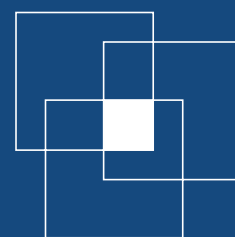




International  
Labour  
Organization



# Child labour, tobacco and AIDS

2006

International  
Programme on the  
Elimination of  
Child Labour  
(IPEC)



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Programme on the  
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## FOREWORD

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The International Labour Organization (ILO) through its International Programme on the Elimination of Child labour (IPEC) and the Eliminating Child Labour in Tobacco-growing Foundation (ECLT) have been working together to combat child labour in tobacco growing since 2001.

ILO and ECLT Foundation as a multi-stakeholder initiative representing international tobacco processing and manufacturing companies, trade unions and tobacco farmers associations have a shared goal under the legal framework of ILO Conventions No. 138 and No. 182 to work towards the elimination of child labour. Joint collaboration has centred on two focus areas: carrying out research on child labour in tobacco - growing and implementing demonstration projects on how to tackle the issue through multi-stakeholder action.

Specific activities under this cooperation have been conducted in Indonesia, Dominican Republic, Tanzania, Uganda and Malawi. These include field projects that aim at prevention, protection and rehabilitation of child labourers through access to education and enhancement of community livelihoods. A set of research papers, including this study were commissioned in order to establish better picture of child labour in tobacco growing in selected countries.

These case studies aim to provide an insight into the problem of child labour in tobacco growing – they are by no means exhaustive and lot remains to be done to improve our understanding of issues involved. They provide a starting point for future action and can be used to illustrate some communalities and differences on child labour. The studies can also provide useful information when planning for field activities. The following case studies form part of the series:

1. Study of child workers in tobacco plantations in Sumatra, Indonesia, 2004
2. Child labour in tobacco cultivation in Santiago Province in the Dominican Republic,
3. Child labour, tobacco and AIDS, 2006

IPEC and the ECLT Foundation, continue to cooperate to find solutions to child labour. These case studies and additional information about joint efforts and child labour in tobacco growing can be found on following websites: [www.ilo.org/ipec](http://www.ilo.org/ipec) and [www.eclt.org](http://www.eclt.org).

The continuing collaboration between ILO and the ECLT Foundation demonstrates how international organizations and multi-sectorial initiatives of this nature can effectively work together under a shared vision for a world where children do not have to work at too early an age, where their parent can aspire for decent work. IPEC is grateful to associate itself with the ECLT Foundation and hopes to continue to pursue joint efforts for long time in the future.

Guy Thijs  
Director  
International Programme on the  
Elimination of Child Labour (IPEC)





## PREFACE

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Whenever international attention is turned towards the tobacco sector, the focus is usually on the health concerns of consumers. However, in the past few years, more attention has been given also to the interests and human rights of those that farm and produce the tobacco. The following report came about as a result of such increased international interest into labour standards, and child labour in the tobacco sector. In 2000, a research report from the Fafo Institute for Applied Social Science documented extensive child labour and bonded labour in the tobacco sector in Malawi. Similar documentation was supplied by the International Labour Organisation (ILO). In consequence, several initiatives have been seized in the past few years from international institutions, multinational corporations, NGOs and the trade union movement to mend labour standards. At the same time, HIV/AIDS has increased the tolls on children and their families with about 25 million people being HIV/AIDS infected in Sub-Saharan Africa threatening both child labour campaigns and the strive to reach the millennium goals by 2015.

In 2003 alone, HIV/AIDS-associated illnesses caused the deaths of approximately 2.9 million people worldwide, including an estimated 490,000 children younger than 15 years (UNAIDS 2004). No need to say that massive interventions are needed in order to ease the burden for the families and countries affected. Individuals, institutions, organisations and governments have different and supplementing capacities to assist within their own field of operations. This report hence aims at giving the social partners in the tobacco sector input into an action plan for the reduction in child labour on the background of poverty and the HIV/AIDS pandemic in Sub-Saharan Africa.

The report has been compiled on the basis of an extensive literature search, interviews with key informants in the tobacco sectors in Uganda, Tanzania and Malawi as well as a small-scale survey at 50 randomly selected tobacco estates in Malawi. The report was commissioned by the ILO with funds received from the Eliminating Child Labour in Tobacco-growing Foundation (ECLT). We would like to thank Pete Lewis, who has played a major role in the data collection in Malawi. Jimmy Kasuzumila (Centre for Workers Education Services) very capably organised and conducted the fieldwork at the estates in Malawi and sadly passed away after that. Thanks to Bjørne Grimsrud (Fafo) for comments. Many thanks also to the resource people who formed part of the ILO project reference group. Finally, our sincere gratitude goes to all our respondents and key informants for setting aside precious time to provide the information required for this study.

The fieldwork interviews for this report were finalised in 2004 and the report finalised in 2005. Since then, drought and the HIV pandemic has further aggravated the living conditions and following hazards on the farming fields of southern Africa.

Liv Tørres and Arne Grønningsæter  
Consultants



## ACRONYMS

---

|                 |                                                                                                                    |
|-----------------|--------------------------------------------------------------------------------------------------------------------|
| <b>ADC</b>      | Agricultural Development Cooperative, Malawi                                                                       |
| <b>ADD</b>      | Agricultural Development Districts, Malawi                                                                         |
| <b>ADMARC</b>   | Agricultural Development and Marketing Corporation, Malawi                                                         |
| <b>AHL</b>      | Auction Holdings Ltd., Malawi                                                                                      |
| <b>AMREF</b>    | African Medical Research Foundation                                                                                |
| <b>ANPPCAN</b>  | The African Network for Prevention and Protection Against Child Abuse and Neglect                                  |
| <b>ARV</b>      | Antiretroviral (medication)                                                                                        |
| <b>ATE</b>      | Association of Tanzania Employers                                                                                  |
| <b>ATTT</b>     | Association of Tanzania Tobacco Traders                                                                            |
| <b>CCAP</b>     | Livingstone/Nkhoma Synod of the Church of Central Africa, Presbyterian, Malawi                                     |
| <b>COBET</b>    | Complementary basic education in the United Republic of Tanzania                                                   |
| <b>CRECCOM</b>  | Creative Centre for Community Mobilisation, Malawi                                                                 |
| <b>DHS</b>      | Demographic and Health Survey                                                                                      |
| <b>DIMON</b>    | DIMON incorporated is the world's second largest independent leaf tobacco merchant                                 |
| <b>DOLVT</b>    | Department of Labour and Vocational Training, Malawi                                                               |
| <b>ECLT</b>     | Eliminating Child Labour in Tobacco-growing Foundation                                                             |
| <b>FAFO</b>     | Fafo Institute for Applied Social Science                                                                          |
| <b>FAO</b>      | United Nations' Food and Agricultural Organisation                                                                 |
| <b>FUE</b>      | Ugandan Federation of Employers                                                                                    |
| <b>GDP</b>      | Gross Domestic Product                                                                                             |
| <b>HIV</b>      | Human Immunodeficiency Virus                                                                                       |
| <b>ILO</b>      | International Labour Organization                                                                                  |
| <b>IPEC</b>     | International Programme on the Elimination of Child Labour, ILO                                                    |
| <b>ITGA</b>     | The International Tobacco Growers Association                                                                      |
| <b>IUF</b>      | The International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association |
| <b>KIWOHEDE</b> | KIOTA Women's Health and Development Organisation                                                                  |
| <b>KWETU</b>    | "Our place", in Swahili, NGO in Dar es Salaam                                                                      |
| <b>MAP</b>      | Multi-country AIDS Programme                                                                                       |
| <b>MCTU</b>     | Malawi Congress of Trade Unions                                                                                    |
| <b>MoEST</b>    | Ministry of Education, Science and Technology, Malawi                                                              |

|                |                                                                                                           |
|----------------|-----------------------------------------------------------------------------------------------------------|
| <b>MoHP</b>    | Ministry of Health and Population, Malawi                                                                 |
| <b>MRFC</b>    | Malawi Rural Finance Company                                                                              |
| <b>NAC</b>     | National AIDS Council, Malawi                                                                             |
| <b>NACP</b>    | National AIDS Control Programme, Malawi                                                                   |
| <b>NASFAM</b>  | National Association of Smallholder Farmers of Malawi                                                     |
| <b>NGO</b>     | Non-governmental organisation                                                                             |
| <b>NORAD</b>   | Norwegian Agency for Development Aid                                                                      |
| <b>OSHA</b>    | Occupational Safety and Health Act, Malawi                                                                |
| <b>PRSP</b>    | Poverty Reduction Strategy Paper                                                                          |
| <b>SEISA</b>   | The Study of Economic Integration in Southern Africa                                                      |
| <b>TACAIDS</b> | Tanzania Commission for AIDS                                                                              |
| <b>TAMA</b>    | Tobacco Association of Malawi                                                                             |
| <b>TANESA</b>  | Tanzania Netherlands Project to support HIV/AIDS control in Mwanza                                        |
| <b>TCC</b>     | Tobacco Control Commission, Malawi                                                                        |
| <b>TLC</b>     | Total Land Care, Malawi                                                                                   |
| <b>TVET</b>    | The Vocational Training Act, Malawi                                                                       |
| <b>UNAIDS</b>  | Joint United Nations Programme on HIV/AIDS                                                                |
| <b>UNDP</b>    | United Nations Development Programme                                                                      |
| <b>UNGASS</b>  | Declaration of Commitment on HIV/AIDS (United Nations General Assembly Twenty-sixth Special Session 2001) |
| <b>UNICEF</b>  | United Nation Children's Fund                                                                             |
| <b>USAID</b>   | United States Agency for International Development                                                        |
| <b>VCT</b>     | Voluntary counselling and testing                                                                         |
| <b>WAMATA</b>  | "Those involved in the fight against AIDS in Tanzania", in Swahili                                        |
| <b>WHO</b>     | World Health Organisation                                                                                 |

# 1

## TOBACCO GROWING, CHILD LABOUR AND AIDS

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210 million children worldwide are currently working rather than attending school.<sup>1</sup> The concentration of child labourers is higher in Africa than anywhere else with about 80 million African children estimated by the ILO to work. The agricultural sector poses particular challenges when it comes to the internationally recognised labour standards. Tobacco, cotton, coffee, tea, and other commodities are produced by millions of plantation workers in Africa. Most of the work however takes place on small family farms. Child labour, bonded labour, discrimination and lack of respect for organisation and collective bargaining rights is widespread. Low wages, long hours, seasonal unemployment and minimum housing and sanitation standards continue to be the rule of the day. In several countries dependent on commodities sectors, real wages have dropped to about half or even a third of their mid 1980s level. Control and inspection systems are also far more complicated and resource demanding in the agriculture sector than in other sectors. With large parts of the agriculture organised around smallholdings and family farms, “ethical trade” and respect for labour standards becomes complicated even for the buyers and multinationals who *want* to adhere to core labour standards. For the tobacco sector in particular, the challenges are immense. About 12 million farmers in developing countries are currently engaged in tobacco production. As one of the largest tobacco farmers, but also one of the poorest countries in the world, Malawi faces more challenges than most when it comes to turning agricultural labour markets into sustainable bases for development goals.

Several initiatives have been seized in the past few years from international institutions, multinational corporations, NGOs and the trade union movement to improve labour standards. A joint statement to combat child labour was signed between the International Tobacco Association and the International Union of Food Workers in 1999.<sup>2</sup> A similar national agreement was signed between the social parties in Malawi in 2000. Most of the large tobacco corporations have also developed corporate codes of conduct setting their social responsibility principles, including bans on child labour. And in 2002 the Eliminating Child Labour in Tobacco-growing Foundation (ECLT) was established on the basis of the joint international initiatives in order to the further the commitment of the parties to eliminate child labour in the tobacco sector. At the same time, several countries in the south are challenged by the HIV/AIDS pandemic, expected to leave hundreds of thousands of children orphaned and destitute. We know little about the effects of this pandemic on child labour

---

<sup>1</sup> Child labour is defined on the basis of the ILO Convention No. 138, complementary to the 1989 UN Convention on the rights of children, which stipulates the need to protect children from economic exploitation and work that is hazardous, interferes with schooling or is harmful to their health and development. Worst forms of child labour (ILO Convention 182) are defined as all forms of slavery or similar practices (debt bondage, trafficking, and forced or compulsory recruitment of children for use in armed conflicts), the use of children for prostitution and pornography, illicit activities and all work which is likely to endanger health, safety or morals of children.

<sup>2</sup> In 1999, the International Tobacco Growers Association (ITGA) and the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) signed a joint statement recognising the need to contribute to the elimination of child labour in the tobacco growing sector. Following this, British American Tobacco (BAT) joined the effort. The new partnership was officially launched in 2000 with the objective to establish a permanent infrastructure to address the issue and provide a framework for ongoing action. New partners from the tobacco corporate sector joined the initiative thereafter: Gallaher Group Plc, Imperial Tobacco Group PLC, Japan Tobacco Inc., Philip Morris International, Philip Morris USA, Scandinavian Tobacco Company as well as the three major tobacco leaf processing companies, Dimon Incorporated, Standard Commercial Corporation and Universal Leaf Tobacco Co., Inc. See: ECLT: <http://www.eclt.org/commitments/background.html>.

and whether the specifics of the tobacco sector would warrant specific action programmes in order to fight child labour following from, or enforced by, HIV/AIDS. This report will hence look closer at labour standards in the tobacco sector, with a particular focus on the effects of HIV/AIDS.

Finding viable solutions to the widespread use of child labour in the tobacco sector has raised considerable controversies. In the past decades, however, international agreement has been reached about a set of core labour standards, which forms part of the internationally recognised human rights principles, are non-negotiable and that no country should go below. Broad agreement has also developed about the economic benefits of such basic human rights principles, usually referring to eight core ILO labour Conventions concerning child labour, forced labour, discrimination, and the right to organise and bargain collectively.<sup>3</sup> At the same time, massive challenges remain as to how to take this forward in viable ways at the national level. While several multinationals give increased attention to “ethics” in their relations with countries in the south, the majority have preferred unilateral strategies with no, or limited, reference to the international labour standards. For other multinationals, the challenges remain first and foremost at the practical rather than at a political level. How can and should ethical production and trade be formulated in practice? How can they assure that labour standards are actually adhered to and respected?

In several of the Southern African countries, there has been increased hardship due to HIV/AIDS. With the breadwinners most affected, children are often forced to drop out of school, become heads of household and enter the labour market to take care of themselves and other siblings. At point of departure, it is first and foremost poverty and food insecurity that forces children to work. However, the AIDS pandemic adds to the number of vulnerable children, increases pressures on households, demands on public and private services for the delivery of effective health care while simultaneously reducing growth and hence resources for needed health and welfare.

The following report aims at giving an updated overview of child labour and the effects of AIDS on the extent and kinds of child labour in the tobacco producing countries of Tanzania, Uganda and Malawi. While specific attention will be given to HIV/AIDS and child labour in the tobacco sector in Malawi, information from Uganda and Tanzania will be portrayed as comparative cases and learning experiences for establishing best practices in child labour programmes.

In recent years, the HIV/AIDS pandemic is reckoned as an additional cause of child labour due to the increasing number of orphans in need to support for themselves and younger siblings. Yet, while both the Malawi government as well as international institutions now aim specifically at identifying community and field based programmes to combat child labour and support HIV/AIDS orphans working in tobacco growing, we have limited information about the actual impact of HIV/AIDS on child labour in the sector. And while the effect of HIV/AIDS is generally assumed to be as devastating to the labour practices and organisation in the tobacco sector as elsewhere in the labour market, the actual consequences for child labour are unclear. Labour practices and family dependency systems may change as a result of AIDS, with uncertain effects on both demand and supply of labour. On this basis, questions arise as to:

- **The extent and kinds of child labour in the tobacco sector in Sub-Saharan Africa today**
- **The extent to which labour practices and labour markets are changing in the tobacco sector as a possible result of AIDS**

---

<sup>3</sup> The core labour standards refer to the ILO Conventions concerning the right to organise, to collective bargaining as well as the ban on child labour, forced labour and discrimination (ILO Conventions Nos. 29, 87, 98, 100, 105, 111, 138 & 182).

- **Actions that could be taken in order to reduce child labour in the tobacco sector**, and ease the burdens of children affected by AIDS in particular

The overall goal of the report is to deliver input into an action oriented programme by the social partners in order for them to address the challenges of child labour and lowering of labour standards accruing from the international commodity crisis, and more importantly the national problems following from rising poverty levels, productivity crisis and the AIDS pandemic. At the same time, updated information about labour practices in the agricultural sector may also provide valuable insight into the prospects for economic developments in Africa and not the least for poverty alleviation and the accomplishment of the Millennium Goals in Sub-Saharan Africa.

## **Background on labour markets in southern Africa**

In an African perspective, the issues and challenges around labour standards that will be raised in this report do not only affect the tobacco sector, but labour markets and development at large in several countries that depend on agriculture and commodities, which are vulnerable to international price fluctuations. Between 1970 and 2000, prices for agricultural commodities such as sugar, cotton, cocoa and coffee fell by between 30 and 60 percent. Many commodity-exporting countries hence find themselves increasingly marginalized in world trade relations and trapped in vicious circles of declining income, persistent poverty and dependence (EU 2003).

A series of economic reform programmes in the past decade has had mixed results. Growth is limited to a few countries, is relatively modest and has had varied, or limited, social effect. While Africa's share of the world's population has increased dramatically in the past decades, its share of world growth, trade and in particular foreign direct investments, has more or less collapsed. Lack of economic growth and low foreign direct investments, retrenchments in the public sector and job losses due to tariff cuts and imports from Asia, all contribute towards the serious unemployment and underemployment crisis facing Sub Saharan Africa. At the same time, the informal sector has become the real engine of employment in most countries. Major restructuring is also taking place in the labour market with the service sector having gained increased importance while the manufacturing sector is contracting.<sup>4</sup>

Altogether, less than a third of the total labour force in Southern Africa is in formal employment. The rest are either unemployed or engaged in informal activities, subsistence farming or in unpaid family labour, - none of which give a stable, secure livelihood at decent levels. Most SADC countries, and most notably Angola, Mozambique, Zambia, Zimbabwe, Malawi, and the DRC experience the highest levels of unemployment to the tune of 50 per cent or more of the labour force. Real wages have also decreased substantially in the past decades. Generally, people live on subsistence farming, exchange economies and remittances from family members who are fortunate enough to have a job in the formal wage labour market. While agriculture contributes to less than a third of the GDP, the large majority of the labour force in Sub-Saharan Africa is employed in the sector.

In the tobacco producing countries of Tanzania, Uganda and Malawi, more than 80 percent of the labour force scratches a living from the soil. In Tanzania for example, most people are employed as peasants producing for local markets. Nine million out of a workforce of approximately 11 million, and a labour force of 15 million, work on family farms. Manufacturing is relatively underdeveloped and provides only two percent of overall employment. Of the 9 million farm workers, 3 millions are estimated to be employed in subsistence farming. In Malawi, high proportions of farm workers and

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<sup>4</sup> The service sector (46 percent) has become the most important economic sector in southern Africa in terms of average contribution to the GDP, followed by industry at 31 percent and the agricultural sector contributes 23 percent to the GDP. Most countries, except for South Africa, Mauritius and Swaziland have no real industrial sector capable of transferring national resources endowments into goods and services needed by the regional market.

farmers are employed in export oriented activities, first and foremost tobacco, but the large majority is still employed in subsistence activities. Uganda demonstrates similar labour markets and trends.

Challenges of sustainable development and poverty alleviation under globalisation has raised questions as to how countries in the south may be able to enter world markets in ways which can provide a constructive basis for real growth and redistribution. Their adopted path of specialisation in primary materials has been seen as a major cause for their low income levels because the prices of these products have systematically declined on the international market over the past decades. Thus, diversification and economic restructuring will be important steps forward for any country in the south concerned with growth and enhancement of social standards. In order to manage such strategies, however, groups need to be helped financially and in building their marketing and organisational skills. While traditional commodities will remain the major source of employment, income and export earning in several countries in the south in years to come, major challenges remain in expanding alternative sources of income and developing the commodity sectors into more diversified and sustainable sources of income. As such, proactive strategies to address the problems of the tobacco sectors should go in tandem with the development of strategies for national poverty eradication and economic growth in a broader perspective.

### Focus on AIDS, poverty and child labour

Poverty in the African countries, and the tobacco producing countries in focus for this report, is widespread, deep and severe. According to the African Development Bank (2002), about 300 million people, more than 40 percent of the population, in Sub-Saharan Africa live in extreme poverty. Simultaneously, the region ranks low when it comes to people's ability to lead a long and healthy life, acquire knowledge and access resources needed for a decent standard of living. Tanzania, Uganda and Malawi perform even worse. Life expectancy has declined significantly since the eighties and now stands at 37.5 years in Malawi, and 43 in Uganda and Tanzania (2002).

In *Malawi*, an estimated 65 percent of the population, i.e. around 6 million people, lives below the minimum living level. There has been substantial increase in malnutrition over the past decade. Of about two million children under the age of five, between 6 and 15 percent are malnourished (Government of Malawi & UNICEF 2003). Worldwide, *Tanzania* has the third lowest income per capita. Government investment on social services, seem to have borne some fruits with improvements in adult literacy and infant mortality rates over the past decades. On the whole though, with about half of the population living below the national poverty line in the nineties,<sup>5</sup> the overall situation does not bode well for overall human progress. *Uganda* is also one of the poorest countries in the world.<sup>6</sup> Per capita income in 2004 is estimated to be only about US\$250 and nearly 9,8 million people are estimated to live below the poverty line (UBOS 2002/03).<sup>7</sup>

---

<sup>5</sup> National poverty line as designed by Tanzanian government. No information available as to the exact figure.

<sup>6</sup> See the World Bank for more detail on poverty and living conditions in Uganda: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/UGANDAEXTN/0,,menuPK:374947~pagePK:141132~piPK:141107~theSitePK:374864,00.html>.

<sup>7</sup> Nevertheless, several achievements have been made in the past decade. Net enrolment rates for primary schooling increased for example to 86 percent in 2003. Since the 1990's, the performance of Uganda's economy has been impressive, and GDP per capita has grown on average 3.6 percent since 1995 with poverty simultaneously declining to 34 percent of the population in 2000. See amongst others the *Poverty Reduction Support Credits in Uganda: Results of a Stocktaking Study*, P. Miovic, World Bank for background information about Uganda in this section:

www-

[wds.worldbank.org/servlet/WDSContentServer?WDSID=IB/2004/06/30/000009486\\_20040630161237/Rendered/PDF/296020UG0PRSC01ver0P08757101public1.pdf](http://wds.worldbank.org/servlet/WDSContentServer?WDSID=IB/2004/06/30/000009486_20040630161237/Rendered/PDF/296020UG0PRSC01ver0P08757101public1.pdf).



Sub-Saharan Africa remains by far the region worst-affected by the AIDS epidemic. More than 25 million people are believed to be HIV/AIDS infected<sup>8</sup> and about 2,2 million people died from HIV/AIDS in 2003 alone (UNAIDS 2004). Seven Southern African countries (Botswana, Lesotho, Namibia, South Africa, Swaziland, Zambia and Zimbabwe) have adult prevalence rates above 20 percent. More than 11 million children under the age of 15 are estimated to have lost at least one parent due to HIV/AIDS (UNAIDS 2004). Eighty percent of the world's children orphaned by HIV/AIDS live in Sub-Saharan Africa. The orphan crisis is expected to worsen dramatically in the years to come. By 2010, UNAIDS expects there to be approximately 20 million orphans due to AIDS in the region.

By 2001, the government estimated the national adult prevalence rate in *Malawi* to be 15 percent,<sup>9</sup> translating into about 740 000 adults living with HIV/AIDS (National AIDS Commission 2001). Annual deaths due to HIV/AIDS are estimated at over 80 000 amounting to 550 000 deaths since the first case was diagnosed in 1985 (ibid).<sup>10</sup> Simultaneously, HIV/AIDS patients occupy between 50 and 70 percent of medical ward beds (Government of Malawi 2003). In the education and agricultural sectors, the government estimates teachers and extension workers to be dying at a faster rate than replacements can be trained.<sup>11</sup> With most infected being between the 20 to 40 age group, and almost half the population (45 percent) below the age of 15 years, HIV/AIDS is severely draining the country's capacity, adversely affecting development efforts and threatening the fulfilment and protection of children's rights.

While rural communities are less affected by HIV/AIDS than urban areas, poverty and low nutrition levels<sup>12</sup> as well as staffing problems and under-capacity in the health sector, may in the long-term aggravate the situation and increase the HIV/AIDS rates also in rural areas.<sup>13</sup> The National AIDS Commission estimated the number of infected children to be 65 000 in 2001. 70 000 children become orphans every year (Government of Malawi 2002), adding to the already high number of about 850 000. The number of children living with HIV/AIDS-positive parents is, according to UNICEF (2003) probably higher. Most of the orphans are cared for by extended families,<sup>14</sup> but with increased mortality and pressures on households, extended families are less able to cope.

*Uganda* was one of the first countries to be affected by HIV/AIDS. Sustained political efforts to combat the pandemic have, however, resulted in reports of dramatic decline in the prevalence rate

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<sup>8</sup> Most of the information about HIV/AIDS in the following paragraphs, including the county statistics is extracted from UNAIDS (2003 & 2004).

<sup>9</sup> The government (2002) underlines that these are conservative estimates.

<sup>10</sup> Please keep in mind however, that malaria is still regarded as the number one killer of children (Government of Malawi & UNICEF 2003). The large majority of under 5 deaths were caused by malaria, pneumonia and diarrhoea.

<sup>11</sup> It is estimated that 10 000 teachers have died from AIDS alone (Government of Malawi & UNICEF 2003). A UNDP study found that increasing levels of early retirement and excess mortality (twice the national average) due to HIV/AIDS, and a vacancy rate of 67 percent for professional posts in the Agricultural Ministry in Malawi (ILO 2004). Likewise, deaths are the largest cause of attrition in the Ministry of Health and Population. Many of the human resources structures systems and procedures for coping with attrition in general and HIV/AIDS in particular are either not in place or appear in urgent need of repair and support. See the UNDP (2002) Report on *The Impact of HIV/AIDS on Human Resources in the Malawi Public Sector* for more information. At the same time, overworked nurses and doctors have seen many of their colleagues disappear to better-paying jobs abroad or in local NGOs.

<sup>12</sup> A 1994 study of HIV infected women in Malawi found that 32 per cent of those who were vitamin A deficient during pregnancy had passed HIV on to their infants. In contrast, only 7 per cent of HIV infected women with sufficient levels of vitamin A did so (UNICEF, 1998).

<sup>13</sup> Without weakening this argument, we should also be aware of the poor reliability of data on HIV/AIDS. It *may* be that the reported lower spread of HIV/AIDS in rural areas is mainly reflecting the poorer access to reliable *data* in the rural areas (and massive under-reporting) and not lower spread of the disease as such.

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from approximately 18.5 percent in the early 90s to about 6 percent in 2003. Over 940,000 is estimated to have died from HIV/AIDS and 1.5 million are currently assumed to live with the infection (Ministry of Health 2000). According to UNAIDS estimates 110,000 children under the age of 15 live with HIV/AIDS. About 940,000 have become orphaned, having lost one or both parents (2003, UNAIDS). Though the economy is gradually improving, the health-care system is urgently in need of additional resources to accommodate the burden of the pandemic. The adult prevalence rate in *Tanzania* has been estimated to be 7.8 percent in the 15 to 49 age group. At the end of 1999, an estimated 1.3 million adults were estimated to be HIV/AIDS infected (Rau 2002), with some current estimates being as high as 2 million people infected. Like in the other countries, the health care system is being overstretched by the increasing number of AIDS patients and communities by the increasing number of orphans. About 170,000 children under the age of 15 are estimated to live with HIV/AIDS (UNAIDS 2002). Rau (2002) estimates that about 960 000 have lost their fathers, 525,000 their mothers and another 165,000 lost both parents. Fostering has hence become common. By the end of the 1990s, more than one fifth of households in Tanzania held foster children, primarily with extended families and first and foremost grandparents.

Poverty and AIDS is closely intertwined. People living in poverty are more vulnerable to HIV/AIDS infections because they have poor access to health information, education, facilities, care and treatment. Furthermore, in search of income for subsistence and survival, the poor are more involved in labour migration, resulting in breakdowns of family relations and increased likelihood of having multiple sexual partners. Furthermore, poverty stricken women and children are more often engaged in sex work. While poverty increases vulnerability to AIDS, AIDS in turn reinforces poverty in vicious circles. One of these goes through the labour markets.

HIV/AIDS was identified already in the 90s as having major impact on the labour markets in Southern Africa by influencing the size and age structure of the labour force through lowering life expectancy and increasing the dependency rate (Mhone 1998). HIV/AIDS affects the labour market in multiple and complex ways.<sup>15</sup> The pandemic influences labour supply, by depriving the labour market of a significant number of workers through illness and death. Furthermore, it impacts on the composition of the labour market and forms of labour market participation. The pandemic impacts on skills levels in the workforce, and often in key sectors where skills levels are already low, such as in areas of education and health services. Simultaneously, demand for such services has exploded. Earnings and productivity is both affected. Purchasing power is eroded, affecting the demand for certain products. Illness among workers further reduces labour productivity, causing declines in both agricultural and industrial efficiency. Discrimination against HIV positive workers due to stigmatisation, also contributes to job insecurity and retrenchments. Altogether, these factors adversely affect profitability, which in turn affects broader economic stability and growth and the prospects for renewed investments and development in the region.

For the agriculture sector and rural households, HIV/AIDS also has a detrimental effect. The pandemic worsens the economic situation of rural households by impoverishing households, exhausting the ability of rural communities to withstand shocks and seriously aggravating existing food insecurity (FAO 2004). Several Southern African countries are estimated to lose between a fifth and a quarter of their agricultural labour in less than a generation (ILO 2004). Surveys in the agricultural sector in southern Africa report on how heads of households who are chronically ill reduce the area of land they cultivate as much as by 53 percent in a country like Zambia (ILO 2004). Studies from Tanzania and Zambia indicate that adults experience losses of two years of labour and one-third of annual income between the onset of AIDS and death. Output has fallen in many areas and some households have temporarily abandoned their land, lacking the labour and resources for planting, weeding and harvesting. In Malawi, projected agricultural labour force loss by year is

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<sup>15</sup> See SEISA (Mhone 1998) and Rau (2003) for background on the following.

estimated at 5.8 percent in 2000 and 13.8 percent by 2020 (ILO 2004). Similar figures are reported for Uganda.

For children, AIDS is devastating. It robs them of parental guidance and care. Furthermore, with sick parents, AIDS affects survival strategies by increasing household poverty. It compels new patterns of time use when children have to take over income responsibilities, or caring responsibilities for sick and dying relatives at home. The pandemic has left millions of children orphaned and without support, who will often have no alternative but to work, regardless of the nature of employment and irrespective of laws regulating the engagement of minors to work. While extended families are regularly left with the responsibility for orphaned children, additional strains are put on these families for survival strategies. In the longer-term, even extended families will have limited capabilities of taking on additional responsibilities. Importantly, the pandemic affects individual and household welfare in settings where vulnerability and poverty is already high. Women and girls are disproportionately affected as they spend more time caring for their families, including sick HIV/AIDS patients. A high number of children are also themselves HIV/AIDS infected through “mother-to-child-transmittance”. On this background, the HIV/AIDS pandemic compounds the challenges of reducing child labour in several ways.<sup>16</sup> While adding to the number of vulnerable children, it reduces the resources available for effective programs. While increased focus is currently given to education for all, the pandemic reduces the number of qualified teachers and other personnel. And while poverty eradication efforts are critical for combating child labour, poverty is actually increasing as an effect of AIDS.

## Focus and methodology of the report

This report focuses directly on child labour and AIDS in the tobacco sector in Malawi, with a comparative glance at the situation and programmes set up in Uganda and Tanzania. While the extent and types of child labour may change as a result of the pandemic, there are several other issues also impacting on the extent and types of child labour. The most cited explanations for child labour in the tobacco sector are poverty, failures of the education system and lack of law and legislative enforcement agencies. Child labour is, however, also closely linked to the labour practices of the parents. On estates and plantations, tenants are often locked into producing tobacco by a system of debt, which is accrued annually and paid off with the tobacco they grow. On independent small-scale smallholdings, farmers likewise carry the risk of unstable weather conditions, fluctuating prices, problematic infrastructures and weak credit facilities. In both cases, margins often become tight enough to necessitate the use of their children as labourers. With tobacco prices expected to reach rock bottom levels in Malawi from 2004,<sup>17</sup> problems of poverty, and in turn child labour, may be reinforced. Any programme assessing strategies to combat child labour, and mainstreaming HIV/AIDS into child labour programmes in the tobacco sector will have to take such factors into account. The extent and forms of child labour will to a large extent depend on household income as a main variable and the AIDS pandemic as such must be seen primarily as contributing to, or aggregating poverty levels.

Several projects have been conducted gathering information about child labour in southern Africa. Considerable numbers of studies have also focussed on the tobacco sector. Likewise, there are several publications on HIV/AIDS in Malawi, Tanzania and Uganda. Few studies, if any, have however a combined focus on AIDS and child labour in the tobacco sector, which is the aim and intention of this following report. This report is essentially a study on labour standards in the tobacco sector. The report will not look at tobacco-related health issues for consumers, environmental effects of tobacco farming or the marketing and political strategies of the multinationals involved in the tobacco sector.

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<sup>16</sup> See Rau 2002 & 2003 for more information and detail.

<sup>17</sup> “Tama yet to talk to tobacco buyers” in *The Nation*, 4 April 2004.

It will also not address the *general* challenges of developing HIV/AIDS programs, the causes of the pandemic, or ourselves establishing links between increased mortality and AIDS. For such topics, other and more authoritative sources should be sought. The intention of this report is rather to give input into child labour programmes by identifying the crucial factors such programmes must contain, rather than evaluating existing programmes or developing new ones.

Governments, development partners and the private sector must all take measures to address the HIV/AIDS pandemic in order to reduce the costs of human resources, productivity, and overall development. The following report attempts to outline just one small part of the many broad necessary initiatives required to combat the pandemic, namely that part which is within the domain, and responsibility of the social partners in the tobacco sector. Our goal is to deliver input into an action oriented programme by the social partners in order for them to address the specific current challenges of child labour accruing from the AIDS pandemic. The report hence aims to serve as input into the development of an overall framework for child labour programmes mainstreamed by HIV/AIDS.

The following information about the tobacco sector, child labour and the effects of AIDS on child labour is based on extensive literature searches, interviews with key informants in Uganda, Tanzania and Malawi as well as a small-scale survey with informed elders and children at 50 randomly selected tobacco estates in Malawi. Considerable resources were set aside to gather documentation and an updated overview of HIV/AIDS as well as child labour and labour practices in the agricultural and tobacco sectors.

In terms of the interviews at the estates in Malawi, we selected districts known to farm tobacco and to have relatively many estates (districts of Asungu, Qota Qota, Selima, Lilongwe and Mchinje). Within each district, quotas of farms farming Burley tobacco and Flue tobacco were determined in advance of fieldwork and the sample of estates selected were also decided to represent a mixture of large and medium to small estates.<sup>18</sup> All in all, 48 estates were visited, of whom 29 were farming only burley tobacco, 11 were farming only flue tobacco,<sup>19</sup> while the remaining estates were farming both. At each of the estates, we conducted interviews with an adult “elder” or foreman about tobacco production, labour relations and other issues at the estate. We also had separate interviews with children on each of the estates. Almost half of the children were boys. 80 percent of the children were under 15 years old, the remaining between 15 and 17. While this small-scale survey did not give us representative statistics as such, it gave a good and thorough picture of the social and economic challenges and conditions in the tobacco sector in Malawi today. Simultaneously, a large-scale national child labour survey has been conducted by the Government of Malawi and the ILO (2002), which will complement our findings.

The considerable number of interviews with key informants in government departments, NGOs, trade unions and international institutions in Malawi, Tanzania and Uganda<sup>20</sup> in turn forms an important background for the report’s assessments of existing programs and best practices in order to develop input into child labour programmes in the tobacco sector.

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<sup>18</sup> Quota of 17 large estates with more than 100 workers/tenants and 33 small estates with 100 or less workers/tenants. Contact was established with traditional authorities in the districts before starting the interviews

<sup>19</sup> In line with the proportions of total tobacco output given to us by Tobacco Association of Malawi (TAMA). Burley tobacco is usually air-cured while flue-cured tobacco is a type of tobacco that is cured with artificial heat. Flue-cured and burley tobacco vary greatly in the hours of labour required to produce, harvest, and cure a crop. Flue-cured is frequently harvested mechanically and cured in bulk barns. Burley, on the other hand, is harvested manually and generally cured on tiers (rails) in barns.

<sup>20</sup> See Annex 2 for list of informants that were interviewed.

Labour standards in commodity sectors is complex and tightly connected to issues such as price and income levels on the international markets as well as governance and degree of privatisation at the national level. Hence, rather than addressing labour standards in the tobacco sector as a narrow issue of standards on the individual farms, the following report address labour standards within this broader framework. The following chapter will hence give a brief outline of the international tobacco sector and tobacco farming in southern Africa. The third chapter explores the tobacco sector in the context of poverty and AIDS in southern Africa and will provide additional, but crucial, background information for child labour programmes. The fourth section of this report focuses directly on the tobacco sector and child labour in Malawi. The considerable number of child labour and AIDS programmes that have been set up in the region are outlined the following chapter, which in turn provide the pillar for the final and main chapter on possible strategies for the elimination of child labour in tobacco farming within a setting of the HIV/AIDS pandemic.



# 2

## BACKGROUND ON THE INTERNATIONAL TOBACCO SECTOR AND TOBACCO PRODUCTION IN SOUTHERN AFRICA

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Of the 100 million people working in the tobacco industry, only about 1.2 million are employed in manufacturing while some 40 million work in growing and leaf processing.<sup>21</sup> Altogether eleven to twelve million farmers are estimated to be involved in the cultivation of tobacco internationally (Jaffee 2003). Hence, millions of people depend on the tobacco industry and rely on any restructuring taking place to unfold in a sustainable way also for their own livelihoods. Major changes have taken place in the international tobacco industry over the past decades, which impact also on labour standards and labour markets at the national level. The tobacco sector demonstrates a north-south divide with ownership, control and profits in the sector primarily being taken out in industrialised countries in the north, while the large majority of tobacco is being produced and increasingly consumed in the south. As such, knowledge about the commodity sector offers insight into north-south economic relations and into the effects of liberalisation both nationally and internationally, with emerging challenges and controversies around new international regulation, standards and corporate social responsibility.

Consumption and production patterns have changed over the past 30 years with **increasing concentration of ownership** in the northern hemisphere. Increasing trends towards mergers is not unique to the tobacco industry, but the pace of consolidation is going faster than in most other sectors.<sup>22</sup> The World cigarette market is hence becoming more concentrated by company. As the companies merge, they are generally selling off their non-tobacco assets, with the intent of reducing shareholder liability, thus stabilizing or improving stock prices and, ultimately, the bottom line. The three largest tobacco companies now sell close to two-thirds of the world's total, while in individual countries, concentration can be much higher (van Liemt 2002). The tobacco companies have according to the ILO (2003b) reacted to the stagnation of demand in their traditional markets in three ways: consolidation, with the recent wave of mergers and acquisitions, diversification (exploring new markets and new market segments) and raising productivity. By producing high volumes at fewer locations, and by merging distribution activities, companies benefit from economies of scale.

Cigarette producers make intensive use of domestic tobaccos. Nonetheless, around 30 percent of world tobacco production (mainly high quality tobaccos) is traded on the international level (van Liemt 2002), due to several large tobacco growing countries (Malawi, Zimbabwe, Tanzania) manufacturing very few tobacco products on their own.<sup>23</sup> International cigarette trade flows are results of supply mismatches, or due to demand growing far away from where installed capacity is. Another reason may be that multinationals simply see it better to produce in countries where labour

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<sup>21</sup> 20 million are estimated to work in home industries such as hand-rolling "bidi" or "kretek" cigarettes in India and Indonesia, and the rest in tobacco-related processes and industries ranging through distribution, sales and promotion of tobacco use (see ILO 2003b, van Liemt 2002).

<sup>22</sup> "For many tobacco companies, it's time to decide whether to focus on their core business or get out of tobacco altogether," says Doug Cogan, director of IRRRC's Tobacco Information Service. As chronicled in *The Tobacco Industry*, several major companies have opted to sell their tobacco businesses or spin them off to shareholders in the last five years (Tobacco Control in the XXI Century, see: [http://www.health.usyd.edu.au/tob21c/m09\\_faqs.html#1](http://www.health.usyd.edu.au/tob21c/m09_faqs.html#1)).

<sup>23</sup> Other countries have large-scale manufacturing, but no growth of tobacco (Netherlands) or too little to cover demands (Japan, Germany, Russia). A final reason for the international trade is that most cigarettes today are blended, i.e. contain a mixture of different tobaccos which are hardly all found in one single country alone (ILO 2003b).



or tobacco costs are lower, or productivity higher (ILO 2003b). The ILO (2003b) underlines however that trade flows are increasingly a consequence of corporate strategies following from market liberalisation on trade and investments making it easier for multinationals to relocate and concentrate their production in fewer countries.

**Consumption** has also changed dramatically with decreased consumption in industrialised countries, and increases in the developing countries. While cigarette sales fell for example by 4.5 percent in North America between 1990 and 1995, they increased by 5.6 percent in Eastern Europe and 8 percent in the Asia-Pacific region (van Liemt 2002). By the turn of the century, per capita consumption in developing countries will be greater than that of developed countries, said the World Health Organisation (WHO) in the mid 90s.<sup>24</sup> By the end of the 90s, about 80 percent of smokers live in low- and middle-income countries (World Bank 1999).<sup>25</sup> After 1995, however, demand growth in the countries outside the OECD area has slowed down and no longer compensated for declining demand in the industrialised countries (van Liemt 2002).

Third, while **production** increased by about 50 percent in volume terms between the early 1970s and 90s (ILO 2003b), cigarette production increased less<sup>26</sup> and growth in production has been reduced in the few years.<sup>27</sup> The expansion in production until the mid 90s was entirely accounted for by developing countries while tobacco production in developed countries, including the United States, European Union and Japan, declined. In sharp contrast, tobacco production in developing countries increased from 3.26 million tons in 1980 to 5.68 million tons in 2001. Their share of global production therefore rose from 62 percent to 81 percent over this period.<sup>28</sup>

Liberalisation of tariffs, foreign exchange control etc. has facilitated *international* trade and investment flows. State controlled companies in the tobacco sector have simultaneously been privatised in many cases and the possibilities facilitated for foreign multinational investments. Several developing countries rely totally on tobacco for their survival and have for that reason in the past treated it as a strategic commodity either through regulation, direct control over quality or over marketing until **market liberalisation** in the 80s and 90s. In many countries, state monopolies were previously the sole producers and/or seller of tobacco products. While multinationals were often called in to supply advice to newly privatised companies, they soon entered into joint ventures or took equity stakes in the companies (van Liemt 2002). Few local investors had the resources necessary, or credit facilities available, to provide investments in technology, equipment etc. needed for the privatised tobacco companies.

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<sup>24</sup> David Holzman, "Tobacco Abroad: Infiltrating Foreign Markets," *Environmental Health Perspectives*, Vol. 5, No. 2, February 1997.

<sup>25</sup> The populations of the low- and middle-income countries have been increasing their cigarette consumption since about 1970. The per capita consumption in these countries climbed steadily between 1970 and 1990, although the upward trend may have slowed a little since the early 1990s (World Bank 1999).

<sup>26</sup> Cigarette production and tobacco production does not grow in parallel. Between 1990 and 1995, production of, and demand for, cigarettes grew at a more modest rate. Tobacco production reacted to this weakening with a lag (ILO 2002). Another important difference between the cigarette and tobacco markets is that the prior is unsuitable for long-term stockholding. Hence, producers adjust to demand much more rapidly than with tobacco products that can be stocked for longer periods.

<sup>27</sup> Over the period from 1980 to 2001 world production of tobacco leaf increased from 5.26 million tons to 6.97 million tons, or at 1.02 percent per annum. Most of this growth occurred in the 1980s and the early 1990s. There was a slowdown thereafter, partly because of the build-up of excessive unsold stocks in several countries, including China, India, and Turkey (Jaffee 2003).

<sup>28</sup> Output continued to expand in countries such as Brazil, India, Zimbabwe (until the past two years) and Malawi (Jaffee 2003)



Tobacco today is grown in more than 100 countries, of which about 80 are developing countries with China<sup>29</sup> as the world's lead producer. Four countries account for two-thirds of the total production:<sup>30</sup> in 1997, China was responsible for 42 percent of all tobacco grown, while the United States, India, and Brazil produced about 24 percent between them. The top 20 countries produce more than 90 percent of the total. Over the past two decades, the share of global production by high-income countries has fallen from 30 to 15 percent, while that by countries in the Middle East and Asia has risen from 40 to 60 percent. Africa's share rose from 4 to 6 percent, and other regions have changed little.

Whereas China uses most of its tobacco crop for its domestic market, other major producers export large proportions of theirs (see World Bank 1999). Brazil, Turkey, Zimbabwe, Malawi, Greece, and Italy all export more than seven-tenths of their crop. Only two countries worldwide are significantly dependent on raw tobacco for their export earnings-Zimbabwe, with 23 percent of export earnings, and Malawi, with 61 percent. A few other countries-Bulgaria, Moldova, the Dominican Republic, Macedonia, Kyrgyzstan, and Tanzania-rely heavily on tobacco as a source of foreign exchange, although their shares of the global tobacco-growing market are small. Tobacco is a major earner for a few countries with heavily agrarian economies, including Malawi, Zimbabwe, India, and Turkey.

Historically, tobacco is a highly attractive crop to farmers, providing a higher net income yield per unit of land than most cash crops and substantially more than food crops (World Bank 1999). In the best tobacco-growing areas of Zimbabwe,<sup>31</sup> for example, tobacco was seen by the World Bank to be approximately 6.5 times more profitable than the next-best alternative crop. Farmers also find tobacco an attractive crop for more practical reasons (World Bank 1999). First, the global price of tobacco has been relatively stable compared with other crops. The stability has also allowed farmers to plan ahead and obtain credit for other enterprises as well as tobacco farming. Second, the tobacco industry has generally supplied farmers with a high degree of support in kind, including materials and advice. Third, the industry often gives farmers loans. Fourth, other crops may cause farmers problems with storage, collection, and delivery. Tobacco is less perishable than many crops, and the industry may assist with its delivery or collection; by contrast, late collection, late payment, and price fluctuations may blight other crops (van Liemt 2002; Jaffee 2003).

All in all, worldwide employment prospects in the tobacco processing industry are, according to the ILO (2003b) not bright. Consolidation, privatisation, higher productivity and stagnating demand growth together have a dampening effect on employment prospects. Jobs in countries with high costs and declining demand look particularly vulnerable. But in an open world economy, it is ultimately up to the large corporations to decide where to concentrate production, and which market will be supplied from where (ILO 2003b).

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<sup>29</sup> China is the largest producer of tobacco in the world as well as the largest consumer. China produces four times as much tobacco as the next largest producer, the USA. The 180 cigarette factories are gradually being modernised and consolidated, and 18 factories currently produce 80 percent of the cigarettes. Since 1980, China has changed from being a net importer to a net exporter of unmanufactured tobacco (World Bank 2001). At the same time, China stands for 38 percent of tobacco leaf production in the world (Jaffee 2003). Statistics about international tobacco markets from Jaffee (ibid).

<sup>30</sup> See the van Liemt/ILO 2002 & World Bank 1999 for extractions of background information on the international tobacco sector presented in this section.

<sup>31</sup> Be aware that with the political and economic transition in Zimbabwe, agricultural production (including tobacco) has changed significantly. Considerable numbers of the tobacco farmers in Zimbabwe seem to have re-settled and started farming in Zambia, but figures are not available to document these trends.

### Tobacco production in southern Africa

Tobacco farming is considerable in Sub-Saharan Africa. In the Central African Republic, Malawi, Uganda, the United Republic of Tanzania and Zimbabwe, tobacco leaf exports account for more than 5 percent of total export earnings.<sup>32</sup> While Malawi is one of few countries worldwide that are significantly dependent on raw tobacco for export earnings (63 percent of export earnings), several countries in the region have invested considerable human, and financial resources in tobacco farming. We will return to tobacco farming in Malawi in chapter four and for now illustrate the characteristics of tobacco farming and labour standards in the sector in Uganda and Tanzania.

While only two percent of **Tanzania's** export earnings is accrued from tobacco, Tanzania overtook South Africa to become Africa's third biggest producer of tobacco, after Zimbabwe and Malawi in the 1990s. There are about 90,000 acres of land under tobacco. Tobacco growing in Tanzania is totally small-scale and based on smallholdings with about 40.000 to 50.000 smallholder farmers. The farmers co-operate in primary associations, or village organisations at community level, and sell their leaves to the factories represented by ATTT (Association of Tanzania Tobacco Traders).<sup>33</sup> The farmer has to be affiliated to the primary society in order to sell the tobacco. The primary society furthermore has to be affiliated to the association and registered by the Tanzanian Tobacco Board (TTB). The companies are contracting through ATTT and have to go through the same kind of system. The TTB controls and monitors the whole system and is answering to the Ministry of Agriculture. While all sales was previously conducted through the TTB, the role of the TTB has now become one of arbitrator, monitor and to some extent regulator.

There is no auction system in Tanzania. Tanzania Tobacco Board does the price setting on the basis of local negotiations and functions as the arbitrator. The prices are, according to the traders, negotiated in the beginning of the season. However while the prices may be set centrally at the beginning of the season, considerable local price variations occur at village and farm level depending on the negotiations concerning the grades of the tobacco (there are 82 grades of tobacco). The ATTT gives loan to the farmers and deducts it from the payment for the tobacco. The smallholders also get seeds and fertilisers etc. from the companies to be paid back from the sales. The extent to which there are actual negotiations about price is disputed, but the quality of the tobacco and the price levels on the international markets will anyhow be the main determinants of the price. The current market system resulted from a privatisation process in the 90s, which was set up with the aim to protect the farmers from the harsh competition between individual companies. After the privatisation took place, private investors came in and could buy directly from the farmer. At the same time, several informants point out that with the new system, farmers loose both the potential benefits of actual free competition and the advantages of a publicly controlled price setting system. While centrally placed bodies will determine the price of the tobacco in each district, our informants point out that the practice often function somehow differently. The companies prefer to buy from individual farmers and if farmers prefer not to sell to these companies, due for example to low prices offered, they may be excluded for the next season. The traders also have supervisors in the field. The ATTT and TTB, which are to set prices on district level are often powerless in such circumstances with the companies operating individually vis-à-vis the farmers. The tobacco companies/factories in turn sell the tobacco on the international market.

Our informants point out that due to increasingly less farms being involved in tobacco farming, more "hands" are employed on each farm in order to extract more incomes from a crop that is not bringing necessary profits to the individual farmer. However, despite fluctuations in tonnage, occasioned by

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<sup>32</sup> Tobacco leaves export data from FAO statistical database (<http://apps.fao.org>) for 2002; *Value of total exports by country for 2002*, UNCTAD Handbook of Statistics 2003.

<sup>33</sup> The ATTT was formed by several tobacco companies (1999) in order to provide agronomy services, inputs, loans and farm capital equipment loans direct to farmers.

solid infertility, repeated bad weather conditions and declining producer price, production of tobacco in the country is considerable.

In **Uganda**, the tobacco sector is organised on the basis of the Tobacco Act and the Marketing Act with relatively few changes taking place in the post-independence period.<sup>34</sup> There is no auction floor. Like in Tanzania, tobacco growing in Uganda is based on smallholder farms, mostly concentrated in 16 districts. The sizes of the farms are mostly 0.5 – 1 hectare. The maximum they can produce is two hectares. Tobacco is hence mainly grown by small farmers that are organised in villages functioning as co-operatives. There are approximately 50 farmers per village, and farmers will in turn elect the leaders of their co-operative. The government used to have control over the tobacco sector also here, but the sector was privatised in the 1990s. The British American Tobacco Company in Uganda (BAT-U) currently dominates the market and buys up about 95 percent of the tobacco.<sup>35</sup> In practice the BAT-U works with more than 65 000 farmers this year (2004).<sup>36</sup> BAT-U used to have total monopoly until 1996. However, two other smaller companies have now entered the market and are enlisted on the stock exchange.<sup>37</sup>

The BAT-U buys from and cooperates with the co-operatives in the villages. The village farm leader organises the activities. While there is a direct contact between the tobacco buyers/companies and the farmer, the co-operation is mainly organised through village organisations set up as co-operatives.<sup>38</sup> The tobacco companies, with the BAT-U in the lead, assists the farmers and buys the leaves after the harvest.<sup>39</sup> Yet, before the purchase takes place, tobacco companies have provided farmers, through their co-operatives, with land, fertilisers, agrochemicals etc. by way of loans, which is written off against the values of the tobacco they sell at the end of the season.<sup>40</sup> The companies sometimes also provide training and supervision to the farmers. If farmers grow for BAT-U, they have to sell to BAT-U. There are also limited options where farmers can find independent credit and finance to buy seeds, etc. Hence, they depend totally on the funding/loans that is provided through BAT-U. Often, assistant leaf technicians from BAT-U stay with the farmers and BAT-U also has supervisors and area managers in the field in place in order to monitor the system. Each farmer indicates how much he can grow. The function of village leaders is to know their people and indicate if the farmer's expected volume and quality is realistic: BAT-U has offices in each area where each farmer can get information about his debts etc. The loans are recovered from the farmers in the time of selling. BAT-U will also grade the tobacco for the farmers. There have only been a limited number of problems where farmers with debt to BAT-U try to sell tobacco to another company.

The tobacco companies/factories in turn sell the tobacco on the international market. It seems that the international buyers represent a diverse group. BAT-U gets the tobacco through tobacco buying centres in the rural areas. 98 percent of the tobacco is exported with the remaining 2 percent is

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<sup>34</sup> The Tobacco Act (1966) and the Marketing Procedures Law (1996) set the basic procedures and rules of the sector.

<sup>35</sup> In the last couple of years more players have been licensed to manufacture and import tobacco products in Uganda; Mastermind Tobacco Limited (was manufacturer of Supermatch now limited to leaf buying) Taaba Limited (importer of Boss), Amber Group Ltd. (importers of Amber), Leaf Tobacco & Commodities (U) Ltd. (now manufacturers of Supermatch). See: Karugaba, P. 2002:

<http://tean.globalink.org/statuspaper.html>

<sup>36</sup> While some leaf merchants have been investing in neighbouring Zambia and Mozambique by building processing factories and sponsoring farmers who have left Zimbabwe, tobacco production in Uganda seems to have leapfrogged from 13 million kg to ±34 million kg during 2004.

<sup>37</sup> *Master Mind Tobacco and Leaf Tobacco Commodities.*

<sup>38</sup> In 1996, BAT's monopoly over the co-operative was cancelled and the Government of Uganda invited the African company Mastermind to take. BAT-U does however remain the dominating actor in the tobacco market.

<sup>39</sup> While the coffee is organised much the same way, the tea sector in Uganda is based on large plantations

<sup>40</sup> BAT informs that the amount of inputs supplied is restricted in value to roughly 30 percent of the farmer's expected crop sales, see: <http://www.nri.org/NRET/SPCDR/Chapter3/services-3-2-3-3.htm>.

being used for cigarettes on the national market. BAT-U sells the tobacco through Universal agencies, including to all the main players, such as Philip Morris.

Anybody can farm and sell tobacco in Uganda. There is no licence system, quotas or minimum conditions put in place for control over the sale and production. The BAT-U are not opposed to the farmers forming co-ops and associations, but in most cases the individual farmers will be on their own. On the marketing side, you cannot sell/buy tobacco from BAT-U and for exports without being licensed. There are further restrictions on release of new grades of tobacco etc., but otherwise limited restrictions set by the government.<sup>41</sup>

There have been few major changes (legislative or actual) in the past few years in terms of how the tobacco sector is organised (overall characteristics in terms of tenants versus wage labourers; auctions versus contracts etc.). Some smaller changes should however be mentioned, as to the openings of the market and liberalisation in order to assure that new buyers are allowed to come in and the licensing of a few new companies. A protocol to ban smoking has also been agreed. However, in spite of major economic and political challenges, BAT-U has managed to keep their dominance. While the informants underline the potential disadvantages in some cases to the farmers by the BAT-U monopoly, others highlight the benefits to the sector as a whole. All in all, the Ugandan tobacco market is estimated to be a well defined market with the pros and cons of having in practice a monopoly on the market. However informants underline that BAT-U's dominating role also makes it impossible for farmers to consider expansion, selling to others for competitive prices etc. Simultaneously, the growing of tobacco alone never does get farmers enough money to buy food and other essentials according to our informants. Barriers to improvements and market upgrading today as outlined by the informants include that the government has failed to provide seeds and other inputs to the farmers, hence leaving the BAT with actual control over the farmers. It seems clear that new entrants into the tobacco market in Uganda will have to provide a whole range of services, the government may have to supply the sector with additional resources in order for market diversification to take place or the various price setting institutions in Uganda will have to upgrade the price levels or the competitive nature of price setting in order for improvement of living conditions of farmers and market diversification to take place—all necessary requirements for the elimination of child labour.

### Labour standards in tobacco farming

Child labour is recorded to be a frequent problem in many of the tobacco labour markets in the south. We will give particular attention to labour standards in Malawi in chapters 3 to 5 and hence concentrate on standards in the other tobacco producing countries in the following.

General knowledge of labour standards in tobacco farming document pervasive violations of core labour standards. Few are organised, or have the right to organise, collective bargaining hardly exist and wide-spread discrimination remains. Systems of debt bondage are not uncommon and child labour is extensive. The tobacco sector is also known to carry specific health and safety hazards due to pesticides and shortage of protective equipment, injuries from cutting tools, repetitive and forceful movements, snake bites, skin cancer due to sun exposure etc.<sup>42</sup>

In **Uganda**, legislation provides for freedom of association, and compulsory recognition of a union by an employer. However, to form a trade union the workforce must have at least 1,000 employees, and the union must represent 51 per cent of the workforce (ICFTU 2004), requirements which in the agricultural sector are out of reach. The general application of labour law is also generally weak.

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<sup>41</sup> The ministry basically has to be informed about new grades, but exercises limited control.

<sup>42</sup> See amongst others ILO Information 2004.

The exact number of child labourers is not known (IPEC 2002). According to the 1991 Census, 16 percent of children, i.e. 355,000 children aged 10 to 14 were estimated to be economically active (ILO/UNDP 1995).<sup>43</sup> The number is however likely to be much higher considering that many children are deployed without remuneration and hence not classified as workers (IPEC 2002). Pinto (1994) argued that there were 2.8 million children of school going age working in Uganda in the beginning of the 1990s. According to the household survey from 2000-2001, there is 2.7 million child labourers in Uganda (IPEC & UBOS 2002), with more recent estimates indicating 3.3 million working children (UNICEF 2003). Free Universal Primary Education was introduced by the government in 1997. At that time 1.7 million enrolled in their first year. Last year these children were supposed to finish, but only 419,000 completed their exams. The rest were forced out of school by economic pressure and poverty with the fall out being higher for females than for males.

Child labour is concentrated in the agricultural and construction, commerce and domestic sectors. The majority of children were either orphans, runaways, or from poor families (SDC 2002). Working children earn very low wages, if paid at all and generally work under very harsh conditions (ibid). Surveys conducted by the ILO and the Ugandan Federation of Employers (FUE) among employers in the agricultural sector indicated that child labour is prevalent in the tobacco sector and that about 8 out of 10 employers admitted to have children employed. The study found that most employers had limited information and knowledge about labour laws applicable to child labour, children mostly took part in field based activities, the occupational health and safety standards were very low and most children were employed as casual labour (SDC 2002). The SODECO 2002 study likewise found child labour to be a common and indispensable part of family labour at the tobacco farms in Uganda with boys being more affected than girls and the average age being nine years old.

Surveys from IPEC indicate that children begin to get involved in farm activities as early as 4 years of age with the average age of child workers being 9 years in tobacco (IPEC 2002). The average numbers of hours worked is about 5 in the tobacco sector. There is a tendency to compensate children in non-monetary forms compared to adults doing similar work. Forms of sanctions for poor performance include suspension, dismissals and being denied food in tobacco. Work related injuries are frequent and affect 54 percent of the children working. Simultaneously, there is a lot of chemicals and smoking involved in the farming of tobacco, all contributing to the health hazards of the workers and their families. About one third of the children working in tobacco were only going to school part of the expected time in resonance with the off-peak labour demands (IPEC 2002). Over 90 percent of parents reported that child labour led to missing school.

According to UNAIDS, about 940 000 children in Uganda have lost either one or both of their parents due to AIDS.<sup>44</sup> Informants report of child headed households and children caring for sick parents, as major problems in Uganda. Increased use of child labour on the tobacco farms and in other sectors of agriculture is also reported. While informants see an increased need for contract hired labour at the farms as a result of adult farmers dying of HIV/AIDS, few smallholdings have the resources to pay for such "luxury" and hence rather invest the labour of the children when one or both parents fall sick.

Loss of parents due to HIV/AIDS is mentioned among the main reasons for child labour in the agricultural sector in Uganda (IPEC 2002). The survey conducted by SDC in 2002 amongst farmers indicates that the less children in the families at the plantations, the more they work. The most common reason for not going to school was lack of money (37 percent), yet other reasons quoted such as helping on the tobacco farm (18 percent) and to allow other children have basic education (17 percent) also relate to lack of funds. While most children according to this survey are reported to

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<sup>43</sup> The Census together with the 1992/93 Integrated Household Survey estimated the number to be 23 percent of children between 10 and 14 of age.

<sup>44</sup> The 1991 Census did however already estimate that 968 000 children had lost both parents



go to school, they still work on weekends and after school. The majority of the farmers confessed that children made considerable contributions to their tobacco incomes.

Poverty is stated to be the most important reason for employing children, whether it is their own or children from the extended or other households. Child labour being cheap, poverty in the households and loss of parents are mentioned by our informants as the most important reasons for employing children. At the same time, evidence of physical strain and lack of nutritional requirements was commonly quoted. The average age at which children is engaged to work is reported to be 9 years old. The survey report of HIV/AIDS orphans amongst the children working although the majority of children are living with extended family system where children are taken over by other relatives after their parents die. In extended families, “extra” children will be a financial strain which in turn will contribute to increase the tendency of child labour. All in all, child labour abundantly exists in all the tobacco districts in Uganda (SDC 2002).

In **Tanzania**, the legislation provides for a number of basic rights applicable to all those employed. Any establishment with 10 trade union members has to grant basic trade union rights such as access, recruitment and collective bargaining. However, in spite of also legal protection, the right to strike, and legal provisions assuring other core labour standards, actual violations of standards are widespread and especially so in the agricultural sector.

The minimum working age is 15 years old. Fourteen year olds may be employed with parental consent. The ICFTU stipulates (2004) that almost 30 percent of children between the age of 10 and 14 is working in Tanzania. IPEC (2002) however, argues that about 40 percent of the 5 to 17 age group is engaged in work. Most of the children work in the domestic sector, informal sector and/or in agriculture and the figures are growing rapidly. A survey of children working on the coffee plantations, revealed that around 30 percent never attended school, while 70 percent both work and go to school (Semkiwa et al 2003). According to the ILO there are 4 million working children in Tanzania, of whom 1,2 million is estimated to be in the “worst forms of child labour”.

A study conducted by Kaijage and Kanyala (1998) argues that tobacco growing employers in Tanzania expect children to be involved in most activities during the tobacco season, from clearing fields through to the final end of the process of plucking, drying, grading and selling the tobacco at the end of the season. The children employed are paid from between 50 000 and 100 000 Tanzanian Shillings (ibid, i.e. about USD 55 to 120) to be paid out at the end of the season. Poverty is generally perceived as the most significant motive for child labour. The study also argued that employers’ search for cheap labour featured high amongst the reasons for child labour in the tobacco sector. An analysis of child labour in some of the tobacco regions (Kaijage 2003) again documents the substantial numbers of child labourers on the farms, arguing that young children are most vulnerable. Boys under the age of 9 are more used at work than other groups of children presumably because they are less aware of their rights than older children, and more willing to take orders and do monotonous work without complaining. The children working full time are paid between TShs 20 000 and 90 000 a year (i.e. USD 25 to approx. 100).<sup>45</sup> The large majority of children work in order to meet economic needs. ILO argues that a large proportion of the labour force on tobacco farms is comprised by children.

An ILO study in 2001 (Masudi et al 2001) pinpointed how the low quality of the schools might contribute to child labour. There were acute problems with shortage of infrastructure and teachers in all schools in the tobacco growing areas. 44 percent of the schools provided children with meals, but in the course of raising school funds, some schools included work activities on tobacco farms as income generation activities. Several families also send their children to work in order to cover for

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<sup>45</sup> Again, payment differs between those children employed as part of family labour and those employed not as family members. Family members are paid between TShs 20 000 and 40 000 a year (i.e. max. USD 50), while the latter group gets about the double (ibid).

the school expenses and contributions. The worst forms of child labour found however at the tobacco plantations were found to result from poverty. The parents came from either poor, or very poor backgrounds, earning on average TSh. 81 000 and 86 000 per year (i.e. about USD 100), which is below the minimum wage levels set for rural areas. The ILO study also indicates that children living on farms face harsher conditions and less pay than children living in camps nearby. Both groups were however paid less than the minimum pay.<sup>46</sup> All children were paid in cash, but less than the contractual earnings due to deductions made for foodstuffs, medical expenses etc. provided by the employers. All children said their contracts were informal, and oral, and that they were not given any fringe benefits. The relationship between employers and children were based on a business relationship and not on of adults caring for children (Masudi 2001).

Factors such as family size,<sup>47</sup> may be contributing, but are not the major factors for child labour. Both adult and child respondents pinpointed destitution as the major reason for the worst forms of child labour, followed by the need to pay for school expenses and food. The same is confirmed in a new study of the ILO and the Government of Tanzania (2003). HIV/AIDS is also mentioned as one main reason for child labour through the increase in the numbers of orphans who cannot be fostered by extended relatives and has to turn to work in order to survive. The ILO reports of lack of resources for care and hence an increasing number of child-headed households. More importantly however, HIV/AIDS contributes to increased poverty amongst extended households who take over the responsibility for orphaned children. The impact of mortality and morbidity is severe, resulting in increased dependency ratios, decreased agricultural production and, thus, an increase in poverty (Beckmann & Rai 2004).

Less than half the interviewed children in the ILO study of two tobacco regions in Tanzania were living with both parents. The rest lived with one parent, other relatives, adults or employers. Several children were left orphaned or without one parents due to HIV/AIDS, but few plantations had any plans to provide for these children (Masudi 2001). Simultaneously, plantation owners are seen by our informants to be aware of the campaigns against child labour, but more concerned with own profits. The government in turn is seen by some informants to collude with plantation owners in order to maintain incomes from taxes and levies. At the same time, our informants point out the desperate conditions of many of the HIV/AIDS orphans in Tanzania who often end up in domestic labour, as farm-workers or in prostitution.

The impact of HIV/AIDS on poverty is high and in some districts, informants argue that a small, but growing proportion of households are led by children, most usually girls. Orphaned children are forced to enter the labour market to meet economic demands on themselves and/or other family members.<sup>48</sup> In the tobacco sector, however, most of the children are working as part of household labour in order to assure a meagre income to the family or the extended family where the children are fostering. At least 60 percent of parents/guardians in Tanzania say they take care of at least one orphan, but the majority of households is too poor to support extra children and are hence forced to bring the children with them to supplement family

“HIV usually kills two people in the family. If children had one parent left it would be easier to help them. Now many kids have nothing to fall back on. They are vulnerable to their property being grabbed by relatives and caretakers and to sexual abuse by guardian. Not the least, they are at risk for HIV. The sponsorship for secondary schools is limited. So they will not have a chance to go on in school. The girl children are denied the right to go to school and sometimes expected to marry as early as at the age of 14. There is a vicious circle.” (informant, Tanzania, 2004).

<sup>46</sup> The Minimum pay in 2001 was TSh 30 000. The average monthly pay was TSh 7000 and 10 500 respectively for children living with farm owners and living in camps

<sup>47</sup> Worst forms of child labour more often found in large families in Tanzania (Masudi 2001)

<sup>48</sup> In Tanzania, 60 percent of children working in the informal sector are estimated to be either single or double orphans. Most of the parents, it is believed, have died from HIV/AIDS

income/labour. In this way, children become accustomed to working and many go on seeking alternative independent employment elsewhere, outside family boundaries. Orphans are often exposed to the worst forms of employment and to HIV/AIDS infections. It appears, girls are more vulnerable than boys to hazardous work and to HIV/AIDS infections. Many of these girl orphans are engaged in domestic work or prostitution. About 67 percent of single or double orphans have never attended school. Apart from in tobacco growing, worst forms of child labour in Tanzania is found in tea and, in Zanzibar, the clothing sector.

The informants unanimously say that the growing numbers of orphans is one of the main reasons for child labour. While the extended family catered for a long time for children who lost their parents due to AIDS, even the extended family patterns are now breaking down. Families find it increasingly difficult to cater for a growing number of destitute children. The trends now developing are also reported to affect the school attendance with growing numbers of children leaving school after Standard 4 or before.

The worst health problem for the working children is, according to our informants, the heavy work loads and health hazards connected to the tobacco sector. Children in most cases do also not have access to protective equipment. Some children are also recruited directly as workers by the estates.

The children may come from far away and depend on the farmer for food etc. As with grown-ups, they often only get paid at the end of the season, at which stage their input and the level of the tobacco they have produced is often question or undervalued, which in turn has been found to lead to them having to stay on the estates in order to pay off their debts.

All our informants in Uganda and Tanzania underline the massive problems with child labour in the tobacco sectors and that in fact tobacco farming constitute one of the main problem areas when it comes to the violation of labour standards. At the same time, the problem is colluded by the sectors being dominated by smallholdings, which makes control and inspection far more difficult and resource demanding. The tobacco companies say that it is impossible for them to control the child labour on the smallholder farms. Children working at the tobacco farms are also often not from the district, which makes social control by family members more difficult and the children more vulnerable. Most of the workers are migrant workers. You can go to a plantation where there are some workers, including young children, that come from the vicinity, but more than half are often migrants.

In the longer term, the situation on the farms may in themselves form major challenges for restructuring and possible growth. While there are major social problems in the tobacco sector, both transport and infrastructure problems, taxation etc. are mentioned by our informants as barriers both to upgrading of the tobacco sector today as well as future restructuring and diversification. In the long term, farmers must get into alternative crops. Uncertainty of the pricing system even today makes the farmers change to other crops where possible. Several informants also highlight the need to find other crops that will give better and more stable incomes and which in addition will be less labour intensive, making it possible for children to attend school or attend both schools and work simultaneously.

“The child labour is hidden on the smallholdings. We only see the top of the iceberg”. Informants, Tanzania 2004



## Summary

Our informants commonly argue that the growing numbers of orphans is one of the main reasons for child labour. While the agricultural sector and tobacco are seen in all the three countries surveyed as most problematic in terms of child labour, there are reports of increased child labour due to HIV/AIDS in most other sectors as well. Most employer informants indicate that children work because they are orphans, while our other informants also highlight poverty, the lack of educational facilities, and the ignorance of parents or breaking up of families as important reasons for child labour. The large-scale trouble with the tobacco sector is also one of monitoring and inspections due to the sector being dominated by smallscale farms in Uganda and Tanzania. While the tobacco sector in Tanzania and Uganda differ from the Malawian tobacco sector (which to date has had a large proportion of estates) in this respect, they have in common a system of labour which leaves the considerable amount of labour invested by wives and children as unpaid work. When calculating the costs of tobacco growing, the costs of family labour are not included. At the same time, neither the smallholders nor the estate workers can sustain without using family members. Simultaneously, our informants report that extensive child labour makes it impossible for these children to attend school. Combining school and work is hard if not impossible due to the heavy work burdens contained on the tobacco farms. Furthermore, the tobacco sectors in all three countries have in common dominant labour systems whereby they are paid at the end of the season, and systems of debt whereby they “borrow” fertilisers, seeds and even food in order to be paid off against the value of the tobacco they are to sell to the farm owner or tobacco dealer.

Family gross income In Uganda does not exceed Ugandan Shs 500,000 (i.e. about USD 290 in 2004) for most tobacco farmers (75 percent). At the same time, the majority of farmers also admit employing children on the farms. Rewards for outside children are in form of commissions and allowances per work completed with the average monthly earnings for child labourers being less than Shs. 5000 (i.e. about USD 3). In Tanzania, most small holder farmers end up with only around TSh. 80 000 a year (i.e. about USD 100). Needless to say, expenses to pay for retroviral medicines are out of reach. Even though the price of treatment fell from USD 12 000 a year per person in Tanzania in 1998 to USD 500 in 2002 (Beckmann & Rai 2004), it remains well beyond the means of most people. In Uganda and Malawi similarly, costs of retroviral medicines are out of reach for the large majority of tobacco farm workers and farmers.

In the tobacco growing areas the population density is low and the HIV/AIDS prevalence generally estimated to be lower than in urban areas. The lack of transport and communication is also expected by our informants to be limiting the epidemic in Uganda and Tanzania. In Malawi, however, the situation may well be different where large groups of tenants and casual workers are recruited to the estates from other villages. We will return to this later. Suffice is for now to underline that all our informants, both representatives of government departments, NGOs and the agricultural sector, underline the terrible working and living conditions amongst tobacco farmers and their households. At the same time, they see few rooms for changes and improvements of the sector within the current international climate and the present focus on the health of consumers. The ban on smoking in many countries does not make this any easier while the competition between the various tobacco producing countries is getting harder on the basis of both price and quality.

In most of the southern African countries, the family provides food on the table and the basic safety net, while the governments are seen to do much less. Against this background, orphans also become a far more vulnerable group in southern Africa when the extended family becomes overloaded. Whereas fostering with extended families has been the primary recourse in case of parental loss, we now see both in Malawi, Tanzania and Uganda that these systems are overwhelmed and relatives sometimes either refuse or are unable to take in children and care for them adequately. Whereas grandparents have been most likely to take in orphans, they are also most likely to be poor and unable to offer substantive material support to grandchildren. The changes taking place in

dependency patterns are clearly a response to economic pressures related to HIV/AIDS and other systemic factors. This being said, child labour has been, and continue to be, wide-spread on the basis of poverty, which to a large extent is independent of the AIDS pandemic. At the same time, the AIDS pandemic is not only an epidemiological and health issue, but to a large extent also a *development* problem, which to some extent is deepened by, but in turn reinforces poverty and desperate living conditions which provide the breeding ground for child labour. Desperation contributes to labour migration and commercial sex work, both of which place adults and children in higher risk situations, in which institutions providing normal support for family relations are absent.<sup>49</sup> Serious as it is, the AIDS disaster is for most, “just” an additional problem on top of many others. For millions of children living in poverty-stricken families, work and lack of schooling is already the order of the day. When their parents are struck by the HIV/AIDS pandemic, it brings grief and reduced parental care, but also contributes to aggregating the low income levels and poverty. It is the increased *poverty and struggle for survival* following from AIDS, which contributes to higher likelihood of children working rather than attending school.

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<sup>49</sup> See also Collins & Rau (2002), who treat and discuss AIDS as a development problem.

# 3

## CHILD LABOUR AND THE TOBACCO SECTOR IN MALAWI

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Malawi is the world's eight largest producers of tobacco, and ranks as one of the top five exporters. Malawi is also one of the most tobacco dependent countries in the world, with more than 60 percent of export revenues, 13 percent of the GDP and 23 percent of the total tax base accruing from the sale of tobacco (ILO 2002). One in five Malawian households depends substantially on income from tobacco production or employment (Jaffee 2003). Tobacco production has also increased steadily over the past few years reflecting increased hectares used in production and increased output.<sup>50</sup>

### The tobacco sector in Malawi

While commercial tobacco has a long history in Malawi, business was restricted to an elite group of farmers who owned or leased large-scale estates. These farmers were permitted to sell directly to international buyers through official auctions. Small farmers encountered a number of restrictions in the kinds of tobacco they could sell, to whom they could sell and were in practice mostly restricted to sell to government agencies. Hence, for smallholders, options were often limited to being tenants at the estates. This, together with production quotas served as primary means of allocating opportunities and distributing income and wealth as pointed out by Jaffee (2003). Improved access to customary land in the 80s gave way to the establishment of some 30 000 mini-estates (ibid). The new democratic government from 1993 set forth to liberalise the tobacco sector with goals of redistribution and poverty alleviation. The Special Crops Act was amended,<sup>51</sup> tobacco sales quotas were allocated to groups of smallholder farmers (who were organized into 'clubs'), and a programme of intermediate buyers was introduced in order to facilitate the logistics of bringing the smallholder crop to the auctions and increase competition in the purchasing of the smallholder tobacco crop.

The liberalisation of the sector during the early to mid-1990s resulted in a massive entry of smallholder farmers into tobacco production,<sup>52</sup> farming mainly on leased customary land.<sup>53</sup> While the income from tobacco had formerly been concentrated among a limited number of commercial estate owners, earnings were now spread among some 350,000 households, with powerful multiplier effects in rural areas. There was an expectation that these developments, and the initial spin-offs from the profitable sector, would create an institutional and financial platform for the diversification of the rural and broader Malawian economy and initial signs of this were evident in the late 1990s. Yet, this engine for growth and diversification has since stalled.

The earlier flow of cash income into rural areas has slowed to a trickle in recent years as a result of tobacco price declines (related to short-term international supply and demand conditions), reduced farm productivity and high and rising transaction and logistics costs in the tobacco marketing chain (Jaffee 2003). Institutional limitations and conflicting interest within the industry have inhibited the

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<sup>50</sup> In 1995, Malawi produced 99 057 metric tons with steady increase of production until the 135 300 metric tons in 1998. Production decreased the year after (with estimate of 107600 metric tons) (ILO 2002).

<sup>51</sup> The Special Crops Act prohibited smallholder farmers from growing high value cash crops such as tobacco (see also the Final draft of the Poverty Reduction Strategy Paper (Government of Malawi 2002) for more information on the tobacco sector).

<sup>52</sup> Background information on the structure and history of the tobacco sector in the following sections is to a large extent extracted from Jaffee (2003)

<sup>53</sup> The land is in trust to the chiefs and traditional authorities through inherited land rights.

development of an appropriate policy and operational response to the productivity problems and loss of profitability experienced by many Malawian growers.

The main elements of the organisation of the tobacco sector are still the registration of estates; state marketing system through auctions; the beneficiation/processing in factories and the final cigarette production. Smallholders primarily use family labour, and only hire extra labour if they manage to do so financially. The dividing line between smallholding and estates is not entirely clear, but seems to be based on size – with the average landholding size in Lilongwe for example being 0.4 Ha – 2 Ha. Obviously, a successful smallholder may buy up land and then register as an estate, thus changing land ownership position and coming into another regulatory framework. The larger estates in the central and northern areas, where tobacco production is concentrated, mostly get tenants from the southern parts of the country to work. There is no standard tenancy agreement, and in practice they vary a lot from area to area (see below).

“Most of the labour in tobacco production (in the smallholder sector and on tenant farms) is done by women. The men are really just contractors of their labour. Female-headed households do the farming much better.” Informant, interviews 2004.

Smallholders produce under a quota system (up to 10,000 kgs per season). The smallholders form “clubs” (co-operatives) negotiate quotas for production, for which they have to pay a levy. The quotas are partly designed to control the quality of the tobacco produced, which depends on inputs, climate, labour and management. Jaffee (2003) estimates there to be about 315,000 to 330,000 smallholders currently producing tobacco and selling it through some 23,000 clubs.

According to current regulations (i.e. the Tobacco Act) tobacco exported from Malawi must be sold over the auction floors. There are three auction floors in Malawi.<sup>54</sup> However, there is currently only one auctioning company, Auction Holdings Ltd. (AHL). To access the system, the owners must grade and bale the tobacco leaves, which are then verified during registration with the Tobacco Control Commission (TCC). The TCC does the quality control, and authorises the tobacco for the auction floor. The TCC also runs a storage, distribution and transportation system for getting the tobacco to the floors. As the harvesting season progresses each year, there is always a crush at the auction, and the TCC has to control how much tobacco can be delivered at any one time so that the storage capacity of the auction stores is not exceeded (Jaffee 2003). This can lead to pile ups of delivery trucks outside the warehouses unless it is managed (even so, there are still large problems with bottlenecks in the system). The entire system is governed by the Tobacco Growing Act, which was passed in the 1970’s, but which is now being amended to take account of new dynamics in the economic framework of the sector.

Dimon, Standard Commercial, and Universal Leaf account for well over 90 percent of the leaf purchases made at Malawi’s auctions, the balance being purchased by a number of smaller private companies and the parastatal ADMARC.<sup>55</sup>

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<sup>54</sup> The system of auctioning tobacco dates back to the 1930s in Malawi. The first auction floor was established in Blantyre, thereafter an additional auction house was set up outside Lilongwe in 1979, and another later (1993) in Mzuzu.

<sup>55</sup> While ADMARC (Agricultural Development Marketing Corporation) still plays a crucial role when it comes to farm input, provisions of fertilisers etc., it does not play the same crucial role that it used to play in the past (see Nthara 2002).

## Labour conditions in the tobacco sector

As shown by the Fafo survey from 1998 (Tørres et al 2000), poverty in the tobacco sector is widespread and profound. Women and children are amongst the most vulnerable of a generally vulnerable labour force. Strategies based on cheap labour and low labour-standards wages create cycles of increasing poverty amongst the labour force and their households and compose barriers to economic development, diversification and viable growth. While the following information is drawn from the Fafo survey (Tørres et al 2002), other studies confirm the picture. The Malawi Initial Record on the Convention of the Rights of a Child to the UN (1999) for example confirms the widespread involvement of children in hazardous and detrimental work in the tobacco sectors (UNICEF 2002). At least 20 percent of children under 15 were reported by their (tenant) parents to be working on the tobacco estates. Likewise, the ILO (2003) COMAGRI draft report replicates the picture, which we will also reflect on below.

Tenant farmers are recruited from nearby villages before the start of the seasons, and are assigned an acre or two in order to farm the tobacco. They are provided food, tobacco plants and fertilizers for which they have to pay at the end of the season when they sell the tobacco harvested back to the estate owner. Prices of inputs are however often put excessively high, and tobacco prices excessively low. Most tenants are illiterates and have limited bargaining room to negotiate their final pay. Many tenants end up with less than USD 50 for a year's work after all deductions are made (Tørres 2000). Some end up in debt and have to stay on for another season. The tenancy system may give the impression that children do not work. However, in reality, fathers, or the contract holders, have to rely on the hard work of his wives and children in order to provide an income, which can maintain the most minimum of living conditions. A considerable part of the labour in tobacco production is in fact done by women and children.

The tenant's produce is often under-priced due to deliberate under-grading by estate owners. There are usually no formal written contracts between owners and tenants, giving scope to the manipulation of distribution of proceeds in favour of the estate owner. Almost 40 per cent argue that they and their households went hungry one or more days during the last month. In fact, more than 60 per cent of the tobacco workers report past season total incomes of MK4 000<sup>56</sup> or less, i.e. US\$85, reflecting the total invested resources of the whole household. About 40 per cent argue they will have to pay off past season's debts by deductions on present seasons income. About a quarter of tenants had problems getting their pay at the end of the season. Approximately 60 per cent of tenants and labourers have less than standard 5 in education, i.e. are functionally illiterate and hence have few other options in the labour market. Few tobacco workers leave the tobacco sector. They have nowhere else to go. They do, however, attempt to find other *estates* as noted by the relatively high turnover among tenants.

### Malawi Admits Use of Illegal Child Labour

(All-Africa.com, 2000-11-16, B. Ligomeka / African Eye News Service) Malawi's multi-million dollar tobacco industry finally admitted this week that it uses illegal cheap child labour on the country's massive plantations.

Tobacco Association of Malawi (TAMA) vice president F. Thangwi publicly conceded that the industry used some child labour. The under aged workers were also, he said, paid much less than adults but were expected to work just as hard. Thangwi stressed that TAMA did not condone the use of child labourers, and said blanket denials by tobacco growers were misleading. "And it isn't just the tobacco industry which uses child labour. A wide spectrum of agricultural and market. industrial companies are guilty of abuse." The international Labour Organisation (ILO) has previously threatened to lobby for international trade sanctions against Malawi unless the country urgently clamps down on child labour and other labour abuses.

Malawi Congress of Trade Unions president J. Mhango welcomed Thangwi's "confession" as a constructive first step to wiping out the abuse.

<sup>56</sup> In correspondence with the Malawi Government/ILO Child Labour Survey 2002 indications that more than 50 percent of households earn less average monthly incomes of MK 1000.

In tenant tobacco farming, the participation of women is found to be as high as that of men and this is actively encouraged by estate owners who insist that their tenants are married men and preferably with children. According to the reports from the field, the contribution of the wives to the growing of the tobacco is not directly rewarded. Women are also generally far more vulnerable in the labour market. The large majority of women argue that they cannot read at all, or only with difficulty.

The involvement of children in tobacco production is extensive. While not technically or formally employed, children work alongside their parents in all parts of the tobacco farming including in the use of pesticides and other dangerous tasks. While some see this as a learning survival tactics in a rural economies (75 percent of the rural peasantry has a piece of land), a large proportion of the children miss out of school. Only the very young (under five) children are spared. In some instances even some under-five children reported having done some work in the past week and season. Children above nine years of age are heavily involved in tasks like clearing fields, making nursery beds and watering nurseries, picking and transporting tobacco etc. 50 percent of children in the estates reported working on the estates on an unpaid basis. 25 percent reported skipping school on a regular basis. Assessing whether work is detrimental to the children's physical and mental health, 11 per cent of the children report to have had injuries from the work they have done at the estates. Forty-six per cent report to feeling pain or weariness from the work they do at the estates. According to the results of our survey, 64 per cent of children attend school, but about 40 per cent had repeated one or more years at school. There are, however, stark gender differences in school attendance and repetitions.

### Pressures and tensions in the tobacco sector<sup>57</sup>

Many stresses and strains have emerged in the tobacco growing and marketing system in the 1990's. The rapid growth in Malawi's tobacco production which characterized the 1980s and first half of the 1990s has since given way to a levelling off, with year-to-year fluctuations (Jaffee 2003). Production trends, however, vary significantly among different varieties of tobacco. Since the early 1990s, there has been a large and steady decline in the country's production of flue-cured tobacco, grown primarily by medium and especially large-scale estates and estate companies. Sharply reduced prices in the late 1990s rendered many such operations unviable, plus there have been additional concerns (and costs) associated with the diminishing availability of wood to fuel the curing process for this range of tobacco. Several long-standing flue-cured tobacco growers ceased production altogether while others reduced their plantings.

The significant change in the structure of burley production which began in the early to mid-1990s has continued in recent years. Smallholder farmers, defined as those who own less than two (and normally one) hectares of land and generally cultivate only 0.1 to 0.3 hectares of tobacco, now account for some 70 percent of the total national tobacco crop (Jaffee 2003). The share of the national crop of both small/medium estates and large estates has declined substantially and probably consistently since the mid-90s. Many estates have simply ceased burley tobacco production altogether, having experienced problems of labour abandonment and the sale of their tobacco by farm tenants and/or hired estate managers to 'intermediate buyers' or others.

"Kenya has a contracting system for all its buying, and there the whole crop can go for peanuts."  
Government representative, interview 2004

Jaffee (2003) estimates that some 40-50 percent of the estates, which had been producing tobacco in the early 1990s have since given up production altogether, while many others have scaled back their operations. Absentee-owned estates and larger estates with relatively high overheads have been most seriously affected by the liberalisation of the sector and the changing economics of tobacco

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<sup>57</sup> The following sections on the challenges of the tobacco sector rely heavily on Jaffee (2003).



production. Small estates, the operations which had accounted for most of the growth in the industry during the period from the mid-1980s to the early 90s, have also experienced a decline in recent years with many losing their regular access to credit (Jaffee 2003). Large numbers of growers have ceased to produce the crop. This trend initially took place among estates, but there is also evidence of smallholders now shifting away from tobacco.

Farmers in general, but smallholders in particular, are also complaining about the many **intermediaries** between them and their customers, all **levying charges** and commissions, which reduce the profit the farmers can make. The levies mentioned by our informants in particular are those which support the TCC and Tobacco Association of Malawi (TAMA – the employers' body, which provides some services to growers). In recent years, the levies have been failing to be collected, and formal markets were declining, with a growth of illegal selling by smallholders and others, causing the government to lose revenues. Smallholders were bypassing the auctions, and the government has conducted a publicity campaign to curb this. Also, to give small holders better access to the auction system, the TCC has commenced a plan to begin the auctions earlier in the year than usual. TAMA has also instituted a system of satellite storage depots in some areas to reduce the bottlenecks at the main auctions.

However, there is little doubt that farmers get better prices at the moment by boycotting the auctions, and they are still doing this. The World Bank has stated that the levies should be reduced to protect farmers from over-taxation, and to reduce inefficient duplication by tobacco institutions, and advocated that some levies should be dropped altogether.<sup>58</sup> Government has in consequence cut some levies, which in turn has affected jobs at the TAMA. At the same time, levies are still seen to be considerable. There is evidence that some significant quantity of tobacco, at least 5000 tons, was sold by farmers into neighbouring countries and then re-imported into Malawi as "Zambian" or "Mozambican" tobacco in order to avoid the payment of Malawi auctioning fees and other levies and in order to avoid the overall logistical problems and transaction costs associated with conducting sales through the auction-linked channels (Jaffee 2003).

#### Malawi tobacco growers ban child labour

The Tobacco Association of Malawi says it has formed a task force to eliminate child labour on tobacco farms. The association's vice-president Amin Mponda-Lungu said the practice was evil and had to stop. Malawi has been accused of being the worst offender in the region for exploiting child labour. The minimum working age in Malawi is fourteen, and those found breaking the law can be jailed for up to five years. Tobacco provides seventy-percent of Malawi's foreign exchange earnings. *BBC World Service*, 18 September, 2001

Initially, the Ministry of Agriculture was in favour of the auction system because it is open, and stakeholders are involved in arbitration on prices etc. The auction system was seen to maintain a competitive market, which assured better prices for the farmers. However, for the first time in 2004, large contractors can bypass the auction system and buy an entire crop legally from their chosen producers. At the same time, prices and quality are to some extent still controlled by regulation, and the TCC still insists that the tobacco has to be stored and registered at the auction before it is sold on to the contractor (even though it is not actually sold in the auction).

It is easy, according to our informants to contract flue-cured tobacco production, but Burley is more difficult to organise in a contract buying setup, without affecting the income of estate owners, and therefore tenants. If the contract system were used, and farmers did not get a good price, they would more default on debts for fertiliser chemical inputs, and then the contracting companies would anyway revert to the government to bail them out of the bad debt situation.

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<sup>58</sup> In addition to the levies for sales at the auction floor, are levies for ARET, associations, TAMAs classification system, the Tobacco Control Commission (Jaffee 2003).



In the midst of external pressure of international competition, and internal stress from the HIV/AIDS pandemic etc, the functioning and composition of the labour market in the tobacco sector also seems to be changing. The tenancy system, which historically has been a prominent and controversial feature of burley production, has also been widely eroded in recent years and many estate owners have had to abandon it altogether, shifting to a direct production system with hired labour.<sup>59</sup> Our informants argue that there are very few tenants left, because employers are switching to direct labour. On that basis, debates have also re-emerged about whether tenancy should be banned. The debate about the Tenancy Bill<sup>60</sup> process has hence also resurfaced on that background. While few years ago, the debate seemed to centre on whether the costs of regularising the tenancy system were too high for the tobacco owners, new arguments have now entered the debate about whether to ban it all together in order to promote wage labour to the benefit of estate owners. A strong lobby has emerged to ban tenancy as a recognised form of labour recruitment altogether.<sup>61</sup>

Tenants are beginning to acquire their own land, producing their own tobacco. For example, in Nkotakota erstwhile tenants are acquiring customary land on a 99-year lease basis, for which they pay money to the traditional authority, administrative fees to government, and rent to the government Ministry of Lands. However, according to our informants, child labour however continues also on these farms.

The Labour Commissioner thinks that it is only the poor, corrupt and malicious landowners who want to maintain the tenancy system, along with some people who want to remain as tenants because it is lucrative for them, because they traffic in women and children and organise migration of labour to the estates, but use the proceeds to send their own children to school, whilst putting their second wives and trafficked children to work on the tobacco estates. Orphans (HIV/AIDS) are definitely at risk for this kind of illegal treatment.

All in all, declining prices and productivity has created increased pressures on livelihoods. While according to Jaffee (2003), the decline in productivity remains significant, remaining profitability may be attributed to the reduction in production costs. Importantly, labour costs have in his view not kept up with the devaluation of the currency, indicating that farm labour has born a considerable amount of the price of adjustment to declining tobacco prices as seen in the figure below.

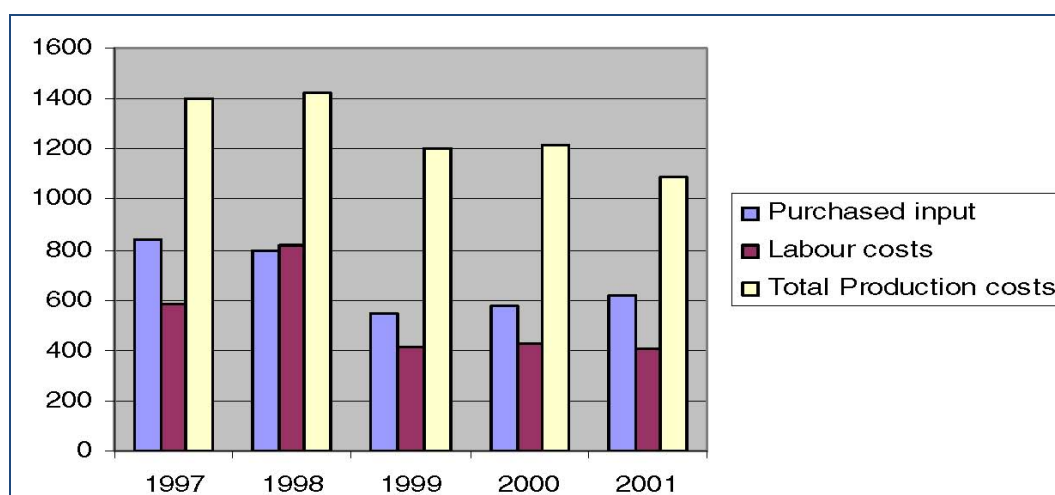
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<sup>59</sup> Similar to that which always prevailed for flue-cured tobacco production (Jaffee 2003)

<sup>60</sup> The Tenancy Bill, which would legalise and regulate the tenancy system, has been discussed several times, but is not yet enacted.

<sup>61</sup> See for example see; Dr. Phiri of the Bunda collage of Agriculture in the University of Malawi says that it should be banned; The DOLVT commissioned him to conducting a study of the agricultural and population effects of the tenancy system which will be published in May 2004, funded by the ILO.

### Smallholder Burley Tobacco Production Costs (USD per Hectare, Jaffee 2003)



### Recent information about HIV/AIDS and child labour in Malawi

According to a recent IPEC survey in Malawi (COMAGRI 2003)<sup>62</sup>, 38 percent of the children in Malawi between the ages 5 and 17 were engaged in different types of work. According to the Health and Demographic Survey 2000, altogether about half of the working children were working for family farms or businesses in Malawi. UNICEF (2002) reports that 27 percent of children is currently working with a higher proportion in rural areas and the large majority working in the agriculture sector. Over three quarters (76 percent) of the working children were engaged on family farm. Thus at most, 24 percent work outside the household. The COMAGRI study indicates that 3 percent of the population at tobacco estates were orphans.

It became clear through our interviews with key informants at about 50 estates in 2004 that the problem of HIV/AIDS now affects all tobacco estates and entities in Malawi. However, we will look a bit closer at the tobacco farms and their practices before turning to the major challenges caused by the pandemic. Most of the estates sell tobacco through the auctions, while a small proportion sells directly on contract to a sole buyer. About one fourth of the estate (14 out of 48) reports to be moving more towards wage labour instead of tenancy in the recruitment to the estates. Approx. one third of the estate also employs ganyu labour, i.e. cash labour for food/benefits. Their motivation for employing more wage/ganyu labour is that wage labourers involve less responsibility for the estates, cheaper, are easier to dismiss, and possibly to manage (in that order). Reflecting the desperation of many smallholders, about 60 percent of the estates report to get regular visits from smallholders in surrounding villages who request work.

The Department of Labour and Vocational Training (DOLVT) has become aware, according to our informants, that tenants traffic children of others (such as orphans) and even women who become second wives at the estates.

“There is a lot of migration of this kind to tobacco estates. Before September 2000 employers were required to notify the DOLVT of all their employees and register them as such. But this requirement was dropped at that time. Employers pick up truckloads of people (sometimes 80 in a truck) destined for work on the land. However, this is in contravention of the traffic regulations, and the traffic authorities (police) still inform the DOLVT of these types of violations, so we are getting some data about these movements of people to the farms and this type of migration.” (Government informant, June 2004)

<sup>62</sup> The COMAGRI study interviewed 697 households from both smallholder and the estate sectors (IPEC 2003).

Approximately half of the tenants have additional economic activities outside the estate with either their own smallholding or casual labour at another estate. On average, half the estates paid their tenants about 10 000 Kwacha or less for the last seasons work. Half reported that wages had increased, while one fourth reported of wages/profits going down since the previous season. As outlined above, tenants get maize, and other inputs on loan from the estate owner to be paid off against the income from the tobacco they sell at the end of the season. 40 percent of the estates reported of tenants who owed money to the estate owner after the last season, which in turn would imply that they have to work on in order to pay off their debts.

On most tobacco estates, maize is also farmed. All workers/tenants in fact receive maize to be paid off at the end of the season. In addition, most estates allow tenants to farm for subsistence on the estates. The majority of estates also report that they take the responsibility for transporting tenants to clinics if, or when, they fall sick. Although actual distance to health centres was not estimated, many reported that they take less than two hours to the nearest health centre. However, in spite of the majority reporting to have a clinic within walking distance, they are not visited too often because most of the clinics charge fees. Furthermore, a 'health centre', or clinic, may be anything from a doctor or an available nurse but in many cases a basic clinic or hospital with little more than painkillers available.<sup>63</sup> In a country, badly affected by HIV/AIDS, and where life expectancy in consequence is down to less than 40 years, tobacco workers and their families are struggling.

Most of the estates also report to have schools within walking distance, of which about 12 percent charge school fees. Only about one out of ten estates give out soap, soya or salt as additional goods to be paid off. Indicative of health risks as well as the magnitude of debt payments, nearly all the estates use pesticides in the tobacco farming (95 percent), which the tenants in turn will have to repay at the end of the season. More than one third of the interviewed report of accidents at their estates in the past season,<sup>64</sup> with most of them being types of cuts, losses of fingers etc.

The move towards wage labourers may be presumed to be caused by the increased responsibilities for estate owners of the sickness and deaths amongst the "broad workforce", but there are additional strong trends towards cash/wage labour on the estates at large and hence difficult to

### How do you see the future (elders at the estates)?

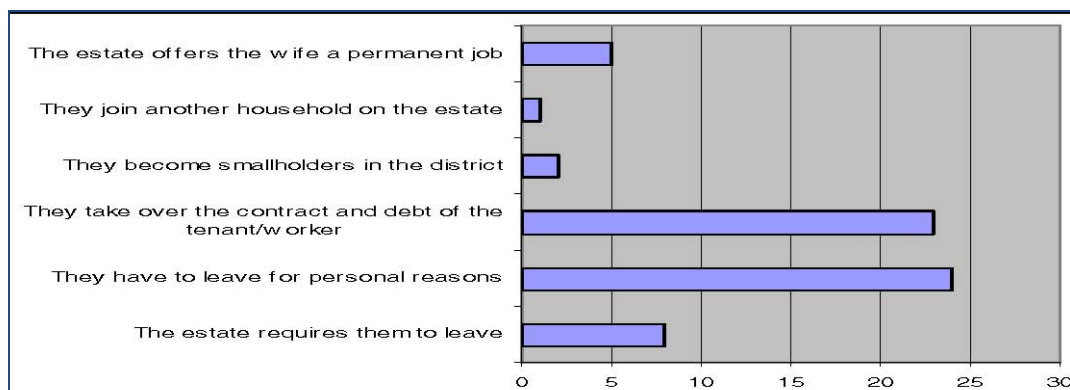
- future is OK (5 informants)
- future is good because tobacco quality/output is good (5)
- future good because jobs at estate are increasing (1)
- future good if there are no floods/drought (so output will rise & wages) (5)
- future is bleak unless there are changes (including higher yield) (2)
- workload increases, but not wages and working conditions. They are poor (4)
- need to improve policy/management for production (1)
- want a better job (1)
- future looks very bad (1)
- there is no future unless I move away (3)
- future plans to grow ground nuts are not a good idea (1)
- future uncertain due to drought / want to work in town (1)
- more tenants will leave this estate every year (3)
- future is unstable because people come & go from the estate (4)
- if we work hard, things will improve (3)
- I have nowhere to go, only praying for a bright future (1)
- a wage increase has been promised (1)
- fairer treatment would mean we would work better (1)
- development of a stall will help tenants (1)

<sup>63</sup> Many public hospitals and clinics struggle with a lack of resources. A lack of funds as well as of trained staff is a barrier to effective health care (*Mail and Guardian* July 14, 2000).

<sup>64</sup> We do not know, however, the extent (the number of people being involved/hurt) of accidents at these estates reporting injuries.

establish which factors may actually have caused these trends. As we will see below however, there is no doubt that the families of wage labourers are much “easier” to get rid off when they die than tenants’ families. With tenants, estate owners will more often be stuck with responsibilities for their families after the death of the tenant.

### What happens the families of deceased tenants upon the death of the male “breadwinner” (48 estates)<sup>65</sup>



Several estates are affected by increased mortality at the estates.<sup>66</sup> More than half the estates report of more deaths at the estates this last year than previously. One third report of tenants/workers now being sick on the estates and 42 out of 48 estates report of deaths amongst tenants during the past tobacco season. When people get sick, the immediate family will resume responsibility for the care of the sick. A larger proportion actually also report, that other tenants provide care for sick people at the estates. In addition, all the estates report that the estate owners in some cases also provide additional care.

When it comes to cases where wives of tenants and cash labourers die, the male workers/tenants will maintain their contracts and working obligations more or less as before. The death of the male breadwinner may have more striking effects. In most cases, the families of wage labourers will be asked to leave upon the death of the male worker (see figure below). At the same time, about half the estates reports of women headed households living on the estates. Only one estate reports of child-headed households, while one fourth argue that they don’t know whether there are child-headed households on the estates.

In a country with no, or limited, social safety nets, household dependency patterns become crucial for survival. In the tobacco sector, families of casual and temporary wage labourers seem to be of limited responsibility and concern to the estate owner and supervisors after the death of their male breadwinner. The families of permanent, fulltime wage labourers and tenants have stronger links to the estates. Tenants are however the most vulnerable group. A large proportion of the families of tenants will have to leave the estates after the

#### Additional comments by adults (elders or foremen) at the estates (June 2004)

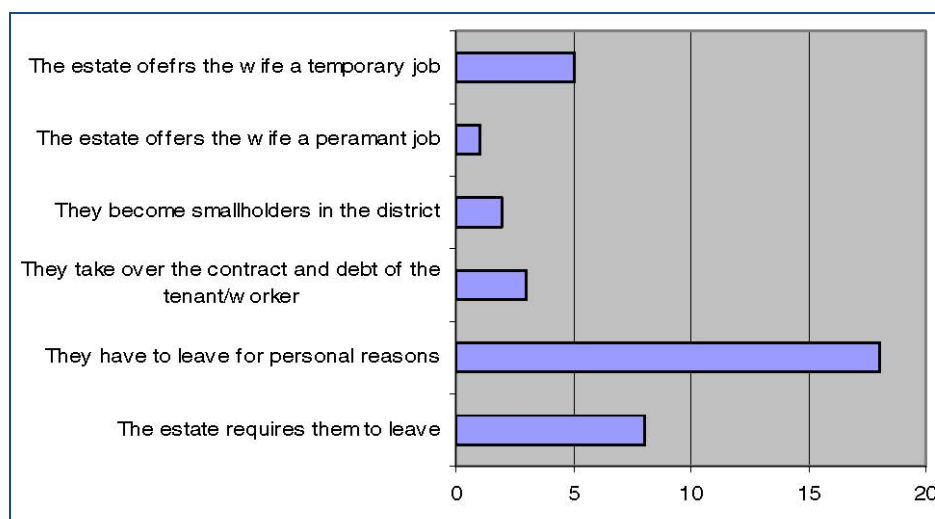
- low earnings force tenants to stay on the
- employer should pay half clinic fees
- life here is tough / deplorable
- fertilizer is expensive
- food is loaned at high price as interest is charged
- high deductions at year end (are more than our pay)
- I cannot meet the costs of schooling children
- wages are very low
- low wages this year because production was down
- we are not paid in time
- life here is tough / deplorable

<sup>65</sup> Numbers of estates in the two figures do not correspond because some estates will use both tenants and wage labourers, while others only have tenants.

<sup>66</sup> Increased mortality is expected to be caused by AIDS. We do not however have any possibility of checking what people actually died from.

death of the tenant (56 percent). Almost half will however remain on the estates and take over the contract of the man who died. While a large proportion of the families of permanent wage labourers will have to leave the estate upon the death of the male breadwinner, those who remain will often end up in more precarious employment (temporary and casual versus permanent employment).

### Situation of family of deceased wage labourer upon the death of the male “breadwinner” (39 estates)



While most estates report of the majority of children attending school, they also account of children being involved in most parts of the tobacco growing, from clearing, watering and planting to the final tasks of harvesting, drying, packing and transporting tobacco. While these problems are generally underreported, one out of ten estates reports to have involved children when using pesticides, but with no protective equipment. There is furthermore broad-scale reporting of children being engaged in unpaid domestic work while the parents are engaged in the fields, such as cleaning, cooking, caring for siblings etc. Several reports are made of children using intoxicants at work or for relaxation. While most reports never touch tobacco, *chamba*<sup>67</sup> or alcohol, about one fourth report to have tried “a little”, sometimes or they refuse to give details. Furthermore, while the large majority of children report not to have experienced abuse, a small minority (about 10 percent) report of abuse, threats, being slapped, pushed, or bullied. In most such cases, parents will usually be the support persons, while in a minority of cases they are the actual perpetrators. About ten percent of the estates also report that it sometimes happens that girls have to marry, or live with a man, on the estate after their parents die.

«If a tenant comes from a distant area from the estate, and he dies, the family is repatriated back to their area of origin. This is buttressed by traditional family arrangements, in which the family of the dead man will demand the widow to go back home so that she can provide labour (either domestic or paid) for her in laws. This situation is supported by inheritance laws as well, which are still traditional despite the 1994 constitution. The Ministry of Agriculture tries to address some of these gender inequality issues through a project called AGRESS (Agriculture Gender Role and Extension Services).

If the women labourer dies on tenant farm, the husband will continue as a tenant, and since the wife's labour is no longer available, this often means that the children will be forced to work full time (whereas women were helped by their kids, they did not work full time). Thus death of women on tenant farms due to HIV is definitely likely to increase the incidence and depth of child labour”: Informant, interviews 2004

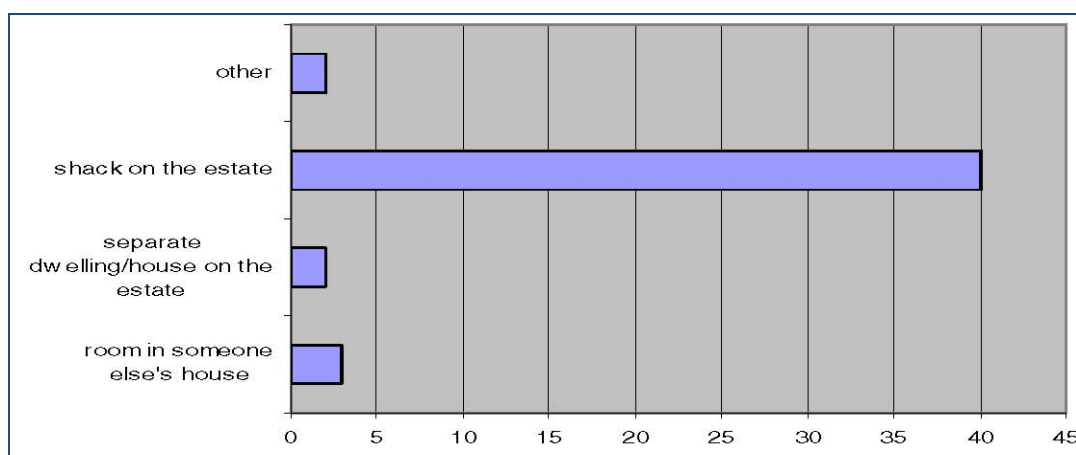
<sup>67</sup> World wide it is known as Indian Hemp, *dagga* or *marijuana*. Nkhotakota District in central Malawi is reputed to produce large amounts of marijuana.

Very few estates (only 3) report that they recruit children directly as tenants or labourers on the estates. The large majority of estates report however that they prefer to recruit adults with children.<sup>68</sup> Furthermore, about one third of the estates report that they have ended up with children who have lost both their parents, presumably children of parents who were previously employed as tenants or wage labourers. The COMAGRI (2003) study in comparison reports of about 3 percent of the children in the agriculture sector being orphans. About half of the estates we visited reported that the orphans have had to leave after their parents died, while one fourth end up taking over the contract after their parents died. In addition to previously known motivation factors for “demand” of child labour, such as cheap labour, control aspects, etc., tobacco employers may now also increasingly (have to) take over children at the estates in order to help out in difficult circumstances for themselves and the families engaged at the farms.

Most of the children we talked to had lived at the estate all their lives. Only a handful of tenants and labourers in the tobacco sector have actually previously been employed in the non-agriculture formal sector (Tørres 2000). Most come from the agricultural sector, either as labourers, smallholders or tenants. Most children also end up as tenants or labourers in the tobacco sector like their parents. Estate wage labourer and tenants, as well as their children, seem to be trapped in the tobacco sector.

Poor economic conditions in the villages and unemployment in the non-agriculture sectors leave these landless people no choice but to hop from estate to estate, squeezing as much as they can from the landlords while at the same time being squeezed by the opportunistic estate owners themselves. At the same time, the agriculture sector offers very little in terms of wages or benefits. From the Fafo survey (Tørres 2000), we know how the large majority of tenants are expected to build their own house or shack at the estates. When tenants are recruited, the first assignment for most of them is to build their own dwelling unit. They cut the trees and grass alone without any help from the estate owner. Most children in the new survey also report to be living in shacks on the estates (see below).

#### Children’s type of dwelling (No. 48)



The high proportion of the population under the age of 15 in Malawi is typical of many developing countries. Malawi is on that background said to have a high dependency ratio, i.e. the portion of the population that is economically inactive versus the active population whom they thereby rely upon for survival.<sup>69</sup> The population dependency ratio is in fact high and increasing. In 1977 the dependency

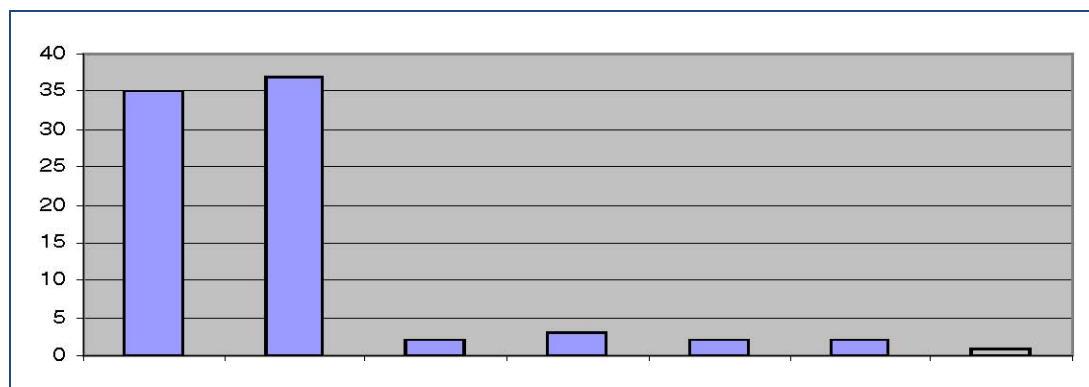
<sup>68</sup> This was on specific questions as to whether they would prefer to employ adults with or without children.

<sup>69</sup> The dependency ratio is a measure of the “demographic burden” that the population bears to care for young children and older people past normal working age. It is normally calculated as the ratio of people under 16 and aged 65 or more, divided by the working age population aged 15 to 64.



ration was 0,97 and increased to 1,01 in 1987 and 1,06 in 1992 (ILO, 1999).<sup>70</sup> When we investigate further the extent and types of dependency patterns and living conditions of the children at the estates, it seems that two thirds of children live in “normal family” relations with both, or one, parent. One third does however live with other relatives, or guardians, reflecting the fostering arrangements which we found reported also in Tanzania and Uganda.

### People sharing the child's dwelling (interviews with children, No. 48)



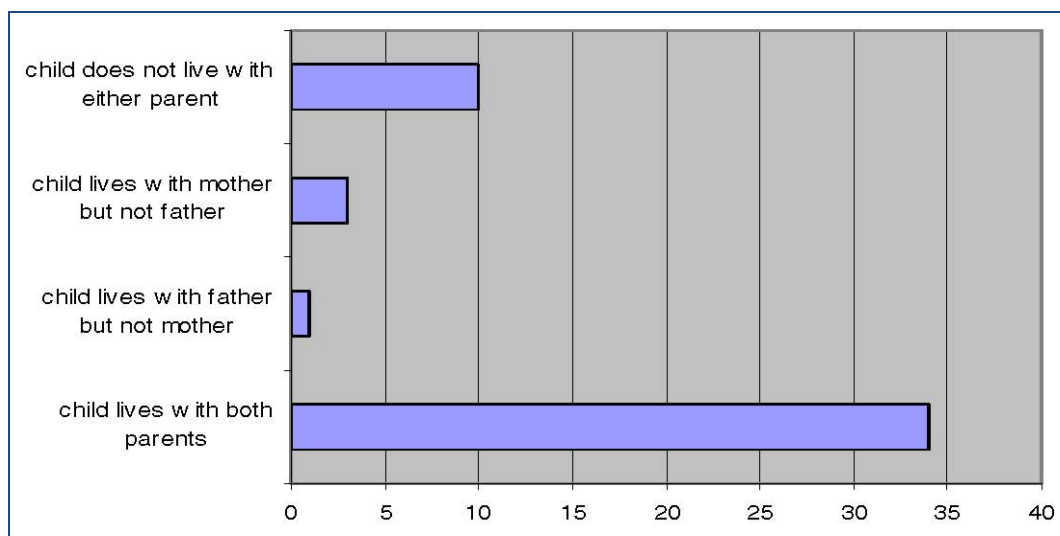
Two thirds of the children say they go to school now. For most it takes them an hour or less to get there. However, two thirds of the children have never reached further than Standard 5, in spite of a large proportion of them being old enough to have reached that stage. At the same time, people with less than standard 5 in education are internationally generally classified as functionally illiterate. We know from previously, that on the tobacco estates, a relatively large portion of people falls into this category (Tørres 2000).

Before the introduction of free primary education for children in Malawi in 1994, only half the eligible children were enrolled in school. Drop-out rates were high and only half of those enrolled reached the stage where they could be regarded as literate. The new government targeted education as a priority and allocated 23 per cent of the national budget to education. The government also invested heavily in teachers as well as schools. The government aimed at reaching a national enrolment figure of 90 per cent by the year 2005 and reducing the drop-out and repetition rates. And while enrolment rates increased substantially after the elimination of school fees and mandatory uniforms in Malawi, enrolment rates have gone down since then and drop-out rates increased. The low levels of skills of the new teachers have partly been blamed, but shortage of qualified teachers is also now due to AIDS. Furthermore, poverty, access to schools, the demand for domestic and agricultural labour in peak seasons and the low social value attached to being educated have an impact on enrolments and the retention of pupils.

<sup>70</sup> A dependency ratio of 1,06 is fairly typical of populations with high fertility and mortality, such as India (0,65 and Botswana (0,83).

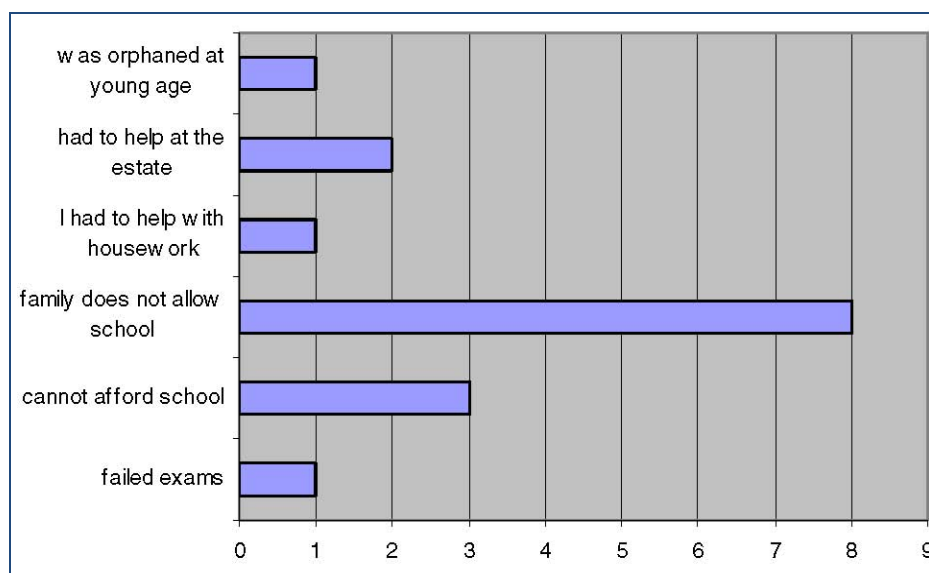


### Does the child live with his/her parents? (No. 48)



Most of the children interviewed in the 2004 Fafo survey (Tørres et al 2000) say they go to school every day, while a minority report that they go 3 or 4 days a week or that it depends on the season. These trends are reflected in our 2004 interviews. Six out of ten children have repeated one or more years at school. The large majority spend only an hour or less doing homework. One out of ten never does any homework. At the same time, almost half report that they sometimes or often have to skip homework due to needs to help their families out with work on the estates. Almost half have also had to skip school for needing to help their families out with work on the estates. For those who have left school, reasons differ. A large proportion argues that the family does not allow schools, but almost all of the children who left school would like to return.

### Why did the child stop going to school? (No. 16)

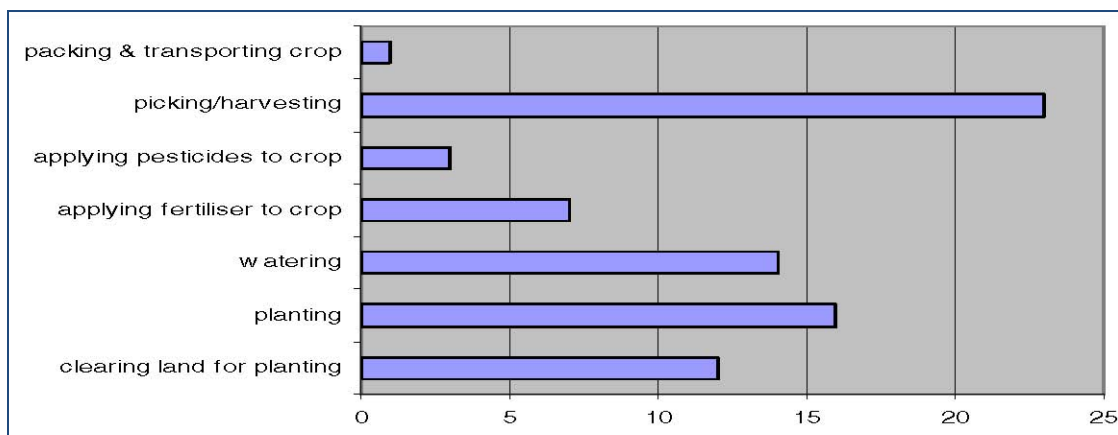


When probing further on living conditions and possible AIDS related conditions, one out of ten reports that their fathers died. In most of these cases, the children themselves took over the contract at the estate after their fathers died. Similar numbers report their mothers to have passed away.

Most of the children say that they work at the estates. Six out of ten report to be working. Many report to be paid after the season ends like their parents, while the large majority get no payment, or food for work. In addition, most children (girls especially) reports to help their parents out with

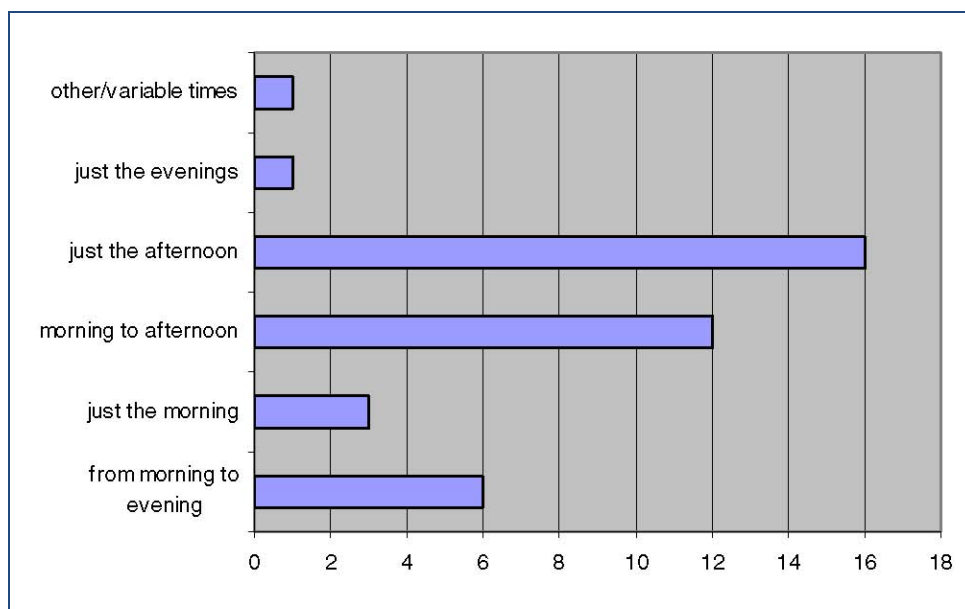
domestic work, such as cooking, cleaning, fetching water and firewood, as well as looking after siblings and the sick etc. Almost half also report to be farming the subsistence plot for food that they have for their family at the estate. Most of this work is unpaid. One out of ten also has other jobs, either for pay or food, outside the estate to help their families out.

### Type of work the child normally does at the estate (No. 28)



The amount of work done by children will to a large extent determine their school attendance and drop-out rates. In order to probe further on work activities, we hence asked the children for their normal hours of work at the estate, irrespective of school attendance. Four out of five then gave reports of working hours which would make it hard to follow normal school hours (see figure below).

### Child's normal working hours (No. 39)



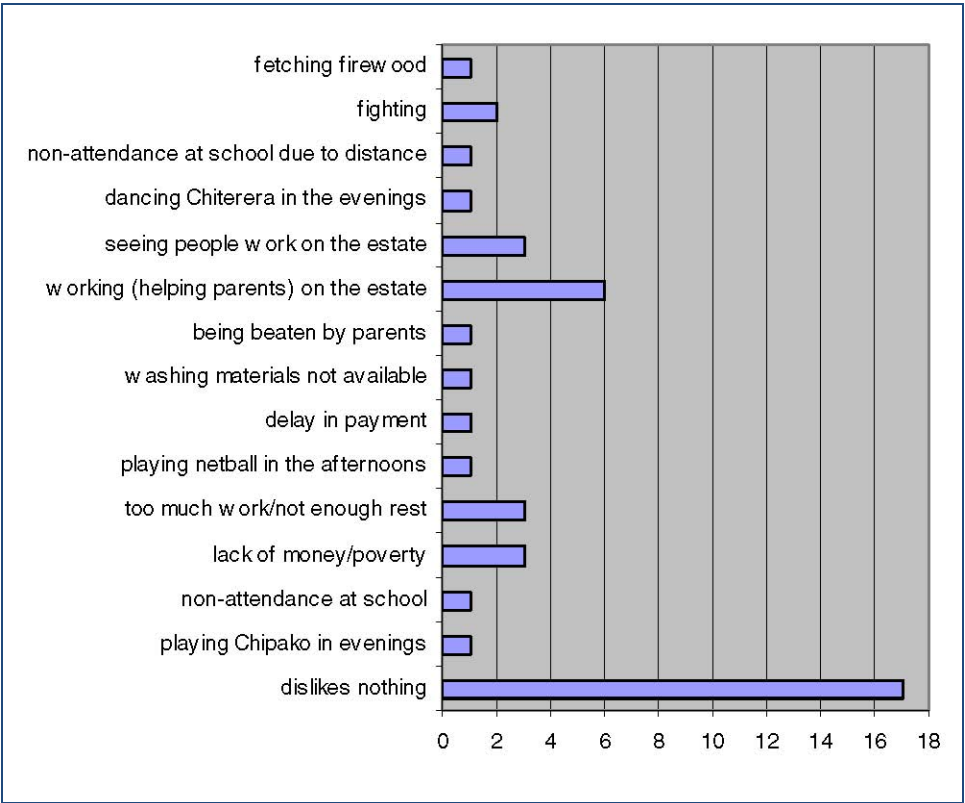
The children do not report of injuries, but the majority report to sometimes feeling exhaustion or pain from the work they are doing.

Poverty comes out in various ways. The most common is food insecurity and lack of resources to purchase basic needs in the households. From various studies, it has been found out that households reduce the number of meals taken per day when poverty and food security deteriorates. The number of meals taken per day can therefore be used as an indicator of food security status of households. On overall living conditions, two thirds of the children we interviewed report to only eat once or

twice every day. One third of the children say they go hungry often or sometimes during a month. In half the estates visited, between 2 and 6 percent of the workforce has died since the last season.

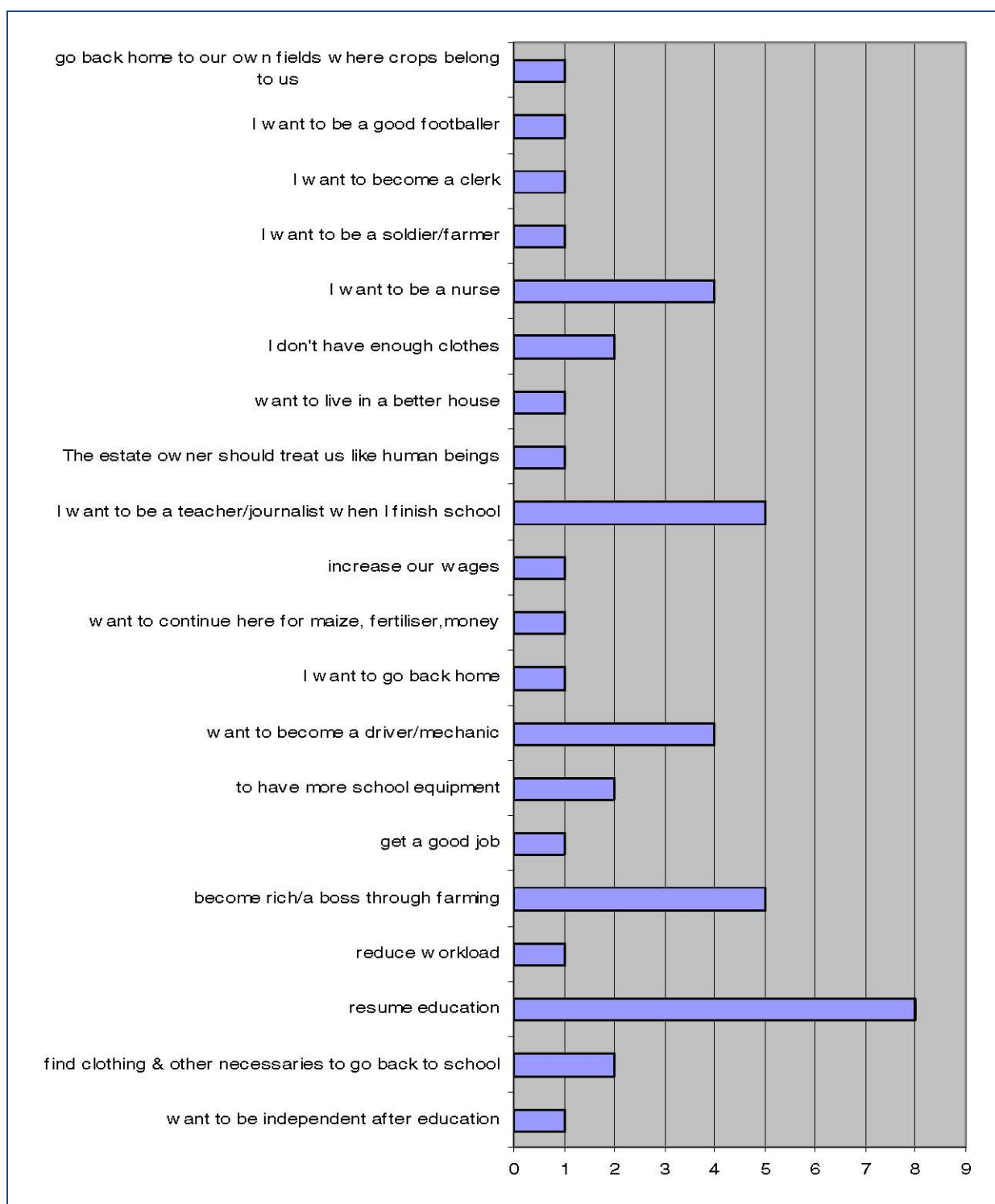
We also asked the children what they liked most and least about living at the estates. Almost half disliked most the work activities and not being able to attend school. In a related question about preferred activities, two out of ten cannot come up with anything they like. Three out ten reported that their favourite thing at the estates was to play with their friends.

**What does the child like least about living at the estate? (No. 43)**



We also asked the children about their expectations and hopes for the future. One fourth wants to assume their education. Half have hopes for a work career that in most cases would require them to exit from the current circle of poverty in agriculture, and definitely more education than what they have at this stage in life.

### Expectations and hopes for the future (children 42)



While prevalence rates are lower in rural than in urban areas, risks and exposures are also fairly high in the rural agricultural areas. As highlighted previously, tobacco is a seasonal industry, and most payment is made to producers (tenants and smallholders) at the end of the year. Informants report of celebrations when payments are made, where also a large number of prostitutes come from the Southern region to the tobacco producing areas and around the auction floors, to make income from commercial sex with the newly paid out producers. This carries a high risk for HIV/AIDS infections both amongst the male farmers, and their families that they return to.

## Challenges for the tobacco sector and labour standards

Major challenges confront the international tobacco sector. Such challenges will also form the framework for labour standards in the tobacco sector and the chances of improving the conditions of the workers/tenants in Malawi that we have reported upon above. At the national level, the current restructuring of the tobacco sector more specifically will form the point of departure, but also condition the impact of initiatives to combat child labour. "Fair trade" for Malawian farmers will depend both on the direct programmes set up to establish and respect core labour standards, but also equally and more broadly on the income returns that farmers receive for the tobacco. Addressing the one without the other will easily become counterproductive. And income levels in turn depend on issues such as organisation of the sector, distribution of income as well as the quality of the tobacco.

**Payments** for the tobacco crop have **declined** as the prices on the world market continued to fall. While tobacco output increased during 2003, farm-gate prices, i.e. the returns to the farmers are still low compared to some decades back. With child labour and poor labour standards being closely connected with poverty and low wage levels for adult workers, income levels in the tobacco sector will be amongst the most important factors for child labour strategies and sustainable labour practices in the future.

Furthermore, several of the farmers and cooperatives have built up huge **debts** in order for farmers to cover food and costs to improve inputs as part of the maintaining and upgrading of the tobacco sector. Both the quality of tobacco, sustainable labour practices as well as price levels (determined on the basis of marketing and quality) will however, depend on funds being available for input, upgrading and restructuring in the future. Issues of income and debt also bring up the issue of **distribution of profit** in the tobacco sector, and the amount of the border price (price at the port of export), which is actually distributed back to the growers. Another challenge that the tobacco sector shares with other commodity sectors on the international scene is the international structure of the commodity sector with major differences between farm-gate price and retail price of the tobacco.

The tobacco industry is in line for a major shake-up. The decision has been taken to allow for **more competition**. The Minister has directed the Tobacco Board to issue licences, bringing up the number of marketers while others are worried that the opening up of tobacco marketing to more players will ignite tobacco wars that have followed liberalisation of the commodity sectors in many other African countries and it is argued that there is too little tobacco being produced at the moment to warrant the licensing of more marketers.

At the moment however, tobacco in Malawi can mainly be bought through the auction. While there are several challenges involved in opening up for more competition and liberalisation as stated above, others argue that the Auction Board now function as closed shops, that there are currently few active players on the bidding auction floor and the process has been criticised for ending up with "cartel-type prices". Several suggestions have been made for liberalisation of the auction system. Compared to many other countries where tobacco features highly amongst export articles, Malawi has not substantially liberalised its domestic market. At the same time, there is little to indicate that farm workers and smallholdings in Tanzania and Uganda, which can sell directly to international traders fetch much higher income levels for their tobacco.

Major changes and restructuring is currently taking place in the tobacco sector both in terms of liberalisation of the sale and marketing functions as well as in terms of the organisation as such of the farming community. In the past decades, several small units were split from giant societies and smallholdings were established on previous communal land. Government in response called for farms and societies to merge and co-operate through co-ops, but many have had problems sustaining their collective efforts. The past few years have however, seen major restructuring with

smallholdings taking over more of the tobacco farming and more of the remaining estates turning to cash labourers rather than tenants for help on the estates. At the same time, the structure of the sector will have major implications for the practical solutions given to ethical traders, labour inspections etc. in the future. With smallholdings increasingly taking over tobacco farming, implementation, inspections and monitoring of child labour legislation and programmes becomes far more challenging.

All in all, investments are needed in order to restructure agriculture in Malawi, which in the short term may imply making the sector more efficient, transparent and profitable and in the longer term diversification into more sustainable farming. At present, there is relatively low productivity at the tobacco farms in Malawi compared to that of many farms in other tobacco producing countries around the world. Higher productivity would imply both higher incomes as well as more land being available for farming of other crops, and hence facilitate the restructuring of the sector.

The liberalisation of the tobacco sector now occurring in Malawi comes with mixed blessings for many children. On the one hand, liberalisation has been expected to free tenants from the quotas and work regimes, which force them to bring their children along to the fields. On the other hand, liberalisation may increase insecurity and vulnerability for the newly turned casual wage labourers and in turn increasingly force them to send their children to work. Some have highlighted that with tobacco liberalisation, more children will become employed directly at the large estates (COMAGRI, ILO 2003). There is limited support to find for that in our survey. Children are however more likely to make part of family labour in foster families affected by poverty and increased economic hardship. The extent to which *smallholdings* simultaneously take over larger parts of the tobacco farming from the large estates, child labour may also be maintained at its current levels (unless incomes grow), while making inspection systems and monitoring far more difficult. At the same time, we know from previous studies that tenant children are twice as likely to be in full-time employment on the estates as their age-mates in the small-holder sector (Kamkond & Wellard 1994).

All in all, liberalisation and restructuring of the sector may actually have little impact on the extent of child labour unless the *income levels* of their parents change. HIV/AIDS affected families at smallholdings may however be confronting harder realities than those affected by the pandemic who live and work on the estates. In spite of the hardships of HIV/AIDS affected tenants/workers at the estates reported previously, the HIV/AIDS affected families on smallholdings will suffer the same economic and emotional challenges of the pandemic, but with less support networks and higher vulnerability to external shocks.

# 4

## TAKING ACTIVE STEPS?

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Government agencies, international institutions and donors as well as local NGOs and civil society have mobilised considerable resources for child labour, and not the least for AIDS programs over the past few years. The following section outlines some of these programs. While the list will not aim to be exhaustive, it does intend to identify some of the most relevant programmes and practices in order to serve as learning ground for possible active steps in the tobacco sector in Malawi, which we will address in the following chapter.

### Programmes in Tanzania

In March 1994, Tanzania signed a Memorandum of Understanding with the International Labour Organisation's IPEC programme. The government has adopted the UN Convention of the Rights of the Child and has ratified all the relevant ILO Core Conventions on child labour. In 2000, the government also committed itself to a ten year programme with IPEC to eradicate child labour (Rau 2002). The Child Labour Unit in the Ministry of Labour plays a central role in soliciting and shaping stakeholder input into the national child labour policy and is to play a key role during implementation. However, with limited resources, child labour projects are only conducted in 11 out of 100 districts in Tanzania. At the same time, community based *campaigns* against child labour have been carried out by the Ministry of Community Development and Women Affairs in several regions and child labour concerns widely integrated into district plans.

The government in Tanzania has mobilised extensive interest in the issue of HIV/AIDS in the past few years. Historically AIDS was regarded only as a health issue, while from 2001, it was declared a national disaster. After this, every ministry was required to form a committee within a multi-sectoral approach. Furthermore, every sector was required to have programmes in the fight against HIV/AIDS. In 2001, the Tanzania Commission for AIDS (TACAIDS) was set up in the prime ministers office with the aim to strengthen the multi-sectoral approach and framework in AIDS policies. TACAIDS is hence coordinating government departments, religious organisations, NGOs etc, but does not itself implement programmes. Moreover, the Ministry of Health has established the National AIDS Control Programme (NACP) mainly working on health issues concerning HIV/AIDS. In addition, TACAIDS has developed a network of "Community Multi-sectoral AIDS Committees". Multi-sectoral AIDS Committees are set up in all communities in order to implement programmes at the local level. They must also plan and prepare budgets and coordinate plans with the TACAIDS. Priority areas for the government are awareness raising (prevention), home-base care, and counselling. The government aims to put 65 000 patients on antiretroviral (ARV) medication by 2005 (Beckmann & Rai 2003). A National Policy on Orphans and Vulnerable Children is in development (UNAIDS 2004).

The government recognises that they have done too little in the area of awareness work and more resources are now invested in this area. At the same time, several businesses, organisations and local communities are running their own awareness programmes. A lot of focus is given to the promotion of condoms. Voluntary counselling and testing is also widely promoted through TV and media. According to our informants, there seems to have been an increase in awareness levels and condom use in some areas. Yet, in shortage of funds, Tanzania heavily relies on international funds in the implementation of their AIDS policies. There are several projects targeting AIDS issues in particular. More interesting for us in the following are however those that have direct relevance for child labour programmes and work. Several international donors integrate AIDS policies in their other projects.



The following are some of the main programmes integrating child labour and HIV/AIDS, which may be of particular relevance to the tobacco sector:

- In Tanzania, the IPEC strategy has focused primarily on the prevention of child labour through: Institutional capacity building, public awareness raising, community mobilisation and information campaigns against child labour, withdrawal of children from hazardous work-sites and their reintegration in schools and vocational skills training and provision of income generating alternatives to the parents of (ex) working children. Since 1995, about forty Action Programmes on child labour have been implemented by various social partner-agencies focusing on the above interventions. For example, the ILO started a programme to promote linkages between Women's Employment and Reduction of Child Labour in 2000, aiming at improving the welfare of poor families through the promotion of more and better jobs for women under conditions which will lead to a progressive reduction of child labour.
- Following a national roundtable in 2001, the tobacco sector became identified as one of the worst sectors when it comes to child labour and hence a focus also for several programmes. IPEC currently has three main projects concerning child labour targeting the worst forms of child labour amongst others in agriculture. *The Time Bound Programme* (on worst forms of child labour) is the largest of their programmes and focuses specifically on building local support, providing education, giving economic compensation, etc. integrated with national development efforts as a "country-owned" approach.<sup>71</sup> The other ILO programmes are the COMAGRI<sup>72</sup> programme and the programme ILO conducts with the ECLT Foundation as outlined below. These projects also involve trade unions and employers associations.
- In 2000, the ILO's International Programme on the Elimination of Child Labour (IPEC), launched a three-year regional project, also known as the "COMAGRI project" (including in Kenya, Malawi, Tanzania, Uganda, and Zambia) to build institutional capacity and prevent children from entering child labour in commercial agriculture. The project seeks to remove and rehabilitate 1,500 children engaged in exploitative work in this sector in Tanzania and prevent a further 2,000 at-risk children from entering such work in the first place. To

"The ILO COMAGRI/ECLT project focuses on child labour in the tea and tobacco sectors. The project staff identifies children and take them back to school. But it is a huge number and one cannot help everyone. Awareness work in the communities is given priority. They have also established child labour committees on village level and at district level. The committees are trained on sensitisation, awareness raising, empowerment to support parents to avoid withdrawal of children from school and minimise the impact of lack of income. The programme also helps with grants to start small enterprises, and other income generating activities. Other focus areas are help to siblings of withdrawn children, training of teachers, and mobilisation of communities is an ongoing process. We have already identified 600 children that will be supported by the ECLT funding. But during the identification phase we found a lot of children. We had to prioritise and took orphans (especially HIV/AIDS orphans). In two districts we work with an NGO to fund HIV orphans to be able to go back to school (150 children identified and supported). There are a substantial number of children who have lost one or two parents of HIV and are forced to work." Informant, Tanzania.

<sup>71</sup> Tanzania became the pilot country for the Time-bound programme. Substantial preparatory work was therefore undertaken, including review of the institutional capacity and national policy framework; six rapid assessment studies and a new Child Labour Survey. See: Press Statement <http://www.ilo.org/public/english/bureau/inf/pr/2001/20.htm> & IPEC Country Profile: <http://www.ilo.org/public/english/standards/ipec/themes/timebound/downloads/tanzania.PdF>.

<sup>72</sup> Project to Combat Child Labour in Commercial Agriculture. See IPEC country information on: <http://www.ilo.org/public/english/region/afpro/daressalaam/projects/COMAGRI1.htm#background>.

enhance the effectiveness and sustainability of this program, IPEC is utilizing the Community Child Labour Committees for efforts aimed at monitoring, preventing, and eliminating child labour. COMAGRI is behind a rapid assessment of child labour in the tobacco sector. In Tanzania, the programme aims directly at four districts, one in which tobacco-growing is widespread (Urambo). The ECLT Foundation specifically funds this part of the programme, while the project in this tobacco growing area is fully integrated in the government and ILO action against child labour.

- *The ECLT project* reflected above works especially in the tobacco sector in close collaboration with the ILO COMAGRI and time-bound programmes. The programme aims to reach 1000 children and their families in 25 villages. The programme is implemented by the Tanzania Plantation and Agricultural Workers Union in association with the Association of Tanzania Tobacco traders, and NGOs. with the ILO in charge of coordination, monitoring and advisory functions. The programme combines several sets of initiatives: to support education and educational infrastructure for children; establish micro-credit for poor households, improve their access to markets and provide support to sustainable agricultural practices; provision of basic health services and support for awareness-raising, etc.
- Several private sector initiatives have also been developed. The Tanzania Cigarette Company has for example started rigorous HIV/AIDS intervention campaigns targeting their workforce (Beckmann & Rai 2004).
- The tobacco company DIMON has similar programmes aiming to reach all employees, including the seasonal workers. The seasonal casual workers represent 70 percent of the workforce. They claim that every person is exposed to AIDS awareness information before they start working for DIMON. They also distribute free condoms and provide free STD treatment. In addition to their own employees DIMON deals with 40.000 farmers. The DIMON informants underline that the challenges are enormous when dealing with all these farmers plus their families and that it is difficult to monitor and control child labour and the AIDS programmes with most of the farms being smallholdings. They do however attempt to identify the most vulnerable groups of children, including the most affected HIV orphans, for special child labour programmes and funding. At the same time, they also argue that with limited funding, and donors having their own priorities in child labour programmes, the majority of children will easily be overlooked. DIMON argues that employers and the private sector, demonstrate increased awareness about child labour problems, but increased poverty makes the campaigns more difficult. In spite of this, they underline their continued commitment to fight the worst forms of child labour.
- The tobacco trade unions in Tanzania inform us that they have a programme on HIV/AIDS, funded by the Irish NGO called AIDLINK. The programme was piloted last year to create awareness among agricultural workers. The programme did not target the tobacco sector, but the parties have agreed to expand the programme to also include the tobacco sector. In the second phase they will start to collect data and offer counselling and ARV. One of the aims of the programme is to develop codes of conduct for companies operating in the sectors. They also set up village child labour committees with the aim amongst others to identify child labourers and get them back to school.
- A joint trade union – employer programme have also focussed on anti-child labour campaigns, yet are hampered by most workers falling outside the formal sector and hence their domain. Various trade unions, the Trade Union Congress of Tanzania, and the Association of Tanzania Employers (ATE) have worked with IPEC. The efforts of ATE to sensitise owners and managers of sisal, tea, and coffee plantations to child labour issues

have helped plantation owners and managers to become active collaborators in designing measures to prevent child labour on plantations. Trade unions have also initiated local community actions to prevent child labour and to withdraw children from hazardous worksites through collective bargaining arrangements with employers and dialogue with community leaders. The Association of Tanzanian Employers has also undertaken sensitisation campaigns amongst owners, managers and farm supervisors, leading to some employers building day-care centres and primary schools in the farming communities, adjust wages and support income generating activities. The ICFTU (2003) reports that at least 25 members of the Tanzania Employers Federation have set up HIV/AIDS prevention and control programmes in close collaboration with AMREF (African Medical Research Foundation).

- The UNAIDS programmes on HIV/AIDS in the workplace has led to the development of a Code of conduct addressing discrimination in the workplace. They work first and foremost with the private sector giving information in the workplace in order for people to spread the information further also to the communities. In addition, voluntary counselling and testing (VCT) programmes target the communities where the workers live.
- The UNICEF COBET (Complementary basic education in the United Republic of Tanzania) programme captures children that have dropped out of school (i.e. 14 18 years old that have not completed primary education) and uses an approach characterised by informality and flexibility with a 4 year curriculum. Children receive the same examination as the normal 7 years school. The government is to take over the programme in 50 districts with funding from amongst others the Norwegian Agency for Development Aid (NORAD).
- The AMREF (African Medical Research Foundation) programme is designed to keep children with their families, recognising simultaneously that caregivers need assistance to increase their productive assets and activities. Hence AMREF makes targeted reinvestments with families and communities, through the building of schools, the running of counselling and testing centres etc. (see Rau 2002).
- Several other programmes have been set up for awareness raising and counselling (such as programmes run by the Terre des Hommes, TANESA, WAMATA, and KWETU (see Rau 2002 for more information).  
KIWOHEDE runs three centres with IPEC for counselling and care for vulnerable children, and generally use a broad approach with community involvement their programmes. WAMATA likewise runs broad awareness raising programmes and counselling programmes for people living with HIV/AIDS and their families. The African Network for Prevention and Protection Against Child Abuse and Neglect (ANPPCAN) has also launched an awareness programme (through drama theatre) targeting child labour in tobacco and tea plantations. As a result of this, community committees have also been set up in several areas.<sup>73</sup> The ATTT's Social Development Programme is also involved in programmes, which aim at eliminating child labour. Programmes set up to train trainers, such as those set up by AMREF are also important in this respect. The Tanzania chapter of the African Network has worked with 800 children to stage awareness raising street theatre performances about exploitive child labour in the hopes of preventing child labour on plantations (US Dept of Labour 2004).

"The problem is funding. We need enough homes for orphans and elderly and medical facilities in institutions. But the function of the department is a different one." DIMON, 2004.

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<sup>73</sup> See the ILO project outline for the programme on targeting the worst forms of child labour in the tobacco and horticulture sectors, Country Annex for Tanzania, 2000.

The government develops policies, strategies and organisational frameworks, yet according to our informants, donors still set too much of the premises and priorities for the AIDS programmes. The shift from solely focusing on prevention to and care is partly a result of the fact that there are now funds available for these issues. There also seems also to be a feeling that TACAIDS and the co-ordinating mechanisms are too bureaucratic and a hindrance for a more pro-active approach. The lack of co-ordinated information and programme co-operation is mentioned by several informants as a major stumbling block to effective programme implementation.

All our informants in Tanzania report on HIV/AIDS as a new dimension causing rise in child labour. While research has been conducted by both the Ministry of Education and the Ministry of Labour on the prevalence of HIV/AIDS, mortality figures and numbers of orphans, most research is not disseminated and actual figures are hard to find. All informants do however see HIV/AIDS as a growing

and complex problem that will require massive resources. International organisations such as ILO and UNICEF invest resources into programmes on child labour and HIV/AIDS. The World Bank and USAID also have large programmes. The Clinton foundation furthermore is giving increased emphasis on treatment. Funds are however insufficient when confronted with such massive challenges. Informants agree that most of the resources to date have gone into prevention while treatment and “curative issues” are given less attention. 400.000 people will now get access to ARV (funding from Clinton foundation, the Global Fund, USAID) through government channels.

Several informants also report of bureaucratic and cumbersome government procedure in the work. While the government is in the process of developing a strategy on orphans and vulnerable children, decentralised responsibility for child labour and AIDS work is not followed by resources. Prevention is also seen as having received too much priority from the Ministry of Labour and HIV/AIDS still seen too much only as a health issue. Treatment is the responsibility of the Ministry of Health, and few other ministries than those of Health and Education seem to have well developed AIDS policies or programmes. The agricultural sector has reported on HIV/AIDS remaining a “more or less a one-person, no budget scenario” (Beckmann & Rai 2003).

There is a great involvement by the business association and the trade unions in the workplace focussed HIV/AIDS programmes. In addition NGOs and the civil society, the youth department etc. are also all involved. The government currently collaborates with UNICEF and other international organisations and with NGOs with special focus on youth programs. Youths are the responsibility of several line departments, hence the programmes are cross sectoral and attempt to involve also the departments such as those of sports, social welfare. The latter department is also engaged in developing programmes to make the communities and community-based organisations take over more of the rehabilitation of youths, as well as integration of orphans.

If we can reduce the spread of HIV/AIDS we can also reduce child labour. AIDS is a main cause of child labour. If we could fine effective programmes in fighting AIDS in the workplace we could have an impact on HIV. The problem is the financial constraints.

An integrated intervention would help orphans.... Some children working in tobacco farms also treatment have lost their parents – some parents are away from home. When you develop interventions you must also address the family issues and the responsibility for the family. Some children come out of refugee camps. Assistance to children and to elders should be seen in an integrated perspective.

In some cases there is no one top takes care, the child adds poverty to the family and run away. The elder take care of the younger. When the parents die they might also have to take care of the grand parents. We must look further than the children. Sometime they work to support the sick. I think an integrated approach could have a greater impact. Informant Tanzania – 2004.

Several informants underline the need for improved coordination. Inventories of programmes and organisations involved in the work would help the coordination process. Furthermore, traditional suspicion and disengagement between government departments and NGOs has to be overcome. Greater co-operation is needed also between those NGOs that work directly with children and orphans on the one hand and the government policy planners on the other hand. While improved policies are developed, implementation still leaves much to be desired. Community-directed responses have also to a large extent been neglected as underlined both by our informants and other surveys (Rau 2002).

### Taking active steps in Uganda<sup>74</sup>

Concerning **child labour**, there exist a number of legal and political instruments in Uganda. The law prohibits employment below the age of 12, regulates the employment of children between 12 and 18 and empowers those responsible to inspect any buildings, factories, etc to monitor compliance. The Constitution (1995) protects children from hazardous and exploitative work and work that will interfere with education, health and development. The Employment decree (1975) prevents the employment of children below the age of 12 and regulates the employment of children below the age of 18. The Child's Statute (1996) follows this up and establishes the children's right to education, protection against discrimination and ill-treatment etc. The ILO core conventions on child labour have been ratified, with the ILO Minimum Age Convention (No. 138) being ratified in 2003. Several structures are established to cater for children's rights, such as the National Council for Children (1996), and the Child Labour Unit (1999). The Government coordinates its efforts to stop child labour through the National Steering Committee on Child Labour, which brings together representatives of the Ministries of Gender, Labour, and Social Development; Education and Sports; and Local Government; with the Federation of Uganda Employers; the National Organization of Trade Unions (NOTU), and NGOs. The Government has organised a number of child labour awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labour issues. Several human rights' NGOs have also continued programs aimed at removing children from hazardous work. While struggling with limited resources and capacity for child labour programmes, the government does demonstrate commitment to children's welfare through an increase in the allocation to education over the past years.

Clinic officers are responsible for awareness programme. Most staff is trained. Both permanent and seasonal workers must go through a check and that also contains awareness about HIV. This is integrated into the HS programmes. All workers will have access to clinics.

The health and safety programme is a part of the competition. You search internationally for the standard for safety programme. The tobacco sector is in the forefront internationally.

The major obstacles are the farmers themselves. We do not control them. The poor infrastructure for treatment of HIV is also an obstacle. It is just starting to come up. The drugs are on the market, but there is a need for a proper way to spread and use them. Lack of infrastructure leads to danger of misuse. The main issue is the cost. Who will pay for the infrastructure? Religion is a problem for prevention, not for treatment. Dimon 2004.

IPEC is running, or is involved in, four projects concerning child labour in Uganda:<sup>75</sup> Most of the child labour programmes are in fact centred around the ILO with some additional programmes and funding from the US Department of Labour. COMAGRI ("Project to Combat Child Labour in

<sup>74</sup> In addition to the information provided by our informants, information has also been extracted from Tveit 2004; various ILO publications, SODECO 2002

<sup>75</sup> ILO – IPEC started up in 1999 with a focus on child labour in the informal sector, commercial sex, domestic work and commercial agriculture. COMAGRI started in 2001. They work in Kenya, Tanzania, Zambia and Malawi. In tea, sugar, rice, coffee and tobacco. Vanilla is up coming.



Commercial Agriculture”) is the largest IPEC programme in the country. The ECLT<sup>76</sup> project focuses especially on the tobacco sector and is operated in close association with the COMAGRI program. These projects also involve trade unions and employers associations. The ILO Bureau for Employers’ Activities has also set in motion a programme with the aim mainly to raise awareness about the issues in the tea sector, and training of managers. The ILO is supporting 1,000 children in five districts. The children were rescued from child labour, returned to school and the ILO pays their school fees and support income-generating activities (see below). The Federation of Ugandan Employers (FUE) activities also target child labour in the agricultural sector, but most have focus on the tea sector, now moving onto sugar and coffee sectors.

Uganda is generally regarded as a success story when it comes to the fight against HIV/AIDS.<sup>77</sup> The HIV/AIDS adult prevalence has declined significantly over the last decade from about 18 percent in the early 1990s to about 6 percent in 2003. The Ugandan government has pursued “a policy to break the culture of silence on HIV/AIDS” and shown a real political commitment to the pandemic. On that basis, the country has also received considerable international support<sup>78</sup> for its fight against AIDS and is one of the priority countries for the Global Fund.<sup>79</sup>

In 1986 the new government established the AIDS Control Programme (ACP) in the Ministry of Health (UAC 1997). The HIV/AIDS programmes started out as fairly centralised governments campaigns where the ACP channelled information to various districts with a focus first and foremost on awareness and prevention programmes. The major functions of the programmes in their initial phase were epidemiological surveillance, ensuring safe blood supply, providing of HIV/AIDS information, education and communication, patient care and counselling and control of STDs (Kagimu et al 1996). Mass media and sensitisation campaigns spread the message through radio, newspapers and TV (Hyde et al. 2001: 19; STD/AIDS Control programme 2000: 37). The Ministry of Health coordinated the national response during this period and participation by other sectors and institutions were limited and very ad hoc in nature (UAC 1993).

Various government directives have been announced to combat HIV/AIDS. In 1996 altogether almost 44 policy statements acted as guidelines for the fight against HIV/AIDS, involving testing, condom use, treatment, counselling, care and support of patients and the mitigation of the socio-economic effects of HIV/AIDS at all levels.<sup>80</sup> National Strategic Frameworks/Plans were formulated by the AIDS Commission in setting the aims for the national programmes: 1) to stop the spread of the epidemic, 2) mitigate the impacts of the epidemic, and 3) strengthen the national capacity to respond to the epidemic (UAC 2000).

In the past decade, more and more grass root interventions have been carried out with a stronger involvement of local governments and civil society, and more emphasis on changing Ugandan’s sexual behaviours. In a review of the Ugandan HIV/AIDS activities already in 1988 there were recommendations of more activities at lower levels and inclusion of civil society organisations, local level politicians and institutions (Kagimu et al. 1996: 03). Thus, in 1990/91 the Multi-sectoral

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<sup>76</sup> In Uganda ECLT–U came in with funding so the ILO formed a trust to implement a programme in Masindi. The programme focuses on awareness raising; support of children in school; and building a vocational training institute. It is expected that the local government of Masindi will take over the project.

<sup>77</sup> The fact that the infection rate has gone down can, however, partly be a result of that many people have died as Uganda was one of the first countries that were struck by the epidemic.

<sup>78</sup> The World Bank has for example been supporting Uganda's efforts in its fight against AIDS by committing close to US\$145 million for HIV/AIDS-related programs.

<sup>79</sup> The Global Fund was created to finance a dramatic turn-around in the fight against AIDS, tuberculosis and malaria. To date, the Global Fund has committed US\$ 3 billion in 128 countries. See: <http://www.theglobalfund.org/en/>.

<sup>80</sup> According to the “Inventory of Agencies” (2001) a total number of 717 agencies are involved in HIV/AIDS control activities in Uganda today (AMREF 2001: viii). See Tveit (2004).

Approach was launched and several departments established their own programmes. Most ministries currently have HIV/AIDS programmes in operation. While HIV/AIDS in the 80s was seen as primarily a medical matter, more attention was turned to the social problems following the pandemic from the late 1990s. Local communities and organisations as well as district authorities have been given more autonomy to plan and implement their own programmes. District and village HIV/AIDS Coordination Committees coordinate the Multi-sectoral Approach at local level. Civil society has held an important position in the channelling of information about the epidemic and especially in the care for HIV/AIDS patients. The cooperation between government and civil society has been extensive and programmes have increasingly also involved the private sector. Thousands of health personnel and volunteer community workers have been trained in HIV/AIDS counselling. Interventions have been implemented in the education sector and significant HIV/AIDS education included in the school curriculum (Hyde et al. 2001). Amongst other positive steps mentioned is the accessibility of counselling and testing by over 400 000 adults (ICFTU 2000). The final draft of the National Orphans and other Vulnerable Children Policy was finalised at the end of 2003.

Several government departments hence carry out AIDS programmes, including the Ministry of Labour and Social Affairs. Financial resources for child labour and AIDS programmes have primarily passed through external donors, but financial and human resources also come from national public sources. The following programs are some of the main ones integrating child labour and HIV/AIDS of particular relevance to the tobacco sector:

- The Government cooperates with the ILO and foreign donors in several initiatives to combat child labour, including through the *COMAGRI programme*, which aims at withdrawing 2,600 children from hazardous labour.<sup>81</sup> Uganda is one of the five countries participating in the programme to combat child labour in the commercial agricultural sector and build capacity to facilitate national and sub-regional efforts against the worst forms of child labour. In addition, the IPEC's Statistical Information and Monitoring Programme on Child Labour (SIMPOC) is assisting the government in conducting sectoral and thematic studies on child labour. In 2003, USDOL began funding a USD 3 million project with the IO to address the education needs of former child soldiers and children living in Northern Uganda.
- The Federation of Uganda Employers (FUE) started early on the project "AIDS in the workplace" in various enterprises (Kagimu et al. 1996). During the early stages of the project, eight full-time graduates were for example employed as educators. The programme is primarily aimed at sensitising and building capacity amongst employers, but also includes assisting employers to develop AIDS policies, help setting train local managers and assist with insurance issues etc.<sup>82</sup> Likewise, FUE also has a HIV/AIDS mainstreamed child labour programme and has conducted a study on efforts at eliminating child labour.<sup>83</sup>
- The ECLT's Uganda project focuses on awareness raising, identification of vulnerable children in order to promote school attendance (identify, withdraw and place younger child labourers in primary schools) as well as vocational training (with the building of a new school) for older children. The project is developed in close collaboration with local authorities in the Masindi district where

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<sup>81</sup> ILO is supporting the children through the African network on the Protection and Prevention of Child Abuse and Neglect (ANPPCAN).

<sup>82</sup> The FUE programme is focussed on: sensitization at the workplace; training of trainers; training of peer educators; assisting companies to develop policies; encourage employers to adopt good practices and assist sick workers. Most of the big companies have developed policies and guidelines. Over 30 companies provide ARV to their employees and health insurance coverage. FUE has also developed "recommended practise" that provide guidelines for how to handle the AIDS problem. Some companies have set also up AIDS committees with assistance from FUE to train the committee.

<sup>83</sup> FUE/ILO 2002: the Employers Efforts in Eliminating Child Labour within the Formal Agricultural Sector in Uganda.



about 90 percent of the families have tobacco as a main source of income.<sup>84</sup> In addition, a project steering committee is set up with the Tobacco Growers Association, IPEC, local authorities, BATU, trade union representatives as well as government ministries.

- The trade union movement NOTU also has a project on HIV/AIDS where they train trainers with further goals of a broad training programme in all unions, awareness raising, and provide a basis for integration of HIV/AIDS issues also in collective agreements etc.<sup>85</sup>
- UNICEF also has several programmes in Uganda focussing on prevention of mother-to-child transmission; prevention among young people; orphans and vulnerable children and “demonstrated best practices”.
- Several other organisations have also started focussing on awareness raising, care and medication in relation to HIV/AIDS related workplace problems. The Platform for Labour Action is another NGO (founded in 2000), which originally focuses on legal issues, but is also doing community work within the areas of child labour and AIDS.

According to the Ugandan Federation of Employers, Uganda lacks a clearly defined and written policy on employment and child labour (SODECO 2002). The Employment Decree has, in their view, several shortcomings and does not adequately address the protection of the majority of working children because it is confined to industrial undertakings in the formal sector while the bulk of the children are found in the rural and informal sector. Furthermore, the Minister need, in their view, to do more in order to define what light work entails. According to the ILO,<sup>86</sup> the government has also not been able to provide adequate protection for working children due to the lack of well-coordinated machinery, sufficient knowledge on how to deal with child labour, and shortage of logistical support and updated legislation. While the last ILO core convention on child labour was ratified in 2003 (minimum age), labour inspectors have had limited impact in the fight against child labour due to lack of both policy and resources.

All in all, all our informants underline that the lack of resources limits the Government from enforcing the prohibition on forced and bonded child labour effectively, and that the Ministry of Gender, Labour, and Social Development efforts to enforce the law on child labour is limited by financial constraints. According to the US Department of State (2004), the Government did not enforce effectively the Children's Statute, due amongst others to staffing and fiscal constraints on the judiciary, cultural norms, etc. Simultaneously, the review of labour legislation, draft National Policy on child labour as well as Social Development Strategic Plans,<sup>87</sup> which outline the strategic objectives of the Ministry of Gender, Labour and Social Development refer directly to the children at risk of exploitation and abuse due to HIV/AIDS indicate that child labour has high priority on the government agenda.<sup>88</sup> Amongst the focus interventions of the Ministry is to build the socio-economic capacity of the families to support orphans and other vulnerable children. At the same time, similar concerns are raised in Uganda as those highlighted by our informants in Tanzania, namely the need

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<sup>84</sup> Identified on the basis of the SODECO 2002 study conducted on behalf of BAT-U. The Masindi programme runs until 2007. See: <http://www.ecit.org/filestore/UgandaProgramme.pdf>

<sup>85</sup> This is a five-year regional (Sub-Saharan) programme supported by the ICFTU – Afro funded by LO Norway.

<sup>86</sup> See Country Annex for Uganda in the *Programme Outline for the Targeting the worst forms of child labour in the tea, tobacco and coffee sectors in Uganda.*, ILO, 2000.

<sup>87</sup> The SDIP set out to create an enabling environment for marginal groups, and a plan on which basis to take advantage of their capacities.

<sup>88</sup> See for example *Hope Never Runs Dry*, Ministry of Gender, Labour and Social Development, 2003. The *National Orphans and other Vulnerable Children Policy* is part and parcel of the Ministry's strategies to combat the problems from orphans in Uganda, building on a human rights approach, aiming at reducing discrimination, strengthening partnerships with the private sector etc.

to give more focus to poverty as a root cause of child labour. Informants also point out the needs for improved coordination of programmes, improved inventories of programmes and organisations involved in the work and renewed focus on programme implementation. At the same time, Uganda has taught world AIDS policy makers and planners that rigorous focus on local ownership and cooperation between public and private institutions is of crucial importance in the implementation of effective AIDS programmes. The same would apply, according to our informants to the child labour programmes.

### Malawi programmes

The government of Malawi recognises the problem of child labour and has joined hands with international partners in the struggle to eliminate child labour. Employment of children under the age of 14 is illegal on basis of the new Employment Act (2000). According to the Act, hazardous work for children between 14 and 18 is also prohibited.

Several programmes are in place to combat child labour. The Department of Labour and Vocational Training (DOLVT) has engaged a consultant to work on administrative regulations for HIV/AIDS and employment, expected to become part of the employment Act soon – they are going before cabinet for consideration. The DOLVT has 30 labour offices country wide. Each one has at least one labour inspector, usually more. A National Steering Committee and Technical Working group was set up by the Ministry, initially amongst others to administer the UNICEF project (see below), but both structures have been expanded to include new responsibilities and members (such as the IPEC country project and TECS representatives). The Steering Committee is currently being chaired by the Labour Commissioner in Malawi and spearheaded amongst others the development of an action plan on the elimination of child labour.

The TECS project of the *Elimination of Child Labour in Tobacco Growing* is set up for the 2002 to 2006 period with a focus on awareness raising and improving the the communities livelihoods and living conditions (food security, clean water and reforestation) in order to reduce the need of communities to use child labour. A health component was to be added in 2004 setting up mobile clinics and disseminating information on HIV/AIDS

With the establishment of the Child Labour Control Unit (CLCU), which was established as the focal point for child labour issues in Malawi, an additional 77 labour inspectors have been trained in co-operation with the IPEC, monitoring for eleven impact districts. The monitors work with local governments, lobby them to pass by-laws, provide counselling, address issues of child labour etc. The establishment of the CLCU is also reported to have increased the capacity of the government. The DOLVT furthermore has an advocacy programme in place which targets radio and TV bulletins, workshops, etc. with information concerning the hazards of child labour. The DOLVT has also carried out civic education on child labour, for awareness of the law and policy of the government. 10 000 child labour booklets have also been distributed as part of the awareness campaign. Child Labour Committees have also been established in several districts in the past years in co-operation amongst others with the trade union movement (MCTU). Employer representatives have also been trained in child labour issues.

While child labour is prohibited below the age of 14 (which is the age of primary school leaving) and the fine for contravention 20'000 to 100 000 Mka – and/or 5 years imprisonment (depending on the gravity of the contravention), there have been no prosecutions under this clause of the law as yet, as the DOLVT has relied on advocacy and voluntary compliance. However, the DOLVT can get permission from the Director of Public Prosecutions to prosecute employers directly, and there will be a prosecutions Unit to start up in 2004/2005, similar to the system in the police service, where for certain types of crime the police can prosecute directly. Although there have been no prosecutions

on child labour yet, a number of cases have been referred to the Industrial Relations Court for a ruling. This court has jurisdiction over matters relating to the employment act, the labour relations act, and the workers' compensation act. There is also an occupational safety and health Act (OSHA), and the TVET (vocational training) Act, under which cases are heard in magistrate or labour court. However, the labour court has failed to handle OSHA and TVET cases.

To address the HIV/AIDS problem, the government has designed a Comprehensive National Strategic Framework, coordinated by the National AIDS Commission and supported by co-operating partners in both the public and private sector with the aim to reduce the incidence of AIDS, improve the quality of life of those affected, and mitigate against social and economic impacts (Government of Malawi 2003).<sup>89</sup> Malawi has also been relatively successful in mobilizing resources for HIV/AIDS control.<sup>90</sup> In 2003, Malawi signed an agreement with the Global Fund for the allocation of US\$196 million to Malawi over the next five years. Through its Multi-country AIDS Programme (MAP), the World Bank also approved an allocation of US\$35 million for Malawi over four years. However, with an increasing epidemic burden, especially the need to deal with the growing numbers of HIV/AIDS-positive people, there is still need for additional external support. A Poverty Reduction Strategy Paper was launched in April 2002. Key challenges include: i) the need to further mainstream HIV/AIDS into the core policies and activities of all sectors; ii) better rationalization and coordination of interventions by the several partners; iii) capacity building of the National AIDS Council and of implementing partners at national, district and community levels.

Several programmes have been implemented to combat AIDS through information campaigns, treatment and care in order to prevent the further spread of HIV/AIDS infection and mitigate the impact of HIV/AIDS on individuals, families and the nation.<sup>91</sup> For orphans in particular, the government undertakes to ensure that communities and extended families caring for orphans are assisted and empowered with resources, services and skills to help them cope with the extra burdens.<sup>92</sup> The government further agrees to ensure that orphans are not denied access to primary education and are putting in place mechanisms for the registration of births and deaths at the local level in order to facilitate and inform the monitoring of and planning for the orphan situation. Finally, they undertake to ensure that child-headed households are supported and the mechanisms put in place to ensure the protection of inherited property rights for orphans.

In the early 90s, the Government also adopted policy guidelines on orphans, which provides for improvements in social welfare, care and the standard of living (UNICEF 2003b). The new National Policy on Orphans and Vulnerable Children was developed in 2003. A multi-sectoral National Task Force was also established in order to give input into a national action plan. Malawi's national strategy on children orphaned by AIDS seeks through various capacity-building measures to enable communities and households to use available social capital and other resources to care for children affected by the epidemic.<sup>93</sup> Ninety-seven community-based orphan-care groups exist in Malawi, with

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<sup>89</sup> See information from the National AIDS Commission and the Government of Malawi's (2000) Final Draft PRSP, 2002. An essential Health Package has also been developed and decentralisation strategies have been developed in order for the District Associations to take over service delivery.

<sup>90</sup> Information in this paragraph extracted from UNAIDS, see: <http://www.unAIDS.org/en/geographical+area/by+country/malawi.asp>.

<sup>91</sup> Several programmes and policy actions are mentioned in the Renewed Call to Action (2003).

<sup>92</sup> As early as 1991, the Government established a National Orphan Care Task Force made up of various representatives and organisations which are responsible for planning, monitoring and revising all programmes on orphan care. One year later, National Orphan Care Guidelines were established. The guidelines serve as a broad blueprint to encourage and focus sub-national and community efforts. The Task Force has also established a subcommittee that is reviewing existing laws and legal procedures to provide greater protection to vulnerable children. Information provided by Avert, see: <http://www.avert.org/aidsorphans.htm>.

<sup>93</sup> The following information on the Aids orphans strategy has been provided by UNAIDS 2004 (see: [http://www.unaids.org/ungass/en/global/UNGASS16\\_en.htm](http://www.unaids.org/ungass/en/global/UNGASS16_en.htm)).

one in five offering educational support to enrolled children. The Ministry of Gender, Youth and Community Services administers an orphan registration system at national, district and community levels. Malawi's strategy emphasises programmes to teach life skills and provide needed psychosocial support. Country officials cite the need for substantially greater resources to support these and other initiatives for orphans and vulnerable children, as well as the need in the future to address a broader array of issues, including protection of children from abuse, stigma and discrimination.

The DOLVT has held several internal regional and national workshops on HIV/AIDS and each DOLVT office must have a health committee and support committee for care and support of people living with AIDS. The committee members are trained by Project Hope (NGO). Similar structures have also been mainstreamed by the main tobacco buying companies for their own staff, in for example, Limbe Leaf, Diamond etc.

The Lilongwe Agricultural Development District (ADD) office has two UN volunteers. The Ministry of Agriculture also has an HIV/AIDS programme with a focus on preventive, education, materials etc. Amongst others, the Ministry has a programme to provide soya to sick children, as part of a nutrition programme, but there are no figures available on the extent of this programme, and it is also experiencing funding problems. The Ministry also runs an education and training programme, and voluntary counselling on HIV/AIDS (but not testing – which is only possible at this stage in the urban areas because of resource constraints).

The government's response on HIV/AIDS is intended to address AIDS issues in such manner that at the end of 5 years, the seemingly exponential growth in HIV/AIDS will be reversed. This will be done through an extensive programme of voluntary counselling and testing, prevention of mother to child transmission of HIV/AIDS, community home based care and treatment, management of opportunistic infections and antiretroviral (ARV) drugs, systems strengthening and cross-cutting issues and management and institutional support. The programme will target all sexually active people in Malawi. The care and support aims to improve the quality of life for those already infected and affected by HIV/AIDS. Anticipated results from the first two years of implementation include: 27 voluntary counselling and testing (VCT) sites established; 15 outreach sites for VCT established; 208,000 tested for HIV/AIDS; 70 percent of HIV/AIDS positive pregnant women receiving Nevirapine; 22,000 chronically ill patients using basic care and support services; 40 percent of patients suffering from AIDS receiving home based and ambulatory care; 300 health care workers trained ARV use and 10,000 patients on ARVs.

- Several projects have elaborated on the partnerships developed between the government, donors and international organisations. The DOLVT has a project in co-operation with the USAID which finances a consultant to work on administrative regulations for HIV/AIDS and employment to become part of the employment Act. The USAID also assisted in the development of the National Policy on Orphans and Vulnerable Children and have several other projects in place to care for assist orphaned children, provide home-based care, etc.<sup>94</sup>
- The government is also participating in an IPEC regional programme funded by USDOL to withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa (*COMAGRI programme*, see details also under Tanzania and Uganda above) due to end 2005. In addition, the government also receives assistance from the SIMPOC project to gather statistics on child labour.
- *UNICEF* has several projects in Malawi with a general focus on mother-to-child transmission, vaccination, HIV/AIDS and early childhood; care and development etc. The Youth and

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<sup>94</sup> See: <http://www.usaid.gov/policy/budget/cbj2005/afr/pdf/612-008.pdf>.

Education programme enabled the development of a comprehensive package in basic education; emphasising community involvement in learning conditions as well as the set up several community schools etc. (see Government of Malawi & UNICEF 2002b).<sup>95</sup> While child labour had previously gained limited focus, increased attention has been given to the relationship between education and work amongst both UNICEF and Scandinavian development agencies as a result of media attention on child labour in the tobacco sector from the late 90s.<sup>96</sup> In 2000, UNICEF hence provided technical and financial assistance to the government to conduct campaigns to end child labour. In 2001, UNICEF, the government and the Norwegian development agency supported a consultative process which led to the creation of a Steering Committee, the Multi-sector Task Force and the preparations of a two year action plan. Training courses for labour inspectors were organised. In 2001, a pilot project was set up to sensitise local governments and the public. The development agencies of Norway and Sweden now work with, and provide funding to, UNICEF. The UNICEF programme also works with the National Youth Council which trains youth activists and gives them bicycles to conduct inspections and assist the DOLVT inspectors in recording instances of child labour. The project started off with specific aims to initiate legislative and policy reforms, which would have actual consequences on the extent and forms of child labour on the ground, but have also been reported to have had awareness raising results.<sup>97</sup>

- TAMA policy is to encourage estates to make sure schools are available for children of tenants and workers. The Ministry of Agriculture does not itself have a specific programme on child labour. TAMA started raising issues of child labour with their 33 Tobacco Councillors since 2001 (COMAGRI, IPEC 2003). The overall interest of TAMA in child labour issues is relatively recent (from 2000), but has led to mobilisation also of other actors in the tea, coffee and sugar sectors. On this background, the *Association for the Elimination of Child Labour* (in the agricultural sector) was set up with TAMA in the leading role. The Association is however also open to individuals, other organisations and companies.
- *The Association for the Elimination of Child Labour* acts as coordinating agency for child labour issues and has taken it upon itself to develop information about child labour (COMAGRI, IPEC 2003). The Association has also started a joint project with the MCTU and plans school construction etc.<sup>98</sup> The ECLT Foundation also funded programmes through AECL, through which a junior primary school was built and several awareness campaigns and meetings have been held.
- The *AGRESS initiative* of the Ministry of Agriculture links with NGO's so that duplication of services is avoided. This is done through informal liaison. The AGRESS offices have done training on HIV/AIDS – in house, seminars, workshops etc. There has been no impact

<sup>95</sup> Through "Keeping Kids in School" and "Closing the Gender Gap" projects, 65 community schools were established with an enrolment of 80,000 children (see Government of Malawi & UNICEF 2002).

<sup>96</sup> Government of Malawi/UNICEF efforts to combat child labour started in 2000 when the Ministry of Labour and Vocational Training organized three regional sensitization workshops for traditional authorities and district labour offices (UNICEF 2000).

<sup>97</sup> See Government of Malawi – UNICEF. *Country Programme of Co-operation. 2002 – 2006. Master Plan of Operations*

<sup>98</sup> The Tobacco Association of Malawi spearheaded the creation of the Elimination of Child Labour Association following threats

by international tobacco buyers to lobby for a blanket ban unless authorities took steps. The programme was expected in 2002

to "withdraw" 1,500 children from hazardous work and provide them with social protection. Also, further measures would be

taken to prevent 3,000 children at risk from entering the labour market. See:

[http://www.irinnews.org/report.asp?ReportID=31458&SelectRegion=Southern Africa&SelectCountry=MALAWI](http://www.irinnews.org/report.asp?ReportID=31458&SelectRegion=Southern%20Africa&SelectCountry=MALAWI)



monitoring for the various activities and programmes on HIV/AIDS in the agriculture sector. But commentary from rural communities is taken note of, and demands for such items as T-shirts, caps, and condoms are fulfilled wherever possible, and requests for the UN volunteers in the ADD to come and speak are fulfilled where possible – the demand for these types of services is definitely increasing rapidly.

- All the major *tobacco buying companies* have HIV/AIDS programmes for their estates: Limbe Leaf, Dimon, Stancom, African Leaf, Tobacco Exporters Association of Malawi and Auction Holdings. Buying company representatives go out to meetings of management at the estates, in forums that discuss HIV/AIDS, with the intention that the information generated will trickle down to the farmers. A large number of seminars and workshops are held at the estates, and HIV/AIDS is added to agendas of such other meetings. According to our informants, buyers also talk directly to tenants and traditional authorities, which have a lot of influence when it comes to labour practices. There are also peer education programmes organised by the chiefs in some areas – it is not a buyers' initiative, but it is happening on community level.
- As in Uganda and Tanzania, the *labour movement* in Malawi is part of a larger African trade union programme on HIV/AIDS with a focus on training shop stewards. In addition, the trade union movement has had a parallel and strong focus on child labour in the past decade, and spearheaded several of the international programmes and studies on child labour in the tobacco sector. The MCTU also set up some workplace committees on child labour for monitoring purposes. Joint awareness campaigns and meetings have also been organised with the employers' association.
- The *Integrated Child Labour Elimination Project* (TECS/ICLEP) was launched in 2002 and receives funding from the Eliminating Child Labour in Tobacco-growing Foundation (ECLT). The project aims at reducing child labour among the tobacco growing communities and is coordinated by TECS. The project has three components, each implemented by a separate partner NGO in Malawi. The school and education component aims at community mobilisation; teacher training and the improvement of school facilities and is implemented through the Creative Centre for Community Mobilisation (CRECCOM). The safe water and sanitation component provides clean water through shallow wells and training well maintenance teams and is implemented through the Livingstonia/Nkhoma Synod of the Church of Central Africa, Presbyterian (CCAP). The food security and natural resource management component includes smallholder irrigation projects, tree planting, and soil and water conservation measures and is implemented through the Total Land Care (TLC).
- Several other programmes have been put in place by NGO's in the agriculture sector with specific focus on AIDS, such as Development Aid from People to People (DAPP), World Vision, and some Evangelical programmes of churches. Furthermore, major international institutions

The (TECS/ICLEP) mid-term evaluation is encouraging and argues that (see: <http://www.eclt.org>):

- children having a better quality of life, access to education and significantly reduced workloads
- the 32 percent increase in school enrolment and 64 percent decrease in school dropouts have reduced opportunities for child labour
- the improvement in food security among the communities who have had access to the project's irrigation schemes has decreased reliance on children's additional incomes
- the provision of safe water through the project's shallow wells has reduced the incidence of water-borne death and disease, and resulted in children spending less time collecting water
- there is a high level of ownership, participation and commitment among the local communities, which points to long-term sustainability of the project.

and donors also have programmes, or commit resources to the fight against AIDS. UNICEF has a large-scale health programme,<sup>99</sup> and The Medecines Sans Frontieres provide free antiretroviral drugs in some districts. The Lighthouse Trust is set up (2001) to provide counselling and care. The UNDP Programme on HIV/AIDS targets the particularly weak groups such as women and children/orphans, and scale up retroviral programmes for these groups in particular, develop institutional capacity to deal with the pandemic etc.<sup>100</sup> An interesting project of the youth in Malawi seem to indicate that prevalence rates have gone down after the formation of 52 youth clubs in the Chiradzulu district.<sup>101</sup> The youth clubs provide information and advice to the youth in the district, and give strong focus to encourage youth to use the health clinics.

- Several NGOs have also come up with new programs to fight child labour, such as the Eye of the Child (child rights advocacy group) with a focus on awareness campaigns and education work. *Save the Children* likewise have programmes dealing with child labour-related issues, such as school drop outs etc. *Plan Malawi* also deals with child labour issues. CRECCOM has also conducted several awareness raising activities with focus on child labour and community mobilisation. The role of the *Catholic Church* should also be mentioned in making some of the first initiatives in order to get the world to focus attention on the plight of the tobacco tenants in Malawi.

In spite of these initiatives, and the fact that the government has stepped up its efforts in the past few years, the government is struggling with lack of resources and bureaucratic bottlenecks in the endeavours to fight both child labour and the AIDS pandemic. Efforts to contain transmissions of HIV/AIDS from mothers to children are for example said to be hampered by Ministry of Health and Population delays in setting up voluntary counselling and clinics within the major hospitals around the country.<sup>102</sup> UNICEF (2002) also points out that lack of motivation and communication has affected the participation and timely implementation of the activities to combat child labour. Informants point out the severe obstacles faced in implementing the programs such as operational funding and resources in terms of personnel. Furthermore, prioritisation inside the Ministry of Agriculture is mentioned while at the same time it is pointed out that lack of attention in the Ministry must be assessed on the background of the agriculture department losing one officer per day to HIV/AIDS. Other barriers to the fight against both AIDS and child labour contain; gender disparities and discrimination and cultural practices with informants underlining that woman are heavily affected by HIV/AIDS prevalence rates and responsibilities for care, while simultaneously not having the economic independence. Men are always seen as leaders while women cannot take on leadership roles and there are considerable taboos on what women may discuss in public.

Some of our informants express views that the guidelines on HIV/AIDS and employment exist, but laws are lacking or insufficient. The only thing that would make a difference in their view would be legal initiatives, as they bring in the involvement of the industrial relations court. Employers should in many informants' views, be required to provide ARV's, and also discrimination against people living with AIDS should be illegal. They also point out that medical aid schemes should be required to cover HIV/AIDS costs.<sup>103</sup> Yet, overarching barriers remain the lack of resources and broad-scale poverty. In the short to medium term, HIV/AIDS programmes are most likely to benefit the formal sector workforce, while informal and subsistence labour markets will not easily be included in broad-scale employment-based care and ARV programmes. In the short to medium term, it is poverty and

<sup>99</sup> See Government of Malawi/UNICEF Health Programme Annual Review 2002.

<sup>100</sup> Presentation P. Piot, UNDP, February 2004

<sup>101</sup> "Youth Clubs lower HIV prevalence" in *Daily Times*, March 24 2004

<sup>102</sup> "Government Delays mother-to-child HIV transmission prevention" in *Malawi News*, March 27 – April 2, 2004

<sup>103</sup> Some employers have withdrawn medical benefits and contributions to medical aid schemes because of the costs associated with Aids. In other cases, the Medical Aid schemes have reduced benefits



increased poverty caused by HIV/AIDS which is the driving force behind child labour. At the same time, the Tenancy Bill has not been enacted in parliament<sup>104</sup> and while child labour legislation is developed, specific and effective child labour policies are still in shortage in Malawi. Even more importantly, implementation and monitoring of existing legislation would be a great help in itself. Several informants see the weak capacity of implementation as a major constraint in the child labour campaigns. Continuous establishment of new task forces, guidelines, action plans, policies and codes of conduct do little good if nothing happens on the ground. Employer motivation is also questioned by some of our informants. While TAMA advise their members to avoid child labour, TAMA does not impose penalties on members who do, and has no capacity to monitor respect for labour standards.

Furthermore, while several projects have been set in motion in the past few years, informants underline the need for better coordination and increased co-operation. Several, relatively small-scale projects, leave the impression amongst informants of scattered and fragmented interventions. In the tobacco sector, NGOs are also to some extent seen to compete for project attention, while impact would have gained from improved cooperation. There is general and underlined consensus amongst informants that there is need for improved coordination amongst various ministries (Agriculture, Health, Labour and Youth Ministries mentioned in particular) and amongst public and private institutions.

Inspectors are also constrained by lack of resources. They conduct inspections and hand in report forms which are submitted to the national office for action. There are very few reports however of child labour, which may be caused by child labourers being hidden during inspections. Furthermore, there have been several problems with co-ordination between the District Officers and the DOLVT when it comes to inspections, monitoring of child labour legislation and coordination of information. The reports about child labour handed in to the District Officers are for example, according to our informants, often not handed over to the Department.

Several informants point out the need for specific orphanage programmes. Suggestions range from specific programmes for orphans at the estates, to orphanage and rehabilitation centres set up in vicinity to the estates. Most now highlight the growing food insecurity and desperation of the children in the tobacco sector and suggests nutrition programmes and charity centres to help destitute orphans from the estates. Informants do underline that orphans at the estates would have to be identified by house to house visits to compile an orphan register: this could be organised within the Agriculture Ministry using its ADD and Regional Development Programmes as the structures to carry out the work.

All in all, however, informants underline the need to address poverty and low incomes as the main factor in child labour programmes. While several programmes have focussed on school buildings and improvements, informants highlight the need to look at compensation and cash incentives in order to get parents to afford to send their children to school. The ILO COMAGRI programme is highlighted as a success in this respect, combining a focus on school attendance with cash compensation and incentives, local ownership and communication in the rural areas and identification of the most vulnerable children, including AIDS orphans.

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<sup>104</sup> Drafted in 1995, but encountered political problems and strong opposition from several tobacco estate owners.

## In summary

All our informants in Malawi, Tanzania and Uganda underline the increased hardships due to HIV/AIDS. With the economically active population most affected, children are often forced to drop out of school, become heads of household and enter the labour market to take care of themselves and other siblings. The pandemic adds to the number of vulnerable children, increases pressures on households and demands for public and private services, most notably the delivery of effective health care and welfare.

The growing number of street children in the 1990s drew attention amongst both national organisations and donor communities to the issue of HIV/AIDS and the vulnerability of children, in particular through being increasingly exposed to work and the worst forms of child labour. Programmes were started up in all countries on that basis. National government department, organisations, and NGOs as well as international organisations and donors are heavily involved in both child labour programmes and HIV/AIDS programs. Legislation is in place, which makes child labour illegal in all three countries. And all three countries have developed AIDS policies, set up co-ordinating mechanisms through AIDS Commissions or similar structures, integrated HIV/AIDS as a crosscutting concern in poverty alleviation programmes etc. That being said, resources are hugely inadequate and programmes hence tend to remain scattered and in practice to the benefit only of a few. Government capacity to follow up child labour legislation and educational policies and aims with inspections and law enforcement is grossly inadequate and development efforts at large constraints by huge debt, low growth, poverty and corruption.

All in all, our informants underline additional further challenges and barriers to a united large-scale campaign against child labour and the additional vulnerability of HIV/AIDS. Several underline the total dependence on donors and donor priorities in all three countries under review. Furthermore, several point out the challenges of insufficient information about orphans, survival patterns, the extent of vulnerability caused by HIV/AIDS and insufficient information about the extent of child labour, which often remains hidden in smallholdings. Furthermore, informants in both Uganda and Tanzania argue that while several programmes have targeted child labour directly, insufficient attention has been given to the added vulnerability of children due to the present pandemic. In Uganda, the informants argue that the time is overdue to start thinking more about assistance to children that are orphaned of HIV/AIDS infected.

The following concerns are pointed out in all three countries: a need to give a stronger voice to local needs and priorities vis-à-vis the priorities set by international donors and national office bearers while simultaneously enforcing the capacity amongst government officials in the development of *efficient* policies and enforcement mechanisms. According to the our stakeholder informants, much needs to be done when it comes to improved co-ordination between the various layers of government and between the government sector on the one hand and NGOs and civil society organisations on the other hand. A strong case is made also by Rau (2002) for closer coordination between the various institutions involved in this work. While international donors play an important role in both child labour and HIV/AIDS programmes, the role can be enhanced further in coordinating input into community-based impact analysis. The ILO; UNDP and UNICEF have related interests in children, work and HIV/AIDS and each of them also include a focus on the community level issues. Programmes should offer opportunities to address overlapping and crosscutting issues and strengthen synergies for programme implementation. Community-based ownership and priorities as well as tight co-ordination between public and private sector has been some of the keys to the relative success in Uganda and is emphasised as important learning ground by our informants also in the other two countries where interviews took place.

Finally, our stakeholder informants in all three countries underline the need to supplement educational programmes with compensations schemes to the families in order to fight child labour, as child labour is

still caused first and foremost by poverty due to low incomes accruing from agricultural activities. On that basis, informants point to micro-credit schemes for income-generating activities such as those developed for example in the tea sector in Tanzania; restructuring of the tobacco sector in order to redistribute resources and improve incomes of the farmers; diversification of the tobacco sector and possibilities of farming additional products and food; access to markets for food and credits for input materials etc. In other words, programmes need to assist parents of working children in identifying income generating alternatives to help reduce their reliance on income earned by their children.

Community based monitoring through community child labour committees have proven important in all three countries where established. Such committees include village government officials, community leaders, school teachers, trade unions and others. Community ownership is hence seen as one of the most important factors by the stakeholders for both effective child labour and HIV/AIDS programmes.

# 5

## TARGETED INTERVENTIONS IN MALAWI

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Poverty in the African countries, and the tobacco producing countries in focus for this report, is widespread, deep and severe. The AIDS pandemic further destroys the lives and livelihoods of millions of people. The AIDS pandemic is, as we have seen in this report, worst in those countries where poverty is extensive, gender inequality pervasive and public services weak or lacking. The spread of AIDS is as such a sign of lack of development,- an indicator of the failure to create more equitable and prosperous societies on the African continent.

Major challenges confront the international tobacco sector. Such challenges will form the background for attempts to improve labour standards in the tobacco sector at the national level. While AIDS is a massive challenge and contributes to increased child labour, the overall cause of child labour is poverty, which in turn is due to low incomes accruing from the economic activities in Malawi. Poverty, child labour, limited public resources and ability to monitor labour market legislation, as well as globalisation and pressures for transformation of work towards higher skilled labour pose profound challenges to Malawi and other developing countries. On the one hand, developing countries have relatively low wage-levels and may on that basis have a competitive advantage in international markets. On the other hand, they also have limited infrastructure. We therefore need to look at long-term strategies of restructuring labour markets and capacity-building as well as short-term poverty and AIDS alleviation programmes in order to eliminate child labour.

*Brussels 6 February, 2002 (ICFTU online):* A new report released by the ICFTU has condemned the deplorable situation faced by working people in Malawi and challenged the government to meet its obligations to protect its citizens. Despite having ratified all of the eight ILO conventions on core labour standards, the situation for the hundreds of thousands of child labourers, women and for the majority of workers in general, remains as miserable as ever. As the report states, "in view of restrictions on the trade union rights of plantation workers and workers in EPZ's, and problems with antiunion discrimination and child labour, determined measures are needed."

The tobacco plantations are the single biggest plank in Malawi's trade strategy, and yet its workers face severe poverty and poor working conditions. Child labour in the plantations continues unabated. According to the ICFTU (2002), more than twenty per cent of the workforce on commercial plantations, and especially the tobacco plantations, are children. Because of the tenancy system, much child labour on these plantations is hidden. Many children are kept from school in order to contribute to the income generating efforts of the family or to perform the domestic tasks that the parents and older siblings are not available to perform. The ILO estimates that over 440,000 children between the ages of 10 and 14 are economically active in Malawi, which constitutes over thirty per cent of this age group. The 2002 Child Labour Survey may indicate that the numbers are much higher. Bonded labour, although in breach of the Malawi Constitution and ILO core conventions, persists, and is especially prevalent on the tobacco plantations.

### Summary of report findings

In Malawi, formal employment only generates a limited number of jobs compared to the relatively large group entering the labour force. Formal sector employment has declined, while the informal sector strives to absorb new labour force entrants. This leaves up to 70 000 labour force entrants with few other options than the smallholder agricultural sector. Simultaneously, the smallholder sector is itself facing acute crisis as the “land to person ratio” continued to decrease progressively in the 90s. Furthermore, many smallholders wanting to farm tobacco have had problems getting access to the auction floor, due to quota restrictions. Under these conditions, the flow to the tobacco estates is still high. At the same time, our findings indicate that the tenancy sector is shrinking. There is an increasing number of *wage* labourers seeking employment at the estates, combining smallholding or tenancy on other estates with cash income. In fact, the tobacco sector has been subject to major restructuring in the past few years with the smallholders increasingly taking over a larger part of the farming. Estates simultaneously increasingly make use of full time wage labour rather than tenants.

Very little indicates that child labour in Malawi has been reduced over the past few years. Efforts by the Government as well as by private institutions have fallen short of the needs. Our small-scale survey and stakeholder information rather indicates that in spite of a growing number of government and donor supported programmes, child labour remains as ripe as previously. School enrolment and attendance suffers. In addition, low nutrition levels, vulnerable working conditions and high levels of health and safety hazards are frequent problems for children living on the tobacco estates.

HIV/AIDS exacerbates the situation through increased poverty and harsher household struggles for survival. Failing capacity by adult household members to earn an income means increased poverty and likelihood of children having to take over the income generating activities. At the same time, large-scale restructuring of the tobacco sector is taking place with increasing use of wage labour and smallholdings taking over a larger share of the tobacco farming. While this may in part be caused by the HIV/AIDS pandemic, due to employers trying to avoid the responsibilities for HIV/AIDS orphans and families, the current restructuring of the tobacco sector seems to be caused more by the international realities of the sector, liberalisation, strains on prices, as well as the international campaign against child labour.

Our survey indicates that to the large majority of tobacco estates, it makes little difference whether labour is employed or engaged as tenants: When hit by the HIV/AIDS pandemic, their families will in most cases be thrown off the land. However, while there is abundant evidence of children working as part of family and household labour on both estates and smallholdings, there is little evidence from our interviews of orphaned children being increasingly employed directly at the estates. Orphaned children seem rather to be integrated into extended households, or they may get engaged in other sectors of the economy such as the informal sector, domestic work, or in trafficking. At the same time, the HIV/AIDS pandemic increases pressures on households both by reducing household incomes and by amplifying existing expenditure by households having to pay costs for medicines and food and by adding on more people to feed per breadwinner. As emphasised also by Foster (2002), the large majority of orphaned children in Africa are catered for by the extended family.

The respect for labour standards in commodity producing countries will depend on political and economic factors along the whole value chain, i.e. at both the national level in the south as well as the international level. Successful strategies include programmes that address both the demand and supply side of labour and interventions at the workplace, within the community, in the schools and at the household level to mitigate factors that push children into child labour for purposes of ensuring that once withdrawn such children can be retained in the new setting. The key transformations that are taking place in the global commodity chain will provide framework and background for possible

options for labour standards in Malawi as well as in other countries. At the same time, the effects of the global market and governance of the commodity chain will be mediated by national policy and institutions.

Any effective strategy to reduce the vulnerability of children to HIV/AIDS and exploitative labour practices involves a number of dimensions and will require the mobilisation of broad groups in both the private and public sectors, nationally and internationally. Some steps will be for governments, international institutions and donors to deal with, while others need to be taken forward by the national farmers and business community and/or the multinational traders and commodities buyers. We will not elaborate upon the massive need for more resources in the following, and give limited attention to the apparent need to develop more efficient government apparatuses and priority to deal with the challenges.<sup>105</sup> While these points are important, we will instead concentrate on issues that are of more relevance to the tobacco sector and issues which in turn could form the platform for an action oriented, child labour programme mainstreamed by HIV/AIDS . in the future. Based on the interviews with stakeholders in three countries as well as the information accruing from the interviews with elders and children at about 50 tobacco estates in Malawi, some important points should form the basis and framework for possible strategies forward in order to eliminate child labour in the tobacco sector. These factors will be highlighted in the following as a basis for a final summary of components for a more action oriented programme. One should keep in mind that child labour first and foremost is a result of poverty and low income levels, and is hence treated as such also in the following.

#### **Malawi Admits Use of Illegal Child Labour**

(Daily Mail and Guardian (za), 2003-12-20, Frank Phiri)

The global campaign against smoking has served as a wake up call for Malawi, which has an economy that is heavily dependent on the tobacco industry. The poverty-stricken southern African country is now seeking substitutes for tobacco -- as yet, without much success.

M. Kutengule, an official in the Ministry of Economic Planning and Development, says Malawi's draft economic growth strategy proposes a diversified agricultural sector, where tobacco will be replaced by crops like cotton and cassava. The anti-smoking lobby has enraged farmers, who argue that both government and donors have failed to show them realistic alternatives for crop production

## **Market diversification?**

The government of Malawi has encouraged diversification of crop production in Malawi away from tobacco to non-traditional crops. However, these efforts have for the most part been ineffective, particularly as a result of the reliable market for tobacco compared to most other crops (Government of Malawi 2002). Despite falling prices, tobacco has hence remained the main cash crops for most farmers.

The opportunity for productivity enhancements and “upward” diversification also appear to be limited in tobacco growing. Stagnant demand for tobacco makes it likely that the number of people engaged in the growing of tobacco will go down in the long term. There is hence undoubtedly a need to foster diversification of the economy and encourage new forms of specialisation, especially in areas which are labour intensive that may offer the prospect for broad-based growth. However, this will be long term process, requiring improvements in infrastructure and the business environment, investments in human capital, and the attraction of foreign direct investment. Given the tiny size of the domestic market, the country's land-locked position, and its human and natural resource base,

<sup>105</sup> It should be noted however; that the contribution made by the respective governments to their countries' health programmes is a critical factor for the Aids campaign. Uganda, for example, is spending only 9.5 percent of their national budgets on health, well short of the 15 percent that African heads of state pledged to do in the Abuja Declaration of 2000. Actual expenditure in Uganda is USD 8.5 per Ugandan every year, which is also way below the USD 34 – 40 per capita that the World Health Organisation recommends for effective health services delivery (New Vision, Uganda, November 2004).



diversification will be a challenging process. Its success almost certainly depends upon the maintenance of a competitive and profitable tobacco sub-sector from which savings can be derived and invested in other economic activities. Malawi may therefore have to continue to exploit its comparative and competitive advantages in tobacco at least over the medium term (Jaffee 2003). Resources already being put to use in tobacco cultivation and marketing must be made to yield a higher return by achieving productivity gains and by radically reducing transaction costs within the tobacco supply chain as seen by both the World Bank and the Government (PRSP 2004).

Malawi's capacity to achieve its' ambitions for economic diversification depends, in part, on its ability to overcome the current challenges facing the tobacco sector. Jaffee and the World Bank (2003) claims that it is a more profitable tobacco industry, which can serve as an effective spring board for move diversified patterns of investment, employment and trade in Malawi. Malawi is also relatively well positioned in the international tobacco market.<sup>106</sup> In the longer term, the social partners as well as donors may contribute to diversification by helping expand and strengthen access to agricultural inputs and contribute to the restructuring of the sector through other means, such as the establishment of cooperatives as is also mentioned as a prime initiative by the Malawi PRSP 2004. Jaffee and the World Bank (2003) highlight several initiatives which may increase income for tobacco farmers, including the reduction of transport costs, measures to drive down production costs (primarily the cost of fertilizer), financing costs<sup>107</sup> and marketing and transaction costs in the tobacco supply chain (including government intervention to reduce the auctioning fees charged by AHL). Further mentioned are needed policy change to gradually permit the direct contracting of tobacco between growers and buyers, which we will return to below. Capacity-building in relation to producer associations, including additional support for the extension of the NASFAM (smallholding) system and the possible restructuring of TAMA and its merger with other associations to bring about a commercial farmer producer organization is also underlined.

To address the problems of declining prices on the auction floor, the Government has introduced a number of market arrangement schemes such as the Intermediate Tobacco Buying Scheme.<sup>108</sup> The government is furthermore, facilitating the development of co-operatives to improve supply development.<sup>109</sup> The establishment of export villages, broad marketing programmes, improvement of credit facilities, promotion of irrigation systems etc are some of the initiatives mentioned in the governments Poverty reduction Strategy (2002 – 2004) to increase productivity and rural output in the agricultural sector, including tobacco. Improving productivity levels is also an important contribution to the upgrading of the conditions for tobacco farmers, as productivity today is seen as low by international standards (700 kg of tobacco yielded per hectare versus 2500 kg in other countries). Increasing tobacco production per hectare would also liberalise resources and land for other use. International partners may assist in such efforts in order for the tobacco growers to improve productivity, increase their income and reduce poverty levels - as such the most critical factors for child labour.

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<sup>106</sup> Jaffee (2003) refers to industry sources arguing that Malawi is the second largest producer and exporter of burley tobacco, behind the United States. It does however not directly compete with the United States as the US produces a relatively high-quality and very high cost aromatic burley tobacco, while Malawi produces a burley tobacco which has excellent 'filler' properties. It is also amongst the cleanest tobaccos in the world because there is very little agro-chemical use in Malawi. Malawi's tobacco also has relatively low nicotine content, this being a valuable attribute for a 'filler-type' tobacco.

<sup>107</sup> As highlighted by Jaffee (2003), this may include (in addition to the national ID and credit reporting systems), the introduction of special credit-related judicial processes, further capacity-building in revolving credit and savings societies, off-shore sourcing of finance by tobacco buyers to on-lend to growers, and 'moral persuasion' by the Government to reduce the high stop-order fees charged by Auction Holding Ltd (AHL)

<sup>108</sup> Now reorganized into the Designated Tobacco Buying Scheme.

<sup>109</sup> Co-ops receive broad attention in the Poverty Reduction Strategy of the government with aims to provide training, facilitate credits, improve information about markets etc. (Government of Malawi 2002)



## Market and price system of the agricultural sector

One policy option that has been embraced by several stakeholders and apparently also by the government, is to change the regulatory framework to allow tobacco growers to export their tobacco leaf themselves and thereby bypass the local auctions and the international buyers who purchase the crop on those auctions. The premise behind is that Malawi growers are not being paid the proper or competitive price for their crop and that profitability could be restored, on a more sustained basis, by passing existing buyers and finding alternative buyers or intermediaries with the international market.

There are long-standing concerns in Malawi that growers are not paid a fair or competitive price because the purchase of tobacco is dominated by just a few international companies (affiliates of Dimon, Standard Commercial, and Universal Leaf) (Jaffee 2003).<sup>110</sup> However, while comparisons of prices across countries are difficult, studies have shown that for burley tobacco, the 'average' prices paid by the international buyers have in recent years been similar in Brazil, Argentina and Malawi (ibid). The auction level payment as percentage of tobacco export earnings has fluctuated between 62 and 76 percent in the past decade (Jaffee 2003). Yet, such comparisons do not in themselves undermine the need for a fairer share of the price being returned to the *growers*. Malawi growers incur relatively high costs in selling their tobacco. As seen above, there have been strong arguments for reduced fees and facilitating access to the auction floor.

While some growers offer the proposition that they could do better by bypassing the international buyers in Malawi and selling their tobacco themselves to downstream users, Jaffee (2003) argues that the direct exports and liberalising the whole system of the auction floor would not necessarily gain smallholders in Malawi. In his view, permitting direct exports also entails certain apparent risks for both growers themselves and the 'industry' as a whole, one of which being that only one third (at most) of the growers would be in a position, within the foreseeable future to export tobacco directly.

It has been argued that before the previous phase of tobacco liberalisation, which opened up for smallholders' entry into tobacco farming, formal employment of children was almost non-existent as adult labour was abundant. With the burley tobacco liberalisation in the early 90s,<sup>111</sup> pressures 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. Others uphold that the low levels of income in the smallholding sector in fact countered such trends because smallholders were forced by the lack of profit to work as tenants. In practice, the need for tenants to produce more tobacco so as to make profit forced them to utilise their children as additional labour. However, in the smallholder sector, children were also working because the profit was low. In several cases, smallholders have had to leave the running of their smallholdings to wives and/or children while they themselves seek additional employment as tenants or wage labourers. Hence, child labour is ripe in all parts of tobacco farming today.

However, in response to requests for liberalisation from larger growers, the Malawi Cabinet issued a Directive in 2001 to enable direct grower exports.<sup>112</sup> There is no auction floor in the tobacco sector neither in Tanzania and Uganda. Judging from the comparisons of poverty levels amongst smallholder tobacco farmers in both countries, it is not the auction system as such that holds

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<sup>110</sup> It is alleged that the 'share-out' arrangement among the three main buyers constrains any competition among them in purchasing the crop. These buyers purchase the tobacco on behalf of the four or five large multinational corporations that dominate the international cigarette manufacturing industry. Some two-thirds of sales of Malawi tobacco are directed to these manufacturers.

<sup>111</sup> With the amendment of the Special Crops Act (1993), it was opened up for smallholders to farm and sell tobacco. By 1996, 200 000 smallholders had taken up tobacco farming (Zeller 1997).

<sup>112</sup> The Tobacco Control Commission was instructed to develop the modalities to enable such exports to take place including making provisions to collect the statutory levies, for ensuring quality control, and for ensuring the repatriation of foreign exchange earnings.

growers back in Malawi. As long as the market is dominated by a few buyers, the system (with or without an auction floor) may also be of limited relevance for the price of tobacco. Issues such as access to credit, fee structures, organisation of the sector, distribution of profits etc. remain critical variables in any kind of tobacco market, with or without an auction floor, and these are factors over which, the international players and tobacco buyers hold great influence. Several initiatives could be considered to empower smallholders and assure that a larger share of the tobacco income goes back to the farmers. Suggestions have been made for making the current system of auctions more effective, introduce more auction houses (to compete), reduce levies and commissions for the farmers etc. (see Government of Malawi, PRSP 2003). At the same time, the introduction of some degree of direct contracting (for large-scale estates or clubs), may also force the AHL to reduce fees, and reduce the queues to the auction floor. Jaffee (2003) points out that there is a de facto monopoly control over the auctioning functions, lack of transparency and no representations of smallholders. The relatively high auction fees, the fees charged to handle credit stop-orders, and the quota and registration system etc. have been overwhelmed by the massive new entry into the sector and the needs of poor growers to sell their tobacco as soon as possible in order to obtain cash for basic necessities. The more effective functioning of the auction system requires, at a minimum, the revamping of these systems.<sup>113</sup> Facilitating easier and cheaper access to the auction floors, reducing transaction costs and improving the advisory services towards smallholders, will be critical for farmers' profit levels. While considerable redistribution has taken place from estates to smallholders in the past few years, smallholders struggle with high transaction costs and incurred debts, as well as access the auction floor. The international tobacco sector and social partners may hold considerable influence over the Malawi institutions and may hence assist in lobbying for easier access to the auction floor, effective implementation of the restructuring of the intermediate purchase system<sup>114</sup>, broader representation of all groupings in the national tobacco institutions<sup>115</sup> and assist in the setting up of co-operative structures for transport and sales.

### Regulatory instruments?

Malawi was among the first countries to sign the ILO Convention No. 182 on the Worst Forms of Child Labour, subsequently requesting assistance from the ILO to begin programme activities that would address the worst forms of child labour. However, in spite of international agreements in the tobacco sector, ratification of international core labour standards, and national labour legislation, regulatory instruments, including a ban on child labour is only likely to be effective where there is a capable, and resourceful, administration determined to implement the law, where it is difficult for employers to conceal the use of child labour and most importantly, where there is little economic advantage to employers or families from children working. In low-income settings like Malawi, these conditions are unlikely to hold. And this report in fact demonstrates that child labour is an integrated part of the labour market within the tobacco sector in spite of the agreements reported above. In spite of the weaknesses of regulation alone, the ban on child labour may still be an important part of an *overall* strategy to increase public awareness and involvement. It may also be an effective tool

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<sup>113</sup> At present, the larger growers continue to deliver their tobacco directly to the auction floors as do a minority of well organised smallholder clubs, under the umbrella of NASFAM. However, systems should be put in place in order to assist the large majority of smallholders who do not have access to the benefits of the existing clubs, like NASFAM. The SADF and NASFAM clubs only cover about 20 percent of the smallholders. All small growers are required to bring their tobacco to the satellite depots, which are located at various sites around the country and where the tobacco is temporarily stored before it is transported to the auctions. These depots are owned and managed by individuals, typically counsellors of TAMA or people selected by them and have received wide-spread complaints among farmers. TAMA negotiates the transport rates.

<sup>114</sup> While the Designated Tobacco Buyers Scheme was introduced in 2000 in order amongst others to reduce the number of licensed intermediate buyers of tobacco, the system has not yet been fully implemented.

<sup>115</sup> The auction company Auction Holdings Limited, has ADMARC, a government statutory body, as its largest shareholder. There is, however, limited representation of smallholders on the governing bodies.

when narrowly focused on the most serious forms of exploitation of children. It does, however, require additional instruments such as inspection systems, monitoring, educational systems in place etc.

The case studies provided in this report demonstrates the need to have not only legislation, but also effective policies and capable delivery oriented administrations and civil services. The need for comprehensive and multi-sectoral approaches are underlined by both our informants and several other studies (see Beckmann & Rai 2004, UNICEF 2003, ICFTU 2000, et al). In Uganda for example, the Directorate of Labour has established the Child Labour Unit as focal point for child labour initiatives, spearheading efforts to revise laws targeting child labour, setting up local structures etc. Child labour committees have been established in order to initiative and actively monitor child labour programmes and institutional capacity of the inspectorates and monitoring systems have been strengthened. Similar structures have been established in the other tobacco producing countries.

Policy responses to child labour and vulnerable groups in the labour market are fragmented in Malawi as elsewhere in the region. UNICEF (2003) correctly argues that the Malawi PRSP did not prioritise child labour as a key issue in reducing poverty and hence made limited resources available from national budgets<sup>116</sup> Furthermore, no mechanisms have been put in place to protect the rights of workers on tobacco estates. While legislation was drafted in the middle of the 90s, limited progress has since been reached in tabling this for parliament. In terms of existing labour legislation it is also unclear whether it actually covers tenants. The Ministry of Agriculture claims the responsibility belongs to the Ministry of Labour while the Ministry of Labour claims the responsibility lies with the Ministry of Agriculture. UNICEF (2003) also claims that the wording of national legislation leaves possibilities of putting children to work.<sup>117</sup> Finally, farm workers and tobacco tenants are generally a vulnerable group in terms of accessing labour legislation, inspections and taking real advantage of their rights. More importantly, the co-ordinated policy and additional instruments in order to effectively restrict the use of child labour, seem to be lacking. Labour inspectors are understaffed, not adequately trained or specialised in child labour matters. Finally, they lack transport to reach and inspect establishments and farms/estates outside the major cities. However, while few policy objectives had been adopted with the aim of addressing the problem of child labour a few years back (Kooijmans 1998), several initiatives have been taken in the past few years to develop policies and guidelines leaving the government with the challenge to demonstrate the actual political will to implement and monitor policies. Action against the most intolerable forms of child labour requires improved and innovative enforcement mechanisms and actual measures.

While child labour is illegal in all the countries in focus, the problem is widespread in practice. While the law provides for monitoring mechanisms and inspectorates in order to assure compliance with the law, district offices have insufficient resources in Malawi, Uganda and Tanzania in order to monitor legislation. In Uganda, the time of district officers has become reduced to that of mediating labour disputes due to financial and other constraints. While there are 56 administrative districts in Uganda, there are only about 21 district labour offices/inspectorates. Some districts have no labour inspection service. Many do not have the necessary skill – the law is not adequately enforced. Enhancing the capacity of national office bearers and inspectorates in implementing and effectuating government policies and regulations, will hence be an important priority in order to eradicate child labour in the future.

The Tanzanian Employers Association conducted a programme to get children out of work in the tea and coffee plantations. The programme was successful and 2500 children were no longer working in agriculture when the project ended. However, a study found that 500 went back to school and the

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<sup>116</sup> Overall budget constraints should however also be underlined with external debt services accounting for some 20 percent of current expenditure.

<sup>117</sup> Arguing that the law opens up for employment of under-12 during the day, domestic work and family labour.

rest to other sectors such as mining, informal sector and some to prostitution. Working on the plantations was safer. Hence, child labour programmes also need to be inspected and monitored in the period *after* the programmes end, removal needs to be strongly linked to alternatives, and sector-wide interventions need in many cases to be backed up by area-based interventions.

The strengthening of the labour inspectorates and making inspectors more sensitive to the problems of child labour is underlined by our informants as a critical aspect with child labour programmes and campaigns in all the countries. Both Tanzania and Malawi have ratified all the core ILO labour standards. Uganda still has to ratify the

“The tobacco estates should be monitored and evaluated for child labour practices by the industrial labour court, the Ministry of Labour and Vocational Training, the Ministry of Youth & Sports (the National Youth Council), and the Ministry of Education. “Informant, interviews 2004.

Conventions on the right to organise (Convention 87). With weak enforcement mechanisms and inspectorates, the social partners themselves may directly, or through collective bargaining agreements assist and supplement monitoring of legislation and agreements. However, in spite of several programmes having been initiated by the social partners in all three countries, the national trade unions and the employer associations are often too weak to take on responsibilities of such magnitude in the agricultural sectors.

Strengthening also the other core labour standards is critical to the fight against child. Strong organisation on the ground may help the respect for, and monitoring of child labour legislation. The 1999 agreement between the Tobacco Association (TAMA) and the Congress of Trade Unions (MCTU) in Malawi also spells out the right to collective bargaining with respect to rates of pay, hours of work, age of employment etc. However, the large majority of workers and tenants are not organised and few have collective agreements. The international community may help lobby the tobacco sector in Malawi and in other ways facilitate the mobilisation of strong organisations in the agricultural sector. Furthermore, respect for core labour standards may also become more effective if TAMA sets demands towards own members, and there are principle demands for such respect set in order for farmers and estates to sell to the auction floor and to the international buyers. There is also need for advocacy work for legal reforms, a strengthening of the Employment Act, lobbying to get the Tenancy Bill through Parliament and child labour to get much higher priority as part of the PRSP. Demands by the international tobacco industry and its social partners for ethical trade and respect for labour standards in the sector would also assist in the local advocacy work.

## Dialogue and cooperation

All effective child labour programmes as well as HIV/AIDS programmes seem to benefit from co-operation and joint programmes between the worker and employer representatives. On that basis, Beckmann & Rai (2004) and several others highlight the importance of coalition-building (Sodeco 2002) and the need to strengthen the capacity of the tripartite constituents to contribute to national efforts separately, and in collaboration, focussed on workplace and labour market programmes. Ensuring a tripartite approach to development is also called for. In practice, several of the workplace oriented HIV/AIDS programmes operating in Africa are tripartite or union-employer based. The Tanzanian employers association for example work with ILO and UNAIDS and managed to conduct comprehensive cooperation programmes focussing on awareness, human treatment, and assistance and sharing good practises. Seminars and workshops were organised targeting companies and company codes of conduct. On that basis, the business community and HIV/AIDS business coalition is also being formed. Several other examples of such bipartite and tripartite cooperation are found in southern and Eastern Africa. In addition, child labour issues and standards are increasingly being integrated also in collective agreements. In many cases, these have formed the basis for workplace code of conducts, manuals etc. following also the ILO Code of Practice on HIV/AIDS. At the same

time, these codes, principles and manuals usually form the basis for voluntary employer company codes, while they are more rarely integrated into collective agreements in Uganda, Tanzania or Malawi.

However, important as these initiatives are, they cover in practice mostly the formal sector, while the informal, subsistence and agricultural sectors in most cases fall outside the domain of protection. Furthermore, according to unions in Tanzania and other countries, there is a lot resistance amongst employers when it comes to contribute their time and resources to assist in fighting the pandemic and its social consequences. Hence, for the tobacco sector in Malawi, it would be important to also integrate parts of the *ILO Code of Conduct* into the tobacco sector Agreement, develop Codes of Conduct and collective agreements involving and dividing responsibilities between all relevant institutions, and build up advocacy programmes and advisory services linked to existing structures in order to expand access to treatment, care and support as well as effective programmes for orphans in the community. Joint seminars by the international tobacco industry to kick-off such initiatives would benefit the process.

## Resources, income and poverty

Elimination of child labour is to a large extent a question of addressing poverty. It is a question of incomes, incomes that can put food on the table, be used to pay school costs for kids and now more recently cover costs of medication and nutrients for

“There should be a commission of inquiry on poverty in the country, which would look at the determinants of child labour.” Informant, interviews 2004

HIV/AIDS affected families. Whether we focus estates or smallholdings, child labour is in most cases, used to supplement family income. COMAGRI (IPEC 2003), Sodeco (2002), Collins and Rau (2002) and several other studies all underline that fighting poverty and low income levels are the most critical, but also difficult part of child labour and HIV/AIDS campaigns and programmes. Poverty is frequently cited by both government departments and NGOs as the underlying cause for both child labour and HIV/AIDS vulnerability. Simultaneously, poverty and human deprivation is aggravated by the high and increasing prevalence of HIV/AIDS.

Farm labourers have, according to Jaffee (2003) borne a considerable amount of the costs of adjusting to declining prices in the tobacco sector. Supportive measures, which subsidises the costs to the family, minimise or eliminate the families risks of lost incomes in the agricultural sector etc. are hence important in the fight against child labour. It is the overall success in the restructuring, redistribution and diversification strategies that will determine the accomplishments also in the fight against poverty and following child labour. While increased incomes provide a crucial factor for the fight against child labour, this is even more so when families are hit by HIV/AIDS. HIV/AIDS affects household strategies by directly reducing incomes (when breadwinners are affected) and simultaneously increasing needed expenditures for antiretroviral (ARV) medication, food and nutrition. Governments in Tanzania, Uganda and Malawi have all started providing ARV to certain groups but they are strong drugs and require good meals and nutrition, which people can hardly afford. Furthermore, for those families fortunate enough to access or afford ARV, someone in the household will usually have to be taken out of school in order to provide the means for support for the household, or to care for the sick at home, with the latter mostly affecting girls. In a study by Umoyo Network (2000) it was found that care of chronically ill patients is usually left in the hands of school age children and women.



Alleviating poverty levels in the households hence seem to be the most important factor in order to prevent child labour. The need to support poor families is underlined by the trade unions in Tanzania as well as several other informants who underline that various donor countries and

“Since 1994, education has been free (no school fees for state schools). However, it is still not compulsory for parents to send their children to school, and it should be required by law. “Informant, interviews 2004.

programmes should incorporate child labour in poverty reduction strategies. On this background, several successful child labour programmes are now supplemented by some sort of compensation to the households in order for them to afford to take the children out of work. In Tanzania for example, the ILO increasingly started to increase income and provisions of loans in order for farmers/parents to invest in agricultural and small businesses and the employment of modern farming methods in the tobacco sector and on that basis afford to keep the children in schools. Canning factories for mango juice and tomatoes were for example pointed out as possible feasible solutions to increase parents' income. Several other ILO programmes follow the same model where economic incentives, or assistance to supplement household incomes through micro-credit schemes, loans etc complement programmes to increase school attendance of children.

### The education system

Malawi has a low adult literacy rate, low school enrolment rates and high drop out rates<sup>118</sup>. While enrolment rates increased and drop-out rates dropped initially after the introduction of Free Primary

Education in 1994<sup>119</sup>, the quality of education has dropped with high pupil to teacher/classroom ratios and a following increase in drop-out rates in the longer term. Drop out rates are highest amongst poor (Government of Malawi 2002). The Free Education has after also turned out to be “not so free” in many districts where several primary schools ask the parents to contribute money in order for the schools to manage the expenses.<sup>120</sup> And while the government recruited about 25000 additional teachers in five-year period following 1995, on average 5000 teachers are lost every year to either better work opportunities or AIDS.<sup>121</sup>

Hence, access to, and improvement of the quality of education in Malawi has become a prime focus in the Poverty Reduction Strategy of the government (2002) with aims of improvement in teacher/pupil ratios, increasing the number of school blocks and the usage of double shifting in school blocks etc. The provision of educational opportunities to children is also a main pillar of several child labour programmes, not the least the ILO programmes to eliminate child labour in commercial agriculture in the whole of the region. Education gets high priority from most donor countries, international institutions and not the least from the Malawi government. Free schooling introduced recently by the government increased school enrolment rates substantially and one of the main barriers to education has hence been removed. The government programmes have also been supported by donor programmes, and NGO projects, which link school enrolment directly up to cash incentives for the parents. In Tanzania, the tobacco unions have for example been running a programme “Children Education Support Programme”. Altogether, the programme supports 400 children in primary school and vocational training with several children now wanting to get to secondary levels of education. Important support programs are also provided through awareness campaigns on the important benefits of children attending school as opposed to work. At the same time, effective primary education is constrained by shortage of textbooks, learning materials and

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<sup>118</sup> Adult literacy rate estimated at 58 percent in 1998. Only about 11 percent of adults aged 25 years and above have completed Standard 5 (Government of Malawi 2002).

<sup>119</sup> From 1,9 million (1993/94) to 2,9 million (1994/95) (Government of Malawi 2002)

<sup>120</sup> “Free Primary Education not so free” in *Malawi News*, April 10 – 16, 2004

<sup>121</sup> See Country Annex for Malawi, COMAGRI project outline, 2000

high numbers of untrained teachers (Government of Malawi & UNICEF 2002b). Yet, several programmes with a focus on education, and not the least combining education and cash incentives (alternatively compensation to parents) have been shown to be effective.

The ILO has signed an agreement with the Malawi Employers with the aims to enhance capacity, awareness of employers and provide guidelines for future action. In terms of direct interventions, the Guidelines aim at: encouraging the setting up of co-operative societies in the plantations to facilitate payment of school fees and where possible employers should set up school bursary funds to pay for children's school costs. Increased supervision by managers is regarded as an important part of these programmes. While the definition of child labour may be easy enough on paper, the actual practical work of identifying those children who have dropped out of school, or are likely to drop out of school is an important part of the work for the District Child Labour Committees (DCLC). In some districts, DCLCs have conducted valuable work in supporting children to go back to school. District teams have also facilitated training at local levels, as emphasised by the ILO as examples of good practice. Sensitising teachers, employers, parents, policy makers and implementers and not the least community and civic leaders about the hazards of child labour complemented by non-labour-intensive alternative income generating activities with a view to alleviating household level poverty are important pillars of many of the existing programmes in Malawi.

While the government, as well as the international donor and business community has generally given considerable attention to education, many children will still fall out of schools due their heavy burdens in helping their families at the farms. Building, or upgrading, of schools will on this background often only be a first step in getting children out of work. Unless more income accrues to the family for the activities of the grown ups in household, children may still have to invest resources and time in economic activities. Such barriers may to some extent be reduced by "carrots" such as school feeding schemes to attract children to go to school while tuition fees and school costs will typically reduce the chances of school attendance and increase drop-outs. Convincing local and central government to adapt school calendars so that holidays coincide with peak seasons in tobacco would also be an important contribution for families to send children to school, while simultaneously maintaining a small income. Like other international institutions, the tobacco partners, and TECS also now look into such combined strategies to reduce child labour.

## Information campaigns and community awareness

Cultural norms as well as lack of information about problems and alternatives have proven important in both the work conducted on child labour and in HIV/AIDS campaigns and programmes. From the beginning, the HIV/AIDS pandemic in particular was accompanied by an epidemic of fear, ignorance and denial, which led to stigmatisation and discrimination against people living with HIV/AIDS and their families (Bond 2002). Even in countries with well-established epidemics, HIV/AIDS related stigma and discrimination are often pervasive (Smart 2003). Rau (2002), points out that few are aware of children's rights in Sub-Saharan Africa and much can be gained by awareness programmes, or campaigns to be integrated and mainstreamed into other programmes. Likewise, the FUE/ILO study 2002 in Uganda showed that awareness of laws governing issues of child labour is quite low, especially in the coffee and tobacco sector and amongst no-members of FUE. In spite of progress when it comes to policies and legislation, several studies also show that child rights are still not understood by the majority population in Malawi.<sup>122</sup>

In order to combat this, and promote the strong community involvement and ownership of programmes needed for the programmes to succeed, information and awareness campaigns were

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<sup>122</sup> See for example the UN Common Country Assessment and the Government of Malawi/UNICEF Situational Analysis of Children and Women 2001.



required. Hence, this has proven to be crucial parts of programmes to withdraw children from farm work and to change people's attitudes and behaviour towards child labour, and towards the HIV/AIDS pandemic. For much of the 90s, stigma was repeatedly found to be a major stumbling block of HIV/AIDS medical and social interventions in southern Africa while rarely being focussed and targeted. Simultaneously, it became increasingly clear that Western interventions, including condoms, information, education and communication would never succeed on their own without engaging the wider context, culture and the socio-political and economic forces that structure the risk for HIV/AIDS (Bond 2002). On that background, successful awareness campaigns have increasingly focussed on such factors, while also becoming tightly linked up to local ownership and control in order to address and sensitise around the correct problems, barriers and remedies. Attempts to reduce stigma to date adopt one of more of the following strategies: information, skill building, counselling and contact with affected groups (Bond 2002). While information often appears to fail to address deep-seated fears, interventions that use two or more of the following strategies appear to be more effective (Bond 2002, Brown 2002).

According to our informants, continuous attention needs to be given to such elements in any effective child labour programme. Such dimensions are hence included in both ECLT Foundation work in all the three countries as well as in the larger programmes of the ILO and UNICEF. Sensitisation of, and skill-building amongst, teachers, employers, parents, policy makers and implementers and not the least community and civic leaders about the hazards of child labour form necessary conditions for programmes. At the same time, they do not seem to be sufficient conditions for child labour programmes in both Tanzania, Uganda and Malawi. Any effective programme should in many informants' views maintain a focus on education and economic compensation. Hence, rather than emphasising that awareness raising and sensitisation should form the core of programmes, many informants underline that this kind of work should *complement* child labour programmes and be integrated and mainstreamed into development efforts at large.

When it comes to HIV/AIDS in particular, awareness and sensitivity campaigns have proven to be of massive value in countries such as Uganda in particular. According to our informants in Tanzania and Uganda, some of the major challenges connected to HIV/AIDS in Africa are the attitudes to sex, and contraception. While information about the transmittance of the pandemic is increasing also in Tanzania, awareness levels seem to be relatively low in Malawi. Furthermore, stigmatisation towards and discrimination against HIV/AIDS infected, and their family members, continue in all three countries. Needs for improved information to the people also has broader resonance. Previous gender imbalances in information campaigns from the government in Malawi (Government of Malawi 2003) has created new needs for information campaigns when AIDS causes household skills and knowledge to die out. The social partners in the tobacco sector and the international community at large can help the lowering of stigma, reduction of discrimination and the spread of information about the pandemic which may help change people's attitudes towards people affected. Yet, it seems important on the basis of our informants' input to integrate and mainstream such awareness programmes, skills building and sensitivity training into other programmes. With the continuous focus and aim on reducing child labour, it becomes particularly important to create awareness, skills and information about the particular vulnerability of orphaned children. Yet, the living conditions and increased poverty amongst extended households where orphaned children are most often fostering seem to require particular attention in such programmes as we will return to below.

Capacity building and spread of information internationally is also important in order to mobilise resources and support for the programmes run in Southern and Eastern Africa. On that background, TECS is working on developing a product labelling programme certifying that the product was made without the use of children in all its processes in Malawi. Such initiatives will also respond to the increasing requests internationally for respect for labour standards in the south amongst "ethical consumers".

## Mainstreaming, donor co-ordination and local ownership

All our informants underline the need for better coordination between the various international institutions and donors and more local ownership of programmes in order for them to effectively reduce child labour. Disbursements from the Global Fund have also been quite slow, leading to delays in implementation of programmes.<sup>123</sup> To develop better communication between the various development agencies is underlined as a major recommendation by the TECS evaluation in Malawi. Several other informants see lack of coordination and cooperation as well as the tendency of several donor organisations to want their “own” programmes, as a barrier to effectively fight child labour and help the particularly vulnerable children affected by AIDS.

Cultural norms, stigma and discrimination is also best addressed when taking into account local issues and viewpoints, whether we focus child labour or HIV/AIDS issues. Several informants in Malawi, Uganda and Tanzania underline that the success of any child labour programme will depend on whether they involve local community or not: Programmes that are not donor “imported” works best. High participation by community leaders and constituencies is seen to be one of the most crucial issues for fighting child labour in order to more effectively address the variance in local barriers to child labour programmes. Community based approaches and participation is also emphasised as a guiding principle in the *Orphan and Vulnerable Children Policy* in Malawi (2003).

In rural and urban areas across Malawi, communities are developing a variety of ways to cope with the growing crisis of AIDS orphans. Village orphan committees have been established in many villages to monitor the local situation and to take collective action to assist those in need. Anti-AIDS clubs have also been created to educate communities about HIV/AIDS transmission and prevention, as well as to address the needs of those infected with the virus. In Namwera village, for example, the local school has formed an anti-AIDS club where pupils carry out AIDS-prevention activities as well as help needy orphans (Avert 2004).

While many of the informants underline that donor coordination and local ownership are important principles for the functioning of development programmes at large, they also emphasize the need to integrate and mainstream child labour issues and HIV/AIDS concerns into development efforts at large. Mainstreaming has become an issue amongst several institutions in the countries in focus for this report. To deal with challenges such as moral indifference of employers and communities as well as the limited responsiveness of the education system, the ILO has for example proposed to mainstream child labour activities into development programmes in Uganda. Sector-wide approaches have simultaneously become increasingly important in order to achieve long-term poverty eradication targets and mainstreaming HIV/AIDS into sector-wide programmes has simultaneously gained popularity (Smart 2003). More focus on child labour, and HIV/AIDS as integrated parts of health, education, labour market, local government and agricultural policies could hence create real opportunities to effectively and holistically address the issues of orphans and vulnerable children as well (ibid).

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<sup>123</sup> For instance, while the Global Fund was set up in 2002, the first disbursement to Uganda did not come till late 2003, and Ugandan Aids project did not receive the funding till mid 2004 (*New Vision*, Uganda November 2004).

### Summary and conclusions: Recommendations for child labour and HIV/AIDS programmes

The HIV/AIDS pandemic devastates Malawi's economy and social fabric while having severe impact also on the labour markets and extent of child labour. The epidemic has generated a large number of orphans, whose care in most cases falls on extended families, stretching the capacity of already overstretched existing social safety nets. Many orphans are heading households themselves. However, the information accruing from our informants in this study indicates that most orphaned children live with either the extended family or with other adults. At the same time, the HIV/AIDS pandemic increases pressures on households both by reducing household incomes and by amplifying existing expenditure by households having to add on costs for HIV/AIDS medicines and food and by adding on more people to feed per breadwinner.

Despite massive increases in orphan numbers, surprisingly small numbers seem up to now to have slipped through the safety net provided by the extended family. While no firm figures are available, Foster (2002) indicates that less than two - three percent slip through the safety net and end up in vulnerable situations.<sup>124</sup> Yet, all households and communities are increasingly bearing the responsibility of providing care to the sick or assistance to orphaned family members. At the same time, the information accruing from our interviews at the tobacco estate also indicate that the families left behind when the breadwinner, or "contract-holder" dies, is usually required to leave the estate and manage on their own. While this, and the increasing tendency of estate owners to hire wage labourers rather than tenants, may be caused by the increased mortality following from HIV/AIDS, it is definitely also a result of the overall restructuring of the tobacco sector in Malawi.

All in all, the extended families left behind from the HIV/AIDS pandemic are more vulnerable, poorer and more likely to be forced to employ children on their smallholdings or bring them with as part of the labour on the estates, whether they are engaged as tenants or wage labourers. With most orphaned children being integrated into the extended families, an important effect of the HIV/AIDS pandemic is to put additional strains and vulnerability on the extended families. While loss of parental care, psychological reactions and grief should not be underestimated, the economic impact on the extended families left behind is devastating. Well-off households may slide into poverty, poor families into destitution. The 2002 Child Labour Survey also demonstrates that households with less income have much higher incidences of child labour than those with higher income levels. For such reasons, the strengthening of, and support for, household and family capacity is generally recognised as one of the main strategies for both AIDS and child labour interventions in all the three tobacco producing countries.

In the current situation, any provision of assistance to marginal groups in Malawi is highly overdue. Confronted by massive needs, existing programmes may simultaneously seem to be scattered and insignificant. However, while challenges may seem insurmountable, action, intervention and assistance is critical. Any contribution from the social partners in the tobacco sector, which address the following points will supply the fight against child labour with valuable ammunition.

- **Improving access to education** is an important factor for the elimination of child labour and one that has also been focussed in several of the projects already set up by the ECLT Foundation and others. Yet, reforms of the education system, and investments in the building of schools etc., may have limited effects unless issues of poverty and low income levels are also addressed. The reason why many children do not go to school is not necessarily because they lack access to schools, but because they need to work in order to improve household incomes. This is even more so with increasing household vulnerability

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<sup>124</sup> Corresponds to about 5 percent of Aids orphans globally living on the streets or in institutions (see Salaam 2004).

due to AIDS. Access to education is important, but efforts to improve access to schools should be supplemented by additional efforts in areas that will improve the economic well-being of households. That being said, information from Malawi also indicates that the free primary school system is actually not that free in practice, and additional efforts need to be made by both the government and the social partners in actually providing free and compulsory education.

- **Increasing the income levels of tobacco farmers** is unquestionably one of the most important factors for the elimination of child labour. If the income of one adult tobacco farmer improves, living standards of five or more children will improve simultaneously and the likelihood of children working will reduce. In order for farmers' incomes to improve, issues relating to the tobacco market system, credit facilities, access to the auction floor as well as the reported mismanagement of the sector become important issues. Efforts should be made also by the social partners to facilitate farmers' access to the auction floor, make the auction system more transparent and lower the fees and levies that form a heavy burden on many farmers and co-ops today.
- Any successful programme and child labour campaign need to be established on the basis of **local ownership** to the programmes. Local Community Child Labour Committees and other local structures should hence be set up in order to facilitate child labour programmes. Such committees should also cater for local solutions to AIDS orphans. While AIDS orphans in many cases will be integrated into their own extended households, they will in other cases be living with more distanced relatives or other grown ups. Such variation will also depend on migration flows, where the parent tobacco farmer originally migrated from etc. Hence, local solutions, and possible needs for community centres and orphanages will have to be established locally.
- Combining the need to focus on community based and driven projects together with the need for cash transfers to marginalised communities could form the basis for **funds** to be set up in order to serve local communities of tobacco farmers with access to credits, training, independent access to basic food and other inputs (outside the domain of the estate owners). Funds as suggested above could be used in order to assist other families to take orphaned children in, while also providing the resources for them to access schools.
- **Awareness programmes** on child labour and the additional effects of AIDS should be part and parcel of an integrated programme, stimulated through community child labour committees, and additional training programmes in schools, teachers curriculum etc. While HIV/AIDS work has come relatively far in some other countries (such as for example Uganda), much still needs to be done in Malawi both when it comes to child labour and HIV/AIDS. However, on the basis of the information provided by our respondents it seems most effective to integrate awareness campaigns and programmes *into* other sector programmes, rather than setting up programmes solely for awareness raising.
- Strengthening, fully enforcing and establishing **partnerships** between the social partners locally should form the basis for actual strengthening of the core rights to organise and bargain collectively in order to use these as platforms for enforcement and control with child labour legislation. The development of more effective monitoring of child labour legislation can be encouraged and strengthened by trade unions at the local level. Partnerships should also form the basis for transformation of the management structure in the tobacco sector with representation of both smallholders and trade unions in the government structures that are set up to regulate and control the sector, and that have prime responsibility now in the current liberalisation efforts. The international tobacco sector and social partners can

facilitate such local restructuring and dialogue through demands for ethical trade, and for core labour standards to be respected by tobacco farms selling through the auction floor. Any demands from the international tobacco multinationals will in fact be taken fairly seriously by local sellers of tobacco.

- **Anti discrimination laws**, or codes of conduct need to be developed in order to prevent children from being either thrown off the land when their parents die or having to take over their contracts. The ILO HIV/AIDS Code of Conduct provides a useful basis in this regard. Such anti-discrimination measures could also be set in codes of conduct, and be integrated into the international and national agreements against child labour for the tobacco sector.
- The increased proportion of tobacco farming taking place at **smallholdings** form particular challenges for enforcement and control with child labour legislation as well as for AIDS programmes. It would therefore be important that existing awareness programmes, as well as law and enforcement mechanisms, are supplemented by a sector code of conduct and standards regulating the access to the auction floor which reflects the legislation. In practice, this could entail that farmers violating child labour legislation and good practice in HIV/AIDS standards could lose their access to the auction floor.
- The increased **use of wage labour** in the sector is an important step forward in the long term in order to assure more transparent and acceptable labour standards. However, it may also make workers more vulnerable when the AIDS pandemic hits their households. Yet, the solution is not to stimulate for a return to (more of) the tenant system, but to assure that the households and children have protection through available resources and community structures when/if the pandemic hits.
- On the background of falling incomes as well as pessimistic employment prospects, there is undoubtedly a need to foster **diversification of the economy** and encourage new forms of specialisation, especially in areas which are labour intensive and can therefore offer the prospect for broad-based growth. However, this will be long term process, requiring improvements in infrastructure and the business environment, investments in human capital, and the attraction of foreign direct investment. Social partners can help the process by providing resources for training, expertise in restructuring efforts and funds for credit facilities.

At the end of the day, restructuring of the tobacco sector in order to assure that farmers receive more for the products they are producing, become the crucial issue also for the fight against child labour. Redistribution of wealth and income, access to credit facilities, and economic diversification are important parts of such an agenda. Furthermore, improving the labour market regulation in order to assure an *actual* strengthening of the rights to organise and collective bargaining would assure both a strengthening of the rights of the individual as well as an actual strengthening of enforcement mechanisms of the law and provide pillars for necessary social partnerships in order to effectively address the crisis. Ensuring free and compulsory education is an important part of the broader development agenda, but one which needs to take more account of the labour market and economic barriers to education.

Capacity gaps identified in the implementation of child labour and HIV/AIDS programmes include: poor knowledge of human rights amongst stakeholder institutions; low acceptance of responsibility to address human rights; lack of financial resources; weak planning, management and organisational skills, inadequate coordination and collaboration between various duty bearers etc. At the end of the day however, poverty is the overall challenges to child labour in the tobacco sector in Malawi. Likewise, a government initiated study on the effects of AIDS in the agricultural sector in Tanzania

likewise found that AIDS causes less time being used for farming, loss of production, worsening nutrition and increasing poverty. Children drop out of school because there is no food at home.

The above set of initiatives will necessitate a combination of government and private stakeholder action. They may also require the technical and financial assistance of the international development community and in Jaffee's (2003) view, an active role by the latter to break the inertia, which seems to have paralysed the industry from taking necessary steps to adjust to change and re-chart the industry's future with a coherent strategic vision. Farmer (2002) points out that the forces of poverty, economic inequality, gender inequality, misappropriation of public resources etc. require social-political and economic responses, rather than development programmes. A strong message simultaneously comes across from our informants of the need for improved co-ordination of the international development programmes, stronger co-operation between various international donors and local ownership of programmes. With their added appeal for economic restructuring and income generating activities, a strong case is made for child labour programmes mainstreamed by HIV/AIDS in the tobacco sector to be concentrated around activities that will provide compensation and financial benefits to the households when sending their children to school. A strong case is also made for improved co-operation between international institutions, various donors and social partners conducting joint large-scale programmes, rather than several small scale programmes which drain administrative costs and infrastructure. The Tanzanian ECLT model of co-operation between itself and the ILO still provides the ECLT Foundation with the ownership to the programmes which is needed in order to mobilise resources on the donor side and is a model for co-operation, which could be effectively used also in other counties, such as Malawi. Resources enlightened through less administrative costs would also make resources available to work with the social partners in Malawi in order to assure the restructuring and redistribution of income and resources, which the sector so desperately needs.

## **Model child labour programme**

The social partners in the international tobacco sector may help in the broader restructuring and productivity growth needed in Malawi in order to assist in the fight against child labour through lobbying, development of codes of conduct etc. as mentioned above. In addition, more targeted programmes should be put in place in order to benefit the short-term strive to eliminate child labour.

On the basis of the information accruing from our interviews, best practice and lessons learnt indicate that child labour programmes mainstreamed for HIV/AIDS concerns should best be organised at the local level in close collaboration with local community structures and leaders, parents, teachers and others. Community participation is essential in order to deal with child labour within the current HIV/AIDS crisis and child labour committees should hence be set up in order to participate in the local running of child labour programmes. The *Malawi Orphans and Vulnerable Child Policy* (2003) establishes firmly that the extended family system shall remain the primary support structure for care, protection and development of orphans and other vulnerable children. Any effective child labour programme mainstreamed by HIV/AIDS concerns must take into account that the large majority of orphans are actually living in extended households.

UNICEF, the ILO, the Government of Malawi and NGOs have all established child labour programmes. Hence any new programmes should avoid overlap and maximise co-operation and coordination with other actors already on the scene. Close co-operation would also diminish the resources needed for infrastructure and administration, which in turn would benefit the overall campaigns against child labour.

On the background of the arguments and experiences shared by our informants in this report, child labour programmes mainstreamed for HIV/AIDS in the tobacco sector should be organised with a



special focus on identifying the *most vulnerable* groups of children. There seems little doubt that many of these will be (single or double) orphans from HIV/AIDS, living with either one parent, or with extended households. These children need special protection measures; specific interventions to prevent them from becoming more vulnerable; and rehabilitation and reintegration into schools and “normal” childhood activities.

We suggest that programmes should be established that identify orphans in specific *tobacco growing areas* with focus both on plantations, smallholdings and small villages in the surrounding area. Those children, who are recruited as part of their family labour, from areas far away, and hence return to these areas after the death of their parents, will require strenuous amounts of resources to identify and it is important to prioritise and target the interventions to the *tobacco growing areas*. The most vulnerable children, defined as those who have fallen totally out of the school system, or who never enrolled in the first place, may be identified with the help of local community structures, teachers and others. A local reference group may hence have to be established to reach that aim.

The programmes should aim to remove the working children from work, rehabilitate them and ensure that the most vulnerable children are enrolled in school/vocational training with access to school feeding programmes. The above would encourage the continued care by the extended family by removing from their list of responsibilities the duty to feed the children, and simultaneously prevent child labour among orphans by making food delivery dependent on school attendance. At the same time, the child labour programme, should seek, where possible, to assist the families of child labourers with facilitating the setting up of alternative shops, or facilities, where they can buy seeds, fertilisers and staple food, and micro credit for upgrading their economic activities. While our informants and survey interviews strongly underline the need for educational programmes to be supplemented by financial incentives in order to successfully reduce child labour, the local reference group would best be able to advice on the *kinds of* cash benefits needed in order to benefit the families involved in tobacco production. Debt bondage perpetuates poverty, child labour and vulnerability.<sup>125</sup> Hence, strategies, projects and incentives to break the circle of debt bondage in particular would benefit both the families affected by the added vulnerability of HIV/AIDS and the broader restructuring of the Malawi economy.

While advocacy work and awareness campaigns are important, this should be mainstreamed into other work and projects. While improvement of health and safety standards is essential, health is closely related to living standards, which may be addressed by other means. With child labour, and increased vulnerability of children due to HIV/AIDS, it is first and foremost the fight against poverty that will help reduce the cycles of deprivation that are currently developing. The most effective programmes to fight child labour caused by poverty and debt bondage, will continue to be based on education programmes combined with financial assistance to the families affected.

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<sup>125</sup> See amongst others Basu & Chau (2002)



## ANNEXES

### Annex 1: The top raw tobacco producing countries 1997 data, ranked by production<sup>126</sup>

|                   | Production<br>(1,000<br>metric tons) | Production<br>change over<br>1994 values | Share of<br>world<br>total<br>(percent) | Area<br>(1,000<br>hectares) | Share of<br>world<br>total<br>(percent) | Export<br>ratio<br>(percent) | Import<br>ratio<br>(percent) | Tobacco<br>export<br>revenue<br>(as a<br>percentage<br>of total<br>exports<br>1995) |
|-------------------|--------------------------------------|------------------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|------------------------------|------------------------------|-------------------------------------------------------------------------------------|
| 1. China          | 3,390.0                              | 51.5                                     | 42.12                                   | 1,880.0                     | 38.4                                    | 2.9                          | 4.7                          | 0.68                                                                                |
| 2. U.S.           | 746.4                                | 4.0                                      | 9.27                                    | 328.4                       | 6.7                                     | 35.5                         | 7.4                          | 0.55                                                                                |
| 3. India          | 623.7                                | 18.1                                     | 7.75                                    | 420.2                       | 8.6                                     | 23.2                         | c                            | 0.44                                                                                |
| 4. Brazil         | 576.6                                | 30.5                                     | 7.16                                    | 329.5                       | 6.7                                     | 77.0                         | 0.2                          | 2.55                                                                                |
| 5. Turkey         | 296.0                                | 57.7                                     | 3.68                                    | 323.0                       | 6.6                                     | 89.3                         | 0.5                          | 1.17                                                                                |
| 6. Zimbabwe       | 192.1                                | 8.0                                      | 2.39                                    | 99.3                        | 2.0                                     | 109.7                        | c                            | 23.05                                                                               |
| 7. Indonesia      | 184.3                                | 15.2                                     | 2.29                                    | 217.5                       | 4.4                                     | 10.2                         | 27.6                         | 0.42                                                                                |
| 8. Malawi         | 158.6                                | 61.7                                     | 1.97                                    | 122.3                       | 2.5                                     | 74.2                         | c                            | 60.64                                                                               |
| 9. Greece         | 132.5                                | -2.2                                     | 1.65                                    | 67.3                        | 1.4                                     | 74.5                         | 12.8                         | 2.05                                                                                |
| 10. Italy         | 131.4                                | 0.3                                      | 1.63                                    | 47.5                        | 1.0                                     | 78.7                         | 18.3                         | 0.04                                                                                |
| 11. Argentina     | 123.2                                | 50.3                                     | 1.53                                    | 71.0                        | 1.5                                     | 60.6                         | 5.1                          | 0.59                                                                                |
| 12. Pakistan      | 86.3                                 | -14.0                                    | 1.07                                    | 45.9                        | 0.9                                     | 1.6                          | c                            | 0.08                                                                                |
| 13. Bulgaria      | 78.2                                 | 124.3                                    | 0.97                                    | 48.5                        | 1.0                                     | 53.5                         | 58.3                         | 5.40                                                                                |
| 14. Canada        | 71.1                                 | -0.5                                     | 0.88                                    | 28.5                        | 0.6                                     | 24.0                         | 12.6                         | 0.04                                                                                |
| 15. Thailand      | 69.3                                 | 17.4                                     | 0.86                                    | 47.0                        | 1.0                                     | 48.5                         | 15.3                         | 0.11                                                                                |
| 16. Japan         | 68.5                                 | -13.8                                    | 0.85                                    | 25.6                        | 0.5                                     | 0.5                          | 145.4                        | 0.04                                                                                |
| 17. Philippines   | 60.9                                 | 8.7                                      | 0.76                                    | 29.4                        | 0.6                                     | 17.2                         | 18.3                         | 0.17                                                                                |
| 18. South Korea   | 54.4                                 | -44.8                                    | 0.68                                    | 27.2                        | 0.6                                     | 8.4                          | 26.2                         | 0.02                                                                                |
| 19. Mexico        | 44.3                                 | -35.1                                    | 0.55                                    | 25.4                        | 0.5                                     | 31.8                         | 8.3                          | 0.11                                                                                |
| 20. Bangladesh    | 44.0                                 | -26.7                                    | 0.55                                    | 50.3                        | 1.0                                     | c                            | 16.1                         | 0.03                                                                                |
| 21. Poland        | 41.7                                 | -3.3                                     | 0.52                                    | 19.0                        | 0.4                                     | 6.9                          | 66.4                         | 0.12                                                                                |
| 22. Spain         | 42.3                                 | 0.1                                      | 0.53                                    | 13.3                        | 0.3                                     | 53.9                         | 126.7                        | 0.06                                                                                |
| 23. Cuba          | 37.0                                 | 117.6                                    | 0.46                                    | 59.0                        | 1.2                                     | 13.5                         | 0.8                          | n.a                                                                                 |
| 24. Moldova       | 35.8                                 | -15.8                                    | 0.45                                    | 17.2                        | 0.4                                     | 61.4                         | 6.7                          | 6.90                                                                                |
| 25. Vietnam       | 32.0                                 | N/A                                      | 0.40                                    | 36.0                        | 0.7                                     | n.a                          | n.a                          | 0.04                                                                                |
| 26. Dominican Rep | 30.3                                 | 41.7                                     | 0.38                                    | 21.2                        | 0.4                                     | 58.1                         | 2.2                          | 5.26                                                                                |
| 27. Macedonia     | 30.0                                 | n/a                                      | 0.37                                    | 22.0                        | 0.4                                     | n.a                          | n.a                          | 5.44                                                                                |
| 28. Kyrgyzstan    | 30.0                                 | -33.3                                    | 0.37                                    | 12.0                        | 0.2                                     | 76.7                         | 3.3                          | 6.96                                                                                |
| 29. South         | 29.0                                 | -1.4                                     | 0.34                                    | 14.9                        | 0.3                                     | 41.5                         | 55.5                         | 0.31                                                                                |

<sup>126</sup> a. Ratio of exports to domestic production; b. Ratio of imports to domestic production; c. Less than 0.1 percent. n. a. = Not available. Source: van der Merwe, Rowena, and others. The Supply- side Effects of Tobacco Control Policies . Background paper, presented in World Bank 1999

### **Annex 2: Informants interviewed**

#### **Uganda**

1. Dr. David A. Ogaram – Commissioner for Labour, Ministry for Gender, Labour and Social Development
2. Rosemary Kabugo – Information officer, Uganda AIDS Commission, The President’s Office
3. Lyelmoi Otong Ongaba, Secretary General, NOTU
4. Mary Marion N. Tuunde, Deputy Secretary General, NOTU
5. Rose Nassanga, Director Research, NOTU
6. Geoffrey Kabi, Treasurer General NOTU (plantation worker’s union)
7. Rosemary N. Ssenabulya, Executive Director, Federation of Uganda Employers
8. Michael Matreo, Coordinator Child Labour, FUE
9. Lubega Censolate, Assistant Coordinator Child Labour, FUE
10. Chebet Maikut, President, Uganda National Farmers Federation
11. Daniel Wanzala, Vice President, UNFFE (from Tobacco sector)
12. Nuha Mwesigwa, Senior Policy Advisor, UNFFE
13. Lilian Keene Mugerwa, Social Political Lawyer, Platform for Labour Action
14. Dr. Regina Mbabazi, IPEC Kampala
15. Rufina Barigo Oloa, IPEC COMAGRI Uganda
16. Ruben F. del Prado, Country Coordinator, UNAIDS Uganda
17. Susan Kasedde, Programme Officer HIV/AIDS, UNICEF
18. Sheila Marunga Coutinho, Project Officer HIV/AIDS, UNICEF
19. Fred Balikwa, Leaf CORA Manager, British American Tobacco Uganda

#### **Tanzania**

20. Mr F.B.Muzee, Project Manager IPEC, Ministry of Labour, Child Labour Unit
21. Scholastika Gondok, Ministry of Labour, Child Labour Unit
22. Dr. Suleman Mogaeka, Monitoring and Evaluation Expert, Local Government Reform Programme, The Presidents Office
23. Clarence Mwinuka, Child labour Coordinator, Ministry of Education and Culture
24. Wilhelmina Balyagati, Poublic relations Officer, Tanzania Commission for AIDS (TACAIDS), Prime Minister’s Office
25. Yahya Khamis Msangi, Tanzania Plantations and Agricultural Worker’s Union
26. Mark K. Mfunguo, Training Coordinator, Association of Tanzania Employers
27. Justa Mwaituka, Executive Director, Kiota Women’s Health and Development Organization (KIWOHEDE)
28. Julius Tweve, Researcher, Kiota Women’s Health and Development Organization (KIWOHEDE)
29. Margareth Semkiwa, WAMATA – Walio katika mapambano na AIDS Tanzania
30. Ali Ibrahim, Director, ILO Area Office for Tanzania, Kenya, Uganda and Somalia
31. Dr. Fatemeh Ali-Nejadfard, Chief Technical Advisor, Time Bound Programme, ILO Tanzania
32. Willian Mallya, Time-bound programme, IPEC Tanzania
33. Mary Kibogoya, COMAGRI, IPEC Tanzania
34. Kokuteta Mutembe, ILO Area Office for Tanzania, Kenya, Uganda and Somalia
35. Bernadette Olowo-Freers, Country Coordinator, UNAIDS

- 36. Winfrida Korosso, UNISEF Tanzania
- 37. Geoffrey Ijumba, UNISEF Tanzania
- 38. Troy Bringham, Regional Economist, Dimon Tanzania
- 39. Nova Mshana, CSR Coordinator, Dimon
- 40. Henk van der Guyter, Medical Doctor
- 41. Pat Comtois, Tobacco Traders Association (ATTT)
- 42. John Masongo, Tobacco Growers Association (APEX) (telephone interview)
- 43. Mr. Madihi, Institute for Social Work

## Malawi

- 44. Mr. Meke Banda, Tobacco Association of Malawi: Deputy Executive Secretary
- 45. Mr. Bobby Maynard, Executive Director, Together Ensuring Childrens' Security (TECS) - NGO coming out of tobacco industry initiative, but broadening to other industries
- 46. Hedrina Gevah, NORAD Chief Representative Malawi
- 47. Mr. Mwasikakata, Director, IPEC Malawi Office
- 48. Mr. Collins Magalas, National Coordinator, Malawi Economic Justice Network
- 49. Ms. Alexandra Dentice, UNICEF Malawi office; Child Protection Officer
- 50. Messers. Labour Commissioner Zebrohn Kambuto & Head of Occupational Health and Safety Directorate, Hlale Nyangulu, Malawi Ministry of Labour and Vocational Training; Labour commissioner, Head, occupational safety and health directorate, and HIV/AIDS coordinator
- 51. Deputy Director, Horticulture and crop management Mr. Chamba & Director of Planning, Irrigation and food security Mr. Patrick Kabambe, Ministry of Agriculture
- 52. District Agricultural Officer Ms. Priska Munthali & Crop Officer Mr. Papane Bakale, Agricultural Development District (ADD), Lilongwe
- 53. Dr. Chapola, Executive Director, Tobacco Control Commission Malawi
- 54. Ms. Priska Munthali, District Agricultural Officer, Lilongwe agricultural development district
- 55. Dr. Jane Muita, HIV/AIDS project officer, UNICEF
- 56. Ms. Mercy Kambwiri, Project officer, National Association of Small Farmers, Malawi
- 57. Mr. Hiwa, Senior Agricultural Economist, World Bank
- 58. Ms. Kamigholi Zalira, Malawi Congress of Trade Unions, National Gender Coordinator: Lay officer: works at Post Office



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