University of Malawi
Centre for Social Research

Child Labour Baseline Study

Draft Final Report

for

ILO/IPEC

by

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February 2003

Acknowledgement

We are heavily indebted to the stakeholders, focus groups, key informants and household members who selflessly provided invaluable information to the research team. It is our hope that the findings and recommendations will somehow shape policies and programmes that will positively affect them.

In the same vein, we would like to express our sincere gratitude to the field research team comprising [redacted] and [redacted] (team leaders), [redacted] and [redacted] (FGD and KII), [redacted] and [redacted] (questionnaire administration). We would like to record our appreciation to these gallant 'soldiers' who literary worked 'day and night'. For their sake as well, we would like to see child labour eliminated.

Our thanks also go to CSR management for supporting this tight-budget study. We also appreciate management's wisdom in releasing [redacted] to assist in the interview of stakeholders. We really appreciate his contribution since without his work this report would have been incomplete. We are also grateful for the useful comments provided by the [redacted], the Deputy Director, and [redacted] on the draft report. We are also grateful to the data entry team and also [redacted] and [redacted], who worked hard after their absence during the data entry phase.

Lastly, but certainly not least, CSR and the research team is grateful to ILO/IPEC for being accorded the opportunity to carry out this important study. We specifically thank [redacted] for his moral, technical and administrative support, ILO Lusaka office for its role in the transfer of resources for the study and [redacted] who patiently waited for the report, as the researchers faced hurdle after hurdle.

While credit is given to all the above, all misrepresentations of facts and errors are entirely ours.

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List of Acronyms

CBO	Community-Based Organisation
CCAP	Church of Central Africa Presbyterian
DLO	District Labour Office(r)
COPE	Community Options for Protection and Empowerment
CSO	Civil Society Organisation
DSWO	District Social Welfare Office(r)
EA	Enumeration Area
FGD	Focus Group Discussions
ICFTU	International Congress of Federated Trade Unions
ILO	International Labour Organisation
IGA	Income Generating Activity
IPEC	International Programme on the Elimination of Child Labour
KII	Key Informant Interviews
MCTU	Malawi Congress of Trade Unions
NASFAM	National Association of Small Farmers of Malawi
NGO	Non-Governmental Organisation
NICE	National Initiative for Civic Education
PAC	Public Affairs Committee
TA	Traditional Authority (Chief)
TAMA	Tobacco Association of Malawi
TECS	Tobacco Exporters Children's Services Together Ensuring Children's Security
USAID	United States Agency for International Development
UNICEF	United Nations International Child and Education Fund

Executive Summary

Background

Malawi is one of the countries selected to implement the ILO/IPEC's "Regional Programme on Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in Africa". The overall objective of the programme is to contribute towards the elimination of worst forms of child labour. The questionnaires, focus group discussions and key informant interviews were administered/conducted in the sampled EAs and estates nearest to the EAs. The EAs were randomly selected from purposively selected TAs and the nearest estate to the EA was elected.

Household characteritics

The average household size in the sampled districts was 6.0 persons. Males composed 51 percent of the population and children under 18 years composed 60 percent of the population. Three (3) percent of the children were orphans. Seventy-three (73) percent of the population were Christian and about a quarter were Moslems. Mangochi contributed as many as 83 percent of the Moslems. Female-headed households composed 18 percent of the households' population. Mangochi had about a third of the households headed by females.

On average, the school participation rate for the 5-17 year olds was 35 percent. Half of the children sampled were illiterate. Fourteen (14) percent of the children were in senior primary school and 1 percent was in secondary school. The education status of the children was a mirror image of their parents; 27 percent of the parents had no education, 28 percent had only junior primary education and 46 percent were illiterate.

Policy and legal environment

Malawi does not have any written labour policy, let alone child labour policy. There are no plans to develop either. There is some good legal framework for the fight against child labour, as a start. The Employment Act, which is the closest for the fight against child labour, is itself a mimic of ILO conventions. Further, district labour offices, which are responsible for the administration of most of the labour legislation and regulations, are scarcely funded. They even lack writing materials for recording complaints, never mind conducting labour inspections.

Defining child work and child labour

ILO provides very good definitions of child work and child labour. Their difference is on age and type of task and period of work. There is, however, a thin line between them. Malawi legislation does not have a universal definition of a child. Whereas the minimum age is set at 14 years, the Malawi constitution defines a child as any person below 17 years old. Thus apart from the thin line between child work and child labour, there are different lines for the definition of a child in the Malawi legislation. So far, the Malawi legislation does not define child work and child labour. If it did, it would have most probably copied the ILO definitions, judging from the latest legislation. However, focus groups and key informants were able to differentiate the two by using factors like age, capability, period and 'education before work'.

Why children work for pay

Poverty manifested through household food insecurity and lack of other basic necessities is the major cause of child labour. This has been found to be true worldwide. Other household characteristics like household size, low education, age distribution and sex composition indirectly are linked to child labour through their effect on household production and consumption. HIV/AIDS because of its effect on the health of the household head and spouse, is blamed for forcing children to work to fend for their households. Employers, on the hand, take advantage of children in poverty by employing them at lower than normal wages.

According to the households interviewed, children work to:

(i) supplement household income (31%);
(ii) have something to do after dropping out of school due to lack of school fees (17%);
(iii) acquire food in times of household food shortages (13%); and
(iv) allow children learn some life skills (13%)

Similar responses were obtained from community informants. The informants said that children work due to lack of food in their households (20%), lack of other basic necessities (17%) and general household poverty (12%). About 8 percent of the informants mentioned household income supplementation as one of the reasons why children work for pay. Clearly, most of these reasons are poverty-related. Again, 35 percent of the community informants said children are employed because they are cheap and 25 percent mentioned their positive work ethics; working hard and efficiently, being obedient and easy to control. Nine (9) percent of the groups said children are employed because they are suitable for certain tasks.

Small time child prostitution was said to exist in the communities. Girls desperate for cash (for food and own necessities) offer sex for money. Men are said to take advantage of the vulnerable girls because such girls are easy 'to get' and are thought to be free from HIV.

Burley tobacco liberalisation and demand for labour

The impact of the burley tobacco liberalisation on child labour is negative. Low supply of tenants and experienced workers as they go for production of burley tobacco on their landholdings led increased demand for direct labour in commercial agriculture. The increased demand for direct labour could mean an increase in the employment of children, among the inexperienced workers. There is, however, no evidence on the ground. Again, the production of burley tobacco by smallholders who were once tenants or estate workers does not necessarily 'free children from the tobacco bondage'. Their parents could still force them to skip school to help them on the farm. From the survey, many children were recorded to have been working on family farm more than anywhere else. This could indicate that there has been an increase in the demand for child labour as a result of the liberalisation by smallholders and estates.

Effects of child work on child welfare

Households and informants were unanimous in saying that child work, if done excessively, has a negative effect on child's education and health. Child work

distracts a child from attending school or doing homework and studying. Child work makes a child too tired to concentrate in class, on homework and home study. Likewise, children who are worked too hard are susceptible to illness. Many children who got injured got injured while working.

On the effect on social development, many informants frequently mentioned the positive effect of child work on social development (i.e. learning life skills). However, some eloquently downplayed this effect by stressing that the life skills learnt from child work are not good enough and effect for child's long-term poverty reduction as those gained from education. Education is much better in equipping a child with life skills than child work.

Prevalence of child labour

According to international studies, 23 percent of children in the age group 5 to 17 years, and 18 percent in the 5 to 14 years, were economically active in 2000. In Africa, 29 percent of the children in the 5 to 14 years age group were economically active; 70 percent in the agriculture sector. In 1987, 11 percent of children in the age group 10 to 14 years were economically active in Malawi and by 1995 the rate was 35 percent. In 1998, 50 percent of the children in the tenant and estate workers' households were working alongside their parents, on unpaid basis.

According to this study, 38 percent of the children in the age group 5 to 17 years were reported working in the previous week prior to the survey. Over three quarters worked in their family farm while 24 percent worked outside their home. As many as 95 percent of the children that worked were under 14 years and 59 percent were in school. On average, the children spent eleven hours in the seven-day period of reference although children who worked for a wage worked longest (18 years), on average.

In terms of work for pay in the twelve months prior to the survey, 22 percent worked mostly on *ganyu* basis (18%). Most of the income earned was given to parents, either in apart or full; 41 percent gave all and 31 percent part of their earnings to parents or guardians. Most of the income was spent on personal needs (57%) although as many as 14 percent of the children indicated spending the money on household items and 9 percent spent on school materials and another 9 percent bought goods and services which they consumed with their friends.

Five (5) percent of the working children had migrated into the households in the twelve months prior to the survey. Most of the 'migrant child workers' did not come on their own; 31 percent were following their parents; another 31 percent were sent by their parents to join these households and about 18 percent had lost their parents and had come to join their current households. All in all, about 60 percent of the children who worked in the previous year were not staying with their biological parents.

Preferences expressed by parents and children

According to the survey, 76 percent of the children had parents who wanted them to attend school. Over 90 percent of children in Mzimba and Kasungu districts had parents who preferred them to go to school. Mchinji had 64 percent while Mangochi had 60 percent. Parents in Mchinji and Mangochi preferred their children to work

and go to school (28% and 28%, respectively) and work full time (7% and 11%, respectively).

Ways of combating child labour

Community informants identified five key players in the fight against child labour. In their suggestions, parents are requested to send their children to school, assign no chores before a child does her/his homework and studies. Parents are asked not to overwork their children by giving them enough rest time. Traditional leaders are asked to punish parents/guardians who fail to do the suggested actions above. Neighbours, as part of the traditional leadership, are asked to monitor each others' treatment of children and report if need be. Employers are asked never to employ a child below eighteen years.

CBOs and NGOs are asked to conduct civic education on child labour; run school feeding, free food distribution and input credit programmes for the poor households. Government is asked to put into effect a legislative framework for compulsory education, abolition of child employment and overworking of children in households. Government is also asked to put in place programmes for civic education, school feeding, free food for needy children and free food for poor households.

Government is also asked to improve school environment, provide bursaries to needy children and set up vocational training centres for dropouts and school children during holidays. Finally, Government is asked to intensify its fight against poverty and household food insecurity by distributing free inputs to the very poor and offering input credits to others or loans for income generating activities.

Institutional support for the elimination of child labour

District labour and social welfare offices are the key in dealing with child labour issues. Since these offices are under-funded, they fail to discharge their duties. District labour offices fail to conduct labour inspections and follow on complaints. District social welfare offices fail to repatriate stranded children. In some instances, police and other district level offices fail to assist these two offices when need arises due to lack of resources and poor coordination. There are very few NGOs directly dealing with child labour at this level.

At the national level, the ministries responsible for labour issue and social welfare are also under-funded. This forces the ministries to offer very little support at the district level. However, progress has been in terms of putting up a legal framework and action plans regarding child labour issues. National level stakeholders have been organised around child labour with the setting up the National Steering Committee on Child Labour and the designation of officers in the Department of Labour. These institutional set ups have managed to put child labour issues on the national agenda. A number of donors and NGOs have been attracted to the cause and are currently running some programmes. These programmes are yet to be felt at the grassroots, though.

Conclusions

1 There is a positive relationship between level of development and incidence of child labour. The high the level of development the high the level of child

labour incidence in a country. There is high incidence of child labour in Malawi because of high national and household poverty.

2 Household size of working children are generally larger than average. Further, working children are generally uneducated and illiterate just like their parents. Their working conditions are characterised by lower than normal wages, absence from school, over-working and long hours of work.

3 Children most work in agriculture. Very few are vendors. The incidence of child migrant workers is very small but this is due to the timing of the survey. There are few alternatives to agriculture.

4 Children go for work for pay to assist their households alleviate general poverty and household food insecurity. Most of their earnings are passed on to their household heads for household operations. Very few children work for pay just for the fun of having money to spend. Children of estate tenants are worked the most since they are used to tender the household's food crops, assist their parents in the tobacco production and work for food outside the estate.

5 Very few children are involved in hazardous work. The most frequent hazardous work is 'sex for money' undertaken by girls.

6 Children prefer school to work. Parents prefer to school to work for their children. Parents in special circumstances prefer their children to both work and go to school. Some few prefer to have their children work full time.

7 Community stakeholders, including estate managers, have little knowledge of the legal framework for child labour. Most of the knowledge they have is hearsay.

8 Welfare status of children in the four districts is not too bad although there is high morbidity and injuries in the two high intensity tobacco districts. Some children get injured while working.

9 The burley tobacco liberalisation has most probably led to an increase in the demand for child labour as tenants and some direct wage labourers opted to grow burley tobacco on their own landholdings.

10 All stakeholders agree that child work, which degenerates into child labour in poor households, has negative effect on a child's health, education and long-term socio-economic development. All stakeholders agree that education should come before work and that this should be legislated in the form compulsory education or abolition of child employment as well as household child deployment by parents and guardians.

Recommendations

1 Government should develop a comprehensive child labour policy and then review the legal framework accordingly. The policy should look at the role of district labour inspectors, the need to conduct labour inspections in homes where children are normally employed and deployed, types and levels of penalties.

2 Government should put into law the tobacco tenancy bill that has been on hold for a long time. Tenants and their children require legal protection and the benevolence of estate management. The latter is, in most cases, non-existent.

3 Government should legislate compulsory education for all school-going age children

4 Government and NGOs should mount intensive civic education discouraging child labour and encouraging child education. Communities should be organised to set up child labour monitoring committees.

5 Government should make it a priority to deal with the pervasive poverty at the household level. One sure way is to wholeheartedly implement the MPRSP.

6 District offices working to reduce the incidence of child labour like labour office, social welfare and education should be adequately funded.

7 For the ILO/IPEC programme, the resources should concentrate on beefing up labour inspections, repatriation of child workers and funding of CBOs and NGOs registering, withdrawing and educating or training children found working for pay and setting up community-level child labour monitoring committees and district task forces comprising the DLO, DSWO, Police and Education, relevant NGOs, among others. If there is to be any capacity building under the programme, such should concentrate on the child labour monitoring committees and district task forces.

8 The district task force should be responsible for selecting by project sites in each district.

9 The choice of the site should use the prevalence of estates, working children, availability of schools and CBOs/NGOs in the area and accessibility.

10 CBOs and NGOs should work hand in hand with the child labour monitoring committees.

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Chapter 1

Introduction

1.1 Background

The phenomenon of Child Labour has existed for generations in virtually all parts of the world and in most countries at different times and at various stages of their development. Until the last decade the issue of child labour has long been viewed with a mixture of indifference and scepticism. It is only at the beginning of the last decade that child labour has received wide and growing attention at both national and international levels.

It is now commonly agreed that, whether due to pressure of poverty and underdevelopment or sheer exploitation, child labour has deprived children concerned of the opportunity for personal advancement and society of progress based on the development of its human resources. Indeed child labour has emerged as the single most important source of child exploitation and abuse in the world today.

The exact nature and magnitude is still being established at international level and more so at national level. Statistics on child labour are widely considered to be elusive mainly due to special and practical difficulties involved in the design and implementation of child surveys as well as perceptions and definition problems.

In light of the growing awareness and recognition of child labour and its attendant socio-economic ills, a large number of countries are attempting to eliminate it. The International Labour Organisation has also stepped up its efforts at ensuring that child labour is dealt with globally through strengthening of national capacities to deal with the problem. The International Programme on the Elimination of Child Labour (IPEC) was launched in 1992 specifically to provide technical assistance to governments, employers and workers organisations to initiate concrete action programmes and projects to deal with the problem of child labour.

Malawi, like many other countries in the region and elsewhere, has come to understand and fully appreciate the problem and ills of child labour very recently. The government has ratified all the ILO core conventions by 1999. The government realised that there was a huge gap in terms of the capacity to put into effect the provisions of the conventions in question. The government therefore requested the Director General of the ILO to provide financial and technical assistance to operationalise the campaign and fight against child labour in Malawi. In response, the ILO included Malawi in the ILO/IPEC Regional Programme on Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in Africa whose overall goal is to contribute towards the eventual elimination of the worst forms of child labour in commercial agriculture.

The immediate objectives of the programme include building and/or strengthening the capacity of governmental, community, employers and workers organizations to

identify and eliminate hazardous child labour in plantations; withdraw and rehabilitate 1,500 children working under hazardous conditions in selected plantations and provide their families with viable alternatives to exploitative child labour; and finally prevent a further 3,000 at-risk children from prematurely entering the labour market.

This programme, however, requires detailed information about the general economic and social conditions prevailing in the locality, the causes and consequences of using children in adult jobs, and parents' convictions on and perceptions of child labour. Such information, however, is not existent in Malawi. No labour force survey has been conducted in the country for the last two decades and the household surveys that have been conducted in the country provide only limited information on working children. They cannot be used to assess the nature, extent and causes of child labour. Even the comprehensive child labour survey conducted in mid-2002 whose results are expected in 2003 was not designed to provide such data. It was, therefore, recognised that a quick but detailed baseline study be commissioned to provide information as well as data that would inform and guide programme development and implementation at a local level. The Centre for Social Research was contracted to execute the study.

1.2 Goal and objectives of the study

The overall goal of the study is to shed light on the dynamics and underpinnings of child labour. The specific objectives of the study are to:

1. collect information on the character, nature, size, and reasons for child labour in the target districts, and to determine the conditions of work and their effects on the health, education and normal development of the working child;
2. provide a comprehensive analysis of the state and concentration of the working children in the target districts through identification of priority groups, pattern and analysis of working conditions and their effects on working children;
3. provide insights, through the literature review and survey results, on the link between (rural) development issues and child labour;
4. provide an overview of the trend and impact of burley tobacco liberalisation on the demand for labour, in general, and child labour, in particular, in the target districts where applicable;
5. produce and disseminate the survey results and the analysis to the public;
6. find out the organisations involved in addressing the issue of child labour, their roles, capacities, achievements and challenges;
7. identify, review and recommend supportive legal and policy frameworks for children working; and
8. identify some possible project sites in the target districts detailing criteria for such selection.

1.3 Methodology

The study is both quantitative and qualitative and has used both primary and secondary sources of information. In terms of data collection methods, the study has used document review, semi-structured interview, open-ended interviews, structured interviews and focus group discussions.

Semi-structured interviews were conducted with key informants at community level while open-ended interviews were undertaken with stakeholders at district and national levels. Structured interviews (or questionnaire administration) were done at household level. Focus group discussions were conducted at community level. In most cases one term of reference was addressed using a various sources of information to strengthen the findings. Two types of questionnaires were used. A household questionnaire was administered to the household head or the spouse and a child questionnaire to two members of the household in the age group 5 to 17 years.

In terms of coverage, the study covered a number of areas that are related to child labour. Key areas of concentration included policy and legal framework dealing with child labour; child labour in commercial agriculture and more specifically tobacco; and institutional support for the elimination of child labour.

The baseline survey purposively targeted child labour in tobacco estates in the districts of Mzimba, Kasungu, Mchinji and Mzimba. These districts were chosen because they are known to have many estates, relative to other districts. Within each district, two Traditional Authorities (TAs) were purposively selected using availability of estates as a criterion. Two Enumeration Areas (EAs) were then randomly selected, with probability proportional to size, within each Traditional Authority. An estate closest to the selected EA was visited. The maximum distance from an EA was twenty-kilometres[1]. Such an estate was considered an EA for the purposes of the study. The idea was for the survey to cover children of smallholders and estate workers or tenants.

Regarding sample size, the plan was to cover 800 households to interview 2,400 members in those households; one household head or spouse and two randomly selected children in the 5 to 17 years age group. The design was that 30 households would be randomly selected from each EA in the smallholder section and 20 households from the adjacent estate EA. This would yield a sample of 480 households from the smallholder sector and 320 from the estate sector in the four districts[2]. In the end, 697 households were visited yielding 697 household questionnaire respondents and 1034 child questionnaire respondents.

Focus group discussions (FGD) and key informant interviews (KII) were conducted, apart from administering the two types of questionnaires. The FGD were conducted with adult females, males, boys and girls or a mix of men and women or boys and girls. The KII were conducted with traditional leaders, head teachers and estate managers or supervisors. Two focus group discussions were conducted in each EA. The table below gives a summary of the FGD and KII conducted.

[1] This distance limit was imposed due to a financial constraint the study was facing.

[2] However this target was not met mainly due to the unavailability of enough households at estates visited or non-existence of operational estates, therefore estate households, within twenty kilometres of a selected smallholder EAs. Further, even when a household was found, not all households had two children in the required age group. This meant that few children were interviewed.

Table 1: Number of FGDs and KII Conducted by district

	Total	Kasungu	Mchinji	Mangochi	Mzimba
Total FGD	**36**	**11**	**10**	**9**	**6**
Male FGD	8	2	2	3	1
Female FGD	6	1	2	2	1
Mixed Adults FGD	5	2	2	0	1
Boys FGD	4	2	1	1	1
Girls FGD	4	2	1	1	0
Mixed youth FGD	8	2	2	2	2
Key informants	**42**	**9**	**12**	**13**	**8**
Traditional leader	12	2	3	4	3
Estate manager/clerk	13	3	4	5	1
Head teacher/deputy	17	4	5	4	4
Grand Total	**78**	**20**	**22**	**22**	**14**

1.4 Socio-economic characteristics of sampled households

There were 4,175 members in 697 households interviewed, giving an average of 6.0 people per household. This is higher than the national average of 5 members per household. Again, the proportion of the total male population at 51 percent is above the national average of 48/49 percent. In terms of age distribution, children (i.e. those under 18 years) composed 60.0 percent of the total household population. Those below five years composed 17.0 percent of the population. In Kasungu district, as many as 47 percent of the population were children in the 5 years to 17 years age group. The corresponding proportions for Mchinji, Mangochi and Mzimba were 44 percent, 44 percent and 32 percent, respectively.

Among the population of children, 3.3 percent were orphans (i.e. those who had lost either their mother or both parents). Out of the sampled population, the majority of the population were Christian (73.1%). Moslems composed 25.6 percent of the sampled population. Among the Christian population, 25.6 percent were Catholics seconded by Presbyterian (CCAP) with 21.6 percent. However, there was marked diversity among the Christians with the remainder composed of so many denominations. Mangochi contributed the bulk of the Moslems (83.4%). There were no Moslems in Mzimba and Mchinji was the most diverse, in terms of religions and Christian denominations.

In terms of marital status of the household head, 81.8 percent were married. This implies that 17.1 percent of the households had single parents as heads. Mangochi had the highest proportion of households with widowed heads (12.8%). Mzimba,

which came second, had 9.4 percent of its households headed by widows. The average for the four districts was 8.8 percent. About 1.1 percent of the heads had never been married (or figuratively children). Mangochi district, with 3.4 percent, had the highest proportion of 'child' headed households. In terms of sex of the head of the household, the average for the four districts was 18.4 percent[3]. Mangochi district, with 33.1 percent of households headed by females, had by far the highest proportion of female-headed households.

Despite the free primary education, there are children in the school going age that were not in school. As many as 34.7 percent of children in the age-group 6 years to 17 years were out of school. There were no significant difference between sexes; 34.6 percent of boys and 34.8 percent of the girls were out of school. As many as half of the children said could not read or write even in local language. Only 14.1 percent were in standard six and above. In fact only 1.0 percent were in secondary school. It seems as children grow up, they drop out of school. The education of the household heads was just as bad. Out of the total household heads, 26.7 percent had no education and 27.7 had attended only up to standard 4, at most. A staggering 45.5 percent reported that could not even read or write in Chichewa, i.e. are functionally illiterate.

The low proportion of female-headed households, the high household size and low school participation rate can, arguably, be pushed as a proof of the 'allegation' that tobacco growers are 'forced' to marry and have as many hands as possible to assist in their tobacco production ventures. As will be seen later, these factors create a vicious poverty cycle. The high household sizes lead to too many mouths to feed, child labour, low education, employment (formerly or self) in agriculture, the need for many hands and back to food insecurity.

1.5 Report Outline

This report, therefore, presents the study findings. The design of the presentation is such it allows the pooling of all data sources in responding to the terms of reference. The legal and policy environment for the fight against child labour is presented in Chapter 2 while Chapter 3 presents the causes and effects of child labour. Chapter presents the prevalence and character of child labour while Chapter 5 summarises suggestions made by the focus groups and key informants for the fight against child labour. Chapter 6 outlines efforts being made by various stakeholders. Conclusions and recommendations are presented in Chapter 7.

[3] This is below the normally found average of around 24 and 25 percent found in recent nationally representative surveys like the NSO's IHS, census and the 2000 MDHS.

Chapter 2

Child labour - policy and legal environment

2.1 Policy environment

There is no explicit labour policy, let alone a policy on child labour. According to the Department of Labour, the various pieces of labour legislation express the unwritten labour policy. While acknowledging this understanding, it is fair to state that it is logical to first formulate a policy, adopt it and then develop legislation. A case in point was the formulation of a tenancy policy that was later turned into a bill by the very Ministry of Labour and Vocational Training.

The question one would like to ask is why the Ministry of Labour and Vocational Training developed legislation, even as late as 2000, without first developing a policy. How is it that policy formulation for key issues like child labour is not on the cards either. Does this underline the seriousness, or lack thereof, the Ministry attaches to the issue? It would help if Government translated the various pieces of legislation on labour and employment law into policy as a start and then develop a clear policy on child labour in liaison with relevant stakeholders including the ministries responsible for primary education, children affairs and community services.

2.2 Legal environment

There are five pieces of legislation that govern labour in the country. These include:

- ✓ Labour Relations Act, No. 16 of 1996;
- ✓ Occupation Safety, Health and Welfare Act, No. 21 of 1997;
- ✓ Technical, Vocational and Entreprenuership Training Act, No. 6 of 1999;
- ✓ Employment Act, No. 6 of 2000; and
- ✓ Workers Compensation Act, No. 7 of 2000.

Of these five, only Employment Act has some child labour provisions. It should be noted that the Employment Act was developed and enacted as a natural follow up to Malawi's ratification of the ILO's core conventions. It is not clear whether Government felt the need to have the legislation before then. For example, Malawi stakeholders including Government side felt the need to have a tenancy act. A policy was developed using wide consultations, a bill drafted and tabled in Parliament but it has never been passed. The tenancy bill also has provisions that protect the tenants' children from being exploited. So far no convincing reasons have been given as to why the bill has never been passed.

The Ministry of Labour and Vocational Training proposes to conduct reviews on the various pieces of legislation dealing with labour issues. One of the Ministry's key informants indicated that none of the reviews is related to child labour. However, another informant indicated that the Ministry plans to review all labour-related legislation including the Army Act, Education Act, Population Act and the penal code

to factor in child labour related provisions. In fact, the Ministry plans to develop a code of conduct for the employment of children.

Visits to the four districts showed that district labour offices do not have official copies of the full set of the labour legislation. This makes the translation of the legislation by the district level staff difficult. The study team was not impressed with situation on the ground considering that most labour-related issues are dealt at that level.

2.3 Defining child work and child labour

From International conventions

CRC defines a child as any person below the age of 18 years. The Convention, in Article 32, provides for the protection of children from economic exploitation, any work that is likely to be hazardous, any work that is likely to interfere with the child's education, or be harmful to the child's health or physical, mental, spiritual, moral or social development. CRC also requires State Parties to the Convention to set minimum ages for employment and regulate working conditions for children.

Likewise, the Minimum Age Convention, 1973 (C138) calls upon State Parties to set minimum age of employment. It recommends sixteen years of age as a progressive minimum age. However, for those countries whose economy and education facilities are not advanced, C138 recommends a minimum age of not less than 14 years. The Worst Forms of Child Labour Convention (C182) requests State Parties to abolish worst forms of child labour for all children. Worst forms of child labour are those that cause irreversible physical or psychological damage or threaten the children's lives. C182 defines hazardous work as work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The ILO differentiates between child labour and child work. Child work (i.e. economic activity by children) encompasses most productive activities by children, including unpaid and illegal work as well as work in the informal sector while child labour excludes all those children 12 years and older who are working only a few hours a week in permitted light work and those 15 years and older whose work is not classified as hazardous **(ILO, 2002a)**.

It should be noted that *child labour* does not encompass all work performed by children under the age of 18 years. Millions of young people legitimately undertake work, paid or unpaid, that is *appropriate* for their age and level of maturity. By so doing, they learn to take responsibility, gain skills and add to their families' and their own well-being and income, and they contribute to their countries' economies. Child labour does not include activities such as helping out after school is over and school work has been done, with light household or garden chores, childcare or other light work **(ILO,2002b:9)**.

Specifically, child is defined in terms of the child's age and activity. Any economic activity[4] undertaken by a child below twelve years is termed child labour. Likewise, any heavy economic activity (or work that is not light) undertaken by a child below fifteen years is child labour. Further any economic activity that requires the child to work long hours, or use poisonous chemicals or inappropriate or dangerous equipment undertaken by a child of less than eighteen years is a worst form of child labour **ILO. 2002c:19.**

From Malawi legislation

Malawi ratified the CRC in 1991 and C138 and C182 in 1999. Further, Malawi ratified the eight core labour conventions. As a follow up to the ratification of C138, Malawi set the minimum employment age at 14 years. Apart from the ratification of the conventions, the **Malawi Constitution** of 1995 defines a child and provides for children's protection from child labour. The Constitution, unlike the CRC, sets the age limit at 16 years instead of 18 years. However, when it comes to the protection of the child, the Constitution in section 23 copies the CRC almost word by word.

The **Employment Act,** in line with C138, sets the minimum age of employment at 14 years. Section 21 of the Act prohibits the employment of a child below the age of 14 years *"in any public or private agricultural, industrial or non-industrial undertaking, except for work done in the homes that does not attract a wage, vocational technical institution or other training institutions which is supervised and approved by a public authority, or which is part of the curriculum of an educational or vocational training institutions."*

Further, section 22 of the Act protects child of the ages 14 years to 17 years from being employed to carry out hazardous work. Hazardous work is defined as any occupation or activity that is likely to be harmful to the child's health, safety, education, morals or development; or prejudicial to the child's attendance at school or any other vocational training programme. Again, this echoes C138 and C182.

From community Informants

It is recognised worldwide that there is no universal child. Culture dictates what is allowed and expected of children of different ages, maturity and gender. Again, this also varies widely across and within a country **(ILO, 2000b:13).** This makes drawing of the line between the two more subjective than objective. Torres, reporting on Malawi, says:

"The Malawi culture believes in teaching children to work either in household duties or the gardens. Parents in the rural setting encourage children to learn these things ... [as] a way of preparing or training them so they are able to stand on their own in the future. However, the line between the constructive socialisation into "adult world" which occurs all over the world and child labour which is destructive to the child's development is often hard to draw." **(Torres, 2000:80)**

[4] Economic activity covers all market production (paid work) and certain types of non-market production (unpaid work), including production of goods for own use. By this definition, children working as maids or domestic workers in someone else's household are considered as economically active. However, children engaged in domestic chores within their households are not considered as economically active.

On the basis of the study, however, the understanding of the terms of child work and child labour were almost the same in all the districts covered. The districts themselves are fairly representative of the country. Further, definitions of child work and child labour provided by informants at the community level reveal that people have an idea of the differences between child work and child labour. Starting from a general perspective, focus groups and key informants were asked to enumerate work that is assigned to children and whether there are differences between the sexes.

All informants stressed the point that there are girls-only and boys-only chores. Some said it is cultural while others said it is natural because the male is naturally stronger than the female. In some group, girls argued that there is no need of assigning different chores since there are some tough tasks like farm work that are assigned to boys and girls. However, in the end culture prevails, as certain woman put it: *"My husband would beat me up if he found me assigning our boy chores that are considered 'girls only'"*. Table 2 lists summarised versions of what the informants said. The shaded chores are those are common to both sexes.

Table 2: Child work by sex

Work for boys	Work for girls
Farm work	Farm work
Sweeping	Sweeping
Washing dishes	Washing dishes
Chopping wood	Chopping wood
Cooking (when there are no girls)	Cooking
Baby/child care (when there are no girls)	Baby/child care
Going to the maize mill	Going to the maize mill
Locking and unlocking livestock kraal	Locking and unlocking livestock kraal
Selling *dimba* crops and other commodities	Selling *dimba* crops and other commodities
Carrying bricks to a construction site	Carrying bricks to a construction site
Running errands	Running errands
Weaving granaries	Fetching firewood
Herding livestock	Pounding *(kusinja/kukonola)*
Fetching poles for building	Collecting wild vegetables
Opening up gardens *(mphanje)*	Sweeping in and outside the house
Cutting down trees	Washing clothes
Looking for mice *(kupha mbewa)*.	Pounding
Fishing	Fetching water.
Digging a pit latrine	Smoothing house floor *(kuzira)*
Constructing a grass fence.	Plastering/smearing walls *(kukulungiza/ kumata)*
Brick making.	Preparing bath water
Watering nurseries and *dimba* crops	Making fire (early in the morning)
Constructing grass fences/bathroom/ drying table *(thandala)*/kraals/house	Decorating a house
	Cutting grass *(kumweta udzu)*
Hunting wild animals, especially hares	Selling beer
Making axe/hoe handles	
Making wooden chairs	

Further, the key informants and focus groups were asked to define child work and child labour. A summary of the definitions is given in Table 3.

Table 3: Definition of child work and child labour

Child work	Child labor
✓ *'ntchito yoyenera msinkhu wa mwana'* ✓ work that the child do to help parents ✓ All the chores he or she can carry out easily ✓ work in own household and farm ✓ work that a child is supposed to do at his/her own household according to their ages ✓ running households errands ✓ work that children do in their own households, after school ✓ work that children work for free, especially in own households ✓ work that is assigned to children with the aim of training them ✓ work that gives room for the child to rest or study/read their school notes and books ✓ work that children are capable of doing	✓ *'ntchito yopyola msinkhu wa mwana'* ✓ Work that is tough *(ntchito ya thukuta)* - task fit for an adult assigned to a child ✓ work that requires too much effort for the child to carry out ✓ chores that are heavy on them ✓ work that is not suitable for a child including child prostitution ✓ work that is not appropriate for the child ✓ work done by children in the estate and child prostitution ✓ Estate work because they work for long hours without food (and) … without considering their ages ✓ work that children do for pay and work, which they are assigned to do at a time when their friends are attending classes ✓ work at night like hunting birds with a net at night ✓ estate work which is characterized by working long hours, being assigned big tasks and not attending school ✓ domestic work for pay ✓ work that is dangerous ✓ work for food while parents especially their fathers are just staying at home doing nothing ✓ work that would force a child to overwork in own or another household ✓ Children being sent to do 'ganyu' so as to bring back food or money for buying food and other household needs ✓ taking care of old people

The information collected from focus group and key informants showed that the community, including head teachers and estate managers are not conversant with child labour legislation. However, their crude definitions of child labour and child work show that these community stakeholders have some idea.

As can be seen from Table 3 in defining child work and child labour critical stakeholders considered factors like age and capability of the child as well as timing and period of work. While a child can do so many tasks, others stressed the need to give the freedom to stop or rest when tired. These factors help define the thin line between child work and child labour. Others were in fact very close to the official definition by stressing the need to allow a child to attend school and attend to studies and homework. Interesting examples of child labour included baby sitting, herding livestock and working on behalf of parents. Prostitution came frequently as an example of child labour in its worst form.

Chapter 3

Causes and effects of child labour

3.1 Push and pull factors

What does literature say?

Child labour is a complex problem because its causes are complex. Although poverty is closely linked to child labour, whether a child attends school or not depends on the interaction of various dimensions of poverty with other factors like culture, family size, household age and sex composition, and of late orphan hood, among others. Table 4 provides an overview of various levels of causes of child labour and various factors that determine whether a particular child would work or not.

Table 4: Causes of child labour by level[5]

Immediate causes	Underlying causes	Structural causes
Limited or no cash or food stocks; Increase in price of basic goods	Breakdown of extended family and informal social protection systems	Low/declining national income
Family indebtedness	Uneducated parents; high fertility rate	Inequalities between nations and regions; Adverse terms of trade
Households shocks (death or illness of income earner; crop failure	Cultural expectations regarding children, work and education	Societal shocks, e.g. war, financial and economic crises, transition, HIV/AIDS
No schools; or schools of poor quality or irrelevant	Discriminatory attitudes based on gender, caste, ethnicity, national origin, etc.	Insufficient financial or political commitment for education, basic services and social protection; 'bad' governance
Demand for cheap labour in informal micro enterprises	Perceived poverty; desire for consumer goods and better living standards	Social exclusion of marginal groups and/or lack of legislation and/or effective enforcement
Family business or farm cannot afford hired labour	Sense of obligation of children to their families, and of 'rich' people to the 'poor'	Lack of decent work for adults

[5] *Immediate causes act directly at the level of the child and the family [while] underlining causes refer to values and situations that may predispose a family or community to accept or even encourage child labour for boys and/or girls [and] structural or root causes act at the level of the larger economy and society, influencing the enabling environment in which the child labour can either flourish or be controlled* **(ILO, 2002c:47)**. *Further, underlying causes include parental attitudes, reflecting cultural norms. Parents may genuinely believe that they are doing the best for their children by allowing or encouraging them to work, not realizing the hazards that the work might entail."* **(ILO, 2002c:49)**.

Despite the comprehensive array of causes of poverty in Table 4, poverty is generally blamed as a key cause of child labour.

"For too many families living in poor countries, the choice between sending a child to work or school is simply a question of survival. The scarcer a family's resources, the more it depends on children's income to help pay for basic needs: school fees and materials are unaffordable luxuries." **(ILO, 2002b:40)**

It is reported that in countries with annual per capita income of US$500 or less, the labour force participation of the 10-14 years age group ranged between 30 and 40 percent, compared to only 10-30 percent in countries with an annual per capita income of US$501-US$1000 **(ILO, 2002c:46).** As will be seen in Chapter 4, level of development was found to correlate with incidence of child labour. Again, this survey found poverty to be the key cause.

Recently, loss of one or both parents, mostly due to HIV/AIDS, has become a serious cause of child labour. With the economically active adult population most affected, children are often forced or drawn into the labour market. Children are therefore often forced to drop out of school, become heads of the household and enter the labour market to contribute to the family income or to take care of their own survival **(ILO, 2002b:40).** This was found to be a factor, to some extent, in this study.

Some children that were found working for pay had migrated into households that were interviewed because they had lost their parents. It should be noted that in the Malawi most orphans join other households in the extended family system. In general, orphans are forced to work too long, too much and absent from or drop out of school. As some informant put it, orphans are forced to work like 'oxen' by the so-called 'good Samaritans'.

In fact, most of the community informants said orphans are not well taken care of in most cases. Strangely, some proposed the setting up orphanages as a solution. It is worthy mentioning that orphanages are a 'taboo' because such show cultural breakdown and some would want to believe that the extended family system, which used to take of orphans when the problem was manageable, is still alive and working. However, it is now dawning on many, including some custodians of culture (i.e. traditional leaders) that the orphan problem has grown too fast for the extended family system to cope. Little by little orphanages, in palatable names like community-based orphan care in the interim, are becoming a solution for a bright future of an orphan.

Children themselves sometimes consciously opt to work. As ILO puts it

"... most children work as a result of conscious decisions. ... Children, at least those of a certain age and maturity, may also decide to work for a variety of reasons: to contribute to family survival or to ensure their own survival as orphans or street children, because they dislike school or are being abused there, to escape an untenable family situation, for cash to purchase anything from school books to designer clothes to drugs, to feel independent, or even simply to avoid boredom in the absence of other things to do, school included" **ILO, 2002c:49.**

The study found some boys who worked to get money for fun like 'kubetcha' (paying to have a certain number played for them to dance alone) or to give their girlfriends or buy some food to eat with friends. Some girls worked to buy some expensive but fashionable dress or shoes. Many, however, opted to work to help out.

Thus there are so many factors that determine whether a particular child joins the labour market or not. Not all children in poor households are child labourers. Likewise, not child labourers are from poor households. It is also not the case that all orphans are child labourers. ILO summarises the issue rather precisely.

"Overall, decisions about whether or not a particular child works depend on a mixture of need (whether the family or child actually requires the income), opportunity (whether work is available for children), values (about children, work of boys and girls and their futures, responsibility towards family members, education and consumer goods) and perceptions (whether the child or family has images of a better life that can be secured by the child working)" **ILO 2002c:50.**

On the pull factors, i.e. why employers go for children even when there are unemployed adults, ILO gives the following main reasons **(ILO, 2002b: 48):**

(i) cheap labour - some are not paid at all (family child labour);
(ii) their suitability for certain jobs;
(iii) easy to control; and
(iv) traditional and cultural expectations - employers feel socially obliged to offer income-earning opportunities to poor families, including their children.

These are also the reasons that were found during the field visit. The following section provides the detailed findings from the households interviewed as well as the focus groups and key informant interviews.

What did parents say?

The parents gave a number of reasons why they send their children to work. There were four main reasons:

- ✓ to supplement household income (31.4% of households)
- ✓ parents cannot afford school fees (17.2%)
- ✓ to assist acquire food in times of household food shortages (13.4%)
- ✓ in order to allow the children to learn skills (13.2%).

Other reasons included lack of interest in school on the part of the children (2.9%); failure by the parents to provide for the children's needs which in turn force the parents to allow children to work for money to enable them buy what they need (3.7%); and to help in a household enterprise (1.3%). As many as 14.6 percent of the parents interviewed had no apparent reason why they let their children work. All in all, poverty was blamed for child labour. Over 70 percent gave poverty-related reasons. See table 5.

Table 5: Major reasons why children are let to work

(proportion of households that mentioned this reason in %)

Reason	All (n=1753)	District name			
		Mzimba (n=259)	Kasungu (n=514)	Mchinji (n=566)	Mangochi (n=414)
Supplement household income	31.4	59.1	16.7	33.0	30.2
Could not afford school/training fees	17.2	13.1	37.4	6.9	8.7
No apparent reason	14.6	13.1	19.6	17.1	5.8
Food shortage *"ophunzitsi sophikira"*	13.4	2.7	14.2	16.3	15.2
Learn life skills	13.2	2.7	1.4	22.3	22.0
Buy personal needs	3.7	3.5	0.6	2.7	8.9
Child not interested in education	2.9	0.8	4.9	1.2	3.9
Help out in household IGA activities	1.3	1.9	2.1	0.2	1.2
All others*	2.3	3.1	3.1	0.3	4.1
Total	100	100	100	100	100

* these were small and included 'socialisation', 'education institutions too far', 'parents thought education not useful', 'pay outstanding debt'.

As can be seen from Table 5, there are district variations. For example, parents in Mzimba send their children to work to supplement household income more than any other district although this is a major reason for most of them. On the other hand, parents in Kasungu blame lack of school fees for letting their children to work. This excuse is strange considering that most of the children in the households are in the primary school going age and that there is free primary education. Parents in Mchinji and Mangochi districts let their children work to learn life skills more than the other two districts. Again, more parents in Kasungu and Mangochi districts let their children to work when they notice that their children are not interested in school than parents in the other districts. Except in Mzimba district, food shortage plays a major role in forcing parents in the other districts send their children to work.

What did focus groups and key informants say are the causes of child labour?

What the informants gave as the causes is not different from those given the parents. See Table 6. Poverty is coming out in various forms. The most common forms were food insecurity and lack of financial resources to purchase basic needs in the household. Inability of the household to smooth consumption of basic goods due to irregular income or inadequate was prevalent in estates (mostly tenants and to some extent estate workers). This was manifested in reasons like 'to supplement household income', 'to work for food or income while parents are concentrating on the family farm' and many others hidden under 'lack of food in the household'.

Table 6: Why children work

Why children work	Adults n=71	Youth n=62	KI n=44	Total n=177
Lack of food in their household.	28.2	19.4	9.1	20.3
Lack of other basics clothes, footwear, blankets, soap.	18.3	24.2	6.8	17.5
Household poverty	11.3	8.1	20.5	12.4
Supplement the household's income	7.0	4.8	13.6	7.9
Have pocket money to spend on whatever they want	4.2	11.3	4.5	6.8
Provide own needs after parents fail (large family size, low income,	1.4	1.6	18.2	5.6
Work for pay as a responsibility they feel when the household is poor	7.0	3.2	4.5	5.1
Earn income for household when parents or guardian cannot work	4.2	6.5	2.3	4.5
Earn income to buy their own school materials (uniform, pens, notebooks, fees	5.6	4.8	2.3	4.5
Parents are just lazy/irresponsible - children forced to earn income for household	0.0	6.5	4.5	3.4
Work to find food or buy necessities (orphans with aged guardians or living alone)	4.2	0.0	4.5	2.8
Earn income for household when parents busy in own farm	2.8	1.6	2.3	2.3
Earn income for non-essentials (biscuits, beer, video shows, dances)	2.8	1.6	2.3	2.3
Have pocket money to spend on whatever they want	1.4	4.8	0.0	2.3
Children have nothing to do since they dropped out of school	0.0	0.0	4.5	1.1
Work for pay to buy nice clothes similar to their friends.	1.4	1.6	0.0	1.1
	100	100	100	100

Source: FGD and KII reports

In the smallholder sub-sector, the common reasons were household poverty manifested through food insecurity and failure by parents to meet household's (and by extension children's) basic needs. As one key informant put it

'*Children who have reached the age of 12 years are not provided with their needs by their parents (both boys and girls). Due to this reason children start concentrating on ganyu or start prostitution (girls) in order to find money to buy their needs.* **(Head teacher, Mangochi district).**

Youth also take upon themselves, even without being told or forced, to help out. This was termed 'sense of responsibility' by various informers. A group of boys and girls put this rather clearly:

'the child, being part of the household, realises the gravity of the problem in the household. He/she sees it fit to help out. He therefore seeks employment so as to earn money to use for the purchase of food and other basic necessities like soap and food.' **(Youth in an FGD in Kasungu).**

Adults themselves illustrated the problems related to poverty that cause child labour in a number of group discussions. A group of men in Kasungu district summarised the problem as follows:

'Lack of food because of poverty and many children due to ignorance on child spacing leads to parents to allow or send children to work. The concerned families may plunge into extreme hunger and dire poverty without the children helping in bringing money into the households. It is therefore necessary that children should also take a responsible part in proving food and money for their households' **(Men in an FGD in Kasungu).**

The reasons given above are on the supply side, otherwise termed push factors. There are also pull factors - the demand side. Focus groups and key informants also discussed why households and other employers 'go for children' as employees. Table 7 presents the reasons given by the key informants and focus groups.

Table 7: Why employ children - community informers

Reason	No.	%
Children are cheap labour	34	34.7
Child work ethics - works hard, more, fast, efficently, faithfully, etc	16	16.3
Children are easy to control - no arguments	9	9.2
Children suitable for certain tasks	9	9.2
Children are obedient	7	7.1
Children are trustworthy/honest - low or no theft	6	6.1
Obligation - child poor, needs money/food sent by poor parents	6	6.1
Guard against spouse infedelity	4	4.1
Availability	2	2.0
Children are trainable	2	2.0
Children are stable in employment	1	1.0
Part of training for adulthood - socialisation	1	1.0
So as to cheat them on their pay	1	1.0
All	98	100

Source: KII and FGD Field Reports

The most frequently mentioned reason was that employers go for children because they are cheap. They explained that children are paid far less for similar work and similar work period. A group of men in Mangochi gave an example where an estate pays a child labourer MK25 and an adult MK37 per day. Another group characterised the difference as one to four:

*"Zomwe anakalipira munthu m'modzi amalipira ana anayi"(***Men in an FGD in Mangochi).**

A group of youth in Mchinji said that children are preferred because employers take advantage of the fact that children just receive whatever is given to them as their pay without arguments:

"Amaona kuti ife ndi ana ndiye timatha kulandira muli monse momwe iwo angatipatsire... " (**Youth in an FGD in Mchinji).**

Exploitation of a child's lack of power to negotiate dominates most of the reasons. Informers frequently mentioned a child's honesty, submission, naivety and obedience as reasons why children are preferred to adults. Other factors mentioned included

child's trainability and concentration as opposed to adults. Another frequently mentioned reason was that some tasks are better done by children, may be because an adult would feel ashamed to carry out the task or because child would naturally be fast or efficient. Examples like clearing grasshoppers in a tobacco crop or sewing tobacco leaves were given. 'Strange' reasons included 'to help the poor household' or 'forced by a poor family to help the family by employing its child'. This was clearly put by a head teacher:

"When there is a well-to-do household within a given clan, that particular household employs children from the poor households within that clan as a way of helping the poor households. The idea here is that since the parents of these poor households are busy fending for their households, whatever their children receive as pay should trickle down to the poor household." **(Head teacher in Mchinji).**

May be the most interesting, in the household set up, was the 'fear' by wives and husbands that adults (female or male domestic workers, respectively) would develop sexual relationships with their spouses. One group of women said

"Women employ young girls because they think that if they employ women they would be sleeping with their husbands and later on the husbands will leave them and marry them (domestic workers)." **(Women FGD in Mangochi).**

Interestingly, this same concern was expressed by a group of women and men in a discussion in Mzimba.

"Households employ young girls because they are afraid that should they employ say a woman the worker might develop a love affair with the husband. Households employ boys because they are afraid that should they employ say a man the worker too can develop a love affair with the household's wife" **(Men FGD in Mzimba).**

Issues of child prostitution came out from discussions and interviews at community level. There are few reasons why children are found engaged in small time 'sex for money'. From the information collected from the community, girls engage in sex for money due to poverty and 'lust' for things their parents cannot afford to buy for them. While others blamed this small time prostitution on parents and nature, many informants were of the view that reducing household poverty and, by extension, improving household food insecurity would reduce sex for money being practised by most of the girls. A summarised list of the reasons provided by the informants is given in Table 8.

It should be noted that none of the girls-only or men-only groups mentioned sex for money as an issue under child labour. It was only when boys and girls and women and men were mixed that this issue came up. However, the issue came up in boys only and women only focus group discussions as well as key informant interviews, most of which were with males. The informants also gave reasons why men 'go for girls'. The main reason was that girls are easy to get because they are simply attracted by the money. Others indicated that men go for girls in the belief that they are HIV negative.

Table 8: Reasons why girls engage in 'sex for money'

Why child prostitution	WFGD	MA FGD	BFGD	MY FGD	KI TL	KI HT	Total
Purchase expensive dresses, shoes and perfumes	0.0	9.1	25.0	42.9	0.0	20.0	18.2
Sent by parents to bring income to the household	20.0	0.0	0.0	14.3	0.0	0.0	6.1
Get money for own and household food	0.0	18.2	0.0	0.0	0.0	20.0	6.1
Get money to buy own needs due to poverty	20.0	27.3	50.0	28.6	100	40.0	33.3
Get money to buy what they admire from friends	20.0	18.2	0.0	0.0	0.0	20.0	12.1
Lust or nature or take after their mothers	40.0	18.2	25.0	14.3	0.0	0.0	12.1
Disobedience	0.0	9.1	0.0	0.0	0.0	0.0	3.0
All reasons	**100**	**100**	**100**	**100**	**100**	**100**	**100**

Source: KII and FGD Field Reports

3.2 Child labour and burley tobacco liberalisation

The link between child labour and the liberalisation of burley tobacco has been difficult to establish. In theory, the effect should be ambiguous because on one hand liberalisation would free tenants from the strict quotas and work regimes that forced them to use their children. On the other hand, the liberalisation could have reduced adult supply of labour be it as tenants or wage labourers in estates. This lowered supply could force estates to employ children. On the same hand, increased growing of burley tobacco by smallholders could still keep children on the farm to help out their parents when there is high demand for labour. The net result would depend on 'which hand is heavier'.

There is scanty literature on this issue too. Jaffe concluded in 1997 that the impact of the burley tobacco liberalisation on the labour market was not clear. To quote him, he said:

'Another important, yet poorly understood impact has been on the labor market. Survey and anecdotal evidence suggests that many burley-growing households have reduced or withdrawn their own labor from the estate and local ganyu labor market, resulting in major problems for estates on recruiting/retaining tenants and upward pressure on rural wage rates. Most of the labour for smallholder burley is household labor" **(Jaffe, 1997:10).**

The demand for labour seems to have forced estate management to recruit whosoever applies for a job. Jaffe put it differently as 'other means of organising and remunerating labour' **(Jaffe, 1997:13).**

Alwang and Tech agrees with Jaffe's assessment. They concluded that

'Reforms are having a strong impact on labor markets. Smallholder burley production lowers supply of labour off the farm, as burley tobacco requires about twice the labor inputs as the next most labor-intensive smallholder crop.' **(Alwang and Tech, 1997:20).**

As can be seen, these assessments deal with labour in general. It can only be inferred from these assessments that estates would require more labour and if no adults offer themselves as labour, estates would go for children. What has not been assessed is the impact of smallholder production of burley on child labour within the household and community. There are, therefore, questions as to what exactly is the impact of the liberalisation.

This ambiguity was detected during interviews with stakeholders at national, regional and district levels. Some stakeholders observed that before burley tobacco liberalisation, ***formal*** employment of children was almost non-existent as adult labour was abundant. With the burley tobacco liberalisation, the pressure for labour increased especially in the estate sector as the adult labour that was previously employed on the estates decided to grow their own tobacco. Note that this observation focuses on formal employment. The informal engagement of children by tenant parents has not been left out in this observation.

On the other hand, some stakeholders indicated that burley tobacco liberalisation could have actually reduced the incidence of child labour. The reason put forward was that before liberalisation, smallholder farmers were forced by the lack of profit in their own landholdings, to work as tenants. However, as tenants, the need to produce more tobacco to make profit forced them to ***deploy their children*** as additional labour to the extent that some children were withdrawn from school. Note that in this observation, the target is informal deployment of children by children's tenant-parents.

These observations taken together indicate that children were used indirectly (by their parents) before the liberalisation and both directly, through formal employment, and indirectly by parents who are growing burley tobacco on their own. Further, the liberalisation has brought in two child employers - parents and estates. If there has been any increased production of burley tobacco since the liberalisation, it can be inferred that there has been increased deployment of children, directly or indirectly. Indeed Jaffe reports that smallholder burley production increased from 5,000 tonnes in 1993 to 55,000 tonnes in 1997 **(Jaffe, 1997:8)**. It can be argued that that was five years ago and that both the estate and smallholder tobacco sub-sectors might have adjusted to the labour market conditions and the poor auction floors prices. It can therefore be argued that whether more or less children are engaged now is a question that requires more empirical study. Our guess is that more children have been deployed since the burley tobacco liberalisation.

3.3 Effects of child work and child labour

As already seen, the protection of children from any work that is likely going to interfere with their education and their health have been the heart of international

conventions and national legislation. This study was also interested to follow on this. Two research questions guided the interest. The first is whether community level stakeholders are aware of the effects of child labour on education and health. The second is whether children who actually worked had their education and health affected.

What did the stakeholders say?

From the discussions with men, women, boys and girls and interviews with traditional leaders and head teachers, child work and child labour is said to affect a child's health, education and social (and moral) development. In all the four districts and from all informants, child work and child labour is said to have both positive and negative effects. Close analysis of the information shows that child work has more positive effects on child's social development. On the other hand, child labour has more negative effects. In general, education is affected negatively by both child work and child work. Even child work is said to have negative effect on education because the assignment of such is generally insensitive to school requirements - school time, sound mental and physical state and home work and study time before or after school.

One informant, though, said a child grows stronger with child work. However, others said that if a child overworks or works without eating enough, there would be a negative effect on the child's health: *"usange mwana wakugwira mwa ovala, thupi likuwa makora cha wakulwala bweka"*. In general, under the context of child work, many said that where a child is assigned work that is commensurate to the child's age there is no effect on the health of the child.

Going through the reports of the focus group discussions and key informant interviews, the following effects came out:

Education

- ✓ Child goes to school tired and do not concentrate
- ✓ Child goes to school late - sent back or punished - therefore miss classes
- ✓ Poor performance in school - fail examinations
- ✓ Poor performance leading to dropping out of school
- ✓ No effect if done on weekends and after school or during holidays
- ✓ Force children to be absent eventually to drop out of school
- ✓ Child has no time for study - fail examinations

Health

- ✓ Child gets ill easily due to more time working and eating less
- ✓ No effect because child work is not tough - knock off when tired
- ✓ Some chores make a child weak and/or sick
- ✓ Child is weakened or suffers from body pains because of heavy workload, strong heat, working long hours and without resting
- ✓ Weakened bodies become susceptible to infections
- ✓ Child experience stunted growth - weak and loose weight
- ✓ Child becomes physically fit

- ✓ Children suffer from headaches, pains in the respiratory system and diarrhoea (if they eat without washing hands) when applying chemicals.

Social development

- ✓ Child learns to be obedient - grows up well-behaved
- ✓ Child grows as dependable person
- ✓ Child grows up with wit - *'bakukula na vinjeru'*
- ✓ Child learns how to take on various roles and tasks for use later in life. *"Ngati sadziwa ntchito akamulola bwanji ukwati"*. (If a boy does not know how to work then how is he going to be accepted to marry somebody's daughter)
- ✓ Not useful because child drops out of school and ends up being a labourer all his/her life
- ✓ Children end up uneducated - making it doubtful whether they are indeed going to be future leaders: *"... zokaikitsanso ngati anawo angadzakhaledi atsongoleri amawa"*.

Girls are reported to be more at an advantage regarding the assignment of household chores. Most of their chores; waking up early but getting ready for school late because they are responsible for preparing the household's breakfast; pounding maize; fetching water and firewood put girls at a disadvantage. Girls are more likely to be told not to go to school to take care of the household in the absence of the mother or both parents. These make them go to school late, absent themselves in fear of punishment or being sent back or go to school very weak and fail to concentrate. As a head teacher said: *"...mphunzitsi akuvutika kunjanja ndi chalk kutsongolo iye angosinza"*. All these lead to poor results, repetitions and eventually dropping out as the girls out grow their classes.

Worse still, when it comes to the time of high labour demand for tobacco growers, the girls are not spared. Both boys and girls are forced to be absent from school for many weeks during certain times of the tobacco processing, like tying tobacco. Again, both boys and girls are required to carry out the tiresome tasks carrying green tobacco on their heads from the farm. Boys also complain of heavy chores like watering tobacco nurseries, cutting down trees for the constructing tobacco sheds, carrying poles and digging latrines. Luckily for the boys these heavy tasks come far apart as opposed those of girls.

Some good conclusions on the effect of child labour were gleaned from the information provided by a few informants. In clear terms, a child's early entry into the labour market destroys the child's future. The future is destroyed because the child enters the future without learning sustainable life skills. The child enters adult life without savings from the early entry into the labour market because as a child s/he gets little pay. The child enters the adult life as a perpetual *ganyu* labourer; a 'career' that breeds poverty. That poverty breeds more poverty for the child labourer's child. All in all, child labour makes no future leaders but *ganyu* labourers.

What did the children say?

Information was also solicited from the sampled children who had worked while being pupils in the twelve months prior to the survey on the effects of child work or child labour on education. On average, 87 percent of the respondents said the work they were engaged in during the school period made them be absent from school. All the respondents in Mzimba, 90 percent in both Kasungu and Mchinji, and 75 percent of Mangochi respondents said work caused them to be absent from school. While children in Mzimba and Kasungu districts only reported being absent from school, children in Mangochi and Mchinji reported even dropping out and performing poorly in tests. Children who reported dropping out due to work were, by far, highest in Mchinji district. See Table 9. Although Mzimba is said to have all the respondents reporting being absent from school due to work, it contributed the least (4%) to the population pupil workers. The highest was in Mchinji district (42%). Kasungu and Mangochi districts contributed 21 percent each.

Table 9: Effect of child labour on education

Effect	All districts *n=74*	District Name			
		Mzimba *n=3*	Kasungu *n=20*	Mchinji *n=31*	Mangochi *n=20*
Absent from school	86.5	100	90.0	90.3	75.0
Drop out of school	6.8	0	0	3.2	20.0
Performed poorly	4.1	0	0	6.5	5.0
Failed examinations	1.4	0	1	0	0
Failed to do homework	1.4	0	5.0	0	0
Total	**100**	**100**	**100**	**100**	**100**

Before assessing the impact of child work on health, the survey first assessed the general health of the children in the sampled households. Sampled children were asked whether they fell ill or got injured in the twelve months prior to the survey. On average, 82 percent of the children said they fell ill and 50 percent got injured. Kasungu district had the highest proportion of children that reported falling sick (98%) followed by Mchinji district (84%). The lowest reported child morbidity was from Mangochi where 59 percent of the children reported falling sick. The corresponding proportion for Mzimba district was 72 percent. Coincidentally children in Kasungu district also reported the highest incidence of injury (64%). Corresponding proportion for Mchinji, Mangochi and Mzimba districts were 45%, 45% and 36%, respectively.

To investigate the effect of child work on health, the study has not followed on those who got sick. While inferences can be made from the high incidence of illness in Kasungu and Mchinji districts where tobacco is grown the most, it is felt that finding a direct relationship between child work and illness is problematic. Instead, the analysis concentrated on what those who got injured were doing. It was expected that one of the responses would be that they children had been or were working when they got injured. This would then be inferred to be the effect of child work on the child's health.

Indeed, it was found that about 51 percent of all the children got injured whilst they were either working at home, away from home, or on a family farm. Injuries that occurred in this manner were more prevalent in Mzimba and Mangochi districts. Mchinji district had the least proportion of its children (38%) reporting getting injured whilst at work. Table 10 presents the findings.

Table 10: Injured while doing what or where?

Where doing what	All districts *n=519*	District Name			
		Mzimba *n=65*	Kasungu *n=220*	Mchinji *n=143*	Mangochi *n=91*
Home not working	31.0	15.4	29.5	39.9	31.9
Home working	11.0	21.5	8.6	10.5	9.9
Away workplace	14.8	15.4	13.6	11.2	23.1
School	13.3	21.5	13.6	13.3	6.6
Away not working	24.1	24.6	30.0	13.3	26.4
In the bush/ *kutchire*	1.3	1.5	0.9	2.8	0
Playing ball	1.2	0	0.5	3.5	0
Home with friends	0.2	0	0	0.7	0
Family farm working	1.0	0	0.5	2.8	0
On the road walking	2.1	0	2.7	2.1	2.2
Total	**100**	**100**	**100**	**100**	**100**

To further understand how the injuries were sustained, an analysis on the sort of work or activity the children were doing when they got injured was undertaken. The analysis found that 77 percent of the children who got injured whilst working at home were either fetching water, ridging, cooking, sweeping, fetching firewood or washing dishes and clothes. It was also found that, for those that got injured while working away from home, 52 percent got injured while fetching water, feeding livestock, ridging, preparing and clearing land and fetching firewood. In Mzimba district, 90 percent got injured away from home whilst carrying out these activities. The corresponding proportion for Kasungu, Mchinji and Mangochi districts were, respectively, 39 percent, 50 percent and 48 percent.

It is clear from the information collected from the community stakeholders and children themselves that child work generally has negative effect on education and health. Child work's positive effect on social development drummed up in the literature and by some of stakeholders is, in the long run, paled by the fact that the child worker generally grows up a poor *ganyu* labourer serving those who were successful in their education. Thus child work, which normally degenerates into child labour due to poverty (and not necessarily culture), is detrimental to the child's development.

Chapter 4

Prevalence and character of child labour

4.1 Prevalence of child labour from literature

Child labour exists in all types of cultures, societies, economies and countries. According to an ILO report, it was estimated that 23 percent of children in the age group 5 years to 17 years were economically active in 2000. See Table 11.

Table 11: Global estimates of economically active children, 2000

(ages 5years to 17years)

Age group	Total population ('000)	Number at work ('000)	Work ratio (%)
5-9	600,200	73,100	12.2
10-14	599,200	137,700	23.0
5-14	*1,199,400*	*210,800*	*17.6*
15-17	332,100	140,900	42.4
Total	***1,531,100***	***351,700***	***23.0***

Source: ILO, 2000c

Child labour is, however, prevalent in poor countries. For example, for the age group 5 years to 14 years, it was estimated that 29 percent in Africa were economically active, the highest in the entire world **(ILO, 2000c)**. See Table 12.

Table 12: Regional estimates of economically active children, 2000

(ages 5years to 14 years)

Region	Number of children (m)	Work ratio (%)
Developed economies	2.5	2
Transition economies	2.4	4
Asia and the pacific	127.3	19
Latin America & Caribbean	17.4	16
Sub-Saharan Africa	48	29
Middle East & North Africa	13.4	15
Total	**211**	**18**

Source: ILO, 2000c

According to the estimates in Table 12, the lower the development status the higher the prevalence of economically active children. In the same report states that

"in countries with annual per capita income of US$500 or less (at 1987 prices), the labour force participation of children aged 10-14 is 30-40 percent, compared to only 10-30 per cent in countries with an annual per capita income of US$501-1000. No one would argue with the proposition that child labour is both a result and a cause of poverty." **P. 46.**

Another ILO report states that about 70 percent of the working children are in the agriculture sector; either smallholder or estate sub-sectors. Further, the reports states that 70 percent of the children in developing countries work in agriculture, fishing, hunting and forestry sectors while only 9 percent are manufacturing and 6.5 percent are in domestic work **(ILO, 2000b:xi).**

Child labour data in Malawi is very scanty. The closest one can get is data from census data. Bose and Livingstone reporting on the 1987 census states that 11 percent of the children between 10 and 14 years were in paid employment. The participation rate for the children in the age group between 15 and 19 years was 42 percent - 34 percent boys and 50 percent girls **(Bose and Livingstone, 1993:9).** In 1995, 35.2 percent of the children between 10 and 14 years were estimated to be in paid employment **(UNICEF, 2001).**

According to the results of a sample survey of tobacco estates conducted in 1998, 50 percent of the children in the estate tenants or estate workers in the sample reported working on the estates on unpaid basis. Twenty-five percent of the children population reported skipping school often or sometimes to help their parents or the estate owner. In fact, 6 percent of the children reported being absent from school for more than a month and another 6 percent for less than a month but more than a week. It was further reported that as many as 34 percent of the children were absent from school for a period in order to assist their households or the estate. The same survey found that about 20 percent of all children up to 14 years of age were working with their parents on full time basis and a further 21 percent part time. To crown it all, children in the tenant households were reported to be mere assistants in domestic work but full time workers in the field **(Torres, 2000:84).**

4.2 Prevalence of child labour from the household survey

Working Children in the past week

According to the survey results, 38 percent of the children between the ages between 5 and 17 years were engaged in different types of work in the previous week. However, over three quarters (76 percent) of the children who worked were engaged in their family farm. Thus at most 24 percent worked outside the household. See Table 13.

As can be seen from the table, the proportion of children working on a family farm was highest among children in Kasungu district, followed by Mchinji district. Incidentally, these are the districts with the highest number of tobacco estates and indeed tenants. On the other hand, Mzimba district had the lowest proportion of its population of children working on a family farm compared to the other three districts. Of all the districts, Mangochi had, by far, the highest proportion of its children working outside the home.

Table 13: Child work in the past seven days

Type of work	All districts *n=1033*	District Name			
		Mzimba *n=180*	Kasungu *n=340*	Mchinji *n=315*	Mangochi *n=198*
Work on family farm	28.9	16.1	33.5	31.7	28.3
Work on ganyu	5.9	5.0	4.4	4.8	11.1
Work for wage	1.1	0	1.8	1.0	1.0
Work on own account	0.7	0	1.2	0	1.5
Work on family business	1.2	3.3	0.3	0.3	2.0
Did not work	62.2	75.6	58.8	62.2	56.1
Total	100	100	100	100	100

In terms of age distribution of the children who worked, 94 percent were under 14 years. Again, Kasungu had the highest proportion of its working children who were below fourteen years old (Table 14). Is this not child labour?

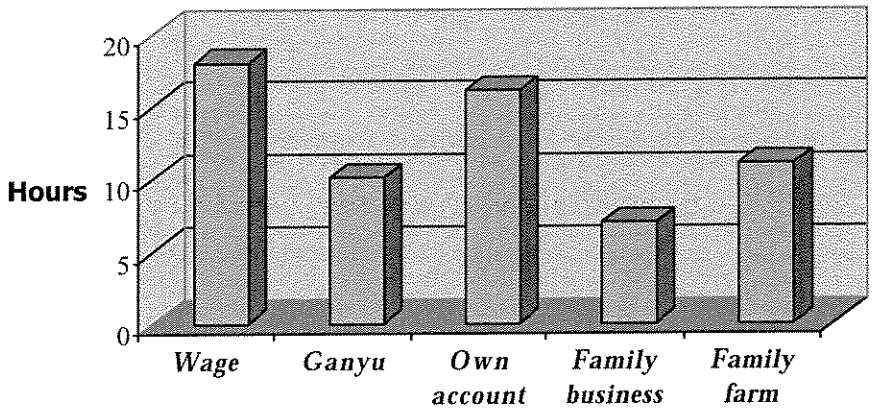
Table 14: Age distribution of child workers

Age group	All districts *n=506*	District Name			
		Mzimba *n=59*	Kasungu *n=106*	Mchinji *n=207*	Mangochi *n=134*
5 to 13 years	**93.5**	91.5	97.2	91.3	94.8
14 to 17 years	**6.5**	8.5	2.8	8.7	5.2
All	**100**	100	100	100	100

Of the children who worked, 58.7 percent were in school. Mzimba district with 81.4 percent had the highest proportion of its children in school as opposed to Mangochi (47.0%), Mchinji (51.2%) and Kasungu (75.5%) districts. As already indicated earlier on child work and child labour, generally affects school performance negatively. The high proportion of children not going to school in Mangochi and Mchinji could, however, be linked to the fact that these districts have low school participation rates, generally.

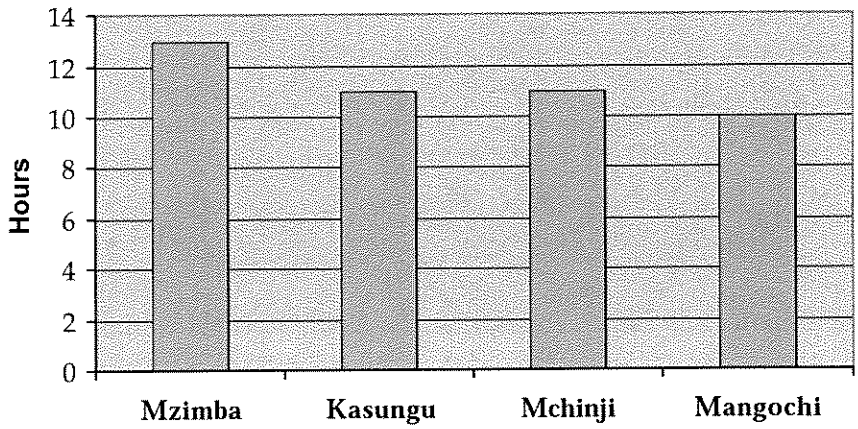
An analysis of the hours worked shows that, on average, children who worked in the seven days prior to the survey spent 11 hours working. Children who worked for wage worked the longest (18 hours). Those who worked on family business worked the least (7 hours). See Figure 1.

Figure 1: Hours worked in a week



There were district variations depending on the type of work the children engaged in. Overall, Children in Mzimba district worked the longest, averaging 13 hours per week while their colleagues in Kasungu and Mchinji districts averaged 11 hours and in Mangochi district 10 hours. See Figure 2

Figure 2: Hours worked by district



These averages hide a number of district variations by type of work. Those who worked for a wage worked the longest in Mchinji district (32 hours) but the least in Kasungu district (8 hours). This situation is reversed when one considers those who worked on *ganyu*. Children in Kasungu district worked the longest (15 hours) and the

least in Mchinji dstrict (6 hours). Children in Mzimba district worked longest on family business and on the family farm than any children in the other districts. Children in Mangochi district 'enjoy' since they work, on average, the least. See Table 15.

Table 15: Average hours worked in a week by type of work

Type of work	All districts	District Name			
		Mzimba	Kasungu	Mchinji	Mangochi
Wage	**17.92**	0	8.17	31.67	25.00
Ganyu	**9.73**	13.44	15.00	6.20	7.50
Own account	**16.17**	0	18.50	0	11.50
Family business	**6.90**	11.25	3.00	7.00	3.50
Family farm	**10.92**	13.46	10.68	10.89	10.16
All	**10.90**	**13.24**	**11.15**	**10.79**	**9.55**

Working Children in the past year

A mirror image is seen when an analysis is made of the children who reported working for pay in the twelve months prior to the survey. On average, 78 percent of the children reported not to have worked for pay. Among those that worked for pay, most of them were on piecework basis. The largest proportion was being paid at piece rate. Mzimba district had the least of her children working for pay (15%) as opposed to Mchinji district which had over a quarter her children working for pay. Table 16 has the details.

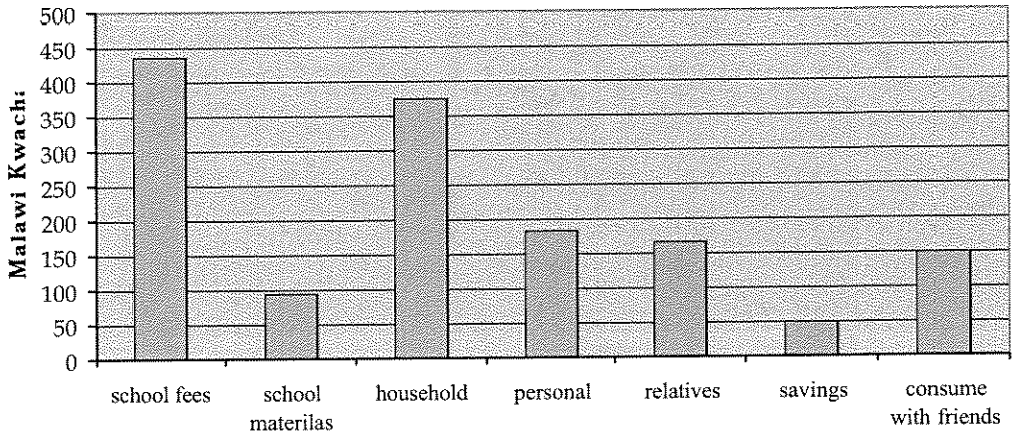
Table 16: Children who worked in past year by type of payment

Type of work	All districts *n=1028*	District Name			
		Mzimba *n=176*	Kasungu *n=339*	Mchinji *n=313*	Mangochi *n=200*
Not worked	**78.2**	85.8	77.9	74.1	78.5
Ganyu rate	**18.3**	10.8	18.6	22.4	18.0
Hourly	**0.1**	0.6	0	0	0
Daily	**1.4**	0	2.4	0.6	2.0
Weekly	**0.5**	1.1	0.9	0	0
Monthly	**1.6**	1.7	0.3	2.9	1.5
Total	**100**	**100**	**100**	**100**	**100**

Judging from the previous analysis of working children in the past seven days, the low participation of children in the 'work for pay' sector by Mzimba district could be more of lack of opportunity than anything else. It seems that given opportunity children would work for pay to alleviate household and own poverty. As can be seen from the uses the money earned.

Using the latest piecework pay the working children received during the period of reference, each child worker received MK212.39, on average. School fees were the most expensive item the earnings were spent on. This was seconded by household needs. The buying of personal needs featured as an important expenditure item. See Figure 3.

Figure 3: Average expenditure on needs



Children in Mangochi district received the highest pay, averaging MK316 followed by Mzimba and Kasungu districts, averaging MK247 each. Children in Mchinji district reported receiving the least earnings, on average. See Figure 4. It should be noted that these are only for those who worked on *ganyu* basis. The finding about Mchinji district is consistent because most of the children in Mchinji district worked on wage basis and received most of their earnings on monthly basis.

There are district variations in the way the earnings were spent as can be seen in Table 17.

Children in Mzimba and Kasungu districts, on one hand, and Mangochi district, on the hand, spent their earnings strikingly differently. Very little of the earnings were used on personal needs in Mangochi while most of the earnings in Mzimba and Kasungu districts were spent on personal needs. It seems children in Mangochi have the habit of working for others and 'enjoying' with friends. On the basis of this, one is tempted to conclude that there is higher socialisation of children in Mangochi district than in the other districts. One caveat to this is that this is only *ganyu* earnings. Another caveat is that the 'generosity' of the Mangochi children could be related to the size of the earnings in the district. It is plausible to conclude that the more one gets the more one is able to share.

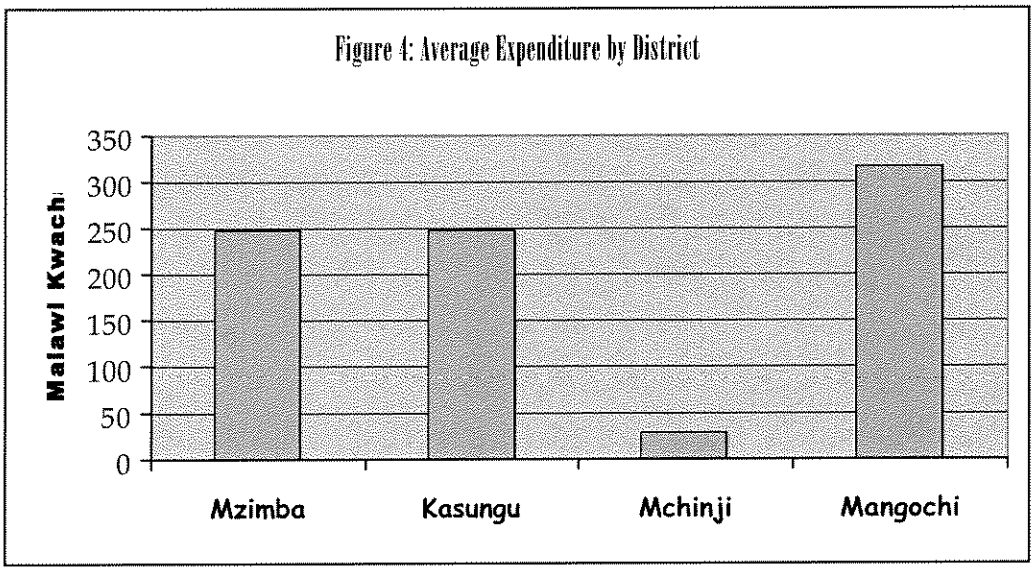


Table 17. Average Ganyu earnings by how the earnings were spent

Need spent on	All districts	District Name			
		Mzimba	Kasungu	Mchinji	Mangochi
Fees	**437.50**	15.00	0	0	860.00
School materials	**93.00**	20.00	57.50	0	165.00
Household	**376.67**	0	54.00	50.00	830.00
Personal	**183.80**	303.64	537.43	27.00	55.30
Relative's	**165.00**	165.00	0	0	0
Saved part	**50.00**	0	0	0	50.00
Consumed with friends	**150.60**	0	16.67	0	351.50
All types	**212.39**	**247.00**	**246.88**	**29.56**	**316.48**

To shade more light on the findings above, analysis of children who spent their *ganyu* earnings on the various needs is given in Table 18.

The pattern from this table is not very different from the one above. However, since some expenditure items are generally high (lumpy) or low, this table clarifies the picture well. Children in Mzimba and Mchinji districts seem to be more introspective than those in Kasungu and Mangochi because most of them spent their earnings on personal needs. On the basis of numbers, children in Kasungu and Mangochi districts appear to be just as generous, only that they prefer to share with friends than spending on their relatives' needs. Children in Mzimba and Mchinji are unique in that a number of them 'remember' their relatives when they get money from *ganyu*. On the other hand, only Mangochi district had some of her children who saved part or all of their earnings with the aim of buy something expensive for themselves in future.

Table 18. Average Ganyu earnings by how the earnings were spent

Need spent on	All districts	District Name			
		Mzimba	Kasungu	Mchinji	Mangochi
	5.6	5.3	9.5	4.2	4.0
School materials	**9.0**	10.5	9.5	4.2	12.0
Household	**13.5**	0	23.8	8.3	20.0
Personal	**57.3**	73.7	42.9	70.8	44.0
Relative's	**3.4**	10.5	0	4.2	0
Saved part	**2.2**	0	0	0	8.0
Consumed with friends	**9.0**	0	14.3	8.3	12.0
All types	**100**	**100**	**100**	**100**	**100**

Another area of investigation was whether parents or guardians send their children to work on the understanding that the parents or guardians get all or part of the pay. What is found is that, on average, 23 percent of the children indicated that they had not given any of their earnings to their guardians or relatives. As expected, more children in Mzimba district did this (29%) than anywhere else. Again, in line with the findings that more children in Mchinji district used their earnings on personal needs as did Mzimba children, 26 percent of the children received their earnings directly. Perhaps it is this mode of receiving their earnings that gives children in Mzimba and Mchinji districts more freedom to use the earnings on personal needs. Maybe the question that needs to be asked regarding the spending pattern seen previously is whether the pattern is dependent on the mode of payment of the earnings or level of socialisation of the children. One is tempted to think it is both although their relative weights are not known.

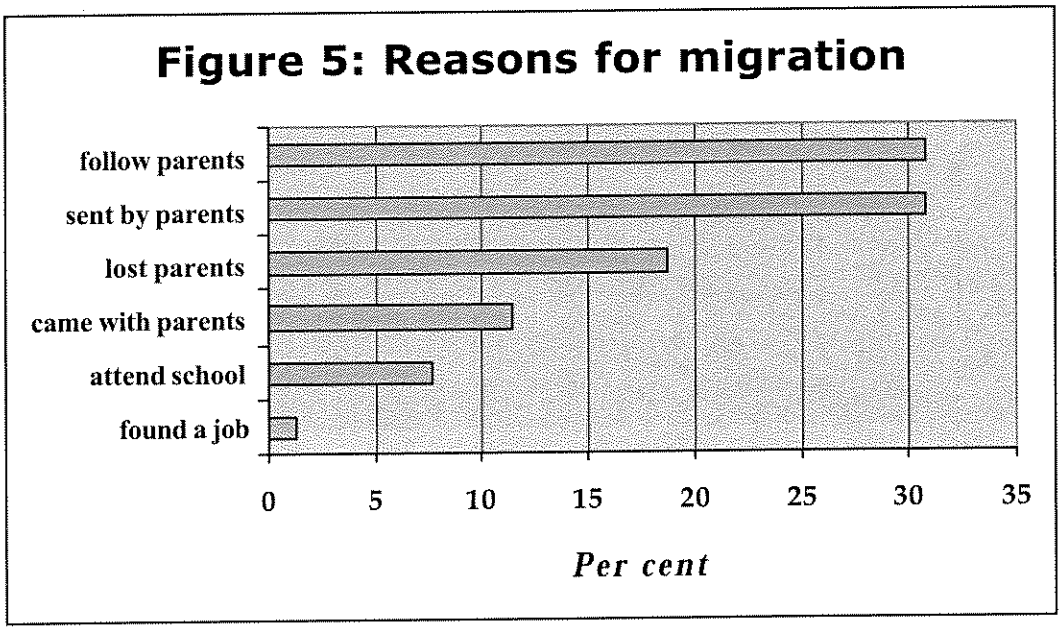
That said, it is alarming to find that as many as 41 percent of the children who worked for pay, gave all their earnings to their guardians and as many as 31 percent gave part of their earnings to their guardians. This clearly agrees with the finding from focus group discussions and key informant interviews that most of the children work outside their households for pay in order to assist in reducing the household's financial problems or food insecurity. If this practice is termed 'using children', households in Kasungu were the worst 'users' of children. See Table 19. Note that Kasungu district had the highest proportion of guardians who got the pay directly from the employer. Kasungu district had also the highest proportion of guardians who got all the earnings from the child herself/himself. Worse still, Kasungu district had the least proportion of guardians who 'accepted part payment' from their children. This may mean that most of the child workers in Kasungu were literary sent to work on behalf of their households.

Table 19: Who gets the pay and how

How earnings are given to guardian	All districts *N=177*	District Name			
		Mzimba *n=24*	Kasungu *n=62*	Mchinji *n=58*	Mangochi *n=33*
Not given – child takes	**23.2**	29.2	21.0	25.9	18.2
All, given by employer	**6.8**	0	16.1	1.7	3.0
All, given by child	**34.5**	33.3	46.8	24.1	30.3
Part, given by employer	**1.7**	0	0	1.7	6.1
Part, given by child	**28.8**	37.5	16.1	36.2	33.3
All used by household	**5.1**	0	0	10.3	9.1
Total	**100**	**100**	**100**	**100**	**100**

Another angle of investigation was whether children who are found working are migrants who join households already existing in the area or form their own households on their employment. Out of the population of children in the sampled households of 1,777, only 80 (5%) had migrated into the sampled households. To take the investigation to its logical conclusion, it was important to establish whether these children left their previous households seeking employment in estates elsewhere on their own. Apart from that, it was important to establish where they came from.

Figure 5 gives the reasons given by heads of households as to why they had children in their households who had joined them and were working.



Indeed, it was found that about 51 percent of all the children got injured whilst they were either working at home, away from home, or on a family farm. Injuries that occurred in this manner were more prevalent in Mzimba and Mangochi districts. Mchinji district had the least proportion of its children (38%) reporting getting injured whilst at work. Table 10 presents the findings.

Table 10: Injured while doing what or where?

Where doing what	All districts *n=519*	District Name			
		Mzimba *n=65*	Kasungu *n=220*	Mchinji *n=143*	Mangochi *n=91*
Home not working	31.0	15.4	29.5	39.9	31.9
Home working	11.0	21.5	8.6	10.5	9.9
Away workplace	14.8	15.4	13.6	11.2	23.1
School	13.3	21.5	13.6	13.3	6.6
Away not working	24.1	24.6	30.0	13.3	26.4
In the bush/ *kutchire*	1.3	1.5	0.9	2.8	0
Playing ball	1.2	0	0.5	3.5	0
Home with friends	0.2	0	0	0.7	0
Family farm working	1.0	0	0.5	2.8	0
On the road walking	2.1	0	2.7	2.1	2.2
Total	**100**	**100**	**100**	**100**	**100**

To further understand how the injuries were sustained, an analysis on the sort of work or activity the children were doing when they got injured was undertaken. The analysis found that 77 percent of the children who got injured whilst working at home were either fetching water, ridging, cooking, sweeping, fetching firewood or washing dishes and clothes. It was also found that, for those that got injured while working away from home, 52 percent got injured while fetching water, feeding livestock, ridging, preparing and clearing land and fetching firewood. In Mzimba district, 90 percent got injured away from home whilst carrying out these activities. The corresponding proportion for Kasungu, Mchinji and Mangochi districts were, respectively, 39 percent, 50 percent and 48 percent.

It is clear from the information collected from the community stakeholders and children themselves that child work generally has negative effect on education and health. Child work's positive effect on social development drummed up in the literature and by some of stakeholders is, in the long run, paled by the fact that the child worker generally grows up a poor *ganyu* labourer serving those who were successful in their education. Thus child work, which normally degenerates into child labour due to poverty (and not necessarily culture), is detrimental to the child's development.

Chapter 4

Prevalence and character of child labour

4.1 Prevalence of child labour from literature

Child labour exists in all types of cultures, societies, economies and countries. According to an ILO report, it was estimated that 23 percent of children in the age group 5 years to 17 years were economically active in 2000. See Table 11.

Table 11: Global estimates of economically active children, 2000

(ages 5years to 17years)

Age group	Total population ('000)	Number at work ('000)	Work ratio (%)
5-9	600,200	73,100	12.2
10-14	599,200	137,700	23.0
5-14	*1,199,400*	*210,800*	*17.6*
15-17	332,100	140,900	42.4
Total	***1,531,100***	***351,700***	***23.0***

Source: ILO, 2000c

Child labour is, however, prevalent in poor countries. For example, for the age group 5 years to 14 years, it was estimated that 29 percent in Africa were economically active, the highest in the entire world **(ILO, 2000c)**. See Table 12.

Table 12: Regional estimates of economically active children, 2000

(ages 5years to 14 years)

Region	Number of children (m)	Work ratio (%)
Developed economies	2.5	2
Transition economies	2.4	4
Asia and the pacific	127.3	19
Latin America & Caribbean	17.4	16
Sub-Saharan Africa	48	29
Middle East & North Africa	13.4	15
Total	**211**	**18**

Source: ILO, 2000c

According to the estimates in Table 12, the lower the development status the higher the prevalence of economically active children. In the same report states that

"in countries with annual per capita income of US$500 or less (at 1987 prices), the labour force participation of children aged 10-14 is 30-40 percent, compared to only 10-30 per cent in countries with an annual per capita income of US$501-1000. No one would argue with the proposition that child labour is both a result and a cause of poverty." **P. 46.**

Another ILO report states that about 70 percent of the working children are in the agriculture sector; either smallholder or estate sub-sectors. Further, the reports states that 70 percent of the children in developing countries work in agriculture, fishing, hunting and forestry sectors while only 9 percent are manufacturing and 6.5 percent are in domestic work **(ILO, 2000b:xi).**

Child labour data in Malawi is very scanty. The closest one can get is data from census data. Bose and Livingstone reporting on the 1987 census states that 11 percent of the children between 10 and 14 years were in paid employment. The participation rate for the children in the age group between 15 and 19 years was 42 percent - 34 percent boys and 50 percent girls **(Bose and Livingstone, 1993:9).** In 1995, 35.2 percent of the children between 10 and 14 years were estimated to be in paid employment **(UNICEF, 2001).**

According to the results of a sample survey of tobacco estates conducted in 1998, 50 percent of the children in the estate tenants or estate workers in the sample reported working on the estates on unpaid basis. Twenty-five percent of the children population reported skipping school often or sometimes to help their parents or the estate owner. In fact, 6 percent of the children reported being absent from school for more than a month and another 6 percent for less than a month but more than a week. It was further reported that as many as 34 percent of the children were absent from school for a period in order to assist their households or the estate. The same survey found that about 20 percent of all children up to 14 years of age were working with their parents on full time basis and a further 21 percent part time. To crown it all, children in the tenant households were reported to be mere assistants in domestic work but full time workers in the field **(Torres, 2000:84).**

4.2 Prevalence of child labour from the household survey

Working Children in the past week

According to the survey results, 38 percent of the children between the ages between 5 and 17 years were engaged in different types of work in the previous week. However, over three quarters (76 percent) of the children who worked were engaged in their family farm. Thus at most 24 percent worked outside the household. See Table 13.

As can be seen from the table, the proportion of children working on a family farm was highest among children in Kasungu district, followed by Mchinji district. Incidentally, these are the districts with the highest number of tobacco estates and indeed tenants. On the other hand, Mzimba district had the lowest proportion of its population of children working on a family farm compared to the other three districts. Of all the districts, Mangochi had, by far, the highest proportion of its children working outside the home.

Table 13: Child work in the past seven days

Type of work	All districts *n=1033*	District Name			
		Mzimba *n=180*	Kasungu *n=340*	Mchinji *n=315*	Mangochi *n=198*
Work on family farm	28.9	16.1	33.5	31.7	28.3
Work on ganyu	5.9	5.0	4.4	4.8	11.1
Work for wage	1.1	0	1.8	1.0	1.0
Work on own account	0.7	0	1.2	0	1.5
Work on family business	1.2	3.3	0.3	0.3	2.0
Did not work	62.2	75.6	58.8	62.2	56.1
Total	100	100	100	100	100

In terms of age distribution of the children who worked, 94 percent were under 14 years. Again, Kasungu had the highest proportion of its working children who were below fourteen years old (Table 14). Is this not child labour?

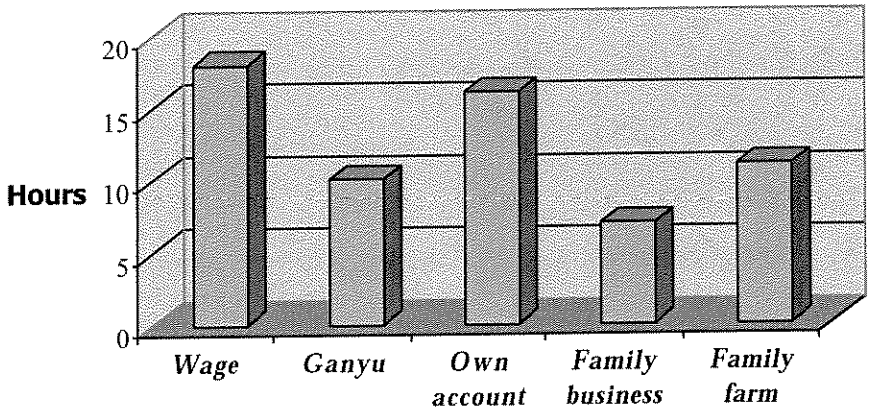
Table 14: Age distribution of child workers

Age group	All districts *n=506*	District Name			
		Mzimba *n=59*	Kasungu *n=106*	Mchinji *n=207*	Mangochi *n=134*
5 to 13 years	**93.5**	91.5	97.2	91.3	94.8
14 to 17 years	**6.5**	8.5	2.8	8.7	5.2
All	**100**	100	100	100	100

Of the children who worked, 58.7 percent were in school. Mzimba district with 81.4 percent had the highest proportion of its children in school as opposed to Mangochi (47.0%), Mchinji (51.2%) and Kasungu (75.5%) districts. As already indicated earlier on child work and child labour, generally affects school performance negatively. The high proportion of children not going to school in Mangochi and Mchinji could, however, be linked to the fact that these districts have low school participation rates, generally.

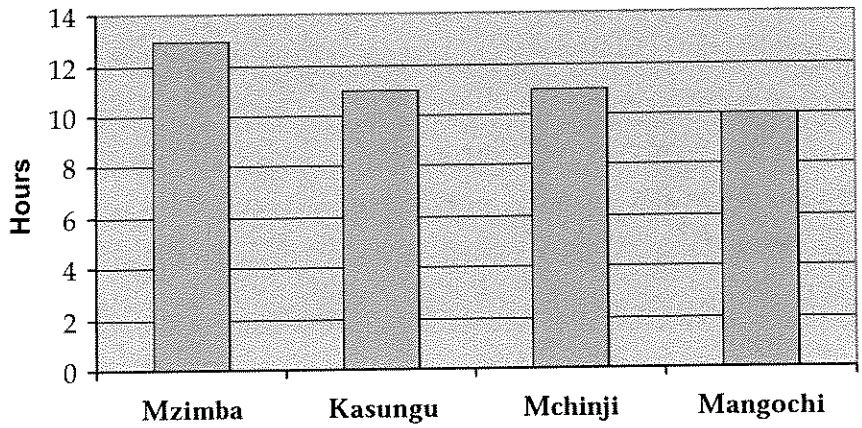
An analysis of the hours worked shows that, on average, children who worked in the seven days prior to the survey spent 11 hours working. Children who worked for wage worked the longest (18 hours). Those who worked on family business worked the least (7 hours). See Figure 1.

Figure 1: Hours worked in a week



There were district variations depending on the type of work the children engaged in. Overall, Children in Mzimba district worked the longest, averaging 13 hours per week while their colleagues in Kasungu and Mchinji districts averaged 11 hours and in Mangochi district 10 hours. See Figure 2

Figure 2: Hours worked by district



These averages hide a number of district variations by type of work. Those who worked for a wage worked the longest in Mchinji district (32 hours) but the least in Kasungu district (8 hours). This situation is reversed when one considers those who worked on *ganyu*. Children in Kasungu district worked the longest (15 hours) and the

least in Mchinji dstrict (6 hours). Children in Mzimba district worked longest on family business and on the family farm than any children in the other districts. Children in Mangochi district 'enjoy' since they work, on average, the least. See Table 15.

Table 15: Average hours worked in a week by type of work

Type of work	All districts	District Name			
		Mzimba	Kasungu	Mchinji	Mangochi
Wage	**17.92**	0	8.17	31.67	25.00
Ganyu	**9.73**	13.44	15.00	6.20	7.50
Own account	**16.17**	0	18.50	0	11.50
Family business	**6.90**	11.25	3.00	7.00	3.50
Family farm	**10.92**	13.46	10.68	10.89	10.16
All	**10.90**	**13.24**	**11.15**	**10.79**	**9.55**

Working Children in the past year

A mirror image is seen when an analysis is made of the children who reported working for pay in the twelve months prior to the survey. On average, 78 percent of the children reported not to have worked for pay. Among those that worked for pay, most of them were on piecework basis. The largest proportion was being paid at piece rate. Mzimba district had the least of her children working for pay (15%) as opposed to Mchinji district which had over a quarter her children working for pay. Table 16 has the details.

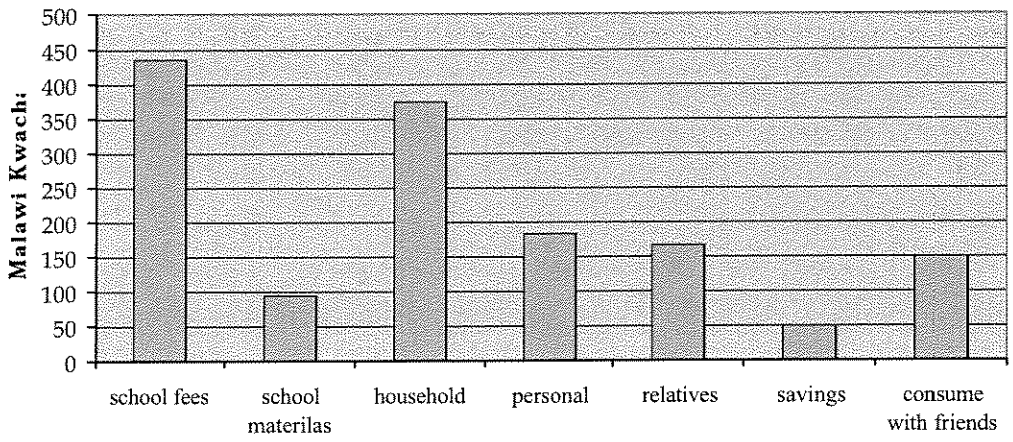
Table 16: Children who worked in past year by type of payment

Type of work	All districts *n=1028*	District Name			
		Mzimba *n=176*	Kasungu *n=339*	Mchinji *n=313*	Mangochi *n=200*
Not worked	**78.2**	85.8	77.9	74.1	78.5
Ganyu rate	**18.3**	10.8	18.6	22.4	18.0
Hourly	**0.1**	0.6	0	0	0
Daily	**1.4**	0	2.4	0.6	2.0
Weekly	**0.5**	1.1	0.9	0	0
Monthly	**1.6**	1.7	0.3	2.9	1.5
Total	**100**	**100**	**100**	**100**	**100**

Judging from the previous analysis of working children in the past seven days, the low participation of children in the 'work for pay' sector by Mzimba district could be more of lack of opportunity than anything else. It seems that given opportunity children would work for pay to alleviate household and own poverty. As can be seen from the uses the money earned.

Using the latest piecework pay the working children received during the period of reference, each child worker received MK212.39, on average. School fees were the most expensive item the earnings were spent on. This was seconded by household needs. The buying of personal needs featured as an important expenditure item. See Figure 3.

Figure 3: Average expenditure on needs



Children in Mangochi district received the highest pay, averaging MK316 followed by Mzimba and Kasungu districts, averaging MK247 each. Children in Mchinji district reported receiving the least earnings, on average. See Figure 4. It should be noted that these are only for those who worked on *ganyu* basis. The finding about Mchinji district is consistent because most of the children in Mchinji district worked on wage basis and received most of their earnings on monthly basis.

There are district variations in the way the earnings were spent as can be seen in Table 17.

Children in Mzimba and Kasungu districts, on one hand, and Mangochi district, on the hand, spent their earnings strikingly differently. Very little of the earnings were used on personal needs in Mangochi while most of the earnings in Mzimba and Kasungu districts were spent on personal needs. It seems children in Mangochi have the habit of working for others and 'enjoying' with friends. On the basis of this, one is tempted to conclude that there is higher socialisation of children in Mangochi district than in the other districts. One caveat to this is that this is only *ganyu* earnings. Another caveat is that the 'generosity' of the Mangochi children could be related to the size of the earnings in the district. It is plausible to conclude that the more one gets the more one is able to share.

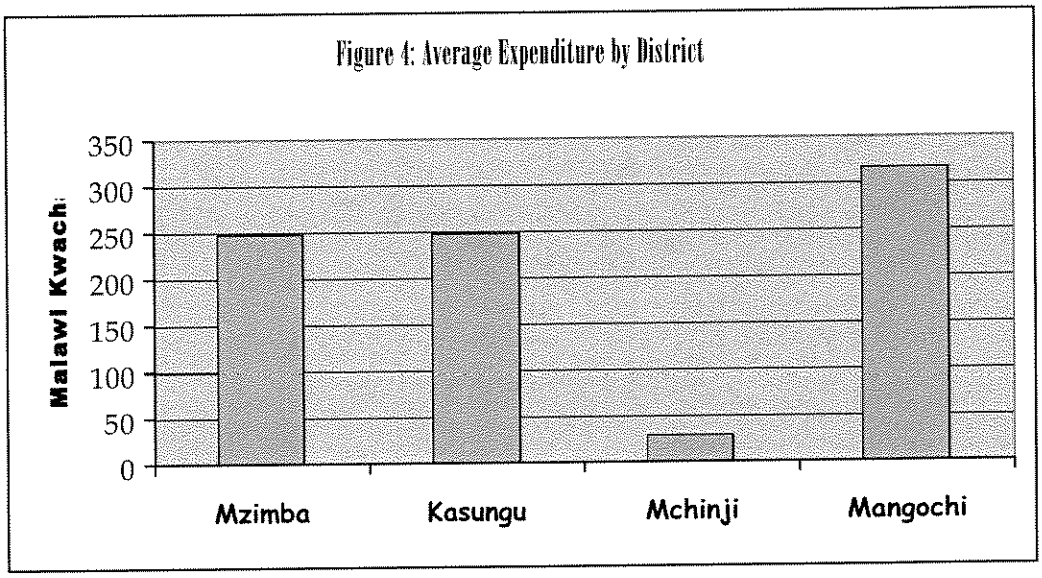


Table 17. Average Ganyu earnings by how the earnings were spent

Need spent on	All districts	District Name			
		Mzimba	Kasungu	Mchinji	Mangochi
Fees	**437.50**	15.00	0	0	860.00
School materials	**93.00**	20.00	57.50	0	165.00
Household	**376.67**	0	54.00	50.00	830.00
Personal	**183.80**	303.64	537.43	27.00	55.30
Relative's	**165.00**	165.00	0	0	0
Saved part	**50.00**	0	0	0	50.00
Consumed with friends	**150.60**	0	16.67	0	351.50
All types	**212.39**	**247.00**	**246.88**	**29.56**	**316.48**

To shade more light on the findings above, analysis of children who spent their *ganyu* earnings on the various needs is given in Table 18.

The pattern from this table is not very different from the one above. However, since some expenditure items are generally high (lumpy) or low, this table clarifies the picture well. Children in Mzimba and Mchinji districts seem to be more introspective than those in Kasungu and Mangochi because most of them spent their earnings on personal needs. On the basis of numbers, children in Kasungu and Mangochi districts appear to be just as generous, only that they prefer to share with friends than spending on their relatives' needs. Children in Mzimba and Mchinji are unique in that a number of them 'remember' their relatives when they get money from *ganyu*. On the other hand, only Mangochi district had some of her children who saved part or all of their earnings with the aim of buy something expensive for themselves in future.

Table 18. Average Ganyu earnings by how the earnings were spent

Need spent on	All districts	District Name			
		Mzimba	Kasungu	Mchinji	Mangochi
	5.6	5.3	9.5	4.2	4.0
School materials	**9.0**	10.5	9.5	4.2	12.0
Household	**13.5**	0	23.8	8.3	20.0
Personal	**57.3**	73.7	42.9	70.8	44.0
Relative's	**3.4**	10.5	0	4.2	0
Saved part	**2.2**	0	0	0	8.0
Consumed with friends	**9.0**	0	14.3	8.3	12.0
All types	**100**	**100**	**100**	**100**	**100**

Another area of investigation was whether parents or guardians send their children to work on the understanding that the parents or guardians get all or part of the pay. What is found is that, on average, 23 percent of the children indicated that they had not given any of their earnings to their guardians or relatives. As expected, more children in Mzimba district did this (29%) than anywhere else. Again, in line with the findings that more children in Mchinji district used their earnings on personal needs as did Mzimba children, 26 percent of the children received their earnings directly. Perhaps it is this mode of receiving their earnings that gives children in Mzimba and Mchinji districts more freedom to use the earnings on personal needs. Maybe the question that needs to be asked regarding the spending pattern seen previously is whether the pattern is dependent on the mode of payment of the earnings or level of socialisation of the children. One is tempted to think it is both although their relative weights are not known.

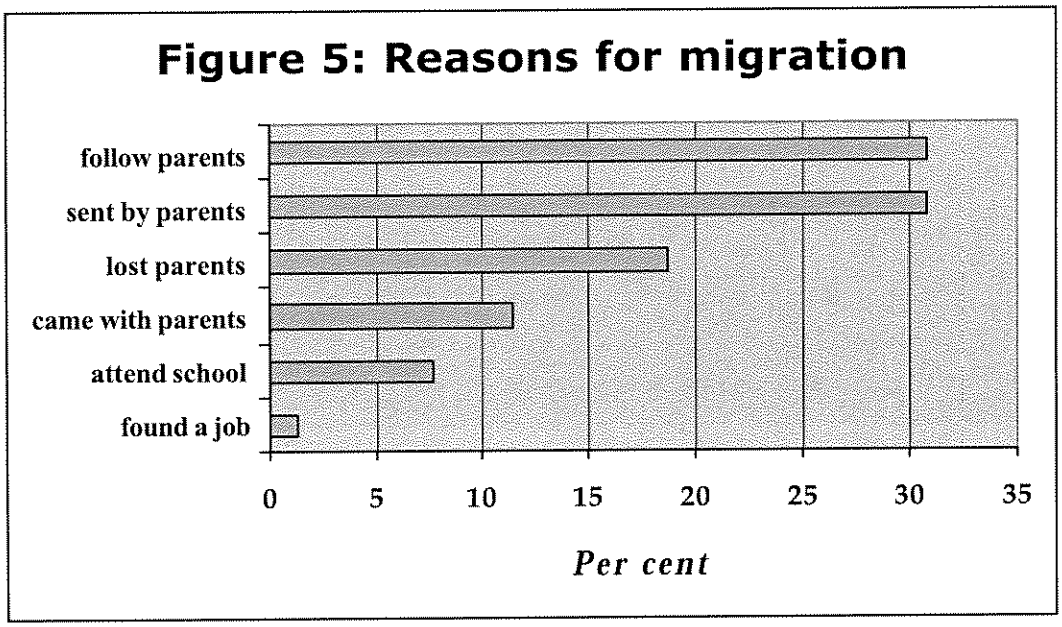
That said, it is alarming to find that as many as 41 percent of the children who worked for pay, gave all their earnings to their guardians and as many as 31 percent gave part of their earnings to their guardians. This clearly agrees with the finding from focus group discussions and key informant interviews that most of the children work outside their households for pay in order to assist in reducing the household's financial problems or food insecurity. If this practice is termed 'using children', households in Kasungu were the worst 'users' of children. See Table 19. Note that Kasungu district had the highest proportion of guardians who got the pay directly from the employer. Kasungu district had also the highest proportion of guardians who got all the earnings from the child herself/himself. Worse still, Kasungu district had the least proportion of guardians who 'accepted part payment' from their children. This may mean that most of the child workers in Kasungu were literary sent to work on behalf of their households.

Table 19: Who gets the pay and how

How earnings are given to guardian	All districts *N=177*	District Name			
		Mzimba *n=24*	Kasungu *n=62*	Mchinji *n=58*	Mangochi *n=33*
Not given – child takes	**23.2**	29.2	21.0	25.9	18.2
All, given by employer	**6.8**	0	16.1	1.7	3.0
All, given by child	**34.5**	33.3	46.8	24.1	30.3
Part, given by employer	**1.7**	0	0	1.7	6.1
Part, given by child	**28.8**	37.5	16.1	36.2	33.3
All used by household	**5.1**	0	0	10.3	9.1
Total	**100**	**100**	**100**	**100**	**100**

Another angle of investigation was whether children who are found working are migrants who join households already existing in the area or form their own households on their employment. Out of the population of children in the sampled households of 1,777, only 80 (5%) had migrated into the sampled households. To take the investigation to its logical conclusion, it was important to establish whether these children left their previous households seeking employment in estates elsewhere on their own. Apart from that, it was important to establish where they came from.

Figure 5 gives the reasons given by heads of households as to why they had children in their households who had joined them and were working.



The only suspects for the 'charge' of employment seeking are children in the 'sent by parents' and 'found a job' categories. However, there is little evidence for that charge. Perhaps what should be noted is that as many as 59 percent of these 'migrant child workers' were not staying with their parents (i.e those were sent by their parents (31%), those who came as orphans (18%) and those who came to attend school). On the basis of the given reasons, it could be safe to conclude that there is no serious employment seeking by children; unless more is known about those who were sent by parents to this area. For where these 'migrant child workers' came from, please see Table 20 and Figure 6.

Table 20: Where the children come from

Origin	All districts *n=80*	District Name			
		Mzimba *n=12*	Kasungu *N=14*	Mchinji *n=29*	Mangochi *n=25*
Northern Region	3.8	0	0	6.9	4
Central Region	18.9	8.3	49.8	17.1	0
Southern Region	20.3	8.3	28.5	17.1	24
Same District	52.5	83.3	21.4	48.3	60
Cities/Abroad	5.1	0	0	10.3	4
Total	**100**	**100**	**100**	**100**	**100**

As can be seen, an average of 53 percent of the migrant child workers had migrated within the same district they were found at the time of the survey. Also note the striking district variations. In Mzimba district, around 83 percent of the children migrated came from Mzimba itself while in Mangochi the corresponding proportion was 60 percent. In the districts of Kasungu and Mchinji where tobacco growing is extensive, only 21 percent and 43 percent, respectively, came from within the districts. Of interest is Kasungu where as many as 79 percent of the migrant child workers in Kasungu came from outside the district. These came from many districts but the key ones were Dedza (21%) and Zomba (14%) districts. In general, Zomba, Mangochi, Mulanje and Phalombe in the south are prominent origins of migrant 'child labour'. In the country as a whole, the districts of Zomba, Dedza and Mangochi are leading suppliers of child labourers. By extension, these are the major sources of estate labourers or tenants, judging from the reasons in Figure 5[6].

In summary, the presentations above show that migration of working children is mainly influenced by parents' decisions to migrate as well as parents' decisions to have their children live elsewhere possibly with relatives and other guardians. It is apparent that these migrant children generally came from where the households they were found in came from. Thus these children did not migrate, on their own, to seek employment.

[6] It is important to note this is based on only 5 percent of the children. A better method would have been to also get information on district of origin of households if they were migrant households. However, the reasons for the migration that where the children came from is where the households since over sixty percent indicated having some attachment to the households.

4.3 Critical choices and preferences of children and their guardians

Going through reasons why guardians let or force their children and why children opt to work for pay or food give an impression that households and members are under pressure to do whatever they can to survive. Further, a cursory look at the knowledge communities have on the effects of child labour reinforces the impression. However, the study was interested to investigate what the children themselves would want to be doing and also what the guardians would want their children to be doing.

The majority of the children in the districts of Mzimba (81%), Kasungu (80%) and Mchinji (71%) said they would prefer to be going to school. However, only 45 percent of the children in Mangochi preferred to be going to school. In fact as many as 24 percent of the children in Mangochi said they would prefer to be working for income full time. This is striking considering that these were only preferences. The preferences of the guardians for each of the children in the age group of 5 to 17 years also show some differences.

Table 21 presents the preferences of the parents for their children. Over three-quarters of the children had parents who preferred them to be in school. These were highest in Mzimba (93.2%) and Kasungu (92.2%) districts. Strangely only 64 percent of the Mchinji children and 60 percent of the Mangochi children had their parents who preferred them to be in school. This follows the pattern already shown in terms of school participation.

Table 21: Parents' Preferences for their children

Preference	All districts *N=1762*	District Name			
		Mzimba *n=266*	Kasungu *n=517*	Mchinji *n=564*	Mangochi *n=415*
To attend school	75.7	93.2	92.3	64.0	59.5
To work	6.4	3.8	3.5	7.11	10.6
To work and school	17.1	2.3	3.3	28.7	28.2
To run a business	0.8	0.4	1.0	.2	1.7
To work on family farm	0.1	0.1	0	0	0
Total	**100**	**100**	**100**	**100**	**100**

The implication of these preferences is that the parents in Mchinji and Mangochi do not value school as much. It would, therefore, require a lot of persuading to withdraw their children from work completely. Households would need attractive incentives to fully withdraw their children from work. From the information presented above, Kasungu and Mchinji districts are the worst hit by agriculture induced child work and child labour. However, Mangochi is the least child-friendly district judging from its attitude towards education. No wonder Mangochi district is a significant exporter of labour. Mzimba district is the least affected. This is, of course, assisted by limited employment opportunities and the high value parents and children attach to education.

Chapter 5

Ways of combating child labour - voices from the community

During focus group discussions and key informant interviews, suggestions were given as to what can be done to reduce or eradicate child labour. Out of the responses, a number of actors and activities have been singled out. There are five main actors namely parents, traditional leaders (and the community as a whole), civil society organizations and Government. Out of the so many suggestions, the main suggestions were on civic education, legislation against child labour and the fight against poverty and food insecurity.

5.1 Parents

Parents are responsible for assigning chores and sending children to work or school. Informants zeroed on these roles. On the assignment of chores, the suggestion is that parents and guardians should assign work and tasks that are commensurate to the child's age; work that would not make the child tired; work that would allow a child to rest and play and work; and should treat orphans as their own children when assigning chores to them. On education, the informants stressed the need to give priority to child education and not work. On this wise, parents should send children to school and allow them time for study or homework after school. Text Box 1 gives a sample of what focus group and key informants said on how parents would contribute towards combating child labour.

Text box 1: What parents should do to combat child labour

- ✓ Children should only be assigned small tasks within own households as a form of training them
- ✓ Children should only be allowed to work for two hours in a day
- ✓ Children should not be assigned tasks that are beyond their capability *(ntchito yopyola msinkhu wao)*i.e work that should not the child too tired or weak (*kuti baleke kuphyoka)*
- ✓ Children should not be woken up early in the morning to work in the family farm
- ✓ Children should not be forced to work in their family's garden/farm for long hours per day
- ✓ Children should be allowed to work only when the parents are failing to provide for their household. The children should help bring more income to the household
- ✓ Parents should not force the children to overwork using food as a weapon *"para ugwirenge yayi ntchito, mbwe ulyenge cha"* (if you do not work, then you will not eat)
- ✓ Parents should stop overworking girls. Girls chores should be revisited. The girls should not be assigned chores continuously. Parents should stop assigning heavy chores to girls.
- ✓ Orphans should be taken care of as children of the household. People should volunteer to take care of them with love and kindness
- ✓ Parents should ensure that their children inherit all their assets/property of their parents (the parents' wealth should go to the children) so that the orphans can support themselves instead of working due to poverty
- ✓ Every parent should make sure that his/her children who are less than 18 years of age are going to school. Every parent with a child of school-going age should be forced to send the child to school
- ✓ A child should not only carry out different types of chores, but he or she should be sent to school
- ✓ A child should be given enough time to go back to his or her books before he resumes with household chores after school
- ✓ A child should be assigned chores that should give him or her enough time to rest or go back to his or her books

5.2 Traditional leader and community

Traditional leaders, as overseers of households and 'keepers' of culture were singled out as potential change agents. Informants suggested that traditional leaders should punish those who mistreat their children or orphans. The frequently mentioned fines were money, chickens and goats. Others suggested community work as a punishment. On the plight of orphans, it was suggested that traditional leaders should ensure that children get all the property of their parents to reduce the need for them to work for money or food.

There were other suggestions that called upon communities to take collective responsibility in the fight against child labour. On this, it was suggested that each citizen should monitor abuses by other households in the community. The informants suggested that neighbours should rebuke neighbours who mistreat their child. Further, it was suggested that adults should monitor the employment of children. Although the informants did not indicate whether the community-level punishment should be legislated, it is clear that the idea is to chastise, in one way or another, those who overwork their children or orphans to show them that the community is against child labour. Text box 2 presents some of the suggestions the informants made.

Text Box 2: What chiefs and communities should do to combat child labour

- ✓ Parents who assign hazardous chores to their children should be punished. They should be fined cash or goats. This will make them change
- ✓ Adults/parents/community members should take active responsibility in making sure that only adults are recruited to work in estates
- ✓ Every citizen should be a guard of his or her neighbour. When a neighbour overworks a child, he or she should be rebuked
- ✓ All cases where a parent overworks the child or involves a child in hazardous work should be reported to the village headman. He will suggest how the offender should be treated
- ✓ Those parents and guardians who overwork their children with too many chores should be arrested or given community work as punishment
- ✓ Those who overwork children should be punished with a fine in terms of chicken. The village headman should receive these fines. This will teach people a lesson *'wina akaona mnzake atalipira, iye sangapangenso zimenezo'*.
- ✓ Children should inherit all the assets/property of their parents when their parents die. This will assist the orphans to support themselves instead of working
- ✓ Adults/parents/community members should take active responsibility in making sure that only adults are recruited to work in estates

5.3 Employers

The informants recognised the role of employers in the fight against child labour. They singled out two types of community-level employers of children namely households and estates. In some cases the suggestions were general. There were those who suggested complete prohibition of child employment with attendant punishment for those who go against the prohibition. Some informants, recognizing

the necessity of child employment, simply suggested that employers consider a child's age in assigning tasks. A suggestion that was fundamental was that estate owners should provide some tracts of land and inputs credit to their employers for food production to reduce the need for tenants to send their children to work for food or money to buy food.

For those who employ domestic workers who are of school-going age, the informants suggested that the employers should send them to school. Others suggested that employers should allow young domestic workers to operate from their homes to enable them get continued cultural training from their guardians. Although these two suggestions seem impractical, they show communities' value for the child's education and moral development. See text box 3 for some of the suggestions.

Text box 3: What employers should or should not do to combat child labour

- ✓ Children of less than eighteen years (others suggested 20 years) should not be employed in estates. The parents who send or allow a child to work in the estates should be taken to court for prosecution and possible punishment.
- ✓ It is extremely difficult because many households in the community derive their income from tobacco farming which requires a lot of labour. This means that child labour is a must since it is a question of survival for the household. However, both employers and household involved in engaging children in worst forms of child labour should be penalized by paying a lot of money to government so that others learn from them
- ✓ Households should not employ children to work as servants because the children are supposed to attend school full-time
- ✓ All children that are employed should be operating from their respective homes so that there is no cultural breakdown since the parents would still be teaching him/her good manners
- ✓ Children should only be given the work they were employed for – nothing more or less
- ✓ Estate owners should provide them some pieces of land to cultivate and provide them with fertilizer on credit
- ✓ Those who employ children should also consider the child's ability to catty out the assignment. They should not just assign tasks any how *"osati zongopanga chimutumutu bola ntchito yagwiridwa yayi"*
- ✓ People who emp loy girls as domestic workers should send them to school

5.4 Civil Society Organisations

Civil society organisations were also identified as possible 'friends in arms' in the fight against child labour. There are three areas CSOs are expected to lend a hand on. The first is civic education to community members on laws and evils of child labour. The second is on the provision of free inputs or input credit to poor households including estate tenants and workers. The third is the provision of free food and feeding programmes to poor households, including estate tenants and workers. Informants figured out that there is need to deal with the root causes of child labour, i.e. income poverty and household food insecurity. Estate focus groups stressed the need to consider them in safety nets since they are just as poor as or worse than smallholders.

Text Book 4: What CSOs should or should not do to combat child labour

- ✓ Committees in villages, orgainsed by Government, should conduct civic education to people on child labour issues.
- ✓ Different organizations should provide civic education to community members on the disadvantages, effects and repercussions of assigning hazardous work to children through drama, songs and traditional dances.
- ✓ Organisations dealing in child issues should embark on civic education so that the people become familiar with the laws.
- ✓ Non-governmental organizations, apart from Government, should introduce school feeding programme so as to attract children to attend school
- ✓ Civil society organisations, on top of government, should donate food to hunger-stricken households so that children concentrate on education instead of being asked to work for food or money.
- ✓ Organizations should provide free fertilizer and food to poor households because the only way to combat child labour is to wipe out poverty completely.
- ✓ Organisations implementing safety net programmes should also consider estate workers. So far, estate workers (and tenants) are excluded in these programmes because they are "mistakenly" classifed as "workers" when the truth is that they are equally poor.
- ✓ Organisations should extend loans to poor households so that they venture into various income generating activities because once the poor have good income they will not allow their children to work

5.5 Government

Government was the most frequently mentioned actor in the fight against child labour. Apart from taking on all the activities mentioned under CSOs, Government was seen as the prime facilitator of poverty reduction through the provision of free food and inputs, input and feeding programmes and input credit. Government was also seen as a key provider of civic education and legislation for the reduction of child labour. It has been made perfectly clear that the fight against child labour starts with the fight against household poverty and food insecurity. It has been made clear that legislation against child labour, no matter how good or comprehensive would be ineffective without addressing the main cause of poverty. Text Boxes 5 and 6 resents summaries of the suggestions. Text Box 5 presents suggestions that had to do with laws and punishments. Text Box 6 presents suggestions on programmes and activities that Government ought to put in place to combat child labour.

Text Box 5: Legislation for the fight against child labour

Education

- ✓ There should be a law making it compulsory for parents to send their children to school, i.e. there should be compulsory primary school education
- ✓ Every parent/guardian that does not send a child (of school-going age) to school should be prosecuted and punished (by law)
- ✓ If children below 18 years are not gong to school after being warned twice by teachers, their parents should be punished
- ✓ Teachers should be empowered to report cases of child labour to relevant authorities for action since it is teachers who are not happy with frequent absenteeism and high rate of drop outs

Assignment of chores

- ✓ There should be a law that makes it an offense for parents or guardians to overwork their children. Punishment for those who overwork their children should be community service or any other punishment deemed appropriate by Government.
- ✓ Government provide for rewards and punishments for household. Parents that treat their children well should be rewarded and those that mistreat their children (including meting harsh punishment) should not get any incentives but be punished somehow.
- ✓ Parents who mete harsh treatment to their children be
- ✓ There should be a law that requires that children inherit deceased's estates of their parents. This will reduce the need for orphans to work for food or money.

Employment of children

- ✓ There should be a law that should restrict households from employing children of school-going age
- ✓ Government prosecute offenders of the law after comprehensively civic education about the law and effects of child labour. Those who employ a child should pay a heavy fine to the child and Government determined by a court of law and/or be imprisoned and for estates have their establishments closed down. The fines should be in the range of MK15,000 to MK20,000.
- ✓ Government should put in place a law that ensures that children get wages as adults

Text Box 6: Programmes for the fight against child labour

Education

- ✓ Government should introduce school feeding programme to attract children to attend school
- ✓ Government should provide food to hunger-stricken households to free the children concentrate on education instead of work for food
- ✓ Government should provide food and clothing to households keeping orphans to give them no excuse for not sending the children to school. Alternatively, Government should set up orphanages in the communities and there should be a school in each orphanage.
- ✓ Government should help pay school fees for needy pupils to reduce the need for poor guardians sending their children to work for school fees
- ✓ Government should put up attractive school facilities (desks, etc) and deploy qualified teachers to make pupils get interested in school.
- ✓ School teachers should stop assigning tough work or punishment to school children
- ✓ Government should set up vocational training centres where school children would go during vacation holidays instead of them getting employed. *(so para boma lamupa mwana ntchito yakuti pa holiday wakasambirenge part-time, mpapi wasangenge nkhumwawi. Wakumtolera kuya naye kuntchito kumunda)*
- ✓ Government should establish skills training facilities in communities for school drop outs
- ✓ Government should teach orphans some skills

Civic education

- ✓ Government should facilitate intensive civic education to communities on child labour by establishing an organization responsible civic education throughout the country which, in turn, would organize village child-labour committees and hold discussions with village headmen on why households overwork children.

Poverty reduction

- ✓ Government should combat hunger and poverty because these are the major causes of child labour.
- ✓ Government should assist poor households with school going children to reduce the need of those households to take along their children to work.
- ✓ In times of food insecurity, Government should provide food to affected households since these are the households that send their children to work.
- ✓ Poverty alleviation should be practical because most children are involved in work due to poverty. Due to poverty households fail to purchase agricultural inputs like fertilizer and consequently harvest little. This food insecurity leads to children being forced to work. Government should therefore subsidise fertilizer and other agricultural inputs.
- ✓ Government should, therefore, distribute free fertilizer to ensure household food security.
- ✓ Government should provide loans to smallholder farmers to purchase agricultural inputs. This will ensure household food security.
- ✓ Government should include estate workers and tenants in safety net programmes like free inputs and food. So far they have been systematically excluded because they mistaken as non-poor or 'working class' while the truth is that they are equally poor and send their children to work instead of school.
- ✓ Government should provide input credit at low interest rate and without a deposit requirement and without registration and membership fees requirement to reduce food insecurity.
- ✓ Government should provide loans for various income-generating activities.

5.7 General suggestions

There were other good suggestions that went to no particular actor. Either Government or civil society organizations can undertake these suggested actions. However, some of these are directed at children themselves. Text Box 7 gives a summary of these suggestions.

Text Box 7: General Suggestions

- ✓ Chiefs should be civic educated on the merits and demerits of child labour and child work so that they in turn prohibit assist in combating child labour
- ✓ Children should be empowered to say no to hazardous work
- ✓ If a child is mistreated or overworked as a domestic worker, the employer should be approached and disciplined. A fine of some kind would do
- ✓ There is need for intensive civic education to parents and guardians overworking or engaging their children or dependant children in hazardous work. The parents or guardians should be advised of the disadvantages of engaging a child in such work and ways of teaching a child to learn different tasks for the child's adulthood
- ✓ There should be skills training centres established countrywide for the children to acquire skills such as carpentry, tailoring, brick laying and tinsmith.
- ✓ Children must not be exposed to money. If anything children should only work for pay if they are working as school, as an income generating activity for the school
- ✓ Children should still be allowed to work in the estates but should knock off at 2.00 o'clock in the afternoon
- ✓ Whenever there are meetings for sensitising children, participants to such meetings should be drawn from all corners of the country including children themselves so that all children of the country know their rights
- ✓ Guardians for orphans should be provided with business loans so that they can start up businesses and help to care the orphans
- ✓ Government, NGOs, politicians, chiefs and teachers should conduct civic education concerning child labour

The suggestions are comprehensive and useful. Further, most of them are practical. In some cases what is needed is to polish them for implementation. Since the terms of references have some limits as what type of recommendations the report can come up with, only those that are related to ILO/IPEC programme are polished. However, even without polishing, the informants made the point perfectly clear. There is a lot that needs to be done at all levels, if the fight against child labour is to be won.

Chapter 6

Institutional support for the elimination of child labour

There are a number of players, each with its unique role(s), in the fight against child labour. A number of the players have already been highlighted in the previous chapter. This chapter dwells on current efforts being made by various actors, excluding community-based actors like chiefs, parents and CBOs. As part of the study, information was collected from Government and NGOs officials at the district, regional and national levels. The discussions centred on their roles, capacities and achievements in their efforts to curb child labour.

3.1 Child labour support at the district level

The main actors at the district level the district labour officer and social welfare officers are the main offices dealing with issues of child labour. The district labour office (DLO), according to the law, is supposed to be informed by the employer when recruiting of estate workers and tenants is being conducted in the district. Likewise, the DLO where the recruited workers are destined to go is supposed to be informed. The information should contain names, sex and age of the recruit. The DLO uses the age to determine issues of child labour. Again, the DLO is supposed to conduct labour inspections in various employment establishments. It is these inspections that determine if there are instances of child labour. Employers found to employ children are supposed to be prosecuted.

Finally, the DLO office is the first stop for the lodging of complaints for employees in the district. One of the information recorded by the DLO is the age of the complainant. Again, the DLO can determine the prevalence of child labour from the age of the complainant. However, it should be pointed out that it is mostly guardians of working children who report on children's behalf and that not workers who are abused (including child workers) report to the DLO. This means that using the age of the complainant and indeed the complaints register is not comprehensive enough. A combination of these roles would assist in the determination of the prevalence of child labour and therefore efforts to reduce its incidence.

Currently, district labour offices run on very limited capacity. The main constraints are fuel for motorcycles and, in some districts, motorcycles themselves and legal empowerment and skills in prosecution. Specifically, DLOs need capacity to:

(i) follow on employers who conduct employment drives without their knowledge
(ii) conduct inspections and follow up on complaints lodged by workers; and
(iii) prosecute offenders of the labour legislation

All of the offices visited had no full set of labour legislation. In fact most of the copies were for individuals and if transferred they would take them. No office had official copies, including the regional offices visited. Since child labour is most

prevalent at community level (households, small establishment in trading centres and estates), the district labour office is a critical frontline in the fight against child labour. So far, its impact is very minimal but can be significant with more allocation of resources to them.

The district social welfare (DSO) is another critical frontline player in that it receives 'SOS' signals from various sources including workers. In all the districts visited, there were 'pockets' of child social-welfare seekers from within the districts. Some of them were abandoned children whose parents, as tenants, did not make enough income to support them. Another group were child domestic workers who were 'thrown out' by their employers for various reasons. Most of these were seeking repatriation to their homes. The DSOs visited had no resources to carry out the simple but important activity of feeding, accommodating and repatriating the destitute child workers.

Although other offices like the police and education were not visited as frequently as possible, it was clear from the discussions with the labour and social welfare offices that the police and education are some of the important players in the fight against child labour. The police come in cases of repatriation, violent labour disputes as well as prosecution. The education sector comes in for cases of absenteeism and dropout both of which are either first steps towards child labour or manifestations of child labour. In Rumphi district, for example, anecdotal evidence from primary school attendance records show that enrolment varies from area to area and season to season. The area dimension could be related to tobacco growing while the seasonality dimension could be related to household food insecurity. This is an area worthy further investigation.

Apart from Government offices, there are a number of NGOs and CBOs whose activities are related to child labour or rights or can be adapted to implement child labour activities. In all of the visited districts, these were available. While there are a few NGOs on child labour and rights in Mzimba and Rumphi districts as opposed to Kasungu and Mchinji, CBOs including youth clubs are in abundance in all the districts visited. These are available in district social welfare and youth offices in these districts[7]

In Mchinji the known NGOs on child related activities included Save the Children (UK), World Vision International, PAC - NICE, Women's Voice (IGAs for parents) and CARD (IGAs for parents). In Kasungu, there were four NGOs mentioned. These are World Vision International, Plan International, Project Hope and NASFAM. The informants were not clear on the role of NASFAM in the fight against child labour. Mzimba district has only one NGO namely Africare. The relevant authorities in Mangochi district were too busy to attend to the study team. It was not possible, therefore, to get a list of NGOs in the district and their possible roles in the fight against child

[7] *The study team obtained the lists from most of the districts. However, the list is too long and inconsequential at this level of reporting. For example a list of the CBOs with their activities covered eighteen pages using font 10.*

labour. It is known, however, that there are a number of NGOs operating in the district.

3.2 Efforts to eliminate child labour at regional and central levels

At these two levels, the key players are Government and NGOs. The role of regional offices, which is to coordinate the activities of the districts in the region, is very minimal. Apart from producing consolidated reports, there is very little direct involvement with the communities. Worse still, regional offices rarely have the mandate to design programmes and policy for the region as a whole. Thus with functional national and district offices, the regional offices are redundant and to some extent a waste of resources and time. It is an unnecessary bureaucracy. As to prove the point, there are no NGOs undertaking regional programmes. If anything, NGOs operate at district, at the highest, and community levels, at the lowest while others work at national level.

Conventions and legislation

Government has, since 1990, increased its efforts in the fight against child labour. Its total commitment was manifested in November 1999 when it was among the first countries to ratify the ILO Convention 182 on the Worst Forms of Child Labour and also ratified the ILO Convention No. 138 on the Minimum Age. In fact, Government had already ratified the United Nations Convention on the Rights of the Child in the early 1990 and followed the ratification with the development of a programme of action.

The current Constitution of Malawi has also provided for the protection of the child against economic exploitation and also hazardous work and punishment. Apart from the constitution, the Employment Act of 2000 also provides for the same protection and further sets a minimum age of employment. Apart from the legislation, Government and other social partners (employers and workers) launched a campaign against child labour in collaboration with the ILO's Area Office in Lusaka and the Multidisciplinary Team in Harare in September 1999. In fact the ratification of C138 and C182 was a result of that campaign.

Programmes and projects

There have been various activities undertaken by various actors relating to child labour, in particular, and child abuse, in general. The Ministry of Labour and Vocational Training has stepped up its efforts in the facilitation of the fight against child labour. The Ministry established and chairs (Labour Commissioner) a National Steering Committee on Child Labour whose membership includes government, donors, workers and employers representatives and CSOs. Among its achievements was the formulation of an action plan on the elimination of child labour. Further, it has designated officers to act as coordinators of child labour issues as an answer to a call from stakeholders to establish a Child Labour Control Unit in the Ministry. Through this pseudo Child Labour Control unit, Government has embarked on the following activities:

- ✓ Training of labour inspectors in child labour issues
- ✓ Training labour inspectors to prosecute under the ILO/IPEC programme
- ✓ Sensitise employers' and workers' organisations on issues of child labour
- ✓ Review all labour-related legislation including army, population and education acts and penal code in conjunction with the Law Commission
- ✓ Review policies dealing with discrimination and occupation safety in light of HIV/AIDS
- ✓ Develop a code of conduct for child labour employment

In 2000 UNICEF provided technical and financial assistance to the Ministry to conduct child labour awareness campaigns, social mobilization on child labour and alliance building around the fight against child labour. The campaign targeted traditional authorities and labour officers, at regional and district levels, as partners. In 2001, UNICEF further funded a pilot project in Lilongwe district aimed at sensitising the local government development structures (the District Development Committee and District Executive Committee) and devising means of educating the public, through them, on the problem of and solutions for child labour.

The Ministry of Gender, Youth and Community Services in collaboration with various stakeholders constituted a National Task Force on Children and Violence including child labour. One of the achievements of the taskforce was the production of a situation analysis on child abuse in Malawi in 2000 in collaboration with Save the Children (US). The report was derived from a study the task force commissioned.

ILO's programme on the Elimination of Child Labour, the financier of this study, also assisted Government by funding a comprehensive national child labour study. The study is to provide a broad and detailed statistical base on the extent, nature, character, causes and consequences of child labour in Malawi. Along this same vein, the Royal Norwegian Embassy in Malawi has, through UNICEF Malawi, provided funding in 2002 for the implementation of the national action plan against child labour, developed through a participatory process whereby all major stakeholders were involved. UNICEF Malawi is providing technical and project management expertise while the Government and the CSOs are implementing various aspects of the project.

Efforts by NGOs

There are also various non governmental organizations existing and upcoming which deal with child labour issues. As is the case with NGO growth, more NGOs, new and existing, would turn their attention to the fight against child labour if only Government gave the fight high priority, in terms of resources and actions. Although NGOs can take a lead, they are also good followers. So far, there are a number of NGOs involved in this area. The major ones are those whose mandates relate to children. These include youth and labour organisations, 'Save the Children' NGOs, and 'mother and child care' NGOs. Other NGOs involved in child labour issues come from unlikely quarters - the tobacco sub-sector. This has been a recent phenomenon and could be linked to international pressure.

Due to time constraints and unavailability of some of the officials in the NGOs the study planned to visit, not all stakeholders were visited. What follows below is a

report of what the study team got from the NGOs visited. It does not mean that these are the only NGOs involved in the fight against child labour. If anything, it is a glimpse of what is happening on the ground. These activities can only be taken as first steps towards the full war against child labour in Malawi.

Malawi Congress of Trade Union (MCTU)

MCTU works by networking with several other stakeholders depending on type of issue in question. Internationally, MCTU works with a number of organisations, key ones being the International Congress of Federated Trade Unions (ICFTU) and the Commonwealth Trade Union Council. ICFTU emphasises the eliminating all worst forms of child labour (C138) whereas the Commonwealth Trade Union Council is interested in C182.

Since its inception, the MCTU has viewed child labour in Malawi as real problem[8]. In the conduct of its business, MCTU has visited several estates in Kasungu, Nkhotakota, Ntchisi and Rumphi districts where children were found working in some estates. Following this finding, MCTU instituted workplace committees on child labour for monitoring purposes. So far, seven committees have been set up and are functioning. Setting up of workplace committees is now being extended to tea growing areas. As a consequence of Malawi's ratification of C182 and in line with Article 3 of the Convention, MCTU has started planning for activities that would assist in the defining of what constitutes worst forms of child labour in Malawi.

Eye of the Child

Eye of a Child was established as a child rights advocacy NGO but has also been involved in civic education and research programmes. Most recently Eye of the Child has been involved in intervention programmes. Currently, Eye of The Child is implementing three programmes namely: paralegal advisory services, juvenile justice programme and child labour.

The child labour programme started in 1999 as a small project, conducting awareness campaigns in Thyolo and Blantyre districts, areas where it had other programmes. In 2001, with funding from the DANIDA-supported Malawi Human Rights Resource Centre, it started a child labour education project in Thyolo district. The project trained opinion leaders, the police, teachers and social workers on child labour issues. The focus of the training was on capacity building for effective monitoring of child labour at community levels and dealing with child labour incidences in accordance with the legal provisions. About 15 training sessions were conducted. With the withdrawal of aid by DANIDA, the project was terminated.

Eye of the Child was also among the stakeholders that developed the action plan on child labour on which basis UNICEF solicited funding from the Royal Norwegian Embassy. As part of the UNICEF programme, the NGO developed a child labour civic education project. This project has been funded and is now being implemented in Blantyre district, Lunzu area.

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[8] *Apart from its evils, child labour poses a threat to adults since child is cheap.*

The NGO is at the moment lobbying the Law Commission to consider raising the minimum employment age to at least 16 years and preferably 18 years. It is also calling for the minimum age for qualification for criminal responsibility to be revised upwards. Further, the Eye of the Child is lobbying to have stiff penalties for employers of young children.

Save the Children (US)

Save the Children (US) works for and with children on issues of child abuse and child protection through the Community Options for Protection and Empowerment (COPE) programme. This programme is currently being implemented in four districts namely Mangochi, Dedza, Nkhotakota and Lilongwe. In all these districts, Save the Children (US) operates as a facilitator. Actual project activities are carried out using existing structures namely District Aids Co-ordinating Committees, Community AIDS Co-ordinating Committees and Village AIDS Co-ordinating Committees.

Although these committees do not necessarily focus on child labour exclusively they, nonetheless, deal with related issues of sex abuse of children, school drop out, cultural abuse of children and child labour. Save (US) is also working with communities to define child abuse and child labour. As a result of this, communities have started mobilising themselves, albeit slowly, and are approaching farm workers and parents/guardians of working children to send their children to school. Save the Children (US) has also worked with traditional leaders, religious leaders and local politicians to sensitise communities on the issue of child abuse.

Plan Malawi

PLAN deals with child labour issues through one its 'Rights of the Child' project funded by UNICEF. The project is being implemented in two communities in each of district of Lilongwe and Kasungu and the City of Mzuzu. The first activity in the project was to sensitise the communities on child labour and child rights issues. The second activity was set up child rights monitoring committees to act as watchdogs. The child rights monitoring committees have also been trained as paralegals and civic educators.

PLAN has a related project called 'Schools Improvement Project'. The project improved school buildings, bought school materials, sponsored teachers' training and deployment in 10 pilot schools. The schools were selected in consultations with communities and the Ministry of Education. The idea is to improve teaching and learning environment so as to motivate children to attend classes and also parents to send their children to school.

Tobacco Association of Malawi (TAMA)

The interest of TAMA on child labour issues started in 2000 when it attended a conference in Nairobi, Kenya. The conference was discussing, among other issues, child labour in the agriculture sector. It was after this conference that TAMA started mobilising other players in the commercial agricultural sector (sugar, tea and coffee) with the aim of reducing the use of child labour in these sub-sectors. This mobilisation resulted in the formation the Association for the Elimination of Child Labour. Although the others were involved in the formation of the association, TAMA essentially takes the lead. TAMA hosts and finances the Secretariat of the Association, apart from

financing meetings of the Association. Membership of the association is still open to individuals and companies.

According to TAMA, child labour issues have always featured in TAMA's annual country-wide meetings with councillors in its 33 Tobacco areas since 2001. Further, the 33 Tobacco Councillors feature the issue of child labour as they conduct meetings in their areas every three months. In particular, the councillors advise their members to avoid employing children. However, as of now, TAMA does not impose penalties on members who still employ children. One of the problems is the monitoring of members since TAMA does not have the capacity to do so.

Association for the Elimination of Child Labour

The Association acts as a co-ordinating agency for child labour issues, mainly in the commercial agriculture sectors. Its objective is to ensure that all members receive timely information on the situation of child labour in Malawi and progress being made in curbing child labour. The Association plans to undertake a 'Child Elimination Project' in Nkhotakota district where the Association, in conjunction with MCTU, is already implementing another project. Among the activities being proposed are school construction (to reduce travel distances by children to less than 6km), borehole construction at the schools to benefit even the surrounding communities, teacher training and motivation, awareness raising among tenants and their employers, and provision of counselling to child workers to motivate them to return to school.

Together Ensuring Children's Security (TECS)

TECS, formally known as Tobacco Exporters Children's Services, started in July 2002. Again, like TAMA's Association, this is an initiative of tobacco exporters who face anti-child labour lobbyists in their business. The idea is to assist in the reduction of the use of children in tobacco production. Once this is achieved tobacco exporters will face the lobbyists without a problem. While serving the private interests of the exporters, the efforts of this NGO are commendable since they are towards the elimination of child labour. As a start, TECS conducted a child labour survey and the results showed that child labour is a reality in Malawi. Presently TECS is working in 60 villages in Dowa and Kasungu districts. TECS does not implement project activities. Instead it acts as a facilitator by raising funds and distributing those funds to implementers at the village level.

TECS is working on developing a product-labelling programme for all products sold on the Malawi markets. The label will signify that the product was made without the use of children in all its processes. TECS is engaging the Malawi Bureau of Standards in this endeavour. Once this is achieved in Malawi, TECS hopes to sell the idea in SADC region. Although this is just under development, it is noted that the labelling for the Malawi market is consequential. Further, there will be need for close monitoring of manufacturers to ensure that the label is not abused.

Chapter 7

Conclusions and Recommendations

7.1 Conclusions

The conclusions in this section are based on the literature review, survey and stakeholders interviews. On the surveys results, it is important to note that the survey was conducted during off-peak season. Although some of the questions related to the previous growing season, the results would have been much sharper if the survey was done during the peak tobacco period. For one thing, many estates were not in operation as they had not yet recruited workers and tenants. In making the conclusions, we are guided by the terms of reference. Our conclusions (and recommendations) are therefore in relation to the terms of reference.

Child labour and level of development
It has been clear from international and national studies and information from literature that a country's level of development and in particular household poverty status are closely linked. Incidence of child labour is high in poor countries and households. Parents and guardians are forced to take along or send their children to work for the daily survival of the household. Indeed, affluent societies and households are less likely to overwork their children in the name of training. In fact, they are likely to send their children to school in the same name of training.

Socio-economic characteristics of working children
Few children were in work that could be described as child labour. Most of them worked in the family farm and there is a very thin line between child work and child labour in the area of farm work. What is clear is that the few children who work in estates are overworked and receive less than adults although they better and sometimes more than adults. From key informants and focus groups, children who work mostly come from poor households and are themselves not very educated.

Availability of schools and child labour
The variation in school enrolment in the four districts shows that child labour is not necessarily related to accessibility of education facilities. It seems socio-economic and as well as cultural factors determine whether a child goes to school. Parental attitude, which sometimes rubs on their children, has a profound influence on whether a child is sent to school. Not all poor households withdraw their children from school and not all non-poor households send their children to school, regardless of accessibility of schools.

Sectoral distribution of working children
Since the sampling was purposive, to a very large extent, most of the working children were found in agriculture. It is noteworthy that there was little incidence of children working in non-farm activities like family business, manufacturing and other IGAs

although the survey was conducted during the off-season. This shows that agriculture is the main sector, if not the only source of livelihood, in the tobacco growing districts.

Migration status of working children

There was little migration of children to the tobacco growing areas. The few that migrated and were found working came following parents or were sent by parents to follow relatives. However, key informants and stakeholders reported children migrating from Dedza to Kasungu and Mchinji. Since the survey as conducted in a period when food was relatively available at the household level, migration of children could not be detected. It is food insecurity at the household level that drives children to estates seeking employment for food.

Reasons why children work

Children work because of poverty and food insecurity. Most of the work for pay or food done by children is under duress. Either the parents or guardians take the children along or send them to work or the child herself/himself sees the need to assist the struggling household. Family farm work by estate workers or tenants' children is more than training because parents at the estates rarely have time to work on their household food crop plots. Children are forced to work the farms on behalf of their parents. Further, they are required to assist their parents on the estate to meet 'unreasonable' quotas set by the estate. Related to the household poverty, most of the children work for pay to buy basics after parents genuinely fail to provide them. Very few children work for pay for the sake of having fun with the money. Most of the children who work for pay give the whole or part of the payment to their parents or guardians for use in the household.

Perceptions of stakeholders regarding child labour, laws and legislation

Children prefer school to work. Very few prefer work. Likewise most of the parents prefer their children to go to school instead of work. Some opt to have their children go to school as well as work. Very few prefer their children to work full time. There marked district variations on this issue.

Very few stakeholders have knowledge of the laws, legislation and regulations that govern child labour. Estate managers, teachers, traditional leaders, adults and the youth show minimal, if not vague, knowledge of the legal instruments and provisions regulating child labour. Some groups and key informants are frank enough to indicate their ignorance while others show their ignorance by providing wrong answers.

Children in hazardous work

There is no significant hazardous work children are involved in. The only suspect task is the application of fertilizer. There are few cases, mentioned by focus groups, where children are said to be involved in the application of some hazardous chemicals. The use of protective clothing was not prevalent and estate managers stressed that children are not involved in the application of these chemicals. In support of this, none of the children that worked said they applied such chemicals. If anything informants mention working long hours and sex for money by girls as prevalent hazardous work. Again, evidence from children themselves does not support this

allegation. Again, on sex for money, its prevalence is unknown. What is available is qualitative information. It is not clear whether what is reported is child prostitution or promiscuity or simply 'casual sex for a buck'. That said, this is a serious issue worthy further investigation considering that there is low use of condoms and high prevalence of HIV/AIDS countrywide.

State of children's health and welfare

There is high morbidity among children in the four districts, judging from the prevalence of those who got ill in the past twelve months. Although this is a long period for a good assessment of morbidity, there were marked district variations. Districts with high probability of working their children had higher morbidity than the rest. In terms of injury, a significant proportion of those who got injured were injured while working. Although very few had serious welfare implications, the prevalence of illnesses and injuries for those that worked is a cause of concern.

Alternative income generating activities apart from agriculture

There is no evidence in the four districts visited that households have alternative IGAs. Most of the children who work are in agriculture. Very few are in family business or work on own account.

Burley tobacco liberalisation and child labour

There have been no studies on this issue. Information from stakeholders at both community and national levels shows that the liberalisation increased demand for adult labour. However, its impact on formal and informal deployment of child labour is unclear. Burley tobacco liberalisation has, in the first instance, increased the demand for direct wage labourers (by reducing the supply of tenants and, to some extent, wage labourers). It is possible that estates employ adult workers, what with the high underemployment in the country. However, it is also possible that estates employ a growing number of children as more and more adult estate workers go for burley tobacco growing.

On the other hand, the withdrawal of tenants from estates frees children who were informally bonded to the estates. If these tenants do not use the children as much as they used to while at the estate, then the burley tobacco liberalisation would be said to have released the children for the bondage of tobacco growing. Thus the extent to which smallholders use their children in the burley tobacco production and the extent to which estates resort to employing children determines whether the burley tobacco liberalisation has increased child labour. So far, it is not clear although our guess is more children are employed and deployed in burley tobacco production with the burley tobacco liberalisation.

7.2 Recommendations

The following recommendations strictly follow the terms of references. The terms of reference stress three areas. The first area is on supportive policy and legal framework for the fight against child labour. The second is on organisations that can implement some activities of the ILO/IPEC programme. The third area is on possible sites for the programme.

Supporting policy and legal framework
Government should develop a comprehensive child labour policy using the existing National Steering Committee on Child labour. The Ministries/Departments responsible for child labour and children affairs and other key players in education, community services, social welfare, police and justice should be heavily involved. The review of pieces of labour legislation should follow from the developed policy statement. It will be only then that a favourable environment for the fight against child labour will be created.

Specific issues worthy looking into, as the policy and legal frameworks are being developed, include the following:

Labour inspectors to prosecute offenders
Labour inspectors should be legally empowered to inspect any place where there are employees, including homes. The inspectors should be empowered to legally prosecute offenders of labour laws since they are the ones who collect evidence. The legal empowerment should be followed by technical empowerment. Capacity building for the labour inspectors is a must.

Labour inspections should be fully-funded
Poverty aside, frequent and effective labour inspections reduces the incidence of child labour in workplaces. It is imperative that district labour offices be adequately funding to enable labour inspectors visit all establishments in the district frequently.

Households privacy and labour inspections
It is important to legally open up homes for labour inspections since domestic workers are some of the most abused among workers.

Penalties and enforcement
It is not enough for the government to simply mimic international conventions. Enforcement of the laws is more effective than beautiful language in a piece of legislation. Resources are required to enforce the law.

Tenants need legal protection
The Tenancy Bill should be made into law. This will assist stranded and exploited tenants, their children and families.

Repatriation of stranded workers should be priority
Resources are required at district level to enable district assemblies repatriate deserted children. To minimise the resource requirements, there should be a district task force in each district comprising all sector heads (before full decentralisation) or department heads (after full decentralisation) to coordinate repatriation efforts.

Compulsory primary school
There should be legislated compulsory primary education. Government should deal with household poverty and parents/guardians who fail to send their children to

school. There should be rewards and penalties for households with school-going-age children. With compulsory education, child employment should be outlawed.

Civic education and community level monitoring committees
All medium of communication should be used to educate people on the importance of education and evils of child labour. All stakeholders should take a stake in this. There should be community level child labour monitoring committees overseen by the traditional leadership, apart from causal 'neighbourhood' watchdogs

Implementation of PAP and MPRSP
Poverty is a main cause of child labour. Dealing squarely with poverty means dealing squarely with child labour. The fight against poverty starts with the implementation of PAP and the MPRS. Malawi is good and quick at developing good policy and strategy documents. Malawi is also good at failing to implement the good policies and strategies. However, civic education, compulsory education and heavy fines and penalties are ineffective when households are desperate for food.

Organisations to work with in the fight against child labour
Withdrawing of children from work and providing them with some productive alternatives require organisations that would work at community level. It is logical therefore to use community-based organisations. However, since there are numerous CBOs, assessment of their capacities is not possible. As a way forward, a district task force comprising some NGOs and district offices like the DLO, DSWO and district youth office, education and police should be formed and used as a project facilitator. CBOs should be used to register and withdraw working children. The district task force should be used to identify appropriate CBOs or NGOs that can be used to provide the required support to the withdrawn children depending on ages and support structures in the district.

Project sites
It is not realistic to propose project sites within the sampled districts because the choice of the traditional authorities was purposive although the choice of EAs was random. In some districts like Kasungu and Mchinji where tobacco estates are widespread, it would be unfair to purposively select the areas where the survey was conducted. A different criterion will have to be used. In Mangochi and Mzimba districts where tobacco production is concentrated in certain parts of the districts, it may be easier to concentrate project activities in the tobacco growing areas.

If the project is to concentrate on the withdrawal of children from commercial agriculture, a practical solution is to prioritise districts on the basis of prevalence of children working outside their homes and out of school. The priority in descending order would be Kasungu, Mchinji, Mangochi and Mzimba. If the project requires selection of areas in each district, there should be consultative selection of project sites with the district task forces. The selection of the project sites should be based on perceived incidence of working children, availability of working CBOs or availability of NGO operating in the area. This especially true for Kasungu and Mchinji districts. Hubs of operations could, however, be established in major trading centres where

skills development centres for uneducated aged children could be undertaken. These hubs should also be identified jointly with the districts teams.

In Mangochi and Mzimba, the selection of project hubs and sites should follow the existence of tobacco estates. Since it is known that estates are prevalent in certain areas, hub could be established in key trading centres in those areas. Project activity sites around the hubs should be established as satellites. The district task forces are crucial in the choice of project hubs and activity sites.

If the project is to concentrate sustained improvement in enrolment, then Mangochi and Mchinji are priority districts. In fact Mangochi district is priority number one because it has, comparatively, the largest proportion of working children who are not in school. Further, most of these working children are under the age of 14 years. In addition, a comparatively large population of the children prefer to work full and part time and a good proportion would like to work for income full time. To amplify this problem, comparatively less children in Mangochi have parents who would prefer them to attend school.

In this scenario, there should be no project site selection in Mangochi and Mchinji districts. The whole district should be earmarked for massive civic education. The focus should be setting child labour monitoring committees, motivating parents to start sending their very young children to school and where possible offer incentives to ensure that parents keep their children in school. The incentives can be passed to parents through the committees or CBOs. For Kasungu and Mzimba, the approach described earlier on where hubs and project activity sites are used, would be used in this case.

As a final recommendation, it will be important to call all relevant stakeholders in the central level as well as the four districts to discuss the recommendations contained in this report.

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List of People Interviewed

No	Name	Designation	Organisation
1	[redacted]	Labour Commissioner	Ministry Labour and Vocational Training
2	[redacted]	Director, research and planning	Ministry Labour and Vocational Training
3	[redacted]	Principal Labour Officer	Ministry Labour and Vocational Training
4	[redacted]M A G	Assistant District Labour Office	Mchinji DLO
5	[redacted]C	Mchinji District Labour officer	Mchinji DLO
6	[redacted]	Mchinji Social Wefare offiice	Mchinji DSWO
7	[redacted]E	Project Manager, Mchinji	Save the Chilren Fund (UK)
8	[redacted]GE	District Labour Office	Kasungu DLO
9	[redacted]J		Kasungu DLO
10	[redacted]E		Kasungu DLO
11	[redacted]	District Social Welfare Officer	Kasungu SWO
12	[redacted]		Kasungu DSWO
13	[redacted]		Kasungu DSWO
14	[redacted]	District Labour Officer	Mzimba DLO
15		Assistant DLO	Mzimba DLO
16		District Youth Officer	Mzimba Youth Office
17	[redacted]Y	Crops Officer	Mzimba RDP
18	[redacted]S		Rumphi DLO
19	[redacted]		Rumphi DLO
20	[redacted]H		Rumphi DSWO
21	[redacted]K		Rumphi RDP
22	[redacted]		Rumphi RDP
23		Regional Labour Officer	Region Labour Office (N)
24		District Labour Officer	Mzuzu City Labour Office
25	[redacted]C	Social worker	Regional Social Welfare Office (N)
26	[redacted]G	Head, Social policy	UNICEF Malawi
27	[redacted]M		TAMA
28	[redacted]		Association for the Elimination of Child Labour
29	[redacted]		Tobacco Control Commission
30	[redacted]		CEYCA
31	[redacted]A		Plan Malawi
32	[redacted]B		TECS
33	[redacted]N		Save the Children (US)
34	[redacted]V		Save the Children (US)
35	[redacted]		Regional Labour Office (C)
36	[redacted]		MCTU
37		Communication consultant	Youth Alert
38	[redacted]	Director	Eye of the Child
39	[redacted]	Child Labour Programme Coordinator	Eye of the Child