

# Botswana

*The Government of Botswana designed institutional and policy frameworks to combat the worst forms of child labor and supported programs with NGOs to stop trafficking in children. However, unsafe child labor continues to exist in livestock herding in the rural areas and domestic service in urban centers. Lack of enforcement may reflect gaps in the country's legal framework and its capacity to implement the policies it has designed.*



## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Botswana are engaged in the worst forms of child labor,<sup>743</sup> including livestock herding and domestic work. In Botswana, children often work for little or no pay as herd boys on family cattle posts.<sup>744</sup> Boys manage herds of livestock in isolated areas for days without proper food and shelter.<sup>745</sup>

Children, especially girls, work in domestic service. Parents from rural areas send their children to the city to live with wealthier families and work as domestic servants.<sup>746</sup> These children may work long hours and face physical and sexual abuse from their employers.


Children in Botswana also work in agriculture,<sup>747</sup> and perform unsafe tasks such as using dangerous machines and tools, carrying heavy loads and applying harmful pesticides.

Botswana is a source, transit and destination country for children trafficked for the purposes of forced labor and sexual exploitation.<sup>748</sup> Child prostitution takes place at truck stops and transit points in large towns in Botswana.<sup>749</sup> HIV and AIDS in Botswana often impoverish families and push children into the worst forms of child labor,<sup>750</sup> with those orphaned by HIV/AIDS being the most susceptible to trafficking.<sup>751</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 14.<sup>752</sup> The law forbids employers from using “young workers,” defined as children ages 14 to 18, when the nature of the job or the conditions under which it is carried out might endanger the life or health of a child.<sup>753</sup> Family members may employ their own children if they do not attend school. They must be at least age 14, work for 30 hours a week or less and perform light work that is not harmful to their health or

development. The law does not define hazardous or light work more specifically nor does it establish a list of hazardous occupations prohibited to children.<sup>754</sup> The law also lacks protections for children involved in domestic work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Government of Botswana does not have a law specifically prohibiting trafficking in persons.<sup>755</sup> However, the Penal Code and the Criminal Procedure and Evidence Act punish persons for kidnapping, child stealing, abduction and slavery, including those who “traffic or deal in slaves.”<sup>756</sup> These laws also punish the offense of rape, indecent assault and defilement of a person younger than age 16. Also prohibited is the procurement of a girl for prostitution, but this prohibition does not apply to boys.<sup>757</sup> Child pornography is a criminal offense in Botswana.<sup>758</sup> The law specifically protects adopted children from being exploited for labor and orphans from being coerced into prostitution.<sup>759</sup> The Employment Act prohibits forced labor.<sup>760</sup>

There is no compulsory education law in Botswana, though basic education is free at the

primary levels.<sup>761</sup> The lack of such a law may increase the risk of children’s involvement in the worst forms of child labor.

Military service is voluntary, and the Botswana Defense Force Act prohibits recruitment officers from enlisting persons younger than age 18.<sup>762</sup>

### **Institutional Mechanisms for Coordination and Enforcement**

The Government has created an Advisory Committee on Child Labor, which includes representatives from government agencies, various NGOs, workers’ federations and employers’ organizations. The Advisory Committee facilitates the oversight of child labor issues among all stakeholders.<sup>763</sup> There is no information as to what this Advisory Committee does with regard to child labor coordination.

The Ministry of Labor and Home Affairs (MOLHA) has the overall responsibility of enforcing child labor laws and policies. The Commissioner of Labor within MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws.<sup>764</sup> The Labor Inspection Unit within MOLHA is charged with enforcing the Employment Act, which includes those provisions related to the employment of children within the scope of its labor inspections.<sup>765</sup> The Commissioner of Labor is authorized to end employment relationships involving children.<sup>766</sup> However, MOLHA did not conduct any inspections or monitoring visits nor were any fines issued for child labor violations during the reporting period.<sup>767</sup> The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws at the local levels.<sup>768</sup> Research found no evidence of the Labor Inspection Unit conducting any inspections in the rural areas of Botswana, where most child labor occurs.

The Botswana Police Service, joined by the Department of Immigration and Citizenship, MOLHA, the Ministry of Social Services and the

Directorate of Intelligence and Security, lead the Government's efforts to combat trafficking of persons.<sup>769</sup> Interagency cooperation on trafficking is informal at present, but the Government of Botswana has plans to create a formal trafficking in person task force.<sup>770</sup> Law enforcement and immigration officials receive training in anti-trafficking methods.<sup>771</sup> However, there were no prosecutions or convictions for human trafficking violations during the reporting period.<sup>772</sup> The Botswana Police Service continued its cooperation with the South African police force to stem the flow of human trafficking.<sup>773</sup>

### **Government Policies on the Worst Forms of Child Labor**

In February 2008, the Government of Botswana drafted a National Action Plan for the elimination of the worst forms of child labor. The plan's action items include addressing legislation and policy gaps, raising awareness, designing programs better targeted to address child labor and providing training for relevant stakeholders and implementers.<sup>774</sup>

The Government of Botswana has addressed child labor in other policy frameworks. The National Plan of Action for Children (2006-2016) seeks to promote the rights of children through education, training, health and nutrition.<sup>775</sup> Although the Government provides free basic education for all children, incidental fees in the form of donations, transportation to and from school and other fees mean that basic education is not necessarily free.<sup>776</sup> Although, Botswana's net enrollment rate for children has consistently been above 85 percent,<sup>777</sup> such fees may hinder families from sending their children to school and push children into the worst forms of child labor.

The Ministry of Education's Revised National Policy on Education aims to increase enrollment and retention of working children and those at risk of child labor.<sup>778</sup> Strategies include harmonizing the Children's Act with labor laws; raising public awareness of child labor as a

barrier to inclusive education and strengthening existing out-reach programs.<sup>779</sup> The Presidential Task Group on Long Term Vision for Botswana produced another strategy, *Vision 2016*, which acknowledges that parents intentionally choose not to send their children to school.<sup>780</sup> The strategy proposes providing universal access to school and helping improve families' socioeconomic conditions so that children in poor and rural areas are no longer viewed as essential sources of labor and income.

The UN Development Assistance Framework for Botswana (2010-2016) includes the goal of reducing child labor to help create a protective and supportive environment for children.<sup>781</sup> The Botswana National Youth Policy addresses issues affecting youth, such as abuse of young people and the high number of young people who are not in school.<sup>782</sup>

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

The Government of Botswana's Central Statistic office included a children's activities module in the 2006/07 national Labor Force Survey, but statistics on child work and schooling still are not available.<sup>783</sup>

The Government of Botswana endorsed a National Action Plan for the elimination of child labor under the regional project Towards the Elimination of the Worst Forms of Child Labor, Phase II (TECL II), a USDOL-funded project that aims to combat the worst forms of child labor in the southern African countries of Botswana, Namibia and South Africa.<sup>784</sup> In Botswana, the project targets children working in agriculture, with special focus on providing educational services and mitigating the impact of HIV/AIDS. The goal of TECL II is to mainstream child labor issues into the legislative and policy frameworks and withdraw and prevent 2,100 children from engaging in the worst forms of child labor in Botswana.<sup>785</sup>

The Government of Botswana continued its partnership with ILO in the Decent Work Country Program (DWCP) Agenda 2007-2015 for the Southern Africa subregion.<sup>786</sup> The DWCP for the subregion is part of a broader action plan to eliminate the worst forms of child labor in Africa by 2016.<sup>787</sup>

The Government has instituted a stay-in-school program, in which educators and social workers collaborate to help keep children in school by explaining the importance of a child's education to parents.<sup>788</sup>

During the reporting period, the Government of Botswana, in partnership with the Bill and Melinda Gates Foundation, received additional funding of \$60 million from the Merck Company Foundation in support of Botswana's African Comprehensive HIV/AIDS Partnership program.<sup>789</sup> The program is part of the Government of Botswana's new prevention efforts targeting youth, pregnant women and nursing

mothers to prevent mother to child transmission of HIV.<sup>790</sup> Limited and indirect efforts were also made by the Government to reduce the demand for commercial sex acts, largely through a broad HIV/AIDS awareness campaign.<sup>791</sup> The Government of Botswana, in partnership with Baylor International Pediatric AIDS Initiative, provides care and treatment to HIV-infected infants and children. The Teens Club, formed through this initiative in 2005 with only 23 teenagers, had over 400 members at the beginning of 2010 and expects to reach 1,000 youth in 2012.<sup>792</sup>

The Government, through its ministries and in partnership with Childline, UNICEF and other NGOs, conducted a national campaign on child trafficking.<sup>793</sup> The Government also made additional efforts to prevent trafficking in and through Botswana by placing anti-trafficking education posters at all its borders and including trafficking awareness segments in some of its law enforcement training sessions.<sup>794</sup>

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Botswana:

#### IN THE AREA OF LAWS AND REGULATIONS:

- Amend labor laws to
  - Specifically define light work and identify the types of hazardous work prohibited for children.
  - Extend protection to all children working in the worst forms of child labor in domestic service and prostitution in accordance with international standards, regardless of gender.
  - Provide penalties for trafficking in persons violations.
  - Establish a compulsory age for education in line with the minimum age for work.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to monitor child labor and anti-trafficking efforts.
- Ensure enforcement of child labor laws by conducting labor inspections, including in rural communities.

#### IN THE AREA OF POLICIES AND PROGRAMS:

- Reconcile the various plans addressing child labor in order to prioritize action items, identify funding and implement the most urgent goals.
- Analyze and release results of the 2006/7 Labor Force Survey module on child work activities.
- Ensure free education for all children by addressing the various fees associated with attending school.



<sup>743</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

<sup>744</sup> International Trade Union Confederation, *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland: Report for the WTO General Council Review of the Trade Policies of Botswana, Lesotho, Namibia, South Africa and Swaziland*, Geneva, November 4-6, 2009; available from [http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft\\_Word\\_-\\_SACU-final\\_.pdf](http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf). See also Gale Ngakane, *Child Labour Exists in Botswana-student teacher*, [online] 2008 [cited December 19, 2008]; available from [www.mmegi.bw](http://www.mmegi.bw). See also UNICEF, *Digital Diarist Tsholofelo Selufaro speaks about child labor in Botswana*, April 15, 2008; available from [http://www.unicef.org/people/botswana\\_43551.html?q=printme](http://www.unicef.org/people/botswana_43551.html?q=printme).

<sup>745</sup> Ibid.

<sup>746</sup> U.S. Department of State, “Botswana,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards*.

<sup>747</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, section 4. para 4

<sup>748</sup> U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana.”

<sup>749</sup> U.S. Embassy- Gaborone, *reporting, February 15, 2011*, para 4 (B).

<sup>750</sup> Eva Procek, *Discussion Document on Child Labor in Botswana*, Botswana Ministry of Labor and Social Security, International Labor Organization (ILO) and Programme Towards the Elimination of the Worst Forms of Child Labor (TECL), October 2006.

<sup>751</sup> U.S. Department of State. “Botswana (Tier 2).” In *Trafficking in Persons Report- 2009*. Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

<sup>752</sup> Government of Botswana, *Employment Act*, (1982); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm>. See also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Botswana*

(*ratification: 1997*) Submitted: 2007, March 5, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20095&chapter=9&query=Botswana%40ref&highlight=&querytype=bool&context=0>.

<sup>753</sup> Government of Botswana, *Employment Act*.

<sup>754</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 6

<sup>755</sup> U.S. Embassy- Gaborone, *reporting, March 24, 2010*, para 3 (A).

<sup>756</sup> UN International covenant on civil and political rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Initial report of States parties due in 2001 Botswana*, CCPR/C/BWA/1, May 2, 2007; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/415/11/PDF/G0741511.pdf?OpenElement>. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135939.htm>.

<sup>757</sup> Government of Botswana, *Criminal Procedure and Evidence Act*, (1939), paras 142, 146, 147; available from <http://www.laws.gov.bw/Docs/Principal/Volume2/Chapter8/Chpt8-02%20Criminal%20Procedure%20and%20Evidence.pdf>.

<sup>758</sup> U.S. Department of State, “Country Reports- 2009: Botswana.”

<sup>759</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm>.

<sup>760</sup> Government of Botswana, *Employment Act*, para 2.

<sup>761</sup> Right to Education Project, *National Law and policies on minimum ages - Botswana*, 2004; available from <http://www.right-to-education.org/country-node/311/country-minimum>. See also Katarina Tomasevski, *The State of the Right to Education Worldwide. Free or Fee: 2006 Global Report*, Copenhagen, August 2006; available from [http://www.katarinatomasevski.com/images/Global\\_Report.pdf](http://www.katarinatomasevski.com/images/Global_Report.pdf).

<sup>762</sup> Government of Botswana, *Botswana Defence Force*, 23, (1977), article 17; available from <http://www.laws.gov.bw/Docs/Principal/Volume3/Chapter21/Chpt21-05%20Botswana%20Defence%20Force.pdf>.

<sup>763</sup> International Trade Union Confederation, *Internationally Recognized Core Labour Standards*. See also U.S. Department of State, “Country Reports- 2006: Botswana.”

<sup>764</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 4. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/118987.htm>.

- <sup>765</sup> ILO, *Botswana: Labour Inspection Structure and organization*, accessed February 22, 2010; available from [http://www.ilo.org/labadmin/info/lang--en/WCMS\\_114934/index.htm](http://www.ilo.org/labadmin/info/lang--en/WCMS_114934/index.htm).
- <sup>766</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 4. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards*.
- <sup>767</sup> U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana."
- <sup>768</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 6
- <sup>769</sup> U.S. Embassy- Gaborone, *reporting, February 15, 2011*, para 8
- <sup>770</sup> *Ibid.* para 11 (D).
- <sup>771</sup> U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana."
- <sup>772</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Botswana." See also U.S. Embassy- Gaborone, *reporting, April 12, 2011*.
- <sup>773</sup> The Protection Project, *The Protection Project-Human Rights Report*, June 30, 2010.
- <sup>774</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para. 11.
- <sup>775</sup> Republic of Botswana, *National Report on the Development of Education: "Inclusive Education: The Way of the Future"*, Draft Report, Ministry of Education and Skills Development, 2008; available from [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/botswana\\_NR08\\_draft.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/botswana_NR08_draft.pdf).
- <sup>776</sup> Randall K. Q. Akee, Arnab K. Basu, Arjun S. Bedi, and Nancy H. Chau, "Combating Trafficking in Women and Children: A Review of International and National Legislation, Coordination Failures, and Perverse Economic Incentives," *The Protection Project Journal of Human Rights and Civil Society* (2009). See also The Protection Project, *The Protection Project-Human Rights Report*.
- <sup>777</sup> CRIN, *Botswana: Childs Rights References*, [online] 2008 [cited January 12, 2008]; available from <http://www.crin.org/docs/Botswana.pdf>.
- <sup>778</sup> Republic of Botswana, *Inclusive Education: The Way of the Future*.
- <sup>779</sup> *Ibid.*
- <sup>780</sup> Government of Botswana, "Botswana," in *Vision 2016 Booklet: A Framework for a Long Term Vision for Botswana*, 2006; available from <http://www.vision2016.co.bw/PDF%27s/English%20Full%20version.pdf>.
- <sup>781</sup> Government of Botswana and the United Nations System in Botswana, *United Nations Development Assistance Framework 2010-2016 Botswana*, March 2009; available from [http://botswana.unfpa.org/drive/BotswanaUNDAF\(2010-2016\).pdf](http://botswana.unfpa.org/drive/BotswanaUNDAF(2010-2016).pdf).
- <sup>782</sup> Republic of Botswana, *National Youth Policy*, Ministry of Labour and Home Affairs, February 1996; available from [http://www.ub.bw/ip/documents/1996\\_National%20Youth%20Policy.pdf](http://www.ub.bw/ip/documents/1996_National%20Youth%20Policy.pdf). See also UNICEF, *A World Fit for Children Mid Decade Review: Botswana Progress Report*, August 2007; available from [www.unicef.org/worldfitforchildren/.../Botswana\\_WFFC5\\_Report.pdf](http://www.unicef.org/worldfitforchildren/.../Botswana_WFFC5_Report.pdf).
- <sup>783</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 13.
- <sup>784</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, TECL, Phase II, Technical Progress Report, Geneva, September 30, 2010.
- <sup>785</sup> *Ibid.*
- <sup>786</sup> *Ibid.*
- <sup>787</sup> *Ibid.* 56.
- <sup>788</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*, para 28
- <sup>789</sup> Themba Moeti, *Lessons from Botswana and the African Comprehensive HIV/AIDS Partnerships*.
- <sup>790</sup> Merck, *Merck Provides New Funding to fight HIV/AIDS in Botswana*, WhiteHouse Station, NJ, August 24, 2010; available from [http://www.merck.com/newsroom/new-release-archive/corporate-responsibility/2010\\_0824](http://www.merck.com/newsroom/new-release-archive/corporate-responsibility/2010_0824). See also Themba Moeti, *Lessons from Botswana and ACHAP*.
- <sup>791</sup> U.S. Embassy- Gaborone, *reporting, March 24, 2010*, para 5 (A)
- <sup>792</sup> Integrated Regional Information Networks, "Botswana: Positive teens find refuge at their own club", IRINnews.org, [online], November 3, 2009 [cited November, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportID=86861>.
- <sup>793</sup> UNICEF, ed., "*Thari ya bana*" - *Reflections on Children in Botswana 2010* (Gaborone: University of Botswana, 2010).
- <sup>794</sup> U.S. Department of State. "Botswana (Tier 2)." In *Trafficking in Persons Report- 2009*. Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.