Government of Malawi

NATIONAL CHILD LABOUR MAINSTREAMING GUIDE

Ministry of Labour, Skills and Innovation

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MALAWI

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SECRETARY FOR LABOUR, SKILLS AND INNOVATION

LIST OF ABBREVIATIONS

AEC	:	Agricultural Extension Committee
ACWRC	:	African Charter on the Welfare and Rights of a Child
CSO	:	Civil Society Organisation
CLDO	:	Child labour Desk Officers
COMSIP	:	Community Savings and Investment Promotion
CDA	:	Community Development Assistant
CCLC	:	Community Child Labour Committee
CL	:	Child Labour
CPW	:	Child Protection Worker
DAC	:	District Agricultural Committee
DCLC	:	District Child Labour Committee
DLO	:	District Labour Office
DADO	:	District Agricultural Development Office
DAEC	:	District Agricultural Extension Committee
DAES	:	Directorate of Agricultural Extension Services
DCLC	:	District Child Labour Committee
DEP	:	District Education Plan
DEC	:	District Education Committee
DEM	:	District Education Managers
DDP	:	District Development Plan
EA	:	Employment Act
ECAM	:	Employers Consultative Association of Malawi
ECD	:	Early Childhood Development

EPA	:	Extension Planning Area
EMIS	:	Education and Monitoring Information System
FBO	:	Faith Based Organisation
FISP	:	Farm Input Subsidy Programme
IGA	:	Income Generating Activity
IEC	:	Information, Education and Communication
HIV	:	Human Immune Virus
AIDS	:	Acquired Immunodeficiency Syndrome
MCTU	:	Malawi Congress of Trade Unions
MDHS	:	Malawi Demographic and Health Survey
MGDS II	:	Malawi Growth and Development Strategy II
MICS	:	Multiple Indicator Cluster Survey
MoAIWD	:	Ministry of Agriculture Irrigation and Water Development
MoEST	:	Ministry of Education Science and Technology
MoICE&CT	:	Ministry of Information, Civic Education and Communication Technology
MoGCDSW	:	Ministry of Gender Children Disability and Social Welfare
MoLYSMD	:	Ministry of Labour Youth Sports and Manpower Development
NAP II	:	National Action Plan on Child Labour II
NCLMG	:	National Child Labour Mainstreaming Guide
NGO	:	Non-Governmental Organisation
NSC	:	National Steering Committee on Child Labour
PTA	:	Parent Teacher Association
PTR	:	Pupil Teacher Ratio
SAIIA	:	South African Institute of International Affairs
SCT	:	Social Cash Transfer
SDG	:	Sustainable Development Goals
SIP	:	School Improvement Plan
SMC	:	School Management Committee

TWG	:	National Technical Working Group on Child Labour
VAP	:	Village Action Plan
VDC	:	Village Development Committee
VSL	:	Village Savings and Loans
WDACL	:	World Day Against Child Labour

1.0 INTRODUCTION

1.1 The Child Labour Situation in Malawi

According to the Employment Act, child labour refers to work that is harmful to the health, safety, education, morals or development of a child, or is prejudicial to a child's attendance at school or any other vocational or training programme. The International Labour Organisation (ILO) Conventions 138 and 182 also define child labour in a similar way, namely that it is any work that is detrimental to the physical, mental, spiritual development of the children and deprive them of their right to education. These definitions are also reflected in the African Charter on the Welfare and Rights of the Child.

The 2015 National Child Labour Survey (NCLS) revealed that 38 percent or 2,118630 of the children in Malawi aged 5–17 years are involved in child labour. These numbers clearly demonstrate that child labour elimination efforts need to be intensified and accelerated in order for the goal of child labour elimination to be reached in the nearest possible future.[1]

The NCLS report further found that 72 percent of working children were in the agriculture sector; 23 percent in domestic work; and 3 percent in the wholesale and retail sector. Poverty in the form of lack of basic income and food security is a significant cause of child labour. Extreme poverty forces children to engage in more harmful and detrimental forms of labour and often leads their families to condone or encourage such work. The government and development partners in Malawi have made considerable progress towards poverty reduction through such efforts as the Malawi Growth and Development Strategy I, II and III, the United Nations Development Assistance Framework (UNDAF) and other bilateral support.

1.1.0. Causes of child labour

Child labour arises due to a number of related and complex factors, both social and economic. Some notable causes of child labour include:

[1] Understanding child labour and youth employment in Malawi: Inter-agency country report (2018)

1.1.1 Poor Education System: The education system in Malawi, as in most sub-Saharan African countries, faces many challenges. A report by the South African Institute of International Affairs (SAIIA) of December 2004 sums that: "In the four decades since African countries started to gain independence from foreign rule, their education systems with few exceptions have been marked by inadequate teaching, lack of resources such as textbooks and chalkboards, colonial curricula, and modes of instruction that often impeded the learning process." Among other effects, this has resulted in high dropout rates. Children who drop out of school are at high risk of becoming trapped in child labour.

1.1.2 HIV and AIDS: With a prevalence rate of 8.8 percent (MDHS, 2015-2016) Malawi is one of the countries most affected by HIV and AIDS in the world. Since the pandemic affects mostly the productive age group of 15–49, the loss of this age bracket leaves behind orphans and the elderly who are unable to support themselves. Children orphaned because of HIV and AIDS are more likely to become involved in child labour in order to support themselves and their younger siblings.

1.1.3 Household size: Households that have many children compared to the resources at their disposal are more likely to send their children to work in order to supplement family income. With a high fertility rate of 5.7 births per woman, Malawi's population is growing faster than its economy can support and has a large pool of children. Children from poorer households are more likely to engage in child labour.

1.1.4 Cultural factors: Cultural and traditional beliefs play a significant role in influencing child labour. In many societies, boys are preferred to girls and hence are given preference in access to education. They are also favoured when it comes to the distribution of household chores. Cultural practices such as initiation ceremonies have been found to encourage early marriages and also increase the risk of contracting HIV.

The Employment Act prohibits all forms of employment or work for children below the age of 14 years. Between 14 -17 years a child may work but not in hazardous work as defined in the Employment Act (Prohibition of Hazardous Work for Children) Order, 2012. The Constitution of the Republic of Malawi in section 23(4) provides that "Children are entitled to be protected from economic exploitation or any treatment, work or punishment that is, or is likely -

(a) to be hazardous;

(b) interfere with their education; or

(c) be harmful to their health or to their physical, mental or spiritual or social development."

1.2 Child Labour Mainstreaming definition and trends

Child Labour Mainstreaming refers to concerted and systematic action by governmental, non-governmental agencies and other actors to integrate and reflect such elements into their processes, policies, programs, and budgets, which will contribute to the sustained prevention and elimination of child labour.[2]

Child labour mainstreaming is a key strategy for ensuring that child labour issues and concerns are included in policies, plans and budgets, appraisals, feasibility studies, evaluations, economic development targets/goals, etc, at the national, sub-national and sectoral levels, regional bodies and the global agenda.

Child labour mainstreaming entails elements that will contribute to the sustained prevention and elimination of child labour, for example: strategies for education, the withdrawal of children from work, the protection of children of legal working age (14–17 years), capacity development, data/information collection, dissemination, advocacy, and awareness raising.

Malawi has made some strides in mainstreaming child labour in different policies and sectors. For example, the Malawi Growth and Development Strategy (MGDS) II explicitly included child labour eradication as one of the top priorities of government action. The Employers' Consultative Association of Malawi (ECAM) has also put in place a code of conduct on child labour for its members. Further to this, child labour mainstreaming is one of the key strategies for child labour elimination under the NAP II.

This Guide aims to provide strategic guidance on to mainstream child labour in policy frameworks and service delivery.

[2] Sherin Khan Senior Specialist on Child Labour ILO DWT for South Asia: Harvesting a Future without Child Labour: Eliminating Harmful Practices from Agriculture

2.0 PURPOSE, OBJECTIVES AND GOAL OF THE NATIONAL CHILD LABOUR MAINSTREAMING GUIDE

2.1 Purpose and Objectives

The **purpose** of this Guide is to assist Government institutions, social partners and other key stakeholders on how to include child labour issues in their functional scope and programming.

The specific **objectives** are:

- To create awareness and build knowledge on child labour among key stakeholders in child labour elimination.
- To provide technical insights on how to include child labour issues/interventions within functional scope of stakeholders.
- To promote a multi-sectoral approach in addressing child labour.
- To help in identifying gaps and inconsistencies in child labour related regulatory frameworks.

2.1.0 Goal and Outcomes

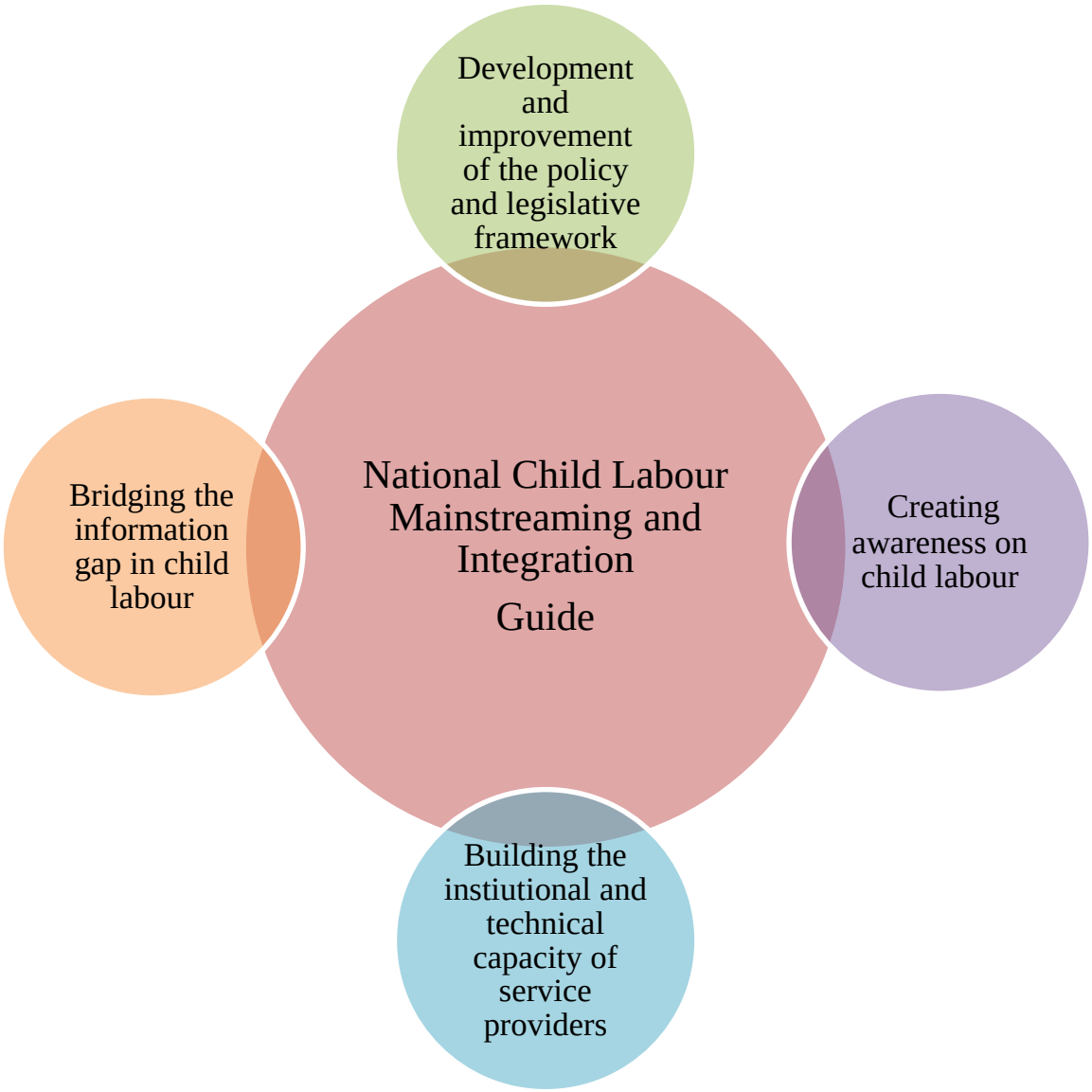
The **overall goal** of child labour mainstreaming is to contribute to the acceleration of action against child labour so as to end child labour by 2025 in line with Sustainable Development Goal (SDG) target 8.7. The expected **outcomes** are:

- Child labour elimination strategies incorporated in key legal and policy documents.
- Enhanced child labour responsive planning and service delivery.
- Enhanced multi-sectoral collaboration in addressing child labour.

3.0 Synergy with the NAP II (2020-2025)

This guide is aligned with NAP II. It directly supports the priority areas of NAP II, namely: Legal and Policy Framework; Capacity Building; Awareness Raising; Prevention, Withdrawal, Rehabilitation and re-Integration; Chronic Illnesses and HIV and AIDS in the context of Child Labour; Child Labour Information Base and Management; and Availability of Child Labour Information.

Figure 1. Synergy between National Child Labour Mainstreaming Guide and NAP II (2020–2025)



4.0: IMPLEMENTATION OF THE GUIDE

Five key results areas were identified and used for the development of strategies and approaches to guide key stakeholders in mainstreaming child labour issues in their programming and service delivery.

4.1.0. The five (5) key result areas used are as follows:

a) Result Area 1: Child labour mainstreaming in basic social services delivery

b) Result Area 2: Child labour mainstreaming in legal and policy frameworks

c) Result Area 3: Awareness creation, advocacy and lobbying

d) Result Area 4: Child labour coordination, support and oversight

e) Result Area 5: Addressing child labour in supply chains

Gender, HIV and AIDS, disability and child labour information base and data are treated as cross cutting issues.

Guided by these result areas, key Government and stakeholder institutions have been identified and provided with guidance on how to mainstream child labour within their mandated responsibilities. The issues to be mainstreamed cut across the result areas. Key Government and stakeholder institutions targeted for child labour mainstreaming together with the strategies and actions suggested include the following:

4.1.1 Ministry of Education, Science and Technology (MoEST)

4.1.1.0 Headquarters Level

- Include child labour and child rights issues in the school curricula.
- Enforce a policy prohibiting hidden costs to reduce absenteeism and dropout rates.
- Provide guides to be used by PEAs and DEMs to supervise anti-child labour clubs in schools.
- Provide guidance on provision of friendly school environment for the girl child
- Document and Communicate good practices on child labour and education to lower

levels structures of the education system

- Initiate review of education laws when necessary to facilitate the fight against child labour
- Participate in National Steering Committee (NSC) and Technical Working Group (TWG) on child labour.

4.1.1.1 District Education Management (DEM) Level

- Include in the District Education Plans (DEPs) how the district education office will address child labour issues (for example, how they will establish/support/scale anti-child labour clubs in schools).
- Develop a template for SIPs that will also include how schools will address child labour issues in their communities.
- Allocate more teachers in the rural areas to reduce the Pupil Teacher Ratio (PTR).
- Utilize the District Executive Committee (DEC) meetings to present school-based challenges that are making schools not to be child-friendly.
- Incorporate in the district Education Management Information System (EMIS) data on children involved in child labour.
- Use the district Education Management Information System (EMIS) data as evidence to advocate and lobby for increased resourcing and financing of schools.
- Participate in District Child Labour Committee (DCLC) meetings.

4.1.1.2 Zone Level

- Primary Education Advisors (PEAs) to include World Day against Child Labour (WDACL) on June 12 every year amongst other zonal level commemorations by schools such as the Day of an African Child, National Education Day, etc.
- PEAs to actively attend Area Executive Committee (AEC) meetings to network with stakeholders that can support referrals intended to support learning of children and prevention of children from child labour.
- PEAs to support schools to develop School Improvement Plans (SIPs). These SIPs must cover measures to support children who have been withdrawn from child labour or those at risk of entering into child labour.

- PEAs to include the supervision of anti-child labour clubs when they conduct school support visits.

4.1.1.3 School Level

- Head-teachers and School Management Committees (SMCs) to collaborate with Village Development Committee (VDC) members to collect information on the number of children of school-going age in the catchment area of the school to compare against the number of children enrolled in school. Submit the variance to Child Protection Workers (CPWs) to indicate the number of children that are not in school.
- Develop a community, zone, and district level referral map that will support children with chronic absenteeism.
- Designate a teacher to be part of the Community Child Labour Committee (CCLC).
- Establish and support anti-child labour clubs and appoint teachers to facilitate the sessions.
- Liaise with SMC and Parent Teachers Association (PTA) members to introduce small-scale and community-led enterprises to support school feeding programme during lean months, procurement of basic teaching and learning resources, e.g. chalk, registers, etc.[3]
- Support and work with Mother Groups to support children that have been integrated in the school's system.
- Provide a child friendly school environment taking into account the different needs of boys and girls

4.1.2 Ministry of Agriculture, Irrigation, and Water Development (MoAIWD)

4.1.2.0 Headquarters Level

- Through the Directorate of Agricultural Extension and Advisory Services (DAES), develop comprehensive extension delivery tools that will include a 'child profile' and 'workers profile' for farmers.

[3] This will also help to remove other barriers to attendance such as School Development Funds (SDFs) and other costs

- Include vulnerable households with school-going children in the Farm Input Subsidy Program (FISP).
- Work with agriculture training institutions to cover child labour, including age-appropriate occupational safety & health practices, in course content for extension workers.
- Actively participate in the NSC and TWG on child labour at the national level.
- Ensure that policy formulation and review a in the agriculture sector take into account the issue of child labour.

4.1.2.1 District Agricultural Development Office (DADO)

- Allocate more extension workers in areas where there is high prevalence of child labour.
- Work with other stakeholders in child labour and child protection in the District Agriculture Extension Committee (DAEC). These could include NGOs/INGOs, FBOs, CSOs, cooperatives, local representatives of prominent agricultural buyers or private sector supply chains that are active in the area, representatives of organized labour, etc.
- Introduce a child labour sub-committee within the DAEC.
- Actively participate in DCLC meetings at district level.

4.1.2.2 Extension Planning Area (EPA)

- Develop and include 'child profile index' in the farmer information to know if children from farming households are going to school.
- Liaise with Lead Farmers to collect information on farm workers in terms of their ages and type of work that they do.
- Monitor and report incidents of child labour to structures such as CCLCs, AEC, VDC, DLO, CPWs, NGOs, community leaders, and other relevant structures.
- Support youth led agri-based enterprises in their production, storage, and marketing.
- Identify and promote labour-extensive approaches in production and other off-farm tasks.
- Provide instructions on Safety and Health when working with young farmers (14–17

years) so that they do not engage in hazardous practices.

- Provide capacity building to farmers organisations such as farmers clubs, associations and cooperatives so that they participate in child labour elimination within their supply chains

4.1.3 Ministry of Gender, Children, Disability and Social Welfare

4.1.3.0 Headquarters Level

- Advocate and lobby for increased funding for Early Childhood Development (ECD) services.
- Develop a policy for adult education in the country.
- Promote a gender sensitive approach in addressing child labour.

4.1.3.1 District Level

- Train CDAs on household methodologies that will support gender equality, women's empowerment, and child protection.
- Include a section on 'child labour interventions' in the CDAs' and CPWs' monthly work plans and reporting templates.

4.1.3.2: Community Level

- Revitalize the 'children's corners' and use them for community-based after school activities.
- Identify and link vulnerable households (those with school-going children) to micro-finance and IGA schemes, e.g. VSL, COMSIP, etc.
- Community Development Assistants (CDAs) to influence integration of the CCLC as sub-committee of the Area Development Committee (ADC)
- Community Development Assistants to foster village/area level planning that includes child labor issues

4.1.4 Ministry of Local Government and Rural Development

4.1.4.0: Headquarters level

- Design templates for integrating Child Labour issues in the local government system.
- Monitor and supervise the performance of DCLCs,
- Develop capacity of Local Councils in Child Labour mainstreaming.
- Facilitate adaption of the National Mainstreaming Guide to the Local Council level
- Facilitate adoption of By-laws by District Councils
- **Mainstream C**hild Labour in Legal and Policy Frameworks under the Ministry

4.1.4.1 District Councils (District Commissioner's office)

- Design Village Action Plans (VAP) templates that include child labour as one of the result areas of focus.
- Include strategies/mechanisms for addressing child labour in District Development Plans (DDP).
- Strengthen District Child Labour Committees (DCLC) and ensure that there are synergies with Child Protection Committees.
- Include vulnerable households with school-going children among beneficiaries of social protection programmes such as Food for Work, Public Works Programme, Social Cash Transfers (SCT), and others.
- Allocate budgets for capacity building for DCLCs/CCLCs and support child labour initiated referrals.
- Develop and enforce by-laws on child labour and child protection.

4.1.4.2 Area Executive Committee (AEC)

- Facilitate the prioritization and inclusion of child labour issues in the Village Action Plans (VAPs).
- Initiate a community network on child labor issues Incorporate CCLC as a sub-committee of the ADC.

4.1.5. Ministry of Justice and Constitutional Affairs

- Develop guidelines for the prosecution of child labour cases.
- Review penalties for perpetrators of child labour to make them stiffer.
- Orient prosecutors on child protection laws and prosecution procedures.

- Incorporate child labour-related recommendations into the legislation.
- Provide guidance on the interpretation of by-laws on child labour and child protection.
- Build the capacity of government departments and stakeholders in understanding different international and regional treaties relating to child labour and child protection.

4.1.6 Ministry of Homeland Security - Malawi Police Service

- Include a module on child labor and protection in the training of police officers.
- Members of the community policing forum to also monitor cases of child labour and report to the relevant authorities.
- Revitalize the victim support units to be used to protect and support victims of child labour (especially those that have migrated from far-away places).
- Develop a referral map on how to support and provide a continuum of care to victims and perpetrators of child labour.
- Prosecute perpetrators of child labour
- Participate in the DCLC meetings at district level

4.1.7 Ministry of Labour, Skills and Innovation

4.1.7.0 Headquarters Level

- Orient NSC and TWG members on the Mainstreaming Guide.
- Provide overall coordination of the Mainstreaming Guide
- Monitor the implementation of the Mainstreaming Guide
- Empower child labour desk officers to champion child labour mainstreaming in their respective institutions and monitor them
- Lead in the review of child labour related legislation and policy frameworks to promote a conducive environment for mainstreaming child labour
- Initiate periodic reviews of the Mainstreaming Guide
- **C**hild Labour Coordination, Support and Oversight

4.1.7.1 District Labour Offices (DLO)

- Orient DCLC and DEC members on the child labour issues and the mainstreaming guide.
- Work with DCLC members to prioritize actions, set deadlines, and monitor progress so

as to meet targets for mainstreaming actions.

- Undertake review meetings with DEC and DCLC members on how child labour mainstreaming strategies are taking effect.
- Coordinate and support CCLCs
- Ensure inclusion of child labour issues in the Village Action Plans (VAPs) as part of child protection.
- Ensure inclusion of CCLC members in the AEC

4.1.8. Ministry of Finance, Economic Planning and Development

4.1.8.0 Headquarters Level-Treasury

- Make sufficient budgetary allocation for social services including education, health and social protection.

4.1.8.1 Department of Economic Planning and Development

- Include vulnerable households with school age children in social protection schemes such as social cash transfer programs (SCT).
- Guide on how to develop projects to secure development funding for child labour

4.1.8.2: National Statistical Office

- Carry out National Child labour Surveys regularly
- Include a module on child labour in the Demographic and Health Surveys (MDHS), Multiple Indicator Cluster Surveys (MICS) and other appropriate regular surveys.
- Analyse and make child labour data available timely and disaggregated by gender

4.1.9. Ministry of Information, Civic Education and Communication Technology (MoICE&CT)

- Develop IEC materials on child labour and conduct awareness and civic education
- Coordinate the work of the media in the dissemination of child labour information.
- Explore innovative ways of communicating child labour messages, taking advantage of advances in communication technology

4.1.10 Law Commission

- Lead in the harmonization of legislation on the definition of “child” and other

inconsistencies.

- Include child labour related laws among laws earmarked for review.

4.1.11: Malawi Human Rights Commission

- Collaborate in awareness raising on the rights of the child, child protection and child labor
- Follow up cases of child labor in courts and other law enforcement agencies.

4.1.12: Employers' Consultative Association of Malawi (ECAM) and members

- Adhere to minimum age provisions of labour laws and regulations Use age verification measures when conducting the recruitment
- Support withdrawn child labourers and their families to access adequate services and viable alternatives
- Provide guidelines on due diligence for subcontractors, suppliers and other business partners on measures to combat child labour
- Build the capacity of business partners to combat child labour, such as the provision of trainings and incentives.
- Collaborate and develop linkages with a wide range of partners to develop an industry-wide approach in addressing child labour and encourage members to participate in child labour structures within their localities
- Participate in national and international programmes, including media campaigns in collaboration with other stakeholders.
- Contribute to financing of child labour activities such as through Corporate Social Responsibility (CSR) and involvement in the supply chains
- Engage the private sector and donor community to appreciate the need to prioritise funding for CL activities

4.1.13 Malawi Congress of Trade Unions (MCTU) and affiliates

- Raise awareness on the negative effects of child labour amongst members;
- Advocate for policy improvement and more effective implementation of child labour related laws
- Lobby Government, development partners and other stakeholders to increase resource allocation towards CL programmes in Malawi
- Extend coverage of trade unions to rural areas where most of the children are engaged

- Through collective bargaining agreements, negotiate for clear enterprise level child labour policies
- Negotiate for decent work for members, including better wages, which has a direct effect on child labour

4.1.14: Civil Society Organisations (CSOs)

- Support direct action measures of withdrawal of child labourers and their rehabilitation and reintegration
- Lobby Government for the review of child labour related legal and policy frameworks
- Lobby Government and development partners to increase funding for child labour elimination
- Participate in the monitoring of child labour at community level
- Build the capacity of local communities and volunteers in child labour elimination, monitoring and data collection
- Undertake in-depth studies on child labour to inform policy and programme formulation by government
- Support the capacity building of Journalists to deliver accurate, evidence-based and balanced reporting on child labour.

4.1.15: MEDIA (Print and Electronic)

- Deliver accurate, evidence-based and balanced reporting on child labour, including on funding challenges
- Establish a Journalists' forum on child labour reporting for information sharing
- Use available on line facilities to disseminate child labour information

5.0 IMPLEMENTATION AND OVERSIGHT

The Ministry of Labour, Skills and Innovation will be responsible for coordinating the implementation of this Guide. In this role, the Ministry will work closely with Child Labour Desk Officers in the stakeholder institutions. The National Steering Committee will play an oversight, receiving progress reports and providing strategic guidance on how to better implement the Guide.

6.0 REVIEW

The National Child Labour Mainstreaming Guide will be reviewed every five (5) years in order to maintain its relevance as a tool for enhancing child labour elimination in this country.