

In 2011, Botswana made a moderate advancement in efforts to eliminate the worst forms of child labor. The Ministry of Labor finalized a sustainability plan in which labor inspectors will work with local leaders and Village Development Committees to identify and refer cases of child labor to social workers. The Government appointed the Ministry of Defense, Justice and Security as the lead ministry for trafficking matters and increased actions to combat trafficking. The Government also trained educators and social workers to explain the importance of education to parents and to help them overcome issues preventing children from attending school. In addition, the Labor Code does not define hazardous or light work or a list of hazardous occupations prohibited to children has not been established. There is also no law establishing an age through which education is compulsory. Children in Botswana continue to engage in the worst forms of child labor in livestock herding in rural areas and domestic service in urban centers.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		94.2

Sources:

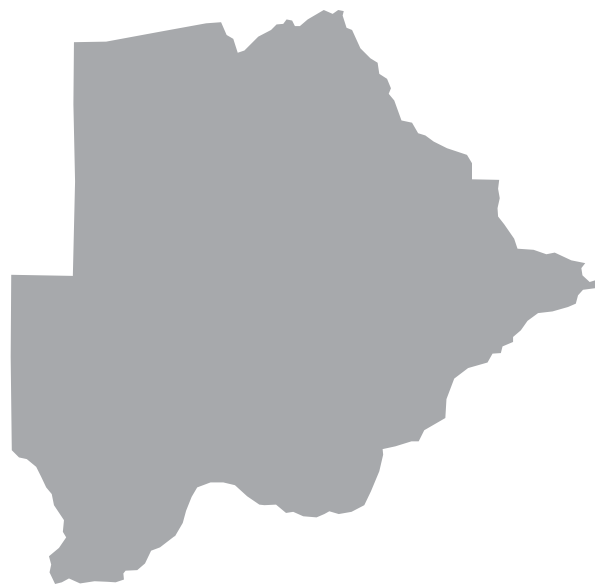
Primary completion rate: Data from 2007, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Botswana are engaged in the worst forms of child labor, including in livestock herding and domestic work.(3-9) Children often work for little or no pay as herd boys on family cattle posts.(3, 8, 9) Boys manage herds of livestock in isolated areas for days without proper food and shelter.(3, 5) During the reporting period, the Ministry of Labor and Home Affairs (MOLHA) Minister cited statistics according to which over 25,000 children under the age of 15 are working on farms and cattle posts.(3)

Children also work in domestic service. Parents from rural areas send their children to the city to live with wealthier families and to work as domestic servants.(3, 4, 9) The MOLHA



Minister reported that over 1,500 children are working in domestic service.(3, 4, 9) These children may work long hours and face physical and sexual abuse from their employers.(10)

Children in Botswana also work in dangerous activities in agriculture.(6, 11, 12) They may perform unsafe tasks such as using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.(12)

Botswana is a source and destination country for children trafficked for the purposes of forced labor and sexual exploitation.(3, 9) Botswana girls are prostituted by truck drivers in bars and along major highways.(3, 9) Research suggests that HIV/AIDS impoverishes families and pushes children into child labor, with those orphaned by HIV/AIDS among the most susceptible to trafficking.(9, 13, 14)

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 14.(15, 16) The law forbids employers from using "young persons," 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.(15) Family members may employ their own children if these children 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.(15) Gaps between the legislative framework and the National Action Plan for the Elimination of Child Labor (NAP) were identified, resulting in the crafting of proposed amendments for certain provisions in the Employment Act.(17) During

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the reporting period, the Government set up a working group, and funded and collaborated with ILO consultants and NGO stakeholders to compile a hazardous work list.(3) The regulations for the hazardous work list were finalized and submitted to the Commissioner of Labor who was to present them to the Cabinet.(17) As of the end of the reporting period, however, the law did not define hazardous or light work more specifically, nor did it establish a list of hazardous occupations prohibited to children.(3) 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	16
	Free Public Education	No

The Government of Botswana does not have a law specifically prohibiting trafficking in persons.(3, 18) 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.”(19-21) These laws also punish the offense of rape, indecent assault and defilement of any person, with specific provisions against the unlawful defilement of anyone under age 16. Also prohibited is the procurement of any person for the purposes of prostitution.(21) Child pornography is a criminal offense in Botswana.(20) The law specifically protects adopted children from being exploited for labor, and orphans from being coerced into prostitution.(20) The Employment Act prohibits forced labor.(15)

While the Children’s Act specifically prohibits the trafficking of children, it does not define child trafficking.(9, 22) It is unclear whether these laws fully protect children from all forms of

trafficking. During the reporting period, the Attorney General began working with UNODC to draft comprehensive anti-trafficking legislation to present to Parliament in 2012.(23) Current laws do not specifically protect against sex and labor trafficking to Botswana.

Although basic education is not free, there were government reports to the UNESCO Institute of Statistics that education is compulsory until age 16.(8, 24-26) However, children from poor families are exempted from paying school fees and also receive free meals.(25) The lack of a free primary education requirement 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.(27) There are also no laws that specifically prohibit the use of children in illicit activities, including drug trafficking.

Institutional Mechanisms for Coordination and Enforcement

The Government has an Advisory Committee on Child Labor that 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.(3, 5, 20) The Department of Labor within MOLHA coordinated with the Department of Social Services to raise awareness and advocate against exploitative child labor.(3, 9, 28)

MOLHA has the overall responsibility for enforcing child labor laws and policies.(3, 9, 20) The Commissioner of Labor within MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws and is authorized to end employment relationships involving children.(11, 15) The Labor Inspection Unit under the Labor Commissioner’s Office is charged with enforcing the Employment Act, which includes those provisions related to the employment of children, within the scope of its labor inspections.(3, 28) It is unclear how many labor inspectors are employed by MOLHA. The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws at the local levels.(11, 29)

In 2011, MOLHA conducted 2,291 routine labor inspections, which included verifications of compliance with child labor laws on farms and in manufacturing and other industries. None of the labor violations found involved children.(3, 8) It is unclear why these inspections did not uncover cases of child

labor. In March 2012, some family health workers employed by the government received training intended to raise awareness of child labor amongst those with a strong presence and networks at the community level.(17)

During the reporting period, the Government took steps to combat trafficking in persons and appointed the Ministry of Defense, Justice and Security (MDJS) as the lead ministry responsible for trafficking matters. Additionally, the Government initiated monitoring of suspected trafficking cases.(23) Furthermore, the Government initiated a campaign to increase birth registrations to combat trafficking sustained by identity fraud and more than doubled the number of officers sent to anti-trafficking trainings from the last reporting period; increasing to 185 police, immigration and labor officers. Despite significant efforts to address trafficking in Botswana it is reported that deficiencies in the way police handle cases of violence against women and children, such as targeting women in prostitution but not procurers or accomplices, as well as a lack of sufficient sensitization and investigative skills, are constraining the ability to identify, prosecute and prevent trafficking.(23) In addition, the Penal Code and the Criminal Procedure and Evidence Act have not been used to prosecute or convict any trafficking offenders.(9)

Government Policies on the Worst Forms of Child Labor

In February 2008, the Government of Botswana adopted a NAP 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.(11, 30) The MOLHA allocated money to the Department of Labor specifically for child labor issues in the national 2012-13 budget.(17)

One policy specifically focused on vulnerable children is the National Plan of Action for Orphans and Vulnerable Children (OVC), which is in effect until 2016. This Plan aims to respond to challenges faced by OVC within Vision 2016, the 2010 National Development Plan (NDP 10) and the Second National Strategic Framework (NSF II).(31) It will also facilitate decentralized operational planning, serve as a communication tool among key players, provide a long-term perspective for planning within a broad child protection framework, and facilitate the operationalization of the Children's Act (2009) and other OVC-related regulations.(31)

The actual implementation of the NAP is ongoing, but NAP policies are being mainstreamed into the NDP 10, the primary school curriculum, and institutional plans for the Ministry of Education and the Botswana Police.(17, 32) Child labor training has been mainstreamed into service training for the Botswana Police, and efforts to mainstream child labor into the police curriculum are underway.(17)

The Presidential Task Group on Long-Term Vision for Botswana's Vision 2016 strategy acknowledges that parents sometimes intentionally choose not to send their children to school.(33) 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.(34) 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.(34)

The Botswana National Youth Policy (NYP), which began in 1996, addresses issues affecting youth, such as abuse of young people and the high number of young people who are not in school.(35, 36) NYP activities also include government-funded programs and nationwide seminars to encourage youth entrepreneurship and engagement in business activities.(25) The impact of the NYP on the worst forms of child labor has not been studied.

During the reporting period, the Ministry of Education, the Department of Social Services and the Botswana Police began actively implementing their action plans, which include efforts to address child labor.(32) The Department of Social and Community Development is developing tools to support the enforcement of the Children's Act, and the Department of Justice agreed to include "children used by adults to commit crime" in the Child Justice data collection tool. The Ministry of Gender and Child Welfare also implemented several components of its action plan, including the safety and protection of children and reaching out to children in need.(32)

The Ministry of Labor, with input from social partners, has finalized a sustainability plan in which child labor will become part of the daily operations of labor inspectors who will work closely with Village Development Committees. These Committees consist mostly of local volunteers and local leaders who identify and refer cases of child labor to social workers.(17, 25) Another significant part of this plan is that schools will be charged with monitoring school attendance to promote retention.(17)

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

The Government of Botswana continues to participate in the regional project Towards the Elimination of the Worst Forms of Child Labor, Phase II (TECL II), which is a USDOL-funded project aiming to combat the worst forms of child labor in the southern African countries of Botswana, Namibia and South Africa.(30, 32) In Botswana, the project supports the Government-endorsed NAP and targets children working in agriculture, with a 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 to withdraw and prevent 2,100 children from engaging in the worst forms of child labor in Botswana.(30, 32)

Several studies on child labor in the agricultural sector and the impact of HIV/AIDS on child labor were conducted through TECL II, which will be used to determine future program planning based on the most affected children and localities with high concentrations of child labor. The HIV/AIDS study was considered when drafting the new national HIV/AIDS policy.(32)

The Government of Botswana signed a memorandum of understanding with the ILO-IPEC, continuing their partnership in the Decent Work Country Program (DWCP) Agenda 2007-2015 for the Southern Africa sub-region.(32) The DWCP for the sub-region is part of a broader action plan to eliminate the worst forms of child labor in Africa by

2016.(30, 32) The Program focuses on employment creation, social protection, tripartism, social dialogue and worker's rights. Through addressing socioeconomic issues, the DWCP also helps address HIV/AIDS and child labor issues.(32) The Government is operationalizing the DWCP that was adopted in 2011.(17)

In 2011, the Government 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 and by working to overcome problems preventing children from attending school.(3) The Government also conducted a comprehensive census and funded the ILO to conduct additional work in the area of child labor, suggesting more information might be available next year.(3) This ILO project, implemented in Gaborone and Francistown by Childline and Humana, aimed to help child laborers return to school and to keep at-risk children in school.(25)

The Government of Botswana, in partnership with the Baylor International Pediatric AIDS Initiative, provides care and treatment to HIV-infected infants and children. The Teens Club, formed through this initiative in 2005 had approximately 200 members in 2011.(25)

Along with instituting programs through the Ministry of Education and the Department of Social Services, the Government increased campaigns to raise awareness of child labor.(3) The Government, through its ministries and in partnership with Childline, UNICEF and other NGOs, conducted a national awareness campaign on exploitative child labor.(3, 9)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend labor laws to—	
	• Specifically define light work and identify the types of hazardous work prohibited for children.	2009, 2010, 2011
	• Extend protection to all children working in the worst forms of child labor in domestic service.	2010, 2011
	• Ensure free education for all children.	2010, 2011
	• Protect against international sex and labor trafficking.	2011
	• Prohibit the use of children in illicit activities.	2011
	• Clarify whether laws fully protect children from trafficking and take measures to strengthen these laws if they do not.	2011 2011

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Improve the ability of the police force to identify, prosecute and prevent trafficking by addressing how police handle cases of violence against children through training and sensitization.	2011
	Ensure enforcement of anti-trafficking laws.	2011
Policies	Assess the impact of the NYP on the worst forms of child labor.	2011
Social Programs	Assess the impact of the National Operational Plan for HIV/AIDS on child labor.	2011

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