



MCTU PRESIDENT SPEECH ON CHILD LABOR CONFERENCE

4TH SEPTEMBER 2012

CROSS ROADS HOTEL, LILONGWE, MALAWI

Your Excellence
Honorable Cabinet Ministers
Members of Parliament

.....
.....

It is my singular honour to make this brief speech to day before you.

The advent of multiparty democracy in 1994 brought increased hope for millions of people who are unemployed and underemployed – hope that jobs will be created and poverty eradicated.¹⁸ However, Malawi is still characterised by low economic growth, high unemployment and underemployment. Economic growth has been negative despite the country's low wage strategy, which was implemented to promote economic growth. Workers have been subjected to retrenchments, especially in the parastatals that have privatised since 1994. The price of basic commodities has sky-rocketed (Nakanyane 2000b).

Malawi has some of the most fertile areas in southern Africa. Yet, it remains one of the poorest countries in the world. This is despite the ruling party's promise of economic reform and poverty alleviation in its 1994, 1999 and 2009 election manifestos. Malawi like many developing countries depends on agriculture in terms of its contribution to the GDP.

While accurate systematic data is lacking, some work has been done indicating that child labour in Malawi is widespread and increasing. Child labour is found in several sectors including large commercial farms, smallholdings, domestic work, micro industries and the informal sector. The number of children working in the 80s was relatively small and mostly found in rural areas. Studies indicate that child labour is much higher on the tobacco estates.

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

Poverty and economic necessity exert major pressures on families to make use as early as possible of the time and labour of children to assist family survival, often at the expense of schooling.

To a large extent, child labour occurs in the most socio-economically marginalized communities in which monitoring of labour practices are already weak. Children dropping out of school have few options and alternatives in developing themselves and finding gainful employment.

About 5 million children are affected one way or the other by work activities on the farms. The formal employment in agriculture altogether stood at about 3.5 million people in 1995. There is an estimated 589 000 tenants at the large scale estates in Malawi, each with approximately four to five children. This gives a rough 'guesstimated' 2.5 million children

living on large-scale farms alone. Studies of similar sectors in other countries in Southern Africa have found that children's work in the traditional agricultural sector is closely linked to that and to peaks of seasonal labour demands (Loewenson, 1992). At these peak periods children over ten years can contribute about a third of the labour input. They provide the 'adjustable labour' during periods of intense farm activity, and women depend at these times on children's assistance. There seems to be a clear gender division of child labour in the farming sector. The girls' labour, as it includes domestic and childcare work was persistent throughout the year, while boys' work was more seasonal, being agriculturally based.

For crops demanding seasonal labour peaks, such as cotton, coffee, tea and tobacco, children of farm workers provide a captive labour group. Many children are employed on a piece or task wage basis. Many children employed in the agricultural sector are contract or casual workers and their employment contract provides no entitlement to protective clothing, benefits during sickness, holidays and vacation leave and hours of work other than specified in their individual agreed contract if they have one. In fact, most children do also not get wages, but are rather working for extra food to their households.

Children are casually hired and just as casually fired. Even when working on a piece rate, which 'neutralises' any lower productivity amongst children, they are often paid a 'children's wage'. Girls are most vulnerable. Very few girl children on farms complete primary schooling. Among poor households a pattern evident on many commercial farms consists of parents selecting perhaps two boys to attend school. When girls are sent to school it is often only for the first few years, while boys are expected and motivated to stay in school longer.

With the farm workers minimum wage well below the poverty line, large-scale farm households are in a constant struggle for survival. The involvement of children is stimulated through piece wage practices for adult workers, particularly female casual labour. Male workers recruit women to increase output and women recruit children, so that the employer formally employing and paying one person may actually be paying for the labour of three or more. When adults and older children are out doing piecework, small children take on household tasks like carrying water, collecting firewood and looking after even smaller children.

The transformation of societies from subsistence agriculture to wage labour on commercial farms often hides the exploitation of children that takes place on commercial farms. It is often argued to be cultural and traditional when children assist their parents. This argument, however, easily hides the true exploitation that takes place when economic conditions force children away from school and from leading a normal lifestyle to being part of the wage labour on commercial estates. Child labour is also hidden when children assist in domestic labour thereby freeing the adults to spend longer hours on the farms in the growing of the commercial crop for which they are employed. This labour by the children is not measured and accounted for.

It is not by accident or choice that children get involved in the production of tobacco.

The system is designed so that a tenant has no choice but to involve his entire family in the production of tobacco. Indeed, tenants are recruited on the basis that they have a family,

which they will bring to the estate to work. In this way the farmer is assured of labour by the entire family and a contribution, which is higher than what can be produced by a single tenant. The farmer will however, often use the argument that hiring a tenant with a family is more stable and less prone to desertions. Nothing is usually said of the added value or of the entrapment of poverty that forces the tenant and the entire family to work and live on the estates. Previous studies indicate that the use of child labour on the tobacco estates is in fact continuous and part of the overall labour market.

Children are usually not employed directly on the estates but work as part of the tenant family. When a tenant is employed on the estate he or she is employed as the head of the household and responsible for fulfilling the quota required by the estate owner. This quota cannot be grown unless the entire family of the tenant is involved in the growing of tobacco. Children are then directly involved in all aspects of tobacco growing.

The following forms of child labour have previously been identified at the tobacco estates:

First, **forced labour**, in which cases children are taken away from their parents and forced to work on the estates in exchange for food and clothing. Children are in these cases not earning money and are prevented from going to school or attending to other social activities. These must however be relatively rare in Malawi.

Second, **'voluntary labour'** where children enter into arrangements with estate owners in order to earn a direct wage. Children in this setting perform all sorts of duties as a means of assisting their own families with extra income.

Third, **'forced labour'** in which cases children are seen as the property of the estate owner and work for the personal benefit of the owner or the estate manager, in their homes, gardens or own plots of tobacco.

Fourth, **'bonded labour'** where the responsibilities of the parents are transferred onto the children when they themselves are unable to perform their responsibilities on the estates. This happens when the tenant is ill or has passed away and has incurred some form of debt to the estate owner. In these cases where children take over the responsibility of the parents, they are responsible for paying off the debt through their own labour.

Fishers have conditions of work that are often quite different from those experienced by workers in other sectors. The ILO Work in Fishing Convention, 2007 (No. 188) has the objective of ensuring that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, accommodation & food, occupational safety and health protection, medical care and social security. The Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations.

Child labour in fishing is widespread around the world, though specific data on its prevalence is scarce. Most of the statistics that include child labour in fisheries and aquaculture get included in the category of agriculture. For example, the Malawi Child Labour Survey (2004) groups work in fisheries together with agriculture, animal husbandry, forestry and hunting. The lack of disaggregated data which could

help distinguish between fisheries and other rural enterprises and activities, makes it difficult to assess the extent of the phenomenon as well as the gendered nature of children's work in the sector.

MCTU FOOTSTEPS

The Malawi Congress of Trade Unions (MCTU) had received various reports on serious incidents of child labour both in tobacco and in the tea growing, but there are lack of systematic knowledge on the situation. On that -background, MCTU and Lo-Norway decided to conduct a pilot study on child labour in the tobacco and tea sectors in cooperation with FAFO¹, it revealed that there is child labour in tea sector which has also been confirmed by both stakeholders such as Employers Consultative Association of Malawi (ECAM). However, the tea industry had explained that they were so successful due to the policy direction. But the general opinion is that child labour is rampant also in the tea sector in Malawi, especially during the peak season.

Having received the reports from different stakeholders, MCTU made a policy position that it will take the child labour as a trade union issue. It institutionalized child labour by establishing a child labour committee within MCTU; this was followed by the signing of the labour agreement between MCTU, Tobacco and Allied Workers Union (TOAWUM) and Tobacco Association of Malawi facilitated by the Ministry of Labour. With that agreement MCTU embarked on the setting of structures for the trade union organization – TOAWUM. During the same time a process was started in the formulation of the Tenancy Labour Bill.

In late 1999, the government of Malawi adopted core labour standards that included Convention 189-worst forms of child labour convention. It was from this initiative that Employment Act 2000 had to be reviewed and incorporated a chapter that prohibits child labour, this was followed by a code of conduct on child labour. Then the social partners sent a delegation to a Nairobi Child Labour Conference where it was agreed and resolved to institutionalize the fight against child labour. This brought in Association for Elimination of Child Labour (AECL) that started implementing projects in Nkhotakota where a school was constructed in a bid to fight child labour. MCTU and TOAWUM were lead implementing partners. However, AECL has been inactive now because of lack of funding and resources to sustain its operations.

MCTU has also been the first organization to formalize the child labour structures in 2002, when it had conducted sensitization workshops where major outputs were on the formulation of District Child Labour Committees (DCLCs). Some of these committees are still active and functional while others died a natural death due to lack of continued support on their work plans.

In 2003, the COMAGRI project by ILO also supported MCTU initiatives on general sensitization activities of labour laws and policy interventions on child labour in the tea area, participants to such training activities confirmed that indeed there was/is child labour in the tea. The baseline survey report (2005) done by ECAM have also re-confirmed the existence of child labour.

Further to that, MCTU embarked on the new project in partnership with Centre for Youth and Children Affairs (CEYCA) deemed Coalition against Child Labour in Malawi (CACLAM) in Kasungu and Mchinji. The project has yielded results since 2008 to-date. This has yielded results where a good number of children have benefited and showed that there is strength in working together with other players.

¹ Child Labour in the Tea Sector in Malawi (pilot study report), Fafu 2003:16, pp14 and the Smoking Business, Tobacco Tenants in Malawi Survey Report (1999).

And having noted and realized that most of the child labour policies and legislation are not fully implemented, MCTU had been on ground lobbying for law enforcement agents to use the available laws and policies to effectively curtail child labour practices.

Your excellence, there have been lip services to issues of child labour with regard to tenancy labour bill, decades have passed to no avail, the child labour policy still remains in draft. These two pieces of policy documents put your government in disrepute towards the fight against child labour. It must be realized that the government of Malawi, through the ministry of labour that Malawi Growth and Development Strategy (MGDS II) and Malawi Decent Work Country Programme prioritise the elimination of worst forms of child labour and hazardous child labour by 2016. But that cannot be achieved if the National Action Plan is not fully funded for its implementation. It is the humble duty of the MCTU to call upon your government, private companies and the cooperating partners to make deliberate initiatives to finance the child labour interventions in a bid to eradicate poverty.

It is saddening for MCTU to stand here and remind you that the law enforcement on child labour has not been to the expected level. Reasons are many but the issue of under-funding the government institutions such as the ministry of Labour, Ministry of Gender, Judiciary (courts), Ministry of Education - to mention a few), is the major setback.

The issue of access to education need not to be over emphasized, the inadequate infrastructures, inadequate teacher availability and lack of teaching and learning materials have contributed to continued child labour practices in different dimensions.

What I have pointed out are only some of the challenges, which we are facing and need to address in this century. The list is only illustrative and by no means exhaustive. The finest hour would be reached only when we develop a culture of respect for human rights in the country.

Before taking your leave, I would like to recall the statement of Kofi Annan, ex-Secretary General, made to the 191 member U.N. General Assembly, He said:

“We will not enjoy development without security, we will not enjoy security without development and we will not enjoy either without respect for human rights.”

Thank you for listening!!!