

Botswana

Incidence and Nature of Child Labor

The ILO estimated that 13.5 percent of children ages 10 to 14 years in Botswana were working in 2002.⁵⁸⁶ In remote areas, young children work as cattle tenders, domestic servants and babysitters.⁵⁸⁷ Street children in urban areas, many of whom may be HIV/AIDS orphans, engage in begging and are victims of commercial sexual exploitation.⁵⁸⁸

Primary education is free for the first 7 years, but is not compulsory.⁵⁸⁹ In 2001, the gross primary enrollment rate was 103.3 percent, and the net primary enrollment rate was 80.9 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Botswana. Total gross and net enrollment rates for girls and boys are relatively equal. As of 2000, 89.5 percent of children who started primary school were likely to reach grade 5.⁵⁹⁰

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for basic employment for children at 15 years, and 18 years for hazardous work.⁵⁹¹ However, family members may employ children aged 14 in light work not harmful to their health and development if they are not attending school. Children and young persons cannot be employed in underground work, night work, or any work that is harmful to their health and development. Children and young persons are prohibited from work in industrial undertakings and on rest days and public holidays without the express permission of the Commissioner of Labor.⁵⁹² The Employment Act also

⁵⁸⁶ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

⁵⁸⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Botswana*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27713.htm>. The Minister of Labor reported to Parliament in March 2004 that there were an estimated 8,500 children between the ages of 12-17 working in traditional or subsistence agriculture or other informal sectors. See U.S. Embassy- Gaborone, *unclassified telegram no. 1479*, September 2004.

⁵⁸⁸ U.S. Department of State, *Country Reports- 2003: Botswana*, Section 5. U.S. Embassy- Gaborone official, email communication to USDOL official, May 26, 2005. According to the Department of Social Services, there are 47,000 registered orphans in Botswana but Botswana's 2001 Population and Housing Census counted 111,828 children who had lost one or both parents. See U.S. Embassy- Gaborone, *unclassified telegram no. 1479*. Commercial sexual exploitation of children also reportedly occurs on the border road between South Africa and Botswana and in tourist areas. See ECPAT International, *Botswana*, [online] 2004 [cited March 24, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁵⁸⁹ U.S. Department of State, *Country Reports- 2003: Botswana*, Section 5. See also U.S. Embassy- Gaborone, *unclassified telegram no. 3277*, September 2001.

⁵⁹⁰ World Bank, *World Development Indicators 2004*. There are however concerns that girls suffer marginalization and gender stereotyping, which compromises their ability for educational opportunities. See *Committee on the Rights of the Child Concludes Thirty-Seventh Session: Adopts Conclusions on Reports from Brazil, Botswana, Croatia, Kyrgyzstan, Equatorial Guinea, Angola, and Antigua and Barbuda*, Press document, United Nations, October 1, 2004.

⁵⁹¹ "Children" are those who have not attained the age of 14 years. "Young persons" are those who are 14 to 18 years old. U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

⁵⁹² The Government of Botswana, *Employment Act*, in NATLEX, [cited March 24, 2004]; available from <http://natlex.ilo.org/txt/E82BWA01.htm#p6>. However, there is still no definition for "light work". See U.S. Embassy- Gaborone, *unclassified telegram no. 1479*.

prohibits forced labor, although it does not specifically mention children.⁵⁹³ The law protects adopted children from being exploited as cheap labor or coerced into prostitution.⁵⁹⁴ Child prostitution and pornography are criminal offenses and punishable by a 10-year minimum sentence for “defilement” of persons under 16.⁵⁹⁵

The Social Welfare Division in the Ministry of Local Government oversees the protection and welfare of children.⁵⁹⁶ Starting in June 2004, the agency began reporting child labor cases to the national level.⁵⁹⁷ The Employment Act authorizes the Commissioner of Labor to investigate cases of child labor and to terminate unlawful employment of a child.⁵⁹⁸ The child welfare divisions of the district and municipal councils have the authority to enforce child labor laws, although no systematic investigations have occurred.⁵⁹⁹ The maximum penalty for unlawful child employment is imprisonment up to 12 months, a fine of 1500 Pula (USD 312), or a combination of both.⁶⁰⁰

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Botswana is working with ILO/IPEC to implement a USDOL-funded regional child labor project in Southern Africa, which includes Botswana. Activities in Botswana are focused towards children who are working or at-risk of working in exploitative labor; conducting research on the nature and incidence of exploitative child labor; and, building the capacity of the government to address child labor issues.⁶⁰¹ The American Institutes for Research was awarded a USD 9 million grant by USDOL in August 2004 to implement a regional Child Labor Education Initiative project in Southern Africa, and will work in collaboration with the Government of Botswana on activities there.⁶⁰²

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 06/05/1997	✓
Ratified Convention 182 01/03/2000	✓
ILO-IPEC Member	
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

⁵⁹³ The Government of Botswana, *Employment Act*, Part VI.

⁵⁹⁴ U.S. Department of State, *Country Reports- 2003: Botswana*, Section 6d.

⁵⁹⁵ *Ibid.*, Section 5. See also Interpol, *Legislation of Interpol member states on sexual offences against children: Botswana*, [database online] 2004 [cited April 20, 2004]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBotswana.asp>.

⁵⁹⁶ Government of Botswana, *Ministry of Local Government*, [online] 2004 [cited April 20, 2004]; available from http://www.gov.bw/government/ministry_of_local_government.html.

⁵⁹⁷ U.S. Embassy- Gaborone, *unclassified telegram no. 1479*.

⁵⁹⁸ U.S. Embassy- Gaborone, *unclassified telegram no. 3277*.

⁵⁹⁹ U.S. Department of State, *Country Reports- 2003: Botswana*, Section 6d.

⁶⁰⁰ U.S. Embassy- Gaborone, *unclassified telegram no. 3277*. For currency conversion see FX Converter, *Currency Converter*, [online] [cited April 20, 2004]; available from <http://www.carosta.de/frames/convert.htm>.

⁶⁰¹ ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September, 2003, 38-39.

⁶⁰² The AIR project aims to improve quality and access to basic and vocational education for children who are working or at-risk of working in the worst forms of child labor. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington D.C., August 16, 2004, 1,2.

The government is working with NGOs, community-based organizations, and the private sector on a National Orphan Program to develop and implement social services to orphaned children. Specific activities include a national database of orphaned children, identifying needs of foster children and parents, training community volunteers, providing HIV/AIDS counseling, and developing child protection priorities. A major goal of the National Orphan Program is to develop a National Orphan Policy based on the Convention on the Rights of the Child.⁶⁰³ The government is also implementing a National Action Plan for Education.⁶⁰⁴

The government collaborates with UNICEF on efforts to improve schools, strengthen services for orphans and vulnerable children, and increase awareness of the Convention on the Rights of the Child.⁶⁰⁵ UNICEF also implements a girls' education program in Botswana aimed at improving the primary school curriculum, supporting the formulation of an early childhood care and education policy, developing pregnancy prevention policies and programs, and improving the environment at boarding schools where both boys and girls enrollment is low.⁶⁰⁶

⁶⁰³ *Children and AIDS: Challenges and Strategies to Cope*, Global Health Council, April 2001 [cited May 21, 2004]; available from <http://www.globalhealth.org/news/article/894>. See also UNICEF, *Children Orphaned by AIDS: Front Line responses from eastern and southern Africa*, New York, 1999, 8, 9; available from <http://www.unaids.org/publications/documents/children/young/orphrepteng.pdf>.

⁶⁰⁴ Ministry of Education, *National Action Plan*, as cited in UNESCO, *Education Plans and Policies*, September 21, 2002 [cited May 13, 2004]; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20923&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁶⁰⁵ UNICEF, *At a glance: Botswana*, [website] 2004 [cited April 20, 2004]; available from <http://www.unicef.org/infobycountry/botswana.html>.

⁶⁰⁶ UNICEF, *Girls' Education in Botswana*, [online] [cited July 13, 2004]; available from <http://www.unicef.org/girlseducation/Botswana.doc>.