

MALAWI 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Malawi is a multi-party democracy. In May, Peter Mutharika was elected president in elections that international observers from the EU characterized as generally “peaceful, free, transparent, and credible.” Mutharika’s election marked the first electoral victory by a candidate not belonging to the incumbent party since 1994. Constitutional power is shared between the president and the 193 National Assembly members. Authorities generally maintained effective control over the security forces.

The most significant human rights issues in the country included excessive use of force by security officers, harsh and life-threatening prison and detention center conditions, and official corruption.

Other human rights problems included arbitrary arrest and detention; lengthy pretrial detention; occasional mob violence; societal violence against women; harmful traditional practices; trafficking in persons; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; discrimination against persons with disabilities; and child labor.

In some cases the government took steps to prosecute officials who committed abuses, but impunity remained a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were isolated reports the government or its agents committed arbitrary or unlawful killings.

Police arbitrarily shot and killed bystanders in the course of pursuing suspects. For example, on November 9, police shot and killed a 16-year-old youth in Lilongwe while allegedly attempting to scare off car thieves. Initial reports suggested the shooting was the result of indiscipline and poor training. Human rights groups called for a full accounting of the incident.

Perpetrators of past abuses were occasionally punished, but investigations often were delayed, abandoned, or remained inconclusive. For example, three officers

charged with manslaughter in the 2012 death of Edson Msiska while in police custody and nine police officers arrested in connection with the 2011 deaths of antigovernment demonstrators remained free on bail. As of November no trial dates had been set for either of these cases.

By year's end a trial date was not yet set for eight police officers arrested in the 2011 death of student activist Robert Chasowa, and they remained free on bail. A 2012 report from a presidential commission of inquiry chaired by a retired Supreme Court justice concluded Chasowa had been unlawfully killed and that a Malawi Police Service (MPS) investigation of the case deliberately attempted to suppress the truth about his death.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, police sometimes used excessive force and other unlawful practices, including sexual abuse. For example, in September police assaulted, arrested, and detained a member of the Malawi Human Rights Commission (MHRC) after he photographed a police "sweeping exercise" in Lilongwe.

A report released in August 2013 by the Southern Africa Litigation Center and the Center for Human Rights Education, Advice, and Assistance described the sexual abuse of prostitutes by police in Blantyre and Limbe.

Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and potentially life threatening.

The MHRC expressed concern regarding the human rights of detained persons. The MHRC cited overcrowding, poor sanitation, and inadequate food and health care as major problems in prisons and detention centers. It also observed that torture was widespread and that most prisoners and detainees lived in degrading and inhuman conditions. Through October the MHRC received one complaint

regarding the rights of prisoners and other detainees. It received 26 such complaints in 2013.

Physical Conditions: The prison system's 30 facilities, built to accommodate approximately 5,500 inmates, routinely held at least double that number. As of September 24, the Maula Prison in Lilongwe held more than 2,400 inmates – triple its 800-inmate capacity. According to the Prison Service, there were 12,156 inmates in the prisons as of October 7. The Zomba Central Prison was condemned as unfit for human habitation by the Prisons Inspectorate in 1997 but remained in use, holding more than 1,950 inmates in a facility built to hold 800.

Police also held detainees, many for longer than the legal limit of 48 hours, in police stations not designed to accommodate long-term detentions humanely. This was driven, in part, by mismanagement in the justice system and misallocation of the limited funds available to police. Authorities often did not hold pretrial detainees separately from convicted prisoners

The country's 129 female prisoners were held within 16 prisons. They were segregated from male prisoners, and monitored and controlled by female guards and a female officer-in-charge.

According to the Prison Service, as of October 7 there were 965 prisoners between the ages of 18 and 21, including 849 serving sentences and 116 awaiting trial. Young offenders were housed in five facilities separate from general prisons. There were 10 children in prison living with mothers who were serving sentences. As of November there were 95 children (87 boys and eight girls) in the country's two juvenile reformatories. The capacity of the two facilities combined was approximately 500. In police detention, children were not always held separately from adults.

Overcrowding, inadequate nutrition, substandard sanitation, poor health care facilities, and inadequate infrastructure remained serious problems. Prisons and detention centers, while generally well ventilated, had no provisions for temperature control other than wood fires. Basic emergency medical care generally was available in the daytime but unavailable after regular working hours. For more serious cases of illness and injury, referrals were made to district hospitals or medical clinics. Potable water was available.

Daily prison rations were meager. Officials allowed family members to bring food and encouraged inmates to grow vegetables and raise livestock; however,

malnutrition in the prison population remained a problem. A UN report called on the government to take immediate measures to ensure access to adequate food in prisons.

Due to the lower numbers and donor support of female prisoners, prison conditions were better for women in terms of space and access to prison amenities.

According to the Prison Service, as of November, 70 inmates died in prison. Leading causes of death included tuberculosis (12), AIDS (11), pneumonia (11), and malaria (8).

According to the Inspectorate of Prisons, the government remained largely noncompliant with the High Court's 2009 requirement to improve prison conditions.

Administration: Prison recordkeeping was considered generally reliable. Each prison has a designated welfare officer, some of whom had received specialized training, to receive prisoner complaints regarding conditions. This complaint process is mainly verbal and informal, resulting in little follow-up. Prisoners sometimes had the opportunity to make complaints to nongovernmental organizations (NGOs) that make records of cases for inclusion in government advocacy and reports, but this rarely resulted in follow-up on individual cases.

Prisoners could have visitors, observe their religious practices, and submit complaints to prison authorities without censorship. Prison staffing, however, remained inadequate, with only one prison staff member for every five inmates. The law establishes the Inspectorate of Prisons, which is charged with "monitoring of conditions, administration, and general functioning in penal institutions taking due account of applicable international standards." The inspectorate is chaired by a justice of appeal or a judge, and it includes the chief commissioner of prisons, a member of the Prison Service Commission, a magistrate, and the ombudsman. With international donor support, the inspectorate inspected 90 percent of prisons between March and July. It found recurrent problems of poor sanitation, poor diet, overcrowding, prisoner abuse, poor ventilation, detention without charge beyond 48 hours, understaffing, prison officer corruption, and insufficient prisoner rehabilitation such as education and vocational training.

Community service programs were available as alternatives to prison terms for first-time offenders with permanent addresses who were convicted of less serious crimes. The government also worked with the UN Children's Fund (UNICEF) and

NGOs to implement diversion programs for juveniles and nonviolent offenders as an alternative to custodial sentences.

Victim support units attached to police stations in larger jurisdictions, such as Lilongwe, Zomba, and Mzimba, attended to the needs of vulnerable individuals, such as victims of trafficking and gender-based violence. Victims sheltered with police at other locations, however, had no protective measures in place.

Independent Monitoring: During the year the government permitted domestic and international NGOs and the media to visit and monitor prison conditions and to donate basic supplies. Representatives of the Malawi Red Cross, the UN special rapporteur on the right to food, and foreign diplomats also visited prisons during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions.

Role of the Police and Security Apparatus

The government exercised effective control over the Malawi Defense Force (MDF) and MPS. The MPS, under the Ministry of Home Affairs, has responsibility for law enforcement and maintenance of order. The MDF has responsibility for external security, but the MPS sometimes called on the MDF for support. The MDF commander reports directly to the president. Like other branches of government, the MDF and MPS were under investigation for corruption. The MDF and MPS stated that they were cooperating with corruption investigations by the Anti-Corruption Bureau but were not carrying out their own internal investigations. Investigators complained that the security services used national security as a justification for withholding information.

Large-scale “sweeping exercises” of street vendors and purportedly high-crime areas conducted in February, July, and September resulted in the arrest of thousands of persons. For example, a two-week sweep in July resulted in nearly 500 arrests and, according to press reports, on September 12 and 13, the MPS and military conducted sweeps in Lilongwe that resulted in the arrest of 2,119 persons. The frequency of these sweeps and the role of the military in their execution increased throughout the year.

Police were inefficient, poorly trained, and corrupt (see section 4). Impunity was a problem. The inspector general of police, however, remained committed to the professionalization of the MPS. The Internal Affairs Department of the MPS investigates police misconduct, including whether killings and other misconduct occurred in the line of duty and were justifiable. The unit consisted of only three professional staff. Although an independent police complaints commission is provided for by law, it was not yet established by year's end. Members of the National Police Disciplinary Committee met for the first time in two years in March to address 173 disciplinary offenses, which mainly concerned desertion of post, failing to report for duty, and drunkenness on duty. Sanctions for these offenses ranged from reprimand to reassignment or dismissal.

Police continued to train officers on internal investigations, victims' rights, sexual abuse, domestic violence, and trafficking in persons. Police continued to receive foreign assistance for training officials and procuring equipment.

Arrest Procedures and Treatment of Detainees

The law provides an accused person the right to challenge the legality of detention, have access to legal counsel, and be released from detention or informed of charges by a court within 48 hours of arrest; however, authorities often ignored these rights. Most suspects were apprehended without a warrant if police had reasonable grounds. Only in cases involving corruption or white-collar crime were arrest warrants normally issued by a duly authorized official based on evidence presented. The use of temporary remand warrants to circumvent the 48-hour rule was widespread. Police frequently demanded bribes to authorize police bail, which was often granted to reduce overcrowding of jails, rather than on the merits of the case. Relatives were sometimes denied access to detainees. There were no reports that detainees were held incommunicado or held under house arrest.

Detainees who could afford counsel were able to meet them in a timely manner. While the government is obligated by law to provide legal services to indigent detainees, in the vast majority of cases, such aid was provided only to homicide suspects. The Department of Legal Aid gave priority to women, children, the elderly, and those charged with capital offenses. Legal aid often was delayed, since there were only 13 lawyers and 20 paralegals working as public defenders in the country as of September. With financial assistance from the EU, the Department of Legal Aid visited most prisons in the country to assist prisoners in processing bail and appeal applications.

The Center for Legal Assistance and Paralegal Advisory Service Institute, NGOs that assist prisoners with legal matters, provided limited free legal assistance to expedite the trials of detainees, with priority given to the sick, the young, and those subjected to long trial delays.

Arbitrary Arrest: The law and constitution prohibit arbitrary arrest and detention. The government, however, used sections of the penal code pertaining to rogues and vagabonds, conduct likely to cause breach of peace, and obstruction of police officers to make arbitrary arrests.

For example, on September 12 and 13, police conducted a week-long sweeping operation under public and political pressure to respond to perceived increases in serious criminal activity. In the operation the MPS reported the arrest of more than two thousand persons.

Pretrial Detention: As of October, of the total prison population of 12,156 persons, 1,958, or 16 percent, were in pretrial detention. Despite a statutory 90-day limit on pretrial detention, authorities held most homicide suspects in pretrial detention for two to three years. There was evidence some homicide detainees remained in prison awaiting trial for much longer periods, but reliable data on the exact number and situation of these detainees were unavailable. In September the chief commissioner of prisons reportedly stated there were 849 murder suspects in pretrial detention.

To reduce case backlog and excessive pretrial detention, certain cases were directed to local courts and “camp courts” organized by civil society groups. Camp courts expedite cases by bringing magistrates to the prison. Paralegals gather cases of pretrial detainees who have been held awaiting trial for excessive periods of time, are held unlawfully, or have been granted bail but cannot afford the terms set by the court. Magistrates, along with the court clerk and police prosecutor, work through the list, granting bail to some, reducing bail for others, dismissing cases, or setting trial dates.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence. The judicial system, however, was inefficient and handicapped by serious weaknesses, including poor recordkeeping; a shortage of judges, attorneys, and other trained personnel; heavy caseloads; and lack of resources. The slow-moving judicial system, including extensive motion

practice, a low bar for granting injunctions, judge shopping, frequent recusals, and prosecution delays, undermined the government's ability to dispense justice.

The MDF conducts courts-martial but no military or security tribunals. Used more frequently than courts-martial is a nonjudicial procedure under which cases are dealt with summarily by senior officers without a formal trial process. In both cases military personnel are entitled to the same rights as persons accused in civilian courts.

Trial Procedures

Defendants are presumed innocent and have the right to a public trial, but not to a trial by jury. Jury trials were suspended indefinitely in 2008 due to a lack of funds and a backlog of cases awaiting trial. Child justice courts in Blantyre, Mzuzu, Zomba, Nkhata-bay, Salima, and Mulanje handled cases of child offenders.

The constitution and laws provide for an accused to be informed of charges by a court within 48 hours of arrest in a language the accused understands. Defendants have the right to be present at their trial, to have an attorney, and, if indigent, an attorney provided at state expense. Such assistance, however, generally was limited to homicide cases. Defendants have the right to challenge prosecution or plaintiff evidence and witnesses, present their own witnesses and evidence, and access government-held evidence relevant to their cases. By law they are not compelled to testify or confess guilt. The law does not specify a given length of time for the accused to prepare a defense, but the slow pace of trials affords defendants adequate time to prepare. The law extends the above rights to all persons. All persons have the right of appeal; however, appeals often were delayed for years and sometimes never addressed by the higher court.

The judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants. The Office of the Director of Public Prosecutions in the Ministry of Justice was budgeted funds to clear 700 of a backlog of 849 homicide cases by mid-2015. As of October the office had cleared 30 cases. It had 14 prosecuting attorneys and 20 paralegals, who served as lay prosecutors for certain cases in magistrate courts. Recruitment and retention of government attorneys remained a problem.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. The law provides for administrative and judicial remedies for alleged wrongs; however, a lack of legal professionals restricted the number of human rights cases pursued and resulted in a large backlog. One major NGO reported there were just 350 practicing attorneys in the country. Through August the MHRC received 26 complaints of limited access to justice and seven complaints of unfair administrative justice procedures.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but the government did not always respect these prohibitions.

The law permits police officers of the rank of subinspector or higher to conduct searches without a court warrant if they have reasonable grounds for believing something needed for an investigation cannot be otherwise obtained without undue delay. Before conducting a search without a warrant, the officer must write a reasonable-grounds justification and give a copy to the owner or occupant of the place to be searched.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech: In contrast with prior years, antiseditious and breach of peace laws used to stifle criticism were not enforced.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction. The governmental Malawi Broadcasting Corporation (MBC) continued to favor President Banda's People's Party prior to the election, but it improved its balance in the final weeks of the campaign under pressure from the Malawi Electoral Commission, local NGOs, and the Malawi Communications

Regulatory Authority. Under President Mutharika's government, the MBC was more balanced than during the Banda administration.

A broad spectrum of political opinion was available in the country's independent newspapers. Newspapers, predominantly published in English, had limited readership outside of educated urbanites. Several online news outlets provided diverse political perspectives. The MBC continued to decline in importance as independent radio broadcasters became the most important news source. Two major independent media houses each launched private television stations during the year, but television penetration remained minimal.

On November 18, President Mutharika hosted a dinner for journalists at which envelopes of cash were distributed at the end of the evening. Journalists were divided on whether they could accept or donate the money. In addition to the cash envelopes, out-of-town journalists invited to the dinner had their travel and lodging expenses covered.

Violence and Harassment: In a limited number of cases, journalists were harassed, intimidated, and threatened. For example, the director general of MBC was removed on May 23 in an apparent effort by the outgoing government to stall the dissemination of election news and information indicating a defeat of the incumbent, but he was quickly reinstated after a public outcry. On October 21, in Blantyre, police assaulted journalist Archibald Kasakura for taking pictures of their operation to clear the city of street vendors. Kasakura was later charged with obstructing police officers on duty. Minister of Information Kondwani Nankhumwa and the Malawi chapter of the Media Institute of Southern Africa condemned the journalist's treatment, and charges against Kasakura were not yet filed by year's end.

In October 2013 Galaxy FM journalist Sylvester Namiwa was arrested in connection with his reporting on corruption. Following the May elections, Namiwa was appointed to President Mutharika's press office in June. He was working with the Attorney General's Office to have the case dropped, and the bail condition that he report to police was suspended.

Censorship or Content Restrictions: Journalists sometimes practiced self-censorship, especially at government-owned media outlets such as MBC Radios One and Two and MBC TV.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no reports that the government monitored private online communications without appropriate legal authority. Lack of infrastructure and the high cost of internet connections continued to limit internet access. According to the International Telecommunication Union, approximately 5.4 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom during the year; however, the government sporadically censored films that it deemed contained culturally sensitive or sexually explicit material.

The Malawi Censorship Board Secretariat is responsible for reviewing and classifying plays, films, and foreign music for adult content as well as regulating public theaters. While the law provides for a censorship board, this board had not been in existence for more than a decade.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights.

Freedom of Association

The government required all organizations, including political parties, to register with the Ministry of Justice. Registrations were not delayed or denied for political reasons, nor did the government threaten organizations with deregistration.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and laws provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern. The refugee population increased from approximately 18,500 in August to 21,000 in November due to the influx of refugees from the Democratic Republic of the Congo and the closing of the Mtabila refugee camp for Burundi refugees in Tanzania.

In-country Movement: Refugees are subject to an encampment policy that is enforced by the periodic roundup and return of refugees to the Dzaleka refugee camp.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government provided protection to approximately 21,000 individuals as of November, primarily from the Great Lakes region of Africa. The government's Refugee Committee, which makes decisions on refugee status, met in February. The committee, however, maintained its refusal to make formal determinations on any person recommended for refugee status until the UNHCR identified a way to remove more than one thousand persons, mainly from Rwanda and Burundi, who were denied protected status. The UNHCR was exploring options for these former refugees, who meanwhile remained in the country, many at the Dzaleka refugee camp.

Refugee Abuse: Security forces sometimes intimidated refugees and asylum seekers. Police routinely detained and returned refugees found illegally outside the Dzaleka camp. Local citizens often accused refugees of committing various crimes.

There were multiple reports of the exchange of so-called "survival sex" for food and other necessities in the camp. Gender-based violence and other criminal activity were a major problem at the camp.

Employment: In general the government did not allow refugees to seek employment or educational opportunities outside the camp. The vast majority of refugees were therefore almost completely dependent on donor-funded food

assistance. A small number of refugees with professional degrees, especially those with medical training, received permits to pursue employment and other opportunities outside the camp.

Access to Basic Services: The UNHCR, NGOs, and the government collaborated to provide most basic services in the refugee camp. Refugees had access to education and health-care services through the camp schools and clinic. These facilities, while overtaxed, served both refugee and local community populations. A rapid increase in the refugee population and the inability of most refugees to grow food or earn money due to the encampment policy restricting refugees to the Dzaleka refugee camp limited the availability of food and services to what donors, working with the UNHCR and the World Food Program, were able to provide. In January and February, ration allocations to Dzeleka camp residents fell below recommended levels due to insufficient funding.

While local laws and the justice system are applicable to refugees, access was limited by inefficiencies and limited resources within the justice system. With only eight police officers for the camp, law enforcement capacity was extremely limited.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees; however, no reliable statistics were available.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and laws provide citizens the ability to change their government through largely free and fair elections, and citizens exercised this right through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In May citizens voted in simultaneous presidential, parliamentary, and local elections. Voters elected Arthur Peter Mutharika of the Democratic Progressive Party as president with 36.4 percent of the vote. Mutharika defeated incumbent president Joyce Banda, marking the first time an incumbent party lost the presidency since the country's first multi-party election in 1994. Presidential and vice presidential debates took place for the first time and

provided voters a new tool for evaluating and contrasting candidates and their policies.

International observers characterized the elections as generally peaceful, free, credible, and transparent, although there were shortcomings. During the pre-election period, President Banda and her People's Party dominated state media and used public resources for campaigning and patronage. Rumors of plans for election fraud were rife but largely unfounded. Public confidence in the election commission was tested when widespread errors in the voter rolls became known in March. That confidence was further undermined on election day when polling materials were not delivered on time to many polling stations, resulting in the extension of voting for one to two days at several stations. Trailing significantly in the polls according to early vote counts, President Banda attempted unconstitutionally to nullify the results and order new elections, alleging irregularities and fraud. The courts, however, rejected this move, and vote counting proceeded. This and other election law rulings brought the presidential election to a peaceful and lawful conclusion. While localized irregularities may have existed in the polling, President Mutharika's nearly 450,000-vote margin of victory was decisive. Successful conduct of local elections also filled the positions of elected local councilors following a nine-year gap since the term of councilors elected in 2000 expired in 2005.

Participation of Women and Minorities: There were 31 women in the 193-seat National Assembly and 56 women out of 457 elected local councilors. There were three women in the 20-member cabinet. Women constituted approximately 25 percent of the civil service. There were nine female justices, including the chief justice, among the 33 Supreme Court of Appeal and High Court justices.

There were seven members of minority groups, defined as "white," "colored" ("mixed race"), and "South Asian," in the National Assembly.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively; officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year. President Mutharika, during his campaign and after his May election, called for "zero tolerance" of corruption and committed to public sector reforms to address civil servant opportunities and incentives to engage in corrupt practices. External audits and investigations initiated under the prior government stalled in

the months preceding the election but continued after the new government was established. There was little criminal or professional accountability. Several officials with a role in anticorruption efforts were replaced, including the justice minister, director of the anticorruption bureau, and director of public prosecutions.

Corruption: The investigation and prosecution of approximately 70 individuals, primarily mid-level civil servants, arrested in 2013 for involvement in the theft of approximately 20 billion Malawian Kwacha (MWK) (\$55 million at the time) through fraudulent transactions--the "Cashgate" corruption scandal--proceeded slowly. As of November, three cases had resulted in convictions.

The government, in consultation with donors, devised an action plan to pursue cases of corruption, review how the scandal occurred, and introduce internal controls and improved systems to prevent further occurrences. Progress on investigations and promised reforms was slow. Newly elected Vice President Saulos Chilima chaired a public-sector reform commission to address the enabling factors that allow corruption to thrive.

In January former justice minister Ralph Kasambara was charged with money laundering. He was arrested in November 2013 for attempted murder in the shooting of former budget director Paul Mphwiyo, an attack that drew national attention to Cashgate. As of November Kasambara was neither tried for money laundering, nor was a verdict reached in his attempted murder trial. In October Victor Sithole, a former accounts assistant in the Ministry of Energy and Mining, was convicted of money laundering, possession of stolen property, and unlawful possession of foreign exchange. On November 4, a court sentenced Sithole to nine years in prison.

The Anti-Corruption Bureau (ACB) is the agency primarily responsible for investigating and prosecuting cases of official corruption. It also works to educate the civil service and public on anticorruption matters and to review certain procurement arrangements in areas of concern, such as the implementation of the Farm Inputs Subsidy Program. The ACB was considered generally competent in its handling of low-level cases where confessions could be obtained. Cases against former mid- and high-level government officials, however, proceeded slowly. The ACB was underfunded and understaffed. For example, the ACB had just eight lawyers, 29 investigators, and five paralegals to handle hundreds of complaints. The ACB reported as of October that it completed 132 investigations, which resulted in 29 referrals to prosecutors. There were six corruption cases prosecuted as of October, resulting in three convictions, compared with 15 in 2013.

The Financial Intelligence Unit (FIU) monitors a broad range of financial transactions and institutions and plays an important role in corruption investigations. The information collected by the FIU is analyzed and where applicable disseminated as financial intelligence to law enforcement agencies such as the ACB, Malawi Revenue Authority, and the Fiscal and Fraud Unit of the MPS for investigation and possible prosecution. The government provided insufficient resources for the FIU to carry out its mandate.

The FIU has been headed by an acting director since its establishment in 2007. The staff of 16 worked from a converted suburban house, shared a single software license for its main analytical tool, and lacked the funding to carry out basic on-site inspections of banks and real estate entities, train staff, and conduct awareness campaigns on money laundering and terrorist financing. The inability to carry out inspections directly affected the FIU's effectiveness in supporting investigations related to the Cashgate scandal.

Financial Disclosure: The constitution requires the president, vice president, and members of the cabinet to disclose their assets in writing to the speaker of the National Assembly within three months of being elected or appointed. There is no requirement in law, however, for the speaker to make the declarations public or available to other members of parliament, and the speaker declined to do so. In July the Public Officers (declaration of assets, liabilities, and business interests) Bill became effective, and a director and deputy director of the Office of Public Officers Assets Declaration were appointed in August. The law requires officials in 48 categories to make financial disclosures, ranging from the president, members of parliament and from senior officials down to specific categories of civil servants, including traffic police and immigration officers. The broad sweep of the law risks significantly diluting its implementation where most needed. The declarations are to be accessible to the public upon request, but the director has the authority to deny such requests. Denials may be appealed to the High Court; this process had yet to be tested. As of October newly appointed director Christopher Tukula did not know how many officers had declared their assets.

On October 17, Tukula, a lawyer, was arrested by the ACB and accused of interfering with Cashgate corruption investigations by allegedly advising clients and other witnesses to lie to investigators.

Public Access to Information: The constitution provides for public access to government information but only in so far as such information is required for the

exercise of an individual's rights. There were no reports of fees charged or denial of access to requested records. In the absence of implementing legislation, access to government information was rarely sought and poorly understood.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government Human Rights Bodies: The MHRC, an independent government-chartered institution, is charged under the constitution with promoting and protecting human rights and investigating violations of human rights. Despite its independent leadership, continued resource shortfalls resulted in a backlog of cases, delayed production of reports, and limited investigation of human rights violations. The MHRC received 516 complaints of human rights violations in 2013. Through October it received 265 complaints. The MHRC declined to address human rights problems facing LGBT persons and was criticized by other human rights groups for failing to join a court challenge to the so-called antisodomy laws.

The Office of the Ombudsman is mandated to investigate government officials responsible for human rights violations and other abuses. The ombudsman does not take legal action against government officials but may order administrative action to redress grievances. During the year the office conducted public awareness campaigns and workshops on its mandate for public servants in 23 districts. The office had 13 investigators.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race; color; sex; language; religion; political or other opinion; national, ethnic, or social origin; disability; property; birth; or other status. The law does not specifically mention sexual orientation. The capacity of government institutions to enforce the law was limited.

Women

In February 2013 the National Assembly passed the Gender Equality Act, which became effective in April. The act promotes gender equality, and addresses sex discrimination, harmful traditional practices, and sexual harassment.

Rape and Domestic Violence: The law criminalizes rape with a maximum penalty of death. Spousal rape is not explicitly mentioned but could be prosecuted under the same rape laws. The government generally enforced the law effectively, and convicted rapists routinely received prison sentences. Data on the prevalence of rape or spousal rape and conviction figures were unavailable; however, press reports of rape and defilement arrests and convictions were an almost daily occurrence. Although the maximum penalty for rape is death or life imprisonment, the courts generally imposed fixed prison sentences. For cases of indecent assault on women and girls, the maximum penalty is 14 years in prison.

The Ministry of Gender, Children, Social Welfare, and Disabilities conducted public education campaigns to combat domestic violence and rape.

The law provides a maximum penalty of life imprisonment for domestic violence and recognizes that both men and women can be perpetrators as well as victims. According to the 2012 Gender Based Violence Baseline Survey, 40 percent of women had experienced sexual violence and 30 percent experienced other physical violence. Domestic violence, especially wife beating, was common, although women seldom discussed the problem openly, and victims rarely sought legal recourse. Legal experts and human rights workers attributed victims' reluctance to report their abusers to economic dependence on the abuser, lack of awareness of their legal rights, and fear of retribution and ostracism. Police regularly investigated cases of rape and sexual assault but did not normally intervene in domestic disputes. Police support units provided shelter to some abuse victims and dealt with human rights and gender-based violence, but officers' capacity to assist and document cases was limited.

Female Genital Mutilation/Cutting (FGM/C): The law does not specifically prohibit FGM/C. According to press reports from 2011, some cases of FGM/C were prosecuted as unlawful wounding. A 2014 UN Human Rights Committee report expressed concern over the existence of FGM/C in some regions of the country.

Other Harmful Traditional Practices: The Gender Equality Act of 2013, which took effect in April, prohibits certain harmful traditional practices, including "widow cleansing" and "widow inheritance." Nonetheless, in a few isolated areas,

widows were sometimes forced to have sex with in-laws as part of a culturally mandated “sexual cleansing” ritual following the death of the husband. In some cases widows were “inherited” by a brother-in-law or other male relative. The government and NGOs continued efforts to abolish such practices by raising awareness concerning the inherent dangers of such behavior, including the risk of HIV/AIDS transmission.

Sexual Harassment: The Gender Equality Act makes sexual harassment punishable by up to five years’ imprisonment. Extreme cases could be prosecuted under certain sections of the penal code, such as indecent assault on a woman or girl, which carries up to a 14-year prison sentence, or insulting the modesty of a woman, a misdemeanor punishable by one year in jail. Although sexual harassment was believed to be widespread, there were no data on its prevalence or on the effectiveness of government enforcement of the law.

Reproductive Rights: The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. The government allowed health-care clinics and local NGOs to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There were no restrictions on the right to use contraceptives, but access was limited in rural areas. According to UN estimates, 46 percent of married women of reproductive age used a modern method of contraception in 2013. The government provided free childbirth services, but these were unevenly distributed due to limited access to hospitals and other medical facilities in rural areas. According to the most recent UN estimates, the maternal mortality ratio was 510 deaths per 100,000 live births, and a woman’s lifetime risk of maternal death was one in 34. Of the estimated 3,400 maternal deaths in 2013, 7.2 percent were AIDS-related. Adolescent pregnancy was also a factor, with 145 of every one thousand girls and young women between the ages of 15 and 19 giving birth each year. Nurses and midwives were a critical component of prenatal and postnatal care due to a shortage of doctors. According to the UN Population Fund, skilled health-care providers assisted in 71 percent of births. There was only limited access to emergency obstetric care, however, particularly in rural areas.

Discrimination: Under the law women have the right to full and equal protection and may not be discriminated against on the basis of gender or marital status, including in the workplace (see section 7.d.). Women had significantly lower levels of literacy, education, and formal and nontraditional employment opportunities, as well as lower rates of access to resources to increase agricultural productivity.

Women often had less access to legal and financial assistance, and widows often were victims of discriminatory and illegal inheritance practices in which most of an estate was taken by the deceased husband's family.

Women usually were at a disadvantage in marriage, family, and property rights; however, awareness of women's legal rights continued to increase, and women began to protest abuse and discrimination. Households headed by women were represented disproportionately in the lowest quarter of income distribution. More than half, 52 percent, of full-time farmers were women; however, they had limited access to agricultural extension services, training, and credit.

The law provides for a minimum level of child support, widows' rights, and maternity leave; however, only individuals who could use the formal legal system benefited from these legal protections.

The government addressed women's concerns through the Ministry of Gender, Children, Social Welfare, and Disability.

Children

Birth Registration: Citizenship may be derived from birth within the country or abroad to one Malawian parent "of African race." According to the most recent population census (2008), 16.6 percent of children under the age of 18 had a birth certificate. A compulsory universal birth registration process started in 2012 had yet to be widely implemented. There were no reports of discrimination or denial of services due to lack of birth registration.

Education: The government provided tuition-free primary education for all children. Education for children between the ages of six and 14 became compulsory in October 2013 following the adoption of amendments to the Education Act. Families were responsible for paying book fees and purchasing uniforms. Students from poor families had access to a public book fund. Many girls, especially in rural areas, were unable to complete even primary education due to poverty, lack of schools, and cultural factors; consequently, they were at a serious disadvantage in finding employment. The 2010 Demographic and Health Survey (DHS) found that 11 percent of men and 19 percent of women had no formal education and that less than 14 percent of persons ages 15 to 19 had completed primary school.

Child Abuse: Child abuse remained a serious problem. The press regularly reported cases of sexual abuse of children, including arrests for rape, incest, sodomy, and defilement. The 2013 Violence Against Children Survey found that 20 percent of females and 15 percent of males experienced at least one incident of sexual abuse prior to age 18. Prior to age 18, 50 percent of females and 66 percent of males experienced physical violence. Less than 50 percent of persons ages 13 to 24 knew of a place to seek help.

The law prohibits subjecting a child to any social or customary practice that is harmful to the health or general development of a child. Prohibited practices included child trafficking, forced labor, forced marriage or betrothal, and use of children as security for debts or loans.

The Ministry of Gender, Children, Social Welfare, and Disability undertook activities to enhance protection and support of child victims.

Early and Forced Marriage: The minimum age for marriage is 15, with marriage under age 18 requiring parental consent. According to UNICEF, 9 percent of women ages 20 to 24 were first married or in a union before age 15, and 50 percent were married or in a union before age 18. The minimum marital age was not widely enforced, and civic education on early marriage was carried out mainly by NGOs.

Female Genital Mutilation/Cutting (FGM/C): The law does not specifically prohibit FGM/C. A few small ethnic groups practiced FGM/C. In most cases FGM/C was performed on girls between 10 and 15 years old.

Other Harmful Traditional Practices: Despite certain legal prohibitions, many abusive practices, including the secret initiation of girls into their future adult roles, continued. In a few traditional communities, girls younger than age 10 were forced to have sexual relations with older men as part of such initiation rites. “Kupimbira,” a practice that allows a poor family to receive a loan or livestock in exchange for daughters of any age, existed in some areas.

Sexual Exploitation of Children: The law forbids engaging in sexual activity with children under age 16 and stipulates penalties of 14 to 21 years in prison. The law further prohibits “indecent practice” in the presence of or with a child, with offenders liable to imprisonment of up to 14 years.

The law prohibits child pornography and using a child for public entertainment of an immoral or harmful nature. The maximum penalty for engaging in child pornography is 14 years in prison, while those found guilty of procuring a child for public entertainment are liable to a fine of 100,000 MWK (\$200) and imprisonment of seven years. The law was not effectively enforced.

The widespread belief that children were unlikely to be HIV positive and that sexual intercourse with virgins could cleanse an individual of sexually transmitted diseases, including HIV/AIDS, contributed to the widespread sexual exploitation of minors. The 2010 DHS reported 17.8 percent of girls and women ages 15 to 19 had experienced sexual violence, 26.8 percent of whom were 14 years old or younger when they first were victimized. In addition 15 percent of women reported that their first sexual intercourse was forced.

The trafficking of children for sexual purposes was a problem, and child prostitution for survival without third-party involvement also occurred. At local bars and rest houses, owners coerced girls who worked at the establishments to have sex with customers in exchange for room and board. For example, in September two girls ages 12 and 13 were discovered to have been serving as prostitutes in a Blantyre bar when one of them escaped and led police to the other. According to press reports, they were enticed by a recruiter to leave their homes in Zomba five months earlier with promises of well paid domestic jobs. The proprietor was charged with abduction, child trafficking, and child labor and was free on bail awaiting trial. The recruiter remained at large. The law stipulates punishment of up to life imprisonment for child traffickers.

Displaced Children: The 2010 DHS found that 19 percent of children younger than 18 were not living with either biological parent and that 17 percent were orphaned or vulnerable due to extended parental illness or death, including an estimated 650,000 orphans attributed to AIDS. Extended family members normally cared for such children and other orphans.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The Disability Act, which became effective in 2013, prohibits discrimination in education, health care, social services, the workplace, housing, political life, and cultural and sporting activities for persons with disabilities, defined as a long-term physical, mental, intellectual, or sensory impairment. The law prohibits discrimination against those with disabilities in political and public life and calls for the government to take measures to provide access for such persons to transportation, information, and communication. The law provides for the establishment of a disability trust fund to support persons with disabilities. The law applies to all public facilities, both governmental and private.

The Disability Act provides for the social protection and support of persons with disabilities through greater access to public places, fair opportunities, and full participation in all spheres of society. Ineffective allocation of the government's limited resources prevented the government from protecting these rights. Although the Disability Act took effect in 2013, the government had yet to adopt standards and plans for its enforcement and implementation.

The Ministry of Gender, Children, Social Welfare, and Disability is responsible for protecting the rights of persons with disabilities. There were public and privately supported schools and training centers that assisted persons with disabilities.

Accommodations for persons with disabilities were not among government services priorities. The 2013 MHRC annual report released in March reported that it received 11 complaints in the area of disability rights in 2013, including from a teacher who was dismissed after losing his sight in a job-related injury and a government employee who was not provided with needed accommodation for her vision disability. A prominent disability advocacy group noted that unlawful discrimination against women and children with disabilities was more prevalent in rural areas and that it received several reports of children with disabilities dropping out of school because of inadequate accommodations.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity is illegal and punishable by up to 14 years in prison, including hard labor. The penal code outlaws “unnatural offenses” and “indecent practices between males.” In September 2013 the High Court invited friend-of-the-court submissions on the constitutionality of laws against these acts. It received arguments both for and against the laws’ constitutionality, with most of the arguments being in opposition. The attorney general filed a motion with the Supreme Court objecting to the process on the basis that the chief justice must certify constitutional questions and obtained an order in February suspending the proceedings. As of November the motion had yet to be decided.

Same-sex activity may also be prosecuted as “conduct likely to cause a breach of the peace.” A 2011 amendment to the penal code established penalties for consensual same-sex sexual activity between women, setting a maximum prison term of five years. In July, Solicitor General Janet Banda told the UN Human Rights Commission that the government would not enforce these laws. In May, however, two men were charged pursuant to the antisodomy laws after one disclosed their relationship to police. As of November the men were free on bail, but charges remained pending. Two other cases of men charged with sodomy were reported in the press. Each case involved activity between an adult and a minor that could be charged under other criminal statutes.

Public discussion of LGBT rights increased during the year. In October the Center for Human Rights and Rehabilitation and the Center for Development of People released a report documenting 76 instances in 2013 of discrimination and human rights violations in the country based on sexual orientation and gender identity. Documented abuses included mob violence and police harassment directed toward gay or allegedly gay men. For example, the center reported that in July 2013 a gay man named Vincent was beaten by a mob and subsequently arrested and assaulted by police.

The Weekend Nation newspaper continued to publish a weekly column entitled “Sexual Minority Forum” written by the leaders of two human rights NGOs to shed light on conditions affecting LGBT persons and their rights.

HIV and AIDS Social Stigma

Societal discrimination against persons with HIV/AIDS remained a problem. Many individuals preferred to keep silent about their health conditions rather than seek help and risk being ostracized. Campaigns by the government and NGOs to

combat the stigma had some success. The National AIDS Commission maintained that discrimination was a problem in both the public and private sectors. To counter such discrimination, the commission provided funding to the MHRC to examine discrimination issues.

A People Living with HIV Stigma Index (2012) for Malawi indicated that of 2,272 persons with HIV interviewed, significant percentages of respondents reported having been verbally insulted/harassed/threatened (35.1 percent) and excluded from social gatherings (33.7 percent).

Other Societal Violence or Discrimination

Mobs and local citizens sometimes undertook vigilante attacks. For example, in October members of a “community policing” group mistook a vendor returning from work for a thief and beat him to death. A member of the community police group was later killed and another injured by a relative of the victim. Riot police were called to the area to restore order.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers, except for military personnel and police, to form and join trade unions of their choice without previous authorization or excessive requirements. Unions must register with the Registrar of Trade Unions and Employers’ Organizations in the Ministry of Labor. The law places some restrictions on the right to collectively bargain, including requirements of prior authorization or approval by authorities, and bargaining status (20 percent membership). The law provides for unions to conduct their activities without government interference. The law also prohibits antiunion discrimination and provides for remedial measures in cases of dismissal for union activity. The law does not specifically prohibit retaliation against strikers or actions against unions that are not registered.

Workers in the formal sector have the right to organize and bargain collectively. The law requires that at least 20 percent of employees (excluding senior managerial staff) must belong to a union before it can engage in collective bargaining at the enterprise (factory) level, and at least 15 percent of employees must be union members for collective bargaining at the sector (industry) level. The law provides for the establishment of industrial councils in the absence of

collective agreements for sector-level bargaining. Industrial council functions include wage negotiation, dispute resolution, and industry-specific labor policy development. The law allows members of a registered union to strike or go through a formal mediation process overseen by the Ministry of Labor. A strike can take place only after lengthy settlement a procedure set out in the Labor Relations Act has failed. The law also requires the labor minister to apply to the Industrial Relations Court for a determination as to whether a particular strike involves an “essential service,” the interruption of which would endanger the life, health, or personal safety of part of the population. The law does not provide a specific list of essential services. Members of a registered union in essential services have only a limited right to strike. There are no special laws or exemptions from regular labor laws in export processing zones. The law does not apply to the vast majority of workers who are in the informal sectors.

The government did not effectively enforce applicable laws. As with cases of all types entering the justice system, choices relating to the allocation of limited resources and lack of capacity resulted in delays of some labor cases. Penalties for violations were insufficient to deter violations, consisting mainly of small fines of 1,000 MWK to 50,000 MWK (\$2 to \$100). Although provisions exist for prison terms of up to two years, no custodial punishments were used, according to the International Organization on Migration.

Freedom of association and the right to collective bargaining were adequately respected for those in the formal sector. The law requires that unions must be registered, and registration was granted routinely. Union membership among workers was low due to the small percentage of the workforce in the formal sector and a lack of awareness of worker rights.

Employers, labor unions, and the government lacked sufficient knowledge of their roles in labor relations and disputes. There were, however, no instances of strikes being declared illegal during the year. In general the right to collective bargaining was respected.

Arbitration rulings were legally enforceable; however, the Industrial Relations Court could not monitor cases or adequately enforce the laws.

Informal sector workers organized in the Malawi Union for the Informal Sector (MUFIS), which is affiliated with the Malawi Congress of Trade Unions. Informal sector employees, however, were unable to obtain the same standard of protection

as formal sector workers due in part to a Ministry of Labor decision that the MUFIS did not have sufficient standing to bargain collectively.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Forced labor is punishable by a maximum fine of 10,000 MWK (\$20) or two years' imprisonment. The government did not effectively enforce applicable laws.

Children were subjected to domestic servitude and other forms of forced labor, including cattle herding; agricultural labor, particularly on tobacco farms; and menial work in small business. Punishments were almost always limited to fines, and the modest fines did not discourage labor violations.

Forced and bonded labor involving entire families occurred under the tenancy system. Tobacco plantation tenants had exclusive arrangements, often unwritten, with estate owners to sell their crop and to buy inputs such as fertilizer, seed, and often food. These costs, in addition to rent charges, could be greater than the amount of money received from tobacco sales, leading to a situation of debt bondage to repay the inputs and other costs.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 14, and children between the ages of 14 to 18 may not work in jobs that are considered hazardous or that interfere with their education. The prohibition of child labor does not apply to work done in homes, vocational technical schools, or other training institutions. The law prohibits child trafficking, including labor exploitation and the forced labor of children for the income of a parent or guardian. Pursuant to the Employment Act, in 2012 the government published a list of hazardous work for children in the official gazette. The act specifies a maximum fine of 20,000 MWK (\$40) or five years' imprisonment for violations. The law, however, was not effectively enforced due to lack of resources and manpower. Penalties and enforcement were insufficient to deter offenders.

Police and Ministry of Labor officials were responsible for enforcing child labor laws and policies. Labor inspectors do not have law enforcement capabilities and must enlist the police to pursue violators.

During the year the Ministry of Labor carried out inspections, focused mainly on agricultural estates. Enforcement by police and ministry inspectors of child labor laws, however, was minimal. By its own admission, the government made little progress to implement its National Action Plan on Child Labor (2010-16). Most public education activities were carried out by tobacco companies and nongovernmental groups. The International Labor Organization's "Achieving Reduction of Child Labor in Support of Education" project, for example, worked to reduce the number of children employed on farms. Through this project children in two districts were rescued from farms and sent back to schools.

Child labor remained a serious and widespread problem. A 2008 Ministry of Labor report stated that more than 1.4 million children, or one of every three children, were engaged in some form of child labor.

Child labor was prevalent on tobacco farms, subsistence farms, and in domestic service. Many boys worked as vendors, and young girls in urban areas often worked outside of their families as domestic servants, receiving low or no wages.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The employment law prohibits discrimination against any employee or prospective employee on the grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status, or family responsibilities, but the government in general did not effectively enforce the law.

Discrimination in employment and occupation occurred with respect to gender and disability (see section 6). Despite the law against discrimination on the basis of gender or marital status, discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had significantly lower levels of literacy, education, and formal and nontraditional employment opportunities. Few women participated in the limited formal labor market, and those that did represented only a very small portion of managerial and

administrative staff. Households headed by women were represented disproportionately in the lowest quarter of income distribution.

Migrant workers are entitled to the same legal protections, wages, and working conditions as citizens if they comply with immigration laws. Those not in compliance are subject to deportation.

e. Acceptable Conditions of Work

The minister of labor sets the minimum wage rate based on recommendations of the Tripartite Wage Advisory Board, which is composed of representatives of labor, government, and employers. The minimum wage was 317 MWK (\$0.63) per day as of July 2012. The 2010 Integrated Household Survey estimated that 50.7 percent of citizens lived below the poverty line. There was no exception to the requirement of paying the minimum wage for foreign or migrant workers.

The Ministry of Labor lacked the capacity to enforce the minimum wage effectively. Official minimum wages apply only to the formal sector. The minimum wage did not apply to most citizens, who earned their livelihood outside the formal wage sector. Wage earners often supplemented their incomes through farming activities. There were no government programs that provided social protections for workers in the informal economy.

The maximum legal workweek is 48 hours, with a mandatory weekly 24-hour rest period. The law requires payment for overtime work and prohibits compulsory overtime.

The workweek standards were not effectively enforced, and employers frequently violated statutory time restrictions. The Ministry of Labor's enforcement of the health and safety standards was also poor. The law specifies a maximum fine of 20,000 MWK (\$40) or five years' imprisonment for violations. The fines were not sufficient to deter offenders and no jail terms have ever been reported.

The law includes extensive occupational health and safety standards. The Ministry of Labor houses a Directorate of Occupational Safety and Health.

Workers, particularly in industrial jobs, often worked without basic safety clothing and equipment. In tobacco fields the handling of the leaves was done largely without protective clothing; workers absorbed up to 54 milligrams of dissolved nicotine daily through their skin, the equivalent of 50 cigarettes. Thousands of

child tobacco workers suffered from nicotine poisoning. These children often worked 12-hour days, frequently for little or no pay.

Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal; however, due to ignorance of such rights and high levels of unemployment, workers were unlikely to exercise this right. Additionally, authorities did not effectively protect employees in this situation.