

Malawi

Country Overview

Politics

Malawi is a presidential republic in Southeast Africa. Following an election in May 2019, President Peter Mutharika, brother of previous president Bingu wa Mutharika, was elected to a second term in office.¹ Concerns about the credibility of the election results led to demonstrations and a ruling in February 2020 by the Constitutional Court to nullify the results and order a new election that is expected to take place in June 2020.²

Economy

Malawi is classified by the World Bank as a low-income economy.³ According to the World Bank, Malawi is expected to experience a 4.4 percent rate of economic growth in part due to a good harvest year in 2019.⁴ However, a fiscal deficit of 6.4 percent of the country's GDP is expected to remain.⁵ This deficit can partially be attributed to the damage from Cyclone Idai in 2019, in addition to the prevailing political issues from the 2019 elections. The agricultural sector comprises one third of the country's GDP and 80 percent of exports.⁶ Malawi's top exports in 2018 included tobacco, coffee, tea, maté, and spices, oil seeds, vegetables, sugar, residues and prepared animal fodder.⁷ Around 76.9 percent of the Malawian labor force is employed in the agricultural sector.⁸ It is expected that an increase in household disposable income due to agricultural growth will drive Malawi's service sector.⁹

The World Bank reports that the country's economy faces vulnerabilities related to "external shocks" including changes in climate, health and political challenges.¹⁰ According to the U.S. Department of State, the government of Malawi "permits foreign direct investment in all sectors of the economy, except for those sectors or activities that that may pose a danger to health, the environment, or the security of the nation."¹¹

Social/Human Development

There are a number of ethnic groups in Malawi, the major group being the Chewa (34.3 percent), followed by the Lomwe (18.8 percent), and the Yao (13.2 percent). Malawi has a high population growth rate, leading to high population density and a consequent strain on the country's resources.¹²



Just over half of the country’s population (51.5 percent) was reported to be living in poverty in 2016 according to the World Bank, which represented a slight improvement from 52.4 percent in 2004 and a large improvement from 65.3 percent in 1997.¹³ The percentage of the population living below the income poverty line, PPP USD 1.90 a day, was 70.3 percent in 2019.¹⁴ Malawi’s Human Development Index score for 2018 was 0.485, ranking the country 172 out of 189 countries.¹⁵

U.S. Department of State TIP Report Summary

U.S. Department of State TIP Ranking: Tier 2 Watch List

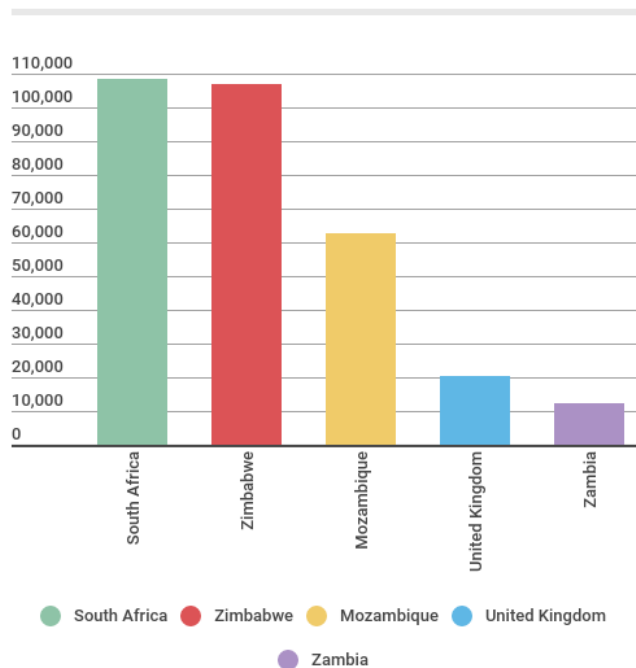
According to the 2019 *Trafficking in Persons Report*, trafficking risk may be found among Malawians in export supply chains including agriculture, predominantly in the tobacco sector, goat and cattle herding, and brickmaking. Children are vulnerable to trafficking within the fishing sector.

Read the full TIP Report at: <https://www.state.gov/reports/2019-trafficking-in-persons-report/>

Migrant and Other Vulnerable Populations

Malawi has a negative net migration.¹⁶ The most common destination country for migrants from Malawi is South Africa, Zimbabwe, Mozambique, The United Kingdom, and Zambia.¹⁷

Migrants from Malawi

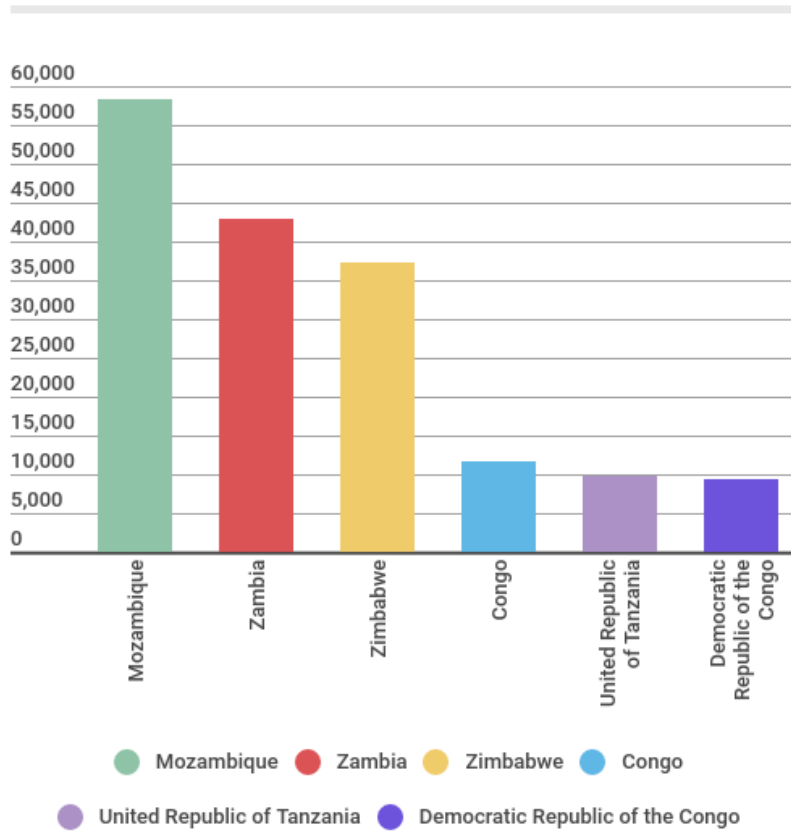


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The largest source countries for migrants to Malawi is Mozambique, followed by Zambia, Zimbabwe, Congo, United Republic of Tanzania, and the Democratic Republic of the Congo.¹⁹

Migrants to Malawi



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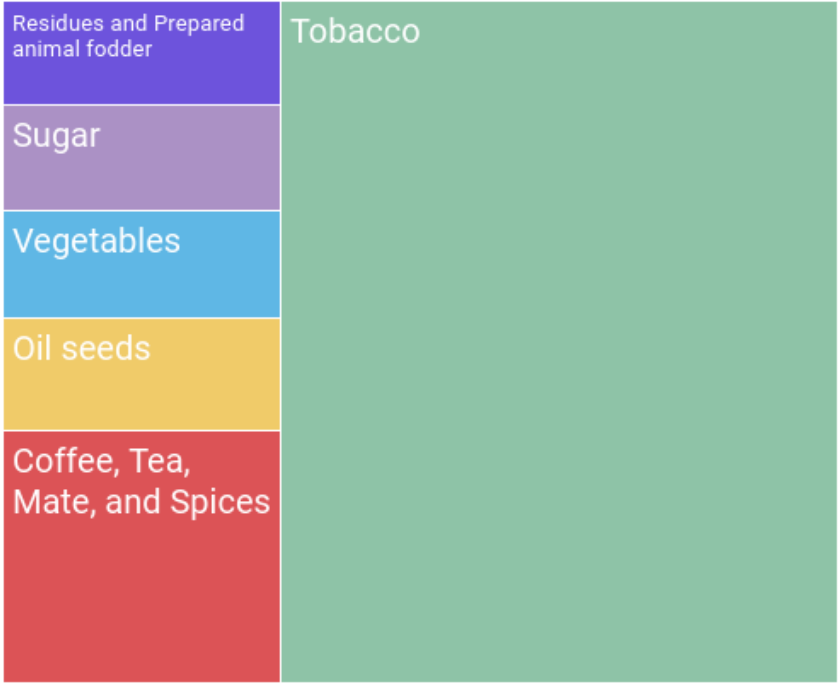
There were an estimated 37,244 persons of concern in Malawi at the end of 2018, including an estimated 13,782 refugees and 23,141 asylum-seekers.²¹



Exports and Trade

Malawi’s top exports in 2018 included tobacco, coffee, tea, maté, and spices, oil seeds, vegetables, sugar, residues and prepared animal fodder.²²

Top Commodity Exports (USD/Thousands)

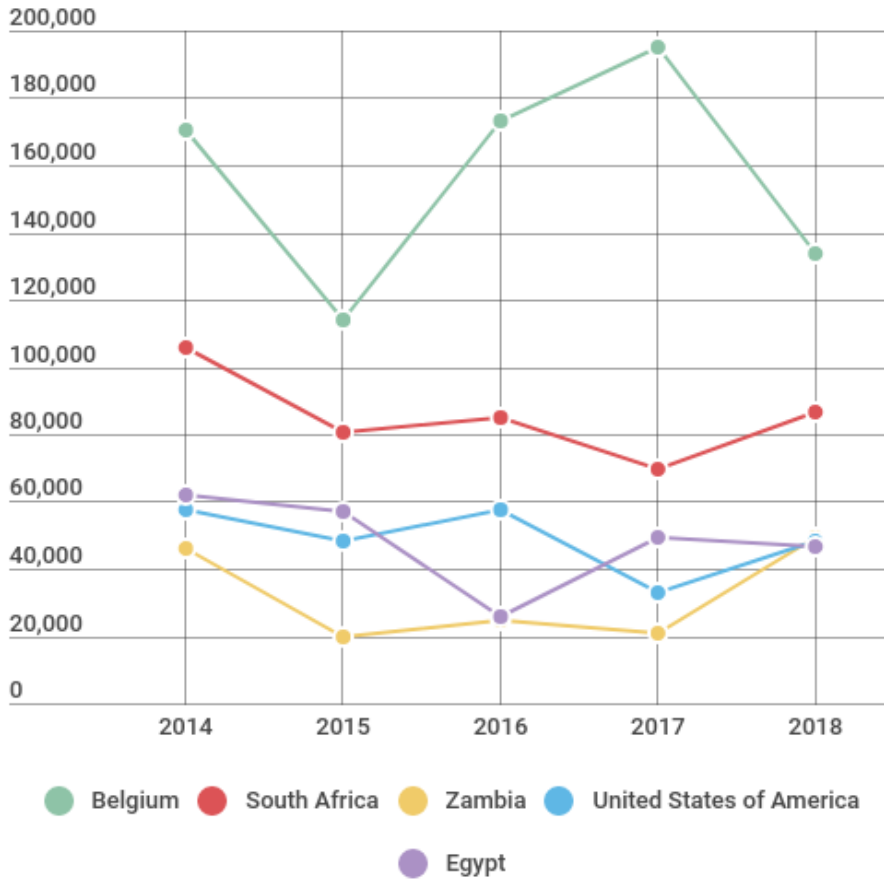


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The top importers of all goods from Malawi include Belgium, South Africa, Zambia, The United States, and Egypt.²⁴



Malawi Export Partners (USD/Thousands)



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Trafficking in Persons Risk Factors Analysis

Legal/Policy Risk Factors

Level of Legal Protection for Civil Liberties and Workers' Rights

Freedom of Association



Although the law provides for the rights of workers, to form and organize unions (with exceptions for police and military personnel), a union must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor. In order to engage in collective bargaining, a union must have bargaining status and previous authorization from authorities. Members of a registered union may strike, but only after they have engaged in a mandatory mediation process. Workers in the essential services have a limited right to strike. Informal sector workers are excluded from these protections. According to the U.S. Department of State, the government does not enforce these laws effectively.²⁶

Working Conditions

The Minister of Labor set the minimum wage at MWK 962 (USD 1.28) per day in July 2017. The minimum wage applied to foreign and migrant workers but not to workers in the informal sector, where the majority of Malawi's citizens work. The legal workweek is 48 hours with a mandatory 24-hour rest period each week. Workers in the formal sector have the right to remove themselves from hazardous conditions. According to the U.S. Department of State, the government does not effectively enforce the minimum wage, workweek standards, or health and safety standards.²⁷

Discrimination

Employment laws prohibits discrimination against all employees or prospective workers, but the U.S. Department of State has noted that these laws are not effectively enforced. Discrimination has been noted to occur especially in respect to gender, disability and people living with HIV/AIDs.²⁸

Forced Labor

The law prohibits forced labor, but the U.S. Department of State reports that the government has not met the minimum standards for the elimination of trafficking, though it is reportedly making significant efforts to do so.²⁹

Child Labor

The law sets the legal minimum working age at 14. Children under 18 are restricted from working in hazardous jobs and in jobs that interfere with their schooling. However, the child labor law does not apply to homes or training institutions, such as vocational technical schools. Education is compulsory for children under age 18.³⁰

Civil Society Organizations



The U.S. Department of State reports that human rights groups “generally operated without government restriction,” and that “government officials were somewhat cooperative and responsive to their views.”³¹ However, according to Freedom House, registration provisions and fee requirements for NGOs are burdensome for many human rights groups.³²

Immigration Policies Limiting the Employment Options or Movement of Migrants

Immigration laws and regulations require local and foreign investors to hire Malawian citizens unless certain skills are needed that a national cannot provide.³³ An encampment policy limits refugees’ freedom of movement, requiring them to remain in either the Dzaleka or Luwani refugee camps. Authorities routinely detain and return refugees found outside of either camp.³⁴

Ratification of ILO Conventions

| Conventions | Status |
|---|--------------|
| ILO 29 Forced Labor | In force |
| ILO 87 Freedom of Association and Protection of the Right to Organize | In force |
| ILO 98 Right to Organize and Collective Bargaining | In force |
| ILO 100 Equal Remuneration | In force |
| ILO 105 Abolition of Forced Labor | In force |
| ILO 111 Discrimination | In force |
| ILO 138 Minimum Age | In force |
| ILO 181 Private Employment Agencies | Not ratified |
| ILO 182 Worst Forms of Child Labor | In force |
| ILO 97 Migration for Employment | In force |

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Political Risk Factors

Political Instability or Conflict



Malawi scored an 83.3 in the 2019 Fragile States Index, placing it in the “High Warning” category, a decrease from the country’s score of 88 in 2017. Neighboring Mozambique and Zambia score 88.7 and 85.7 respectively, placing them in the “High Warning” category as well. Zimbabwe’s score was 99.5, placing it in the “Alert” category.³⁶ Malawi’s percentile rank for political stability and absence of violence and terrorism was 34.29 in the Work Bank’s 2018 *Worldwide Governance Indicators* report.³⁷

Level of Crime and Violence

According to the U.S. Department of State, “Malawi presents a crime and safety situation consistent with many impoverished and developing countries.”³⁸ The U.S. Department of State reports that local citizens and mobs sometimes killed suspected thieves and engaged in other vigilante assaults, especially in urban areas. The World Economic Forum *Global Competitiveness Report* ranks Malawi at 75/141 for organized crime.³⁹

State Persecution

Authorities, in line with the encampment policy, detain and return refugees found traveling outside of the country’s two refugee camps, Dzaleka and Luwani.⁴⁰

Level Corruption

The Transparency International Corruption Perception Index scores Malawi as a 31 out of 100, where a 0 signals “Highly Corrupt” and 100 signals “Very Clean.” Malawi is ranked 123 out of 180 on that index.⁴¹ According to Freedom House, corruption is endemic in the country. While some leaders of civil society have reported that the Anti-Corruption Bureau (ACB) has been ineffective in its efforts to investigate corruption, this organization has contributed toward an increase of awareness in several major corruption scandals over the last few years.⁴² Among these includes an occurrence referred to as “Maizagate” in 2016, wherein George Chabonda, minister of agriculture, was accused of purchasing maize from Zambia at inflated prices.^{43 44} According to the U.S. Department of State, corruption is a major barrier to foreign investment in Malawi⁴⁵ and is present in the judicial system as well.⁴⁶

Socio-Economic Risk Factors

Level of National Economic Development

Malawi scores low in the human development category, according to the UN Human Development Index, with a rank of 172 out of 189 countries and a score of 0.485. Malawi’s



human development score is higher than neighboring Mozambique, Malawi's largest source country for migrants, but lower than Zimbabwe, Zambia, and the United Republic of Tanzania.⁴⁷

Level and Extent of Poverty

Malawi has a relatively high level of poverty, with 52.6 percent of the population determined to be living in multidimensional poverty, according to the UN. When adjusted for inequality, the Human Development Index score falls to 0.346.⁴⁸ Malawi's gross national income (GNI) per capita (2011 PPP) was USD 1,310 in 2018, an increase from a GNI of USD 1,040 in 2010. The income share held by the lowest 20 percent was 6.4 in 2018, up from 5.5 in 2010.⁴⁹

Degree of Gender Inequality

The UNDP Gender Development Index gave Malawi a score of 0.930 in 2018, up from 0.915 in 2010, and 0.874 in 2000.⁵⁰ In 2020, the World Economic Forum's Global Gender Gap Report ranks Malawi 116 out of 153.⁵¹

Gender equality is protected by the Malawian constitution and the law prohibits discrimination based on gender or marital status.⁵² However, according to the Organization for Economic Co-operation and Development (OECD), women experience discrimination socially and economically in practice. Women have equal ownership rights to property and non-land assets, as well as unrestricted access to financial services according to the constitution. Despite this, in some communities, customary law continues to enforce discrimination against women by allowing ownership decisions to be primarily made by men. The OECD reports that widows' access to land is often dependent upon the "good will" of male relatives, causing them to be subject to loss of status in the community and property dispossession.⁵³ The U.S. Department of State adds that "widow cleansing" through forced sexual relations with male in-laws and "widow inheritance" still occur in isolated areas of the country despite being prohibited by law.⁵⁴

According to the U.S. Department of State, women have fewer formal employment opportunities than men.⁵⁵ Women have lower levels of literacy than men, with a female literacy rate of 55.2 percent and a male literacy rate of 69.8 percent.⁵⁶ According to the DHS Program's *2015-2016 Demographic and Health Survey*, 12 percent of women in Malawi had no formal education compared to only five percent of men.⁵⁷

Rape is illegal under Malawian law, and the law is effectively enforced according to the U.S. Department of State. The law also criminalizes domestic violence; however, it remains a common problem and authorities reportedly rarely intervene. Sexual harassment is prohibited by law as well, though there are no statistics available on prevalence or effectiveness of government enforcement efforts.⁵⁸



Landlessness and Dispossession

According to the U.S. Department of State, most land in Malawi is owned under customary land tenure laws, which are not legally binding. The country passed the revised Land Act in 2016 which allows customary land tenure to be converted to leasehold title status.⁵⁹ Property dispossession from widows is reportedly still a common practice in the country.⁶⁰ Land grabs associated with sugar reportedly occur.⁶¹

Use of Export Processing Zones (EPZs)

According to the U.S. Department of State, regular labor laws apply in Malawi's export processing zones.⁶²

Environmental Factors

Malawi experiences annual flooding in the southern Shire River Basin, which the Malawi Economic Vulnerability and Disaster Risk Assessment estimated to result in a 0.7 percent loss in GDP (an equivalent of USD 9 million) each year.⁶³

Documented Trafficking Risk in Key Commodity Supply Chains

Tobacco

Tobacco Overview

Agriculture provides over 80 percent of Malawi's foreign exchange earnings and employs over 80 percent of the workforce, mostly on small farms. Malawi has the world's most tobacco-dependent economy and is a top producer of Burley tobacco.⁶⁴ The vast majority of tobacco farmers depend on the crop for their household's livelihood. Most of the workforce on tobacco farms is family labor, but hired labor is utilized as well. Until the 2012 season, tobacco in Malawi was sold through an auction system; this caused high levels of price instability and led to livelihood concerns for farmers, which potentially resulted in the encouragement of child labor. The auction system also prevented buyers from fully using leverage to discourage child labor.⁶⁵ Since 2012, most tobacco in Malawi is purchased under an Integrated Production System (IPS), under which farmers form contracts with leaf buying companies. The leaf companies may also provide farmers with agricultural inputs or cash loans.⁶⁶

In 2019, the U.S. Customs and Border Protection (CBP) implemented a withhold release order on all tobacco products imported from Malawi. Under this order, tobacco products undergo



detention at ports of entry in the U.S. until proof can be demonstrated that the imports are not a product of forced labor.⁶⁷

Documented TIP Risks in Tobacco

The U.S. Department of State *2019 Trafficking in Persons Report* notes trafficking or trafficking vulnerability in tobacco production in Malawi.⁶⁸ The U.S. Department of Labor reports that tobacco is produced with forced labor and child labor in Malawi.⁶⁹ In Malawi, human trafficking risk may occur in the context of tenant farming. Families make agreements with landowners whereby they receive a portion of the profit from the tobacco harvest in exchange for labor in growing and harvesting the crop.⁷⁰ Tenants are generally expected to pay for seeds and other expenses. Because this system rarely results in profit for the tenants, they can become indebted to the landowner.⁷¹ A recent study found that estate owners in Malawi are less likely to recruit through district labor offices, and instead rely increasingly on aggressive recruitment strategies, including the use of third-party labor brokers and middlemen. Returning tenants may also act as labor brokers to recruit new tenants.⁷²

Tea

Tea Overview

Tea in Malawi is grown on both estates and smallholder farms. In 2002, there were an estimated 42,000 estate employees and 7,000 small farmers. A relatively small percentage of tea is sold via an auction system and the rest is sold directly to exporters. Tea brokers act to facilitate sales between estates and buyers.⁷³

Documented TIP Risks in Tea

According to the U.S. Department of Labor *2018 List of Goods Produced by Child Labor or Forced Labor*, tea is produced using child labor in Malawi.⁷⁴ While child labor on estates has not been well documented, a recent study notes that the lack of a widespread age registration system in Malawi may allow workers under age 18 to be hired. Child labor is used often on family farms where farmers depend on family labor for agricultural output.⁷⁵

Many of the workers in the Malawi tea sector experience some degree of vulnerability. Many of the workers on estates are temporary and casual workers who have no contract.⁷⁶ In addition to job insecurity, these workers also lack access to the social benefits such as housing and health care provided to permanent workers.⁷⁷ There is some indication that these include migrant workers from Mozambique as well.⁷⁸ Work in the tea sector is low-paid for all hired workers. The plucking rate for seasonal/casual workers can be as low as USD .0016 (MK 2.29) per kilogram of green leaf plucked.⁷⁹



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