

Legal and non-legal instruments to tackle child labour in Malawi: An integrated perspective approach

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Child labour continues to be a global problem affecting children and families across the globe. It is work performed by a child that is likely to interfere with their education or harm their health, physical, mental, moral, or social development. To address the problem, the international community agreed to adopt different legal frameworks on child labour. Malawi has ratified these international human rights instruments and has even enacted domestic legislation to overcome the problem. Furthermore, initiatives that include the legal ban on child labour, access to education initiatives, poverty alleviation programmes, and direct interventions by governments and the International Labour Organization (ILO) on incentive-based schemes have been taken to combat the problem. Despite these efforts, child labour is increasing, especially in the agricultural sector.

In this study, I contend that there is a gap between the promise the legal framework gives children in addressing child labour and the reality of the problem. Thus, the existing legal framework on child labour fails to operate to cure child labour, mainly as a result of contextual barriers outside and within the law. At its core, the thesis argues that children in Malawi experience their childhood in a context where they are expected to work for the households' survival strategies and as expected by the community. The thesis has demonstrated that if the gap between the legal frameworks on child labour and the reality of child labour on the ground is to be addressed, there is a need to reimagine and restate the notion of childhood from the lens of integrated childhood. This new perspective of integrated childhood acknowledges the reality that children's roles are incorporated into household survival strategies and community expectations, which is sometimes a diversion from the legally framed notion of childhood and child labour captured in the international and Malawi's legal frameworks.

The study explores its research questions by employing socio-legal research methods that first involve desk research and followed by empirical field research that infuses Theatre for Development (TfD) as a research approach. Through a performative analysis in the TfD process, the child labour legal framework is examined alongside the communities' lived realities to explore both analytical and practical solutions to the problem of child labour in Malawi.

References

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Presentation in English

Short CVs

Gift Gawanani Mauluka is a PhD candidate at the University of Bayreuth. His research interests are children's rights, gender equality and climate change. He is currently working on a research project interrogating the disparity between the comprehensive legal frameworks on child labour and the increased cases of child labour in Malawi. His work employs social legal research methods and unorthodox approaches to understanding human rights problems.