedza (21 percent) and Zomba (14 percent). In general, the study found that the districts of Zomba, Dedza and Mangochi are the leading suppliers of child labourers.

2.4 Causes of Child Labour

Supply Side Factors

2.4.1 Poverty

Poverty in the form of lack of basic income and food security is a significant cause of child labour. Extreme poverty means that children are forced to engage in more harmful and detrimental forms of child labour than would otherwise be the case, and that their families condone or encourage such work. Considerable progress has been made to reduce poverty in Malawi. The GoM and other stakeholders are implementing interventions to reduce poverty and these include the provision of grants such as the cash transfer program, income-generating programmes, job creation through public works programs and other rural based growth and development strategies in general. The Child Labour Baseline Survey and the 2004 Public Policy and Child Labour Survey all confirmed that both income and food poverty were critical in driving children into child labour.

2.4.2 Poor Education System

The two core ILO Conventions on child labour both identify the importance of education in tackling child labour. The Minimum Age Convention, No. 138 (1973) states: “The Minimum Age shall be not less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years” (Article 2 (3)). The Worst Forms of Child Labour Convention

¹⁰ M. Tsoka and S. Konyani, Child Labour Baseline Survey, ILO/IPEC (2003), page 39.

No. 182 (1999) states: “Each Member shall, taking into account the importance of education in eliminating child labour, take effective time-bound measures to ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour” (Article 7 (2)).

The education system in Malawi, just like in most of the Sub-Saharan-African countries, is faced with many constraints. A report by South African Institute of International Affairs (SAIIA) released in December, 2004, states that, “In the four decades since African countries started to gain independence from foreign rule, their education systems – with few exceptions – have been marked by inadequate teaching, lack of resources such as textbooks and chalkboards, colonial curricula and modes of instruction that often impeded the learning process.”

About eight years after the introduction of free primary education in Malawi, the Malawi Child Labour Baseline Survey reported that only 72 percent of the 3.8 million children were attending school on full time basis, and close to 19 percent reported to never have attended school while about 0.4 percent attended only on part time basis. The Northern Region registered the highest proportion of children attending school (85 percent) while the Central and the Southern Regions only had 70 percent each attending school (See Table 3.1 below). It was also noted during the survey that about 9 percent dropped out of school with girls dominating (9.4 percent compared to boys’ 7.5 percent). Most of the reasons given for dropping out of school were affordability. While the government declared free primary education, it appears that there are many hidden costs. Most schools, apart from demanding good uniform, will require pupils to contribute to a number of school funds that accumulate to a substantial amount. In all the areas between 20 percent and 30 percent responded that they could not afford school¹¹. Seventeen percent (17.2 percent) of all the children that dropped out of school gave the reason that they found school not valuable, while 16.6 percent said they were just not interested in school.

Experience in the implementation of the ILO/IPEC Action Programmes against child labour testifies to the inability for the education system to absorb withdrawn and prevented children in primary schools due to poor and inadequate infrastructure, learning and teaching materials and trained teachers. Enshrined in the CRC and the Malawi Constitution, education represents a right that should not be taken away by a financial need to work. However, as long as families cannot afford to send their children to school, or do not appreciate the economic value of education (a problem in many areas of Southern Africa where unemployment rates are high, even for those with education), children may continue to work. Indeed, studies in Malawi have shown that some children and parents do not see the value of education due to high unemployment rates. This was particularly the case in Mangochi.

Table 3.1 Estimated number and percentage of Children and their Education Status

Region, Residence and Sex	All	Attending Full Time		Attending Part Time		Never attended		Dropped Out	
	No	No	%	All	%	All	%	All	%
Malawi	3,768,242	2,715,604	72.1	13,967	0.4	719,356	19.1	318,856	8.5
Northern									

¹¹ MCLS (2002), page 35.

	474,970	404,195	85.1	1,147	0.2	52,617	11.1	17,011	3.6
Central	1,590,087	1,117,623	70.3	8,149	0.5	321,108	20.2	143,207	9.0
Southern	1,703,186	1,193,786	70.1	4,672	0.3	345,630	20.3	158,638	9.3
Urban	678,677	556,774	82.0	924	0.1	68,941	10.2	52,038	7.7
Rural	3,089,565	2,158,830	69.9	13,043	0.4	650,415	21.1	266,817	8.6
Boys	1,854,136	1,348,527	72.7	7,909	0.4	359,389	19.4	138,312	7.5
Girls	1,914,106	1,367,078	71.4	6,058	0.3	359,967	18.8	180,543	9.4

Source: Child Labour Survey 2002

2.4.3 HIV AND AIDS

With an HIV prevalence of 12 percent Malawi is one of the countries in the world which has been most affected. Since the epidemic mostly affects economically productive people aged 15-49, the death of these people leaves behind orphans and the elderly who cannot be able to support themselves. The HIV and AIDS epidemic has worsened the plight of children's situations, and is therefore another major influence on child labour. HIV and AIDS have a direct impact on children's participation in the workforce. Children enter or increase their participation in the workforce to compensate for changes in household earnings or labour supply. Children orphaned as a result of HIV and AIDS are even more likely to work.

Even before one or both parents die of AIDS, the pressures on the household may result in children increasing their workload within the household or taking on work outside it. Households experiencing a member's prolonged periods of illness with AIDS and related conditions and eventual death, suffer dramatic cuts in income, severe strains on cash flow, and likely loss of assets. To make up for these economic losses, children may be withdrawn from school and/or told to work. Or, children may seek work or engage in commercial sex in order to meet their basic needs or to acquire consumer goods.

A growing number of children orphaned as a result of HIV and AIDS find work in the informal sector, such as petty trade and services. Initially, most children will seek work patterned on their parents' experiences. For example, a child whose parent(s) raised and sold vegetables has a high likelihood of taking on that role. Children whose parent(s) worked in commercial agriculture will eventually end up in the estates. This is common in Malawi where the majority of the population is in rural areas.

HIV and AIDS has affected both the supply and demand sides of education. On the supply side, as more and more teachers fall sick and die as a result of the epidemic, the quality of education declines. The demand side is also being undermined as HIV and AIDS is increasing

the general poverty levels of infected households, meaning fewer resources to spend on education. The World Bank reports that the death of a prime-age adult in a household will reduce a child's attendance at school, a disturbing fact considering the rising number of AIDS-orphans.

2.4.4 Household size

Households that have many children compared to the resources at their disposal are more likely to send them to work to supplement family income. Children from poorer households are more likely than others to be engaged in child labour. There were mixed results however regarding the effect of household size on child labour in the 2002 Child Labour Survey.

2.4.5 Cultural factors

Cultural and traditional beliefs play a significant role in influencing child labour. In many societies boys are preferred to girls and hence are given preference in accessing education and are favoured when it comes to distribution of chores at the household level. For example, a baseline study conducted in 2002 in the four child labour project impact districts of Mzimba, Kasungu, Mchinji and Mangochi showed that in Mangochi traditional annual initiation rituals contribute to children withdrawing from school to engage in piece work in order to earn money to buy new clothes for the ceremonies. Furthermore, parents in Mangochi believe that girls who reach puberty should take care of themselves, which in most cases forces them to leave school and join the labour market or get married. Mangochi is also unique in that religion plays a decisive role in parents' decision making to send their children to school. Mangochi has a predominantly Moslem society while most of the schools belong to the Christian missionaries, mostly Roman Catholic and Anglican churches. It has been observed that some Moslem parents do not want to send their children to Christian schools for fear of being converted to Christianity. Mangochi is the only known and unique district where, despite the free primary education policy, schools are underutilized. Cultural practices in various parts of the country have been identified as increasing the risk of contracting HIV, which in turn increases the vulnerability of children to child labour.

Demand Side Factors

Research has shown that there are demand side or pull factors for child labour which need to be considered when designing strategies to combat child labour. A study by the ILO (2002) recognized the following reasons as contributing to child labour: (i) cheap labour (some not paid at all- family child labour); (ii) children's suitability for certain jobs; (iii) easy to control; as well as (iv) perceived social responsibility where employers feel socially obliged to offer income earning opportunities to poor families, including children. These factors were explored in detail in the 2003 Child Labour Baseline Study, particularly during key informants interviews and focus group discussions. About 34% of the key community informants said that children were employed because they were considered to provide cheap labour. In the 2002 survey, about 98 percent of the child labourers worked without pay. About 16 percent said that it was due to children's good work ethics- they work hard, more, fast, efficiently and faithfully. Other factors included that children lacked the power to negotiate (did not present employers with arguments, they received whatever they were given, their honesty, naivety and

obedience); children's dexterity in some jobs either because an adult would be ashamed to carry out the task (e.g. clearing grasshoppers in the fields) or because a child would naturally be fast or efficient (e.g. tying tobacco leaves). The study also corroborated the finding that employers engage children to help poor families and also that in domestic settings young children were preferred to adults for fear of infidelity.

2.5 Worst Forms of Child Labour

In Malawi the prevalent worst forms of child labour mainly encompass hazardous work. Some commentators have likened the tenancy system to bonded labour in cases where a tenant and his family are forced to continue working for the landlord for many years if they incur losses at the end of the growing season. However with the advent of multiparty democracy, tenants are free to and do leave their landlords whenever they get an opportunity. With the liberalization of tobacco growing and marketing, tenants sell their tobacco illegally to middlemen. This is the reason why action on child labour has focused on hazardous work, beginning with agriculture and domestic work. There are however emerging forms of unconditional worst forms of child labour, particularly child trafficking for labour exploitation, commercial sex exploitation and use of children in illicit drug trafficking. While it is acknowledged that these worst forms of child labour exist, the extent to which they occur is not known. These forms of child labour will be explored during the implementation this National Action Plan.

3.0 CURRENT NATIONAL RESPONSE

Over the years, the Malawi Government has demonstrated its commitment towards the elimination of child labour directly through the adoption and ratification of International Conventions, reviewing of its policies and laws as well as implementation of various programmes and projects on child labour. It has further developed upstream policies that aim at increasing the level and pace of broad based economic growth and development as well as decent work for all.

3.1 Legal and Policy Framework

3.1.1 International Instruments

The Government of Malawi has ratified various international instruments relating to child labour namely; ILO Convention 138 on Minimum Age of Admission into Employment, ILO Convention 182 on the Worst Forms of Child Labour and the United Nations Convention on the Rights of the Child (CRC). Malawi is also a signatory to the SADC Charter on Fundamental Social Rights and, by virtue of its membership, is party to the SADC Code of Conduct on Child Labour. It is yet to ratify the African Charter on the Rights and Welfare of the Child. The provisions of these instruments have been domesticated in the national laws including the Employment Act, the Malawi Constitution and the proposed Tenancy Labour and Child (Justice, Care and Protection) Bills. There is a programme to review all the labour laws to ensure that they are in full compliance with these instruments and also to make them responsive to the current needs of the Malawian society. The review commenced with two pieces of labour laws, namely the Employment Act and Labour Relations Act with support from the ILO's Improving Labour Systems in Southern Africa project.

3.1.2 National Laws and Policies

The Government has enacted laws and developed some policies aimed at the elimination of child labour. These include the Republican Constitution; the Employment Act, CAP55:01; Orphans and Other Vulnerable Children Policy and the National Code of Conduct on Child Labour. Section 23 of the Malawi constitution protects a child under the age of 16 from economic exploitation and work that is likely to be hazardous, interfere with education or to be harmful to their health, physical, mental and spiritual or social development. As discussed above, the child labour provisions in the constitution were derived from the provisions in the international instruments that Malawi is party to or subscribes to in principle.

The Employment Act CAP 55:01, repealed earlier legislation on the regulation of employment including employment of children. Specifically, the Act prohibits the employment of persons under the age of fourteen from working in any public or private agricultural, industrial or non-industrial undertaking, but excludes work done at a vocational technical school or any other training institution provided it is done under appropriate supervision. The Act also excludes children working in homes. Children between the ages of 14 and 18 are prohibited to work in hazardous work as determined by national authorities in consultation with organizations of employers and workers as well as other stakeholders. The list of hazardous work has been developed and is being processed for gazetting. The Employment Act further obliges all employers to keep a register of all children below the age of eighteen employed by them. There are observed inconsistencies among various pieces of legislation relating to children including the constitution. The definition of a child for example, is a case in point. There are

also challenges with regard to the adequacy of enforcement mechanisms, particularly by the Ministry of Labour.

The National Code of Conduct on Child Labour was developed to provide guiding principles to the state, employers, organisations, parents and guardians, children and the community in their efforts to combat all forms of child labour. Among several issues, the code states that:

- The State and employers shall take into account views and opinions of children in all actions concerning harmful and exploitive child labour;
- The State and employers shall discourage use of harmful and exploitive child labour.

This National Action Plan is being developed as part of the National Child Labour Policy under the leadership of the Ministry of Labour.

3.1.3 Linkages with the National Development Framework

The Malawi Growth and Development Strategy (MGDS) (2006-2011), is the overarching operational medium-term development strategy for Malawi. The objective of the MGDS is to create wealth through sustainable economic growth and infrastructure development as a means of achieving poverty reduction. It focuses on six priority areas under five broad themes and is in tandem with the ILO's Decent Work Agenda Strategies, particularly enterprise creation and growth. The six priority areas include agriculture and food security; irrigation and water development; transport infrastructure development; energy generation and supply; integrated rural development; and prevention and management of nutritional disorders, HIV and AIDS. The implementation of programmes in the six priority areas is governed by five broad themes namely, sustainable economic growth; social protection; social development; infrastructure development; and improved governance. The national strategy emphasizes on the reform of the educational system, to expand facilities and improve quality; prioritizes poverty reduction, a key requirement for a reduction in child labour. The emphasis on food security is also very important as most child labour is partly driven by food poverty. The same goes for the priority accorded the health sector, and HIV and AIDS.

The MGDS focus on wealth creation and poverty reduction as well as social protection and development directly addresses the root causes of child labour although there is no specific mention of such a link in the Strategy document. The absence of such a deliberate link in the national development strategy also means that there are no targets to be achieved or deliberate strategies in place within the development plan to monitor the implementation of child labour programmes and the situation of child labour in the country over time. The MGDS is directly linked to the Millennium Development Goals and is a means to achieving them at the country level.

3.1.1 Linkages with Other Policies and Initiatives

This National Action Plan on Child Labour will complement other national initiatives aimed at providing a protective environment for children such as the National Plan of Action for

Orphans and Vulnerable Children, National Education Sector Plan, Agriculture and Food Security and the HIV and AIDS Policy.

3.2 National Programmatic Response

Since the beginning of this Millennium, child labour has become the focus of increasing attention amongst Government and Social Partners. As a result, practical action against child labour in the form of programmes and projects has been building up on a large scale. A number of factors have contributed to this development including an increased perception that the exploitation of children has become more serious and, secondly, a stronger commitment to the cause of human rights and those of children in particular. The Government, Workers and Employers Organizations, NGOs, CBOs, and Development Partners have over the past years implemented various initiatives towards the elimination of child labour. Below is a summary of the initiatives that have been undertaken or are in progress of implementation.

3.2.1 Direct Action Programmes Against Child Labour

Two approaches can be distinguished in the implementation of child labour action programmes in Malawi. The first approach is what would be termed as a holistic approach. Under this approach, direct action programmes aim at combating child labour through prevention, withdrawal and rehabilitation of children through provision of alternatives and reintegration in the society. It also involves withdrawal through improving working conditions of children by removing hazards from their work or moving them to work that is light. This approach follows the ILO's International Programme on the Elimination Child Labour (IPEC) methodology and has been widely used by various players. The second approach has a developmental focus, where child labour is tackled through addressing the observed social and economic deprivations and needs of the families. This approach has been used by the Together Ensuring Children's Security (TECS) with support from the ECLT Foundation. One of the critical gaps observed in this approach is the tendency to focus on the livelihood programmes as an end in themselves with no established links to child labour.

In accordance with the existing law, direct action programmes against child labour in Malawi have focused on prevention of children under the age of 14 from being engaged in any work or employment activities or those children between the ages of 14 – 18 from being engaged or employed in hazardous activities. The programmes have also been targeting the victims of child labour below the age of 18 through withdrawal and rehabilitation with the aim of reintegrating the children into the community and school system. Most of these programmes have been implemented with technical and financial assistance from the ILO/IPEC. Three major programmes have been implemented so far. The first programme consisted establishing the status of child labour in Malawi through a comprehensive child labour national survey in 2002. This was followed by a programme on the prevention, withdrawal and rehabilitation of children engaged in hazardous work in commercial (tobacco) agriculture (COMAGRI), which ran from 2002 to early 2005. The third programme is the three year country programme to combat child labour running from September 2005 to end of 2008. The Country Programme expanded its scope to cover other forms of agriculture and domestic child labour. It also implemented prevention programmes in child labour supply districts.

3.2.2 Advocacy and Prevention Programmes

Another stream of action programmes have mainly focused on the prevention of children from engaging in child labour mainly through structured advocacy programmes. Several national

and community advocacy and awareness raising campaigns aimed at sensitizing masses against the evils of employing children have been conducted. The Fight Against Child Labour Programme implemented with financial assistance from the Norwegian Government and technical assistance from UNICEF has been instrumental in integrating child labour issues within the broader child protection framework, thus not only creating synergies and economies of scale but also enhancing the impact of the programmes on child labour and protection. These preventive programmes have also been focusing on improving the working environment for children through the reduction of working hours and removal of hazards in the workplaces. The Ministry of Labour in collaboration with the Department of Social Welfare, the Police and the Judiciary does this through periodic workplace inspections and enforcement. The Employers Consultative Association of Malawi has also been running child labour elimination programmes in the tea sector while the Malawi Congress of Trade Unions has implemented advocacy programmes as well.

The above listed programmes have had either one or both of upstream (creating an enabling environment) and downstream (direct action) components and have thus contributed to the initiatives on the legal and policy environment discussed above. The collective objectives of all the child labour programmes have been to build the capacity of social partners, collaborating institutions and communities to effectively combat child labour in the country; prevent children from engaging in child labour and withdraw those engaged in hazardous or other worst forms of child labour through provision of viable alternatives.

3.2.3 Mainstreaming Child labour issues by social partners and other stakeholders

The following are some of the initiatives that have been undertaken in an attempt to mainstream child labour in the social partners and stakeholders' programmes.

- Worker Organizations (Trade unions) have incorporated child labour issues in their workers education programmes;
- The District Assemblies included child labour in their District Implementation Plans under the Child Protection Strategy;
- The Employers Consultative Association of Malawi in 2004 developed a code of conduct on child labour for its members;
- The creation of a Malawi Child labour Network by all partners in 2007 has improved networking amongst collaborating partners in child labour elimination programmes;
- The Ministry of Labour in recent years has up-scaled the activities of its Child Labour Unit through the allocation of specific funds for child labour; and
- Child labour has become one of the critical elements of labour inspection. Inspection forms have been revised to collect data on child labour and training has been provided to all labour inspectors.

3.2.4 Other Related Programmes

A number of programmes have been implemented that have a bearing on child labour through their effects on some of the causes of child labour. There are numerous programmes in this area, only a few are highlighted here.

(a) Public Works Program

The objective of the Public Works Programme was to create employment opportunities for income transfer and in the process build economic infrastructure through labour intensive activities. Activities under the component include construction, rehabilitation and maintenance

of economic infrastructure such as rural roads and small irrigation systems and improved natural resource management through afforestation, terracing and rainwater harvesting in targeted districts and extension planning areas within the Agriculture Development Divisions (ADD). These works are geared to generate significant employment opportunities.

Public works programmes are also geared to establish infrastructure in previously disadvantaged areas simultaneously providing opportunities for poverty alleviation and a substantial reduction in child labour. Projects such as building roads, tree planting providing water and electricity are labour-intensive and provide jobs during both the construction and maintenance phases. The provision of this infrastructure can also reduce child labour activities such as fetching water and fuel far from their homes.

(b) Cash Transfer Programmes

The Government of Malawi started Cash Transfer Program with an operational research in April 2006 to design, test and evaluate the methodology for a potential cash transfer pilot scheme in Malawi with support from UNICEF. The pilot was endorsed by Cabinet on the 8th of November 2006 and a scaling up to 6 additional districts is currently taking place in order to have a more viable geographically spread out pilot. Results from the pilot will provide information to government on the feasibility of cash transfers as a potential social protection option for ultra-poor, labour constrained households.

The objectives of the scheme are to reduce poverty, hunger and starvation in all households living in the pilot area that are ultra poor and at the same time labour constrained; increased school enrolment and attendance of children living in target group households; generate information on the feasibility, costs and benefits and on the positive and negative impact of a social cash transfer scheme as a component of a social protection programme for Malawi.

One major expectation from cash transfer is reduction in school drop-outs. For children enrolled in primary school a bonus sum is added¹², for children in secondary school a slightly higher bonus is given. This bonus is meant to encourage school enrolment and attendance and to discourage child labour and premature drop-outs. It facilitates caregivers meeting schooling related child needs such as food, clothing, soap and exercise books.

According to the recent UNICEF report, the impact of social cash transfers is positively correlated with the level of the transfers. However, even small transfers have had significant impact. Children benefit above average compared to other household members due to large education expenditures. In households with members suffering from advanced stages of AIDS, however, a large share of the transfers is absorbed by the needs of the person living with AIDS, leaving little for the other household members.

(c) Input Subsidy in Agricultural Sector

During the past three years, the government has implemented an input subsidy program, targeting poor families. The government programme has been complemented by other stakeholders who implement livelihoods programme with a component on provision of farm inputs to their target beneficiaries. The overall goal has been to improve food security in the

¹² During the pilot stage in Mchinji, MK200 was given for each child in primary school and MK400 for those in Secondary school. See UNICEF, ESARO Report (July 2007): The Impact of Social Cash Transfers on Children affected by HIV and AIDS – Evidence from Malawi, Zambia and South Africa.

country. Agricultural productivity is closely related to reduction of poverty and malnutrition. There is general agreement that increased agricultural productivity is a precondition for growth and development in most African countries, including Malawi. It is estimated that a 1% increase in agricultural income generates a 1 % increase in non-farm income, and that the rural non-farm economy accounts (on average) for at least 20% of full-time rural employment in most of African countries, and non-farm income for about 40% of rural incomes. The targeted people will have opportunities for bumper yields with surplus production, which they will sell either to Agricultural Development and Marketing Corporation (ADMARC) or private traders to increase their economic base. Access to markets by smallholder farmers will improve their purchasing power for inputs and ultimately reduce overdependence on subsidy inputs.

Agricultural productivity also contributes to social development, which in turn has profound effects on health and education, spurring further development. The Integrated Health Survey reported that literacy levels are low in rural areas (62%) while they are high in urban areas (80%). Of those who did not attend school, lack of money for school fees and clothing were reported as the reasons. Hence improvement in rural income levels will promote primary and secondary education thereby improving literacy levels in rural areas, and definitely a drop in child labour.

(d) Free Primary Education and School Feeding Programmes

Education is one of the most important contributors to the fight against child labour. IPEC reports that in its experience, “The availability of free, quality education is one of the most important ways to keep children out of the workplace and to break the vicious cycle of poverty and child labour over the long run.”

It is therefore necessary for a clear linkage in the Child Labour NAP, the policy, and primary education. The number of children not attending school in the country is high. One of the strategies of the NAP will be to ensure that the government identifies means of significantly improving school enrolment, attendance and retention. Experience has shown that with very few exceptions, the capacity of schools to absorb existing children, let alone additional children withdrawn or prevented through child labour programmes is not available. The free primary education policy was not followed by a deliberate policy to improve the infrastructure to accommodate the expanded enrolment. It is therefore critical that the education sector follows through this gap in the implementation of this NAP.

Some organizations like WFP are supporting the school-feeding program to keep children especially the girl child in school. It was realized that most children drop out of school because of lack of food. The food is a motivator for children to go to school and complete their education. However, the school feeding program is in selected schools and needs to be expanded.

(e) HIV and AIDS and Child Labour

Malawi has made tremendous progress that has been recognized at the international level in the implementation of national programmes on HIV and AIDS. However, there is still a significant gap in the implementation of HIV and AIDS programmes in the workplace. Recently, there have been concerted efforts to scale up action on the response to the scourge in the world of work which has seen programmes in the public sector being implemented, as well as the creation of the Malawi Business Coalition Against HIV and AIDS (MBCA) to coordinate activities in the private sector. The ILO supports the implementation of HIV and

AIDS education programmes to reduce discrimination, stigma, and risk behaviours among workers. Furthermore, the Law Commission is coordinating the development of HIV and AIDS legislation.

Despite all these initiatives there is still a wide gap with regard to withdrawal and prevention of children who have been pushed into child labour by the effects of HIV and AIDS. These children are mostly orphaned and often live with their grandparents or in child-headed households. It is therefore important that the NAP strategises on how to deal with HIV and AIDS related child labour at national and community levels.

(f) Child Labour and Migration

Migration for labour within and outside Malawi has been defined by colonial and post-colonial legacy. The design of the Agriculture system after independence, where the subsistence agriculture sector and rural areas were meant to be reservoirs of cheap labour to commercial estates mostly through the tenancy labour system, naturally promotes internal migration. Externally, Malawi was a labour reservoir for mines in Northern and Southern Rhodesia as well as South Africa through what was popularly known as TEBA and WENELA labour migration system. The government in the late 1980s stopped this system.

Government has not had any policy to govern internal migration since independence and external migration since the stoppage of TEBA in 1987. It has thus been very difficult to trace the movement of people within the country, let alone outside the country. Labour administrative measures have been used to track adults and children who are recruited to be used as tenancy labour in the estates. The NAP should therefore address this gap in order to effectively deal with child labour migration in the country.

4. GAPS AND PRIORITIES

This chapter highlights the major gaps identified in the implementation of child labour programmes based on the situation analysis as well as the discussion of the current response to child labour in the preceding chapters. Furthermore, the section has identified sectoral priorities for action.

4.1 Strategic Gaps and Priorities

4.1.1 Legal and Policy Framework

There are a number of gaps that have been identified in this area: the lack of a national child labour policy, inadequate capacity to ensure full enforcement of child labour laws and the inconsistency of the existing laws pose challenges to effectively implement measures to combat child labour in Malawi. Some of the relevant Treaties and Conventions for example the Optional Protocol on Sale of Children are yet to be ratified by Government of Malawi. While 14 districts have started registering childbirths and deaths, the rest are yet to start. The government therefore needs to expedite the development of a National Child Labour Policy, put in place adequate measures for law enforcement in collaboration with social partners, and ensure that laws are harmonized in order to effectively protect children from child labour. The Tenancy Labour, National Birth Registration and Child (Justice, Care and Protection) Bills need to be vigorously promoted for enactment. In addition there is also a need for government to ratifying all the remaining relevant conventions and treaties and ensure that progress reports are being sent on time. There is also a need to speed up the process of developing the Human Trafficking legislation, which is in progress. There are no specific child labour targets and strategies in the Malawi Growth and Development Strategy and other sectoral policies. Mainstreaming child labour in these policies is therefore critical.

4.1.2 Inadequate Education Capacity

Inadequate numbers of teachers, lack of appropriate teaching and learning materials and lack of proper facilities such as water and sanitation facilities, and the lack of constitute some of the factors that have influenced the attendance and retention of children in schools. These factors tend to force children out of school, which makes them prone to child labour. The institution of the Free Primary Education Policy in 1994 was not complemented by appropriate actions to improve the Malawi's education system's absorptive capacity. Children withdrawn or prevented from child labour have in many cases found it difficult to be absorbed in existing schools. The education sector should therefore design and implement measures to improve the capacity to absorb more children and be able to retain them through quality education as well as providing bursaries to those who need them.

Due to household food insecurity, school going children normally drop out either temporarily during the hunger period or permanently. School feeding programmes as are being implemented by the World Food Program and other stakeholders have proven to be an effective means of attracting and retaining children in school. At the moment however the programmes are limited to a few pilot areas and schools. There is need to roll out the

programmes to other areas and schools in the country, particularly in times of food shortage. In addition to the provision of food, there is a need to promote the safe schools concept as this would help retain children in school.

4.1.3 Information Gaps on Child Labour

There is generally inadequate information on child labour situation in the country. The last comprehensive survey was undertaken in 2002 and so far no follow up survey has been done. Some specific studies have been done to inform program development for example studies done as part of the IPEC. Child labour programmes are being implemented in a number of districts in the country. However, information on the evils of child labour and existing policies and laws is not well understood in areas where there are no programmes. There is therefore a need to intensify and extend awareness on child labour and ensure community involvement in the fight against child labour in all areas. It is also important to empower children to report cases of child labour. At the national level, there is need for a comprehensive awareness campaign that targets child labour in addition to the existing integrated child protection package. In Malawi there is lack of data on the worst forms of child labour for example child trafficking and sexual exploitation. District Labour Offices should therefore create databases on cases of child labour.

4.1.4 Household Poverty

Studies have proven that poverty in the households is one of the major contributing factors to child labour in Malawi. The income and food poverty in households lure children into labour. There is thus a need to link child labour initiatives to national growth and poverty alleviation strategies to ensure household income and food security. In the short and medium term safety nets and other social protection interventions should be promoted both as preventive as well as alternatives measures of dealing with child labour. Income generating activities through revolving funds at community level have proved to be effective in empowering the households economically. As part of dealing with household poverty, there is need for a proper analysis of the efficacy of the livelihoods empowerment approach to child labour with regard to the impact on child labour. An optimum balance between the two approaches with well-defined pathways of impact could provide an innovative way of dealing with poverty and child labour.

4.1.5 Poor Working Conditions

Working children (14 – 17 years) are usually exposed to hazards in their workplace. In many estates and smallholder farms, employers do not have conducive working conditions for their employees. In most cases, for example, employers do not provide opportunities to access essential services such as health and education. These working children are usually subjected to lower pay than their adult counterparts for the same amount of work. Employers therefore need to be encouraged to take responsibility for provision of opportunities to access essential social services and ensuring good and safe work environments for workers. Government should monitor the working environment effectively in order to ensure that employers are providing accessing to essential services such as health and education.

4.1.6 Influence of culture

Cultural factors in some districts also contribute to high rates of child labour. For instance, in some areas, children are assumed old enough to cater for themselves upon undergoing traditional initiation rites. Such children often drop out of school and look for employment where they are exposed to different worst forms of child labour. Others tend to get married early. Other cultural practices expose parents to HIV and subsequently exacerbate the vulnerability of children to child labour. Awareness programs on HIV transmission and the impact of HIV on children need to be continued and there is also a need for capacity building for the communities including the children themselves.

4.1.7 Institutional and Technical Capacity

Despite the implementation of child labour elimination activities in various parts of the country, it has however been observed that most implementers lack capacity to comprehensively understand and address child labour in Malawi. There is a lack of skills, inadequate financial resources and the lack of human resource to effectively implement child labour programs. Capacity building for all players in the anti-child labour movement addressing these inadequacies needs to be done in order to ensure that everyone understands.

4.1.8 Poor collaboration and networking

In the implementation of child labour programmes it has been found that most stakeholders often work in isolation due to differences in priorities and the need to maintain their identities. This has unfortunately resulted in duplication of efforts, underserved areas and subsequently resource wastage. In order to effectively eliminate child labour there is need for promoting multi sectoral collaboration.

4.1.9 Effects of HIV and AIDS

Despite the tremendous achievements in the implementation of HIV and AIDS programmes in Malawi, there are still glaring gaps with regard to withdrawal and prevention of children who have been pushed into child labour by the effects of HIV and AIDS. These children often live with their grandparents or in child-headed households where most of the conventional programmatic alternatives are not feasible. The erosion of traditional coping mechanisms in communities compounds this. It is therefore important that the NAP strategises on how to deal with HIV and AIDS induced child labour within communities. The relationship between child labour and HIV and AIDS has not been fully explored. The Child Labour Policy shall provide direction on action in this area

4.1.10 Child Labour and Migration

Government has not had a policy to govern internal migration since independence and external migration since the stoppage of TEBA in 1987. It has thus been very difficult to trace the movement of people within the country, let alone outside the country. Administrative measures have been used to track adults and children who are recruited to be used as tenants in the estates. The NAP should therefore address this gap in order to effectively deal with child labour in the country by advocating for the development and implementation of internal and external migration policies.

4.2 Sectoral Priorities

4.2.1 The Agricultural Sector

Agriculture is the backbone of the country providing a livelihood to almost 90 percent of the population. It accounts for about 36 percent of GDP and 90% of foreign exchange. It is therefore not surprising that the sector harbours 53 percent of child labour in the country. Within the agricultural sector, tobacco plantations and family farms are the main users of child labour. Most children work as unpaid family members within their family farms or as tenant's family members. The tenancy system is by design meant to force tenants to use their family members as free labour in order to meet high targets set by landlords. Efforts should therefore concentrate on designing strategies to combat child labour in family farms and in tenancy systems. The same applies in other sectors including smallholder farmers in the tea and sugar sectors.

4.2.2 Community and Personal Services Sector

According to the 2002 Child Labour Survey, 43% of the children engaged in child labour were in the community, social and personal services. Domestic Child Labour is one of the prominent forms of child labour particularly in urban and peri-urban areas and has not received adequate attention over the years. Domestic Child Labour will therefore be one of the priorities within this sector. Children on the streets were also found to be one of the most vulnerable segments of the children that are susceptible to all forms of abuse and worst forms of child labour including commercial sex and other illicit activities. Although there have been some programs attempting to address the plight of street children, the NAP will give a lot of priority to these children.

4.2.3 Emerging Worst Forms of Child Labour

Child trafficking for labour exploitation within and outside the country is emerging to be another area that needs attention sooner than later. A study on child trafficking found that there is significant evidence of child trafficking for labour in Malawi. External trafficking happened mainly across the Zambia and Mozambique borders while internal trafficking took place from Thyolo, Mulanje, Dedza, Ntchesu, Salima and Nsanje districts with main destinations being major cities, district headquarters and estates in Mchinji, Kasungu and Mzimba. Use of children in illicit activities is another emerging form of child labour. These include drug trafficking and use of children in crime. There is need for further research to establish the magnitude of the problem and the design of interventions that can address this problem.

In addition to use of children in illicit activities and child trafficking for labour exploitation, there is increasing use of children for commercial sex exploitation as found during the 2002 Child Labour Survey. The child trafficking study in 2008 also found out that female children who were trafficked were working in restaurants and also in commercial sex work. This is an emerging sub-sector, which is likely to have grown since the survey was done in 2002. The National Action Plan will thus prioritize action in this area as well.

5. STRATEGIC FRAMEWORK

Goal

The overall goal of the NAP is to eliminate the worst forms of child labour by 2016.

Strategic Objectives

The National Action Plan is guided by the following objectives:

Strategic Objective 1:

To create a conducive legal and policy environment through mainstreaming Child Labour issues in national and sectoral social and economic policies, legislation and programs by 2014.

Outcomes

- 1.1. Child Labour targets and strategies incorporated in the prevailing development strategies

Outputs

- 1.1.1. Child labour mainstreamed in the Malawi Growth and Development Strategy.
 - 1.1.2. Agriculture Policies that improve food security for the vulnerable families developed
 - 1.1.3. Child labour mainstreamed in the education policy.
- 1.2. Improved and harmonized labour policy and legislation framework
 - 1.2.1. Child Labour Policy disseminated
 - 1.2.2. Child Labour inspection and enforcement policy and operational guidelines developed.
 - 1.2.3. Relevant labour laws reviewed and enacted.
 - 1.2.4. Guidelines on Attestation developed
 - 1.2.5. List of Hazardous Work gazetted and disseminated.
- 1.3. Gender mainstreamed in child labour policies and programs
 - 1.3.1. Gender analysis in child labour policies and programs carried out.
 - 1.3.2. Gender dimensions factored in all programs on child labour.
 - 1.3.3. Training program on gender and child labour developed and implemented.

2. Strategic Objective 2:

To build and strengthen the technical, institutional and human resource capacity of stakeholders dealing with child labour elimination.

Outcomes

1.1 Capacity to identify and combat child labour developed at all levels

- 2.1.1. Child Labour Unit and other national level institutions formalized and supported with resources.
- 2.1.2. National, District and Community Structures formed or strengthened.
- 2.1.3. Law enforcement agencies, childcare administrators and social partners provided with skills necessary to fight against child labour.
- 2.1.4. The Labour Inspectorate capacity for dealing with child labour strengthened.
- 2.1.5. Child labour incorporated into school curricula
- 2.1.6. Coordination mechanisms on child labour instituted and developed.
- 2.1.7. Resource mobilization mechanisms for District and Community structures developed.

3. Strategic Objective 3:

To directly combat child labour through the prevention, withdrawal, rehabilitation and re-integration of working children and their families.

Outcomes

- 3.1. Improved awareness on Child labour at all levels
 - 3.1.1. A comprehensive communication programme on child labour developed.
 - 3.1.2. Lobbying and advocacy mechanisms for key interest groups developed.
 - 3.1.3. Harmful cultural practices that promote child labour discouraged or abolished.
- 3.2. Children withdrawn and prevented from engaging in child labour and provided with alternatives
 - 3.2.1. Education and necessary materials provided to the targeted children.
 - 3.2.2. An informal education strategy to assist the reintegration of former child labourers developed and implemented.
 - 3.2.3. Health and psychosocial support services provided to former child labourers and their families.
 - 3.2.4. Nutrition status of targeted children improved

3.3. Educational opportunities provided to the prevented and withdrawn children.

- 3.3.1. Adequate infrastructure, trained teachers, teaching and learning materials provided.
- 3.3.2. A conducive environment for the girl child (e.g. proper feminine sanitary facilities) provided.
- 3.3.3. Teachers oriented in child labour and the reintegration of prevented and withdrawn children in primary schools.
- 3.3.4. Technical and vocational education provided to older children (14-17 years).
- 3.3.5. Youth employment opportunities increased through provision of post primary education and skills development programme.
- 3.3.6. Educational support provided to prevented and withdrawn children.

3.4. Infrastructure and mechanisms for repatriation of withdrawn children provided.

- 3.4.1. Repatriation and reintegration mechanisms for withdrawn children developed
- 3.4.2. Provide support to formal and community-based transit centers

3.5. Livelihoods of prevented and withdrawn children and their families improved.

- 3.5.1. Training in income generating activities provided to targeted families
- 3.5.2. Support older children (aged 14-17 years) and their parents in IGAs.
- 3.5.3. Savings and loan groups formed for targeted families
- 3.5.4. Social assistance programmes (e.g. cash transfers, PWP and agricultural subsidy etc) developed and household food security (input subsidy programmes, etc) for targeted beneficiaries improved.
- 3.5.5. Access to portable water and fuels improved.

3.6. HIV and AIDS mainstreamed in Child Labour Programmes

- 3.6.1. Studies conducted on the relationship between child labour and HIV and AIDS.
- 3.6.2. Special support provided to withdrawn children from HIV and AIDS affected households and mobilize communities to identify and design community based support structures for the affected children.
- 3.6.3. Provide support, care and treatment to working children aged 14-17 years old and their families,.

3.7. The trafficking of children for labour and commercial sexual exploitation controlled.

- 3.7.1. Trafficking and migration laws and policies enforced.
- 3.7.2. Network of agencies dealing with trafficking and migration strengthened.

4. Strategic Objective 4:

To improve the knowledge base on child labour for informed policy and programme development

Outcomes

4.1 Updated information on child labour for policy and programme decision making readily available

- 4.1.1. Review and regularly update national child labour statistics in order to determine trends and prevalence
- 4.1.2. Conduct impact studies for the different interventions aimed at eliminating child labour.
- 4.1.3. Incorporate key child labour questions in national surveys
- 4.1.4. Develop a National Child Labour Monitoring System
- 4.1.5. Develop a national database for Child Labour, and link with other related national databases

6. IMPLEMENTATION PLAN

6.1 Institutional Framework

The National Steering Committee on Child Labour will have the overall responsibility and provide direction on the implementation of the Child Labour Policy and this Action Plan. The Steering Committee will report to the Cabinet Committee on Social and Community Affairs. The Ministry of Labour will act as a Secretariat to the Steering Committee and will provide coordination to stakeholders implementing child labour activities. Child Labour, however, requires a multidisciplinary approach and many government departments as well as civil society will provide various services. Workers and employers organizations will also be central in the implementation of the Policy. However, considering that child labour calls for a multidisciplinary approach, the implementation of this NAP will be done by individual institutions within the established national child labour network. Within the Ministry of Labour, the Child Labour Unit will be responsible for the coordination of child labour activities and provide backstopping services to various implementing partners.

There are many stakeholders that contribute directly or indirectly to the fight against child labour. Furthermore, all stakeholders will be required to mainstream child labour in their programmes. Some of the key organizations are as follows¹³.

6.1.1 Ministry of Labour

- To ensure strict enforcement of all laws relating to child labour;
- To facilitate the coordination of various implementing agencies and departments;
- To facilitate child labour surveys for systematic data collection and management;
- To arrange training programs and conducting seminars/workshops on child labour;
- To lobby for adequate budgetary allocation and support for child labour activities.

6.1.2 Ministry of Gender, Child Development and Community Services

- To facilitate the development and review of policies and laws relating to children;
- To help in detecting child labour at community level;
- To provide psychosocial support to victims of child labour;
- To facilitate rehabilitation and repatriation of victims of child labour;
- To provide public assistance to victims of child labour including the provision of educational support;
- To intensify complementary basic education in all communities in Malawi.

6.1.3 Ministry of Education, Science and Technology

- To create a conducive teaching and learning environment for children;
- To create a conducive environment for the girl child for example availability of facilities to ensure proper feminine hygiene;

¹³ The list is not exhaustive. It will be revised regularly.

- To facilitate the reintegration of children withdrawn from child labour into school;
- To conduct awareness campaigns in schools and surrounding communities on child labour;
- To include issues of child rights in the school curricula and
- To reduce hidden costs of education for example uniforms and books.

6.1.4 Police Department

- To provide protection and welfare to victims of child labour in transit to their homes.
- To give protection and support to labour inspectors and authorities when need arises;
- To prosecute employers who employ children; and
- To conduct awareness campaigns through community policing and Victim Support Units.

6.1.5. Ministry of Information and Civic Education

- To undertake massive publicity campaigns so as to create an environment which encourages a child to go to school instead of work;
- To play a pivotal role with active support of media and other advertising agencies, NGO's and district committees in order to create a social mobilization program for successful implementation of child labour elimination issues (success stories).

6.1.6 Ministry of Justice

- To facilitate the ratification of international instruments relating to children;
- To provide legal advice in cases relating to child labour;
- To ensure appropriate penalties and sentences to employers who use children as a source of labour are provided in the law.

6.1.7 Judiciary

- To ensure speedy trials of child labour cases; and
- To ensure that child related cases are referred to child friendly courts.

6.1.8 District Assemblies

- To plan and implement projects and activities targeted at combating child labour
- To mobilize community support for action against child labour;
- To provide basic services to the children and the communities;
- To ensure the adoption and implementation of bylaws to protect children from child labour;
- To facilitate effective coordination for stakeholders in child labour; and
- To promote and support child labour networks at district level.

6.1.9 Non-Governmental Organizations/Faith-Based Organizations

- To support government efforts in combating child labour;
- To create awareness on child rights including child labour and create an enabling environment for children to exercise such rights;
- To counsel and motivate parents to send their children to school;
- To lobby for the review of policies and laws on children;
- To assist in providing alternatives for families at risk and disadvantaged groups in society such as IGA's, provision of legal aid services, family counseling and literacy programs; and
- To develop and implement programmes aimed at withdrawing, protecting, and rehabilitating children from child labour.

6.1.10 Workers Organizations

- To advocate for protection of children against workplace exploitation by documenting concrete cases of child labour and its effect on the children involved;
- To assist in identifying and reporting on child labour abuses at the workplace;
- To sensitize adult workers and their families on the importance of promoting the education of their children and protection from hazardous work;
- To assist in the development and implementation of national policies and programmes on child labour; and
- To develop and back up collective bargaining agreements that prohibits child labour.

6.1.11 Employers Organizations

- To ensure that their members adhere to the minimum age provisions of national labour laws and regulations;
- To ensure that young workers are protected from hazardous work;
- To conduct awareness events aimed at various sectors and the sensitization of their constituents of the human, economic and social costs of child labour;
- To provide opportunities for example vocational training for young workers.
- To provide educational opportunities and support to children of employees;

6.1.12 Communities

- To participate in the identification of children in need of support and protection in the community;
- Initiate community based interventions for withdrawn children and those at risk of being child laborers;
- Monitor and report cases of child labour; and
- To mobilize local resources for child labour.

- Ensure that that children actively participate in the design and implementation of programmes at community level.

There are also other institutions that will play various roles including the following:

- Ministry of Finance, responsible for financial mobilization;
- Ministry of Development Planning and Cooperation, responsible for mainstreaming child labour in the national development strategies;
- Ministry of youth, responsible for youth development and employment programmes;
- Ministry of Home Affairs, responsible for security and prosecution;
- Ministry of Local Government, Ministry of Agriculture and Food Security and Ministry of Water and Irrigation Development, responsible for ensuring food and income security;
- Local Communities, responsible for implementation and monitoring of child labour activities;
- Donor Communities and Development Partners, responsible for technical and financial assistance;
- Parliament for enactment of laws;
- National Child Labour Network for advocacy and alliance building;
- Office of the President and Cabinet, responsible for overall government policy guidance; and
- Research and Academic Institutions, responsible for research and development on child labour as well as technology development.

6.2 Institutional Coordination Structure

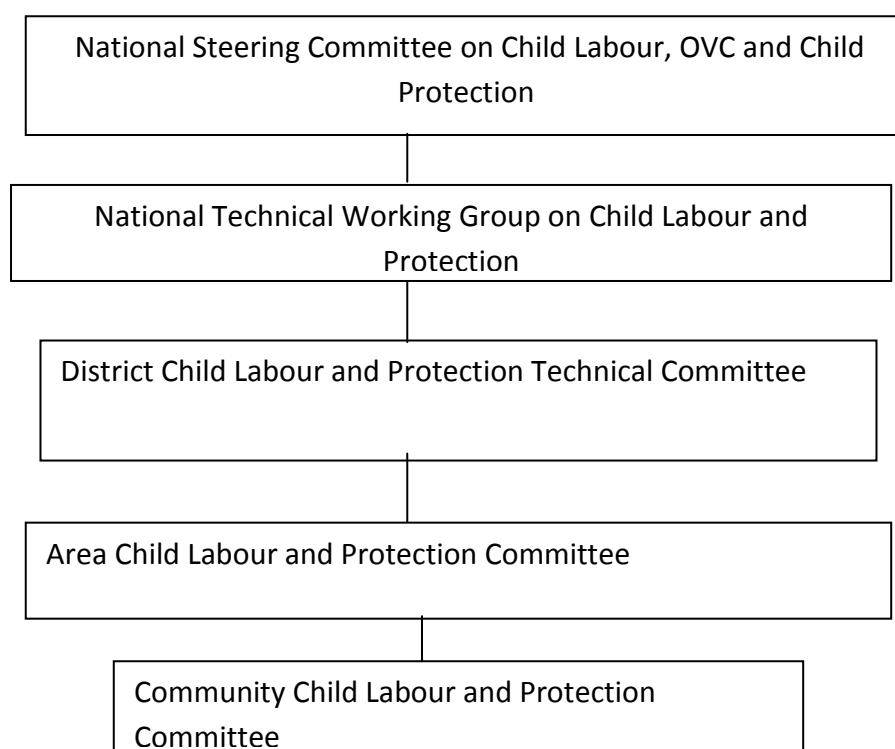
In order to realize optimum and desired results from the actions of the many players, a well-structured alliance building strategy will be established. Efforts will be made to avoid duplication of coordination structures at all levels. A rationalization of institutional coordination structures at national, district and community levels will be undertaken to maximize synergies and economies of scale. Figure 6.1 below provides a schematic hierarchical structure for coordination of child labour in Malawi. The proposed structure foresees the merging of child labour and child protection committees at all levels.

The Cabinet Committee on Social and Community Affairs will provide guidance and political direction. At the national level, the National Steering Committee is a tripartite plus body of policy makers, representing government, civil society, development partners, employers and workers. It is responsible for policy direction and buy-in as well as resource mobilization. The Tripartite Labour Advisory Council is the statutory highest body that advises the Minister of Labour on all Labour and Employment issues. It therefore represents the necessary political will and buy in of business, labour and government. The National Steering Committee on children is a tripartite plus body of policy makers, representing government, NGOs and civil society, development partners, employers and workers.

The National Technical Working Group on child labour is responsible for overall coordination of child labour activities and comprises technical officers from key interest groups including government, NGOs and civil society, employers and workers. Development partners will provide technical backstopping services. The District, Area and Community Committees are

responsible for coordination, implementation and monitoring of child labour activities at district, area and community levels respectively.

Figure 6.1: Child Labour Institutional Coordination Structure



It should be mentioned that during the actual implementation, different actors will follow the specific activities that are outlined in the matrix.

6.3 Financing the NAP

This National Action Plan seeks to eliminate the Worst Forms of Child Labour in Malawi by 2016. In order to achieve this, there is need for properly coordinated mechanisms for sustained financing of the NAP. This section therefore provides an outline of the proposed budget, sources of funds and resource mobilization.

The Matrix below provides estimated costs for the implementation of the National Action Plan. As a lead institution, the Ministry of Labour will constantly liaise with key stakeholders in developing detailed work plans and budgets for the proposed interventions.

6.3.1 Sources of Funds

The following are the proposed sources of funds for financing the NAP:

- Government budgetary allocations both at central and local levels.
- Local and international development partners.
- Civil society both international and local.
- Private sector.
- Workers and Employers organizations both international and local.

6.3.2 Resource Mobilization

The National Steering Committee shall mobilize resources for the NAP through the following initiatives:

- Lobby for the establishment and increase in government budget lines on child labour in various key ministries and departments
- Lobby Development partners to contribute through a basket fund
- Engage the private sector to support the NAP
- Utilisation of volunteers

7 MONITORING AND EVALUATION

The institutions depicted in the coordination framework above will all play an active role in monitoring and evaluation of child labour interventions. This will be done at national, district and community level. At the national level, the Ministry of Development Planning and Cooperation is responsible for monitoring and evaluation of government programmes. Invariably, the existing structures constituting Ministry of Labour, Ministry of Local Government, Ministry of Gender, Child Development and Community Services and other line Ministries, District Assemblies, Civil Society, Research and Academic Institutions, and Development Partners will also be part of the monitoring and evaluation framework. Data will be disaggregated by gender, age, sectors of employment, and socio-economic characteristics at household level. The Ministry of Labour shall take the leading role in monitoring and evaluating the impact of interventions used in the implementation of this policy and will feed into the government system through the Ministry of Development Planning and Cooperation and the Office of the President and Cabinet. The Ministry of Labour and stakeholders will liaise with the National Statistical Office to incorporate some pertinent questions in the national surveys that will help monitor progress in the fight against child labour.

The monitoring and evaluation of the NAP will require the development of performance measures that will determine the trend of child labour in the country. Baseline information on child labour in Malawi will be established at the start of the implementation process. All stakeholders in the implementation of child labour programmes will be responsible for collecting data and sending periodic reports to the Ministry of labour who will be responsible for consolidation, analysis and dissemination.

The National Technical Working Group will meet annually to review the national consolidated data and feedback from implementing partners. The outcome of the review process will be factored into the next annual implementation plan.

7.1 Indicators

Children are a special group and as such it is proposed that all indicators be disaggregated by the following among others:

- Gender/sex;
- Age group: younger than 12 years, 12-13 years, and 14-17 years;
- District;
- Region;
- Social and economic status; and
- Educational level of children, parents and guardians

8 MATRIX WITH DETAILED INTERVENTIONS

Strategic Objective 1: To create a conducive legal and policy environment through mainstreaming Child Labour issues in national and sectoral social and economic policies, legislation and programs					
Outcome 1.1: Child Labour targets and strategies incorporated in the prevailing development strategies					
Output	Lead Agency	Time Frame	Monitoring Indicator	Activities	Estimated Cost (MK)
Child labour mainstreamed in the Malawi Growth and Development Strategy	Ministry of Labour, Ministry of Development Planning and Cooperation and Ministry of Women and Child Development	October, 2010 and ongoing	Reviewed MGDS with child labour targets	1. Hold meetings with MoDPC	20,000
Agriculture Policies that improve food security for the vulnerable families developed	Ministry of Agriculture and Food Security	Ongoing	% number of people with food during the lean period	2. Conduct an analysis of agricultural food security policies and their potential for preventing child labour	2,000,000.

Child labour mainstreamed in the education policy	Ministry of Education	2010 - 2014		Policy document that guarantee quality and access to the vulnerable in place	3. Conduct an analysis of education policies and make recommendations for review 4. Review the identified policy documents 5. Adoption and launching of the reviewed policies 6. Conduct advocacy and lobbying through focus group discussions, press releases and press conferences.	10,000,000.
Sub Total						12,020,000
Outcome 1.2: Improved and harmonized labour policy and legislation framework						
Child Labour Policy disseminated	Ministry of Labour	2011		Number of dissemination meetings and media reports	7. Printing and distribution of policy copies 8. Conduct press conferences 9. Hold community level meetings 10. Hold social dialogue meetings 11. Radio and TV programmes	6,000,000.00
Child Labour inspection and enforcement policy and operational guidelines developed	Ministry of Labour	2011		Policy and operational guidelines adopted and disseminated among partners	12. Development of child labour inspection policy and operational guideline 13. Training of inspectors and social welfare officers 14. Training of DCLC's, CCLC	10,500,000.00

					15. Dissemination of guidelines	
Relevant Labour laws reviewed and enacted	Ministry of Labour	2010-2014		Number of laws reviewed and enacted	16. Situation analysis of the gaps in the laws 17. Set up Task force 18. Advocacy and lobbying 19. Hold consultative meetings, including with parliamentary committees 20. Submit to the Tripartite Labour Advisory Council 21. Submit to Justice, Cabinet and Parliament 22. Dissemination of the laws 23. Conduct advocacy meetings with members of parliament, opinion and traditional leaders on proposed child labour related bills 24. Develop fact sheet on the amended laws	15,500,000.00
Guidelines on Attestation developed	Ministry of Labour	2010		guidelines adopted and disseminated	25. Consultancy for development of guidelines 26. Hold Consultative meetings 27. Training of labour inspectors and police 28. Training of DCLC's, CCLC Printing and dissemination of guidelines	1,500,000.00

				Dissemination of the guidelines	
List of Hazardous Work gazetted	Ministry of Labour	2010	Gazette Notice Published	29. Follow up with the Ministry of Justice 30. Advocacy and lobbying 31. Dissemination workshops	2,400,000.00
Estimated Output Total Cost					36,000,000
Strategic Objective 2: To build and strengthen the technical, institutional and human resource capacity of stakeholders dealing with child labour elimination.					
Outcome 2.1: Capacity to identify and combat child labour developed at all levels					
Output	Lead Agency	Time Frame	Monitoring Indicator	Activities	Estimated Cost
Child Labour Section and other national level institutions formalized and supported with resources	Ministry of Labour	2013	Child Labour Section in an approved establishment structure National Steering Committee fully operational	1. Conduct Functional Review and include child labour section 2. Mobilize resources for the section 3. Procure vehicle and office equipment 4. Hold regular quarterly meetings of the National Steering Committee	15,000,000
National District and Community Structures formed or strengthened	Ministry of Labour	2010, on going	Number of operational national, district and community structures	5. Establish District and Community Child Labour Committees where they are not available. 6. Strengthen the existing Committees and provide resources for their operation	10,000,000

				7. Strengthen the existing National Committees and provide resources for their operation	
Law enforcement agencies, child care administrators and social partners provided with skills	Ministry of Labour Ministry of Women and Child Development Police Department	2010, ongoing	Number of people trained	8. Train 170 Labour Officers, 120 Social Welfare Officers; 220 police officers; 60 judicial officers; and 20 immigration officers. 9. Train 300 workers and employers representatives up to grassroots level	17,000,000.00
The Labour Inspectorate capacity for dealing with child labour strengthened	Ministry of Labour	2010, ongoing	Number of inspectors trained Number of training courses undertaken Number and type of equipment procured	10. Provide training local and international 11. Procure vehicles 12. Procure office equipment and measuring equipment 13. Procure furniture 14. Provide adequate operating resources	100,500,000
Child labour incorporated into school curricula	Ministry of Education	2010 and ongoing	Child labour sensitive school curricula developed	15. Develop training manual on child labour and disseminate it 16. Train teachers in 6 pilot districts, one in each education division	50,000,000
Coordination mechanisms on child labour developed and instituted	Ministry of Labour, MoDPC	2010, ongoing	Guidelines adopted 2010 Reporting and feedback structure established for implementing partners	17. Develop guidelines for reporting and sharing information with the child labour section and among stakeholders 18. Strengthen child labour network	25,000,000.00

				19. Develop reporting mechanisms	
Resource mobilization mechanisms for District and Community structures developed	District Assembly Ministry of Labour	2010		Mechanisms incorporated in the District Development and Implementation Plans	20. Lobby with Local Government and District Assembly 21. Conduct sensitization meetings 5,000,000
				-	
Estimated Output Total Cost				MK	222,500,000
Strategic Objective 3: To directly combat child labour through the prevention, withdrawal, rehabilitation and re-integration of working children and their families					
Outcome 3.1: Improved awareness on Child labour at all levels					
Output	Lead Agency	Time Frame		Monitoring Indicator	Activities Estimated Cost
A comprehensive communication programme on child labour developed	Ministry of Labour	2011, ongoing		Knowledge of child labour at the national, district and community levels Media coverage of child labour issues Number of village forums where child labour issues are discussed	1. Consultancy to development communication and awareness strategy. 2. Design and air programs on child labour on radio and TV. 3. Print and distribute IEC materials nationwide. 4. Implement mass awareness and communication strategies in all media forms (child labour day, community meetings, documentaries, radio and other media programs, press conferences, press releases, 120,000,000

					round table discussions, breakfast meetings.) 5. Empower communities to engage in advocacy and awareness	
Lobbying and advocacy mechanisms for targeting key interest groups developed	NICE Ministry of Information Ministry of Labour Workers organizations Employers organizations Parliament	2011, ongoing		Number of interest groups reached Number of interest groups that internalize and utilize information for policy and action	6. Develop and implement lobbying and advocacy groups for key interest groups. 7. Hold meetings with law enforcement agencies. 8. Hold meetings with various interest groups and the media. 9. Comprehensive coverage of child labour by Ministry of Information and Civic Education. 10. Conduct training for journalists 11. Involve children in creating awareness about child labour	56,000,000
Harmful cultural practices that promote child labour discouraged or abolished.	Ministry of Tourism and Culture Ministry of Information Ministry of Youth	2010 Ongoing		number of children who return to school after initiation rites Number of harmful cultural practices changed	12. Conduct civic education activities with traditional leaders and communities on negative consequences. 13. Work with traditional leaders to stop or modify harmful cultural practices. 14. Analyze and monitor trends	26,000,000.00
Estimated Output Total Cost					MK	202,000,000

Outcome 3.2: Children withdrawn and prevented from engaging in child labour and provided with alternatives						
Education and necessary materials provided to the targeted children	Ministry of Education District Assembly	2010 On going		Number of schools with adequate supply of materials Increased number of children integrated and retained in schools	1. Identify children that require education and related materials. 2. Purchase learning materials and other educational requirements and provide them to targeted children. 3. Encourage communities to support targeted children. 4. Intensify school feeding programs.	250,000,000
An informal education strategy to assist the reintegration of former child labourers developed and implemented	Ministry of education District Assembly	2010, ongoing		Number of informal classes conducted	5. Review informal education curriculum 6. Roll out the complimentary basic education program to all affected areas. 7. Mobilize resources for the new centres. 8. Integrate children in formal schools. 9. Orient teachers on informal education curriculum	250,000,000
Health and psycho-social support services provided to former child labourers and their families	Ministry of Health Ministry of Women and Child Development	2011 On going		Number of ex child labourers and their families who have received health and psycho-social services	10. Provide counseling to withdrawn and prevented children. 11. Provide basic health services to former child labourers and their families.	100,000,000

					12. Link children to health services in the area. 13. Train health and psycho-social counseling providers	
Nutrition status of targeted children improved	Ministry of Education Ministry of Women and Child Development	2011 Ongoing		Number of schools in need reached	14. Conduct a needs assessment 15. Extend school feeding programs to newly identified schools. 16. Disseminate information on availability of school feeding programs to community members.	165,000,000
Estimated Output Total Cost						765,000,000
Outcome 3.3: Provide educational opportunities to the prevented and withdrawn children						
A conducive teaching and learning environment created.	Ministry of Education District Assembly	2010 on going		% Improvement in pupil/teacher ratio Improved quality and capacity of school blocks Number of schools with adequate teaching and learning materials	1. Maintain and renovate schools to increase capacity and quality of learning environment. 2. Construct more classrooms. 3. Construct more teachers; houses. 4. Provide adequate teaching and learning materials. 5. Support complimentary basic education. 6. Train teachers in child protection.	480,000,000
Conducive environment for	Ministry of	2012		Number of facilities provided in	7. Orient teachers in gender	70,000,000

the girl child (e.g. proper feminine sanitary facilities) provided.	Education District Assembly			schools for the girl child's needs Number of teachers trained in gender issues	appropriate curricula. 8. Provide sanitary and feminine hygiene facilities 9. Provide puberty and feminine hygiene education. 10. Monitor trends.	
Teachers oriented in child labour and the reintegration of prevented and withdrawn children in primary schools	Ministry of Education Ministry of Labour	2010, ongoing		Number of teachers trained Number of withdrawn and prevented children integrated and retained in schools	11. Conduct orientation meetings for teachers. 12. Implement competition programs. 13. Monitor trends. 14. conduct role modeling in schools	45,000,000
Technical and vocational education provided to children aged 14-17 years	Ministry of Labour Ministry of Youth Ministry of Education	2010, ongoing		Number of children aged 14-17 years provided with vocational education Number of trained children that have started their own businesses	15. Increase capacity of technical schools 16. Identify and engage trade masters. 17. Provide teaching and learning materials. 18. Provide tools and seed capital. 19. Follow up of trainees and trends. 20. Review and strengthen post primary education and skills development programs. 21. Diversify scope of curricula in vocational training to offer	160,000,000

					up market skills.	
Estimated Output Total Cost					MK	755,000,000
Outcome 3.4: Infrastructure and mechanisms for repatriation of withdrawn children provided.						
Repatriation and reintegration mechanisms for withdrawn children developed	MoGCCD, MoL	2010 on-going		Number of guidelines developed and adopted	1. Develop repatriation and integration guidelines.	3,000,000
Provide support to formal and community-based transit centers.	MoGCCD, MoE	2010, ongoing		Number of transit centers developed or supported Number of children supported through the centers	2. Build and equip transit centres in strategic areas. 3. mobilize resources for their operation	91,000,000
Estimated Output Total Cost					MK	94,000,000
Outcome 3.5: Livelihoods of prevented and withdrawn children and their families improved.						
Training in income generating activities provided to targeted families	MoL, MoGCCD	2010, ongoing		Training manual Number of trainers trained Number of training activities conducted Number of parents and children provided with IGA training	1. Identify children and their families. 2. develop training manual 3. Conduct business opportunities and training needs analysis. 4. Identify trade masters. 5. Provide training to targeted children and parents. 6.	60,000,000
Support older children (aged 14-17 years) and their parents in IGAs.	MoL, MoGCCD	2010, ongoing		Number of beneficiaries receive seed capital	7. Provide tools and seed capital.	60,000,000

Savings and loans groups formed for targeted families	MoL, MoGCCD	2010, ongoing	Number of families joining the loans and savings groups Number of groups formed and operational Number of groups linked to micro-finance institutions	8. Link groups to micro-finance institutions 9. Provide training on micro-credit schemes. 10.	42,000,000
Social assistance programmes developed (e.g. cash transfers, input subsidy programmes, etc) for targeted beneficiaries.	MoL, MoGCCD MoAFS, Ministry of Water and Irrigation	2011, ongoing	Types of social assistance programmes developed and implemented Number of targeted families accessing social assistance	11. Create an alliance with and sign an MOU with the cash transfer and input subsidy programs. 12. Provide cash transfer to the targeted families. 13. Raise awareness about the programs.	300,000,000
Access to portable water and fuels improved.	Ministry of Water and Irrigation Department of Energy	2011, ongoing	number of people with access to portable water and fuel energy Number of alternative sources of fuel developed and utilized	14. Conduct analysis of water and alternative fuels availability and needs. 15. Hold inter ministerial meetings. 16. Liaise and sign MoU with relevant organizations. 17. Provide alternative fuels and portable water.	28,000,000
Estimated Output Total Cost					490,000,000
Outcome 3.6: Mainstream HIV and AIDS in Child Labour Programmes					
Studies on the relationship	NSO	2010,	Study reports published	1. Identify institution to	44,000,000

between child labour and HIV and AIDS conducted	Ministry of Labour NAC	ongoing			conduct the study. 2. Conduct baseline study. 3. Collect and update data periodically.	
Special support provided to prevented and withdrawn children from HIV/AIDS affected households and mobilize communities to identify and design community based support structures for the affected children	Ministry Labour District Assembly Ministry of Women and Child Development	2010, ongoing		Number of children in the affected households provided with assistance. No of community based support structures created	4. Integrate HIV and AIDS issues into child labour programs. 5. Identify and adopt community coping mechanisms. 6. Implement social assistance programs for HIV and AIDS affected children and their families. 7. Provide support community based structures	100,000,000
Provide support, Care and treatment to working children aged 14-17 years and their families	District Assembly Ministry of Women and Child Development Ministry of Health	2010, ongoing		Number of children and their families provided with care and treatment	8. Identify children and their families needing support. 9. Link families and children to health services in the vicinity. 10. Provide support to the children and families (e.g. Sibusiso, mosquito nets)	28,000,000
						172,000,000
	Outcome 3.7 The trafficking of children for labour and commercial sexual exploitation controlled					
Trafficking and migration	MOJ, MOGCCD,	2010 on		Number of child trafficking	Orient law enforcement officers	65,000,000

laws and policies enforced	Home Affairs, Police	going		cases prosecuted	on anti-trafficking laws	
					Provide support to enforcement agencies	
					Conduct child trafficking investigations	
Network of agencies dealing with trafficking and migration strengthened	MOJ, MOGCCD, Home Affairs, Police, NGOS	2010 on-going		Number of network meetings held Number of operational networks	Provide financial and technical support to networks	20,000,000
Estimated Output Total Cost					MK	85,000,000

Strategic Objective 4: To establish Monitoring and Evaluation Systems for child labour in the country

Outcome 4.1: Updated information on child labour for policy and programme decision making readily available

<i>Output</i>	<i>Lead Agency</i>	<i>Time Frame</i>	<i>Monitoring Indicator</i>	<i>Activities</i>	<i>Estimated Cost</i>
Review and regularly update national child labour statistics in order to determine trends and prevalence	NSO, MoL, EPD, research institutions	2010, ongoing	Up to date statistical reports on child labour and trends	1. Conduct a national child labour survey and periodic surveys. 2. Update statistics with data from various sources	180,000,000
Conduct impact studies for the different	NSO, MoL, EPD, research	2010, ongoing	Number of impact assessment studies	3. Identify areas for assessing impact 4. Conduct impact assessment studies and	40,000,000

interventions aimed at eliminating child labour.	institutions		conducted	produce reports 5. Disseminate the information to stakeholders including communities	
Incorporate key child labour questions in national surveys	NSO Ministry of Labour	2010 Ongoing	Number of surveys mainstreaming child labour issues	6. Engage NSO, and other institutions in mainstreaming child labour in surveys 7. Conduct stakeholder consultation meetings. 8. Identify research questions that need to be incorporated in surveys. 9.	10,000,000
Develop a Child Labour Monitoring System	NSO Ministry of Labour	2011 on-going	Monitoring system developed	10. Develop child labour monitoring framework and tools 11. provide technical assistance to support establishment of CLMS 12. set up and operationalize the CLMS at all levels	50,000,000
Develop a national database for Child Labour, and link with other related national databases	NSO Ministry of Labour	2012 on-going	Database developed and fully functional	13. Hold consultations with stakeholders to identify needs and existing databases 14. Develop database 15. Procure the necessary equipment and software 16. Conduct training 17. Input data periodically and prepare reports 18. Disseminate the data	100,000,000
Estimated Output Total Cost				MK	380,000,000.00

Estimated Grand Total Cost	MK	3,213,520,000
	US \$	22,010, 410.96

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