

*In 2013, Botswana made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government continued its Stay-in-School Program which is focused on training educators and social workers to explain the importance of education to parents, and to help them overcome issues preventing children from attending school. The Government is also funding and participating in a working group with NGOs to develop a list of hazardous occupations that should be prohibited for children, and to develop other laws related to child labor. However, children in Botswana continue to engage in child labor in cattle herding in rural areas and domestic service in urban centers. Key gaps remain in the country's legal framework against child labor, and enforcement of existing laws is insufficient.*



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Botswana are engaged in child labor, including in cattle herding in rural areas and domestic service in urban centers.(1-4) Table 1 provides key indicators on children's work and education in Botswana. Data on some of these indicators are not available from the sources used in this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	5-14 yrs.	Unavailable
Primary Completion Rate (%)		94.7

Source for primary completion rate: Data from 2009, published by UNESCO Institute for Statistics, 2014.(5)

Source for all other data: Understanding Children's Work Project's analysis, 2014.(6)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Agriculture, activities unknown (1, 3, 4)
	Herding cattle* (1-4)
Services	Street work, including vending* and car washing* (2)
	Domestic service (1-4, 7)
Categorical Worst Forms of Child Labor‡	Forced labor on farms and cattle posts,* sometimes as a result of human trafficking* (4, 8)
	Commercial sexual exploitation sometimes as a result of human trafficking (4, 8)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

Truck drivers are among those who exploit children in commercial sexual exploitation in bars and along major highways in Botswana.(4, 8)




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### II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Botswana has ratified all key international conventions concerning child labor, including its worst forms (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Employment Act (9)
Minimum Age for Hazardous Work	Yes	18	Employment Act (9)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Employment Act (9)
Prohibition of Child Trafficking	Yes		Penal Code; Criminal Procedure and Evidence Act; Section 114 of the Children's Act (10-12)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Penal Code; Criminal Procedure and Evidence Act; Children's Act (10-12)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	Yes	18	Botswana Defense Force Act (13)
Minimum Age for Voluntary Military Service	Yes	18	Botswana Defense Force Act (13)
Compulsory Education Age	No		
Free Public Education	No		

Research found no evidence that Botswanan law establishes a list of hazardous occupations prohibited for children, although the Government has made efforts to compile one in recent years.(14, 15) The Government of Botswana does not yet have a law prohibiting trafficking in persons, although one is currently under consideration.(8, 16, 17) In 2013, the Ministry of Defense, Justice, and Security (MDJS) held sessions on draft legislation, including one in February 2013 designed to solicit feedback from civil society.(8) In the absence of a comprehensive trafficking law, current laws do not fully protect against sex and labor trafficking in Botswana. While Section 114 of the Children's Act specifically prohibits the trafficking of children, it does not define child trafficking.(12) It is unclear whether the country's various laws on trafficking fully protect children from all forms of trafficking. In addition, while Section 60 of the Children's Act prohibits the use of a child in the production or trafficking of drugs, laws do not prohibit the use of children in other illicit activities or provide protections to children in domestic work.(12) Although research did not uncover any laws making education compulsory, the Government has reported to UNESCO that education is compulsory to age 16.(4, 17-19) Primary school education is free, but secondary school costs between \$38 and \$43 per year.(17) The law provides that children from poor families are exempted from paying school fees and shall receive free meals, toiletries, and school uniforms.(1, 4, 17, 18) However, the lack of free secondary education and a compulsory education law may leave some children more vulnerable to involvement in the worst forms of child labor.

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Home Affairs (MOLHA) Department of Labor	Enforce child labor laws and policies. Investigate workplaces that are suspected of violating child labor laws and authorization to end employment relationships involving children is tasked to the Commissioner of Labor within the MOLHA.(1, 4, 9, 14, 20, 21) Enforce the Employment Act, which includes those provisions related to the employment of children, within the scope of its labor inspections is charged to the Labor Inspection Unit under the Commissioner of Labor's Office.(1, 4, 9, 14, 20, 21)
District and Municipal Council Child Welfare Divisions	Enforce child labor laws at the local levels.(1, 14, 22)
Ministry of Defense, Justice, and Security (MDJS)	Monitor suspected trafficking cases and trafficking-related matters.(16)

Law enforcement agencies in Botswana took actions to combat child labor, including its worst forms.

#### *Labor Law Enforcement*

In 2013, the Government reported that it investigated and processed child labor cases; however, research did not uncover any additional information about these actions.(1) The Ministry of Labor and Home Affairs (MOLHA) allocated funding to the Department of Labor specifically for child labor issues in the national 2012-2013 budget.(23) It is unclear how many labor inspectors are employed by the MOLHA or the level of funding available for inspections; however, the MOLHA has stated that it does not have enough labor investigators to address child labor in rural areas.(1, 14, 22)

#### *Criminal Law Enforcement*

In 2013, the Department of Social and Community Development began developing tools to support the enforcement of the Children's Act, and the MDJS agreed to include "children used by adults to commit crime" in the Child Justice data collection tool. In addition, the Government has contracted local NGOs to begin drafting referral procedures for orphans and vulnerable children.(17) Despite significant efforts in past years—including increases in training—to address trafficking in Botswana, it is reported that deficiencies in the way police handle cases of violence against women and children (e.g., targeting women in prostitution but not procurers or accomplices, as well as a lack of centralized referral systems and sufficient sensitization and investigative skills) constrain their ability to identify, prosecute, and prevent trafficking.(15, 16, 22) In addition, the Penal Code and the Criminal Procedure and Evidence Act have not been used to prosecute or convict any trafficking offenders.(8)

### IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

**Table 6. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Advisory Committee on Child Labor	Include representatives from government agencies, various NGOs, worker federations, and employer organizations, and facilitate the oversight of child labor issues among all stakeholders.(2, 4, 14)
Child Labor Committees	Identify child laborers. Created by some villages. Include a social worker; local school teachers; members of the Village Development Committees (VDC), which are local government structures; labor inspection officers; and community leaders, including the chief and local priest.(3, 17)

In 2013, in addition to the above mechanisms, the Government is funding and participating in a working group with NGOs to develop a list of hazardous occupations that should be prohibited for children, and to develop other laws related to child labor.

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### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Botswana has established policies related to child labor, including its worst forms (Table 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
National Action Plan on the Elimination of the Worst Kinds of Child Labor	Include action items such as addressing legislation and policy gaps, raising awareness, designing programs better targeted to address child labor, and providing training for relevant stakeholders and implementers.(20)
National Plan of Action for Orphans and Vulnerable Children (OVC)*	Respond to challenges faced by OVCs within other strategic policy plans, including Vision 2016, the 2010 National Development Plan (NDP 10), and the Second National Strategic Framework (NSF II). 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.(24)
Presidential Task Group on Long-Term Vision for Botswana's Vision 2016 Strategy*	Acknowledge that parents sometimes intentionally choose not to send their children to school. Provide 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.(25)
UN Development Assistance Framework for Botswana (2010-2016)*	Include the goal of reducing child labor to help create a protective and supportive environment for children.(26)
1996 Botswana National Youth Policy (NYP) and 2001 National Action Plan for Youth*	Address issues affecting youth, such as abuse of young people and the high number of young people who are not in school. Include government-funded programs and nationwide seminars to encourage youth entrepreneurship.(17, 18, 27)
MOLHA Sustainability Plan	Make child labor a part of the daily operations of labor inspectors, who work closely with the VDCs. Consist mostly of local leaders and volunteers who identify and refer cases of child labor to social workers.(23) That schools will be charged with monitoring school attendance to promote retention.(23)
Ministry and Department Action Plans	Efforts to address child labor by the Ministry of Education, the Department of Social Services, and the Botswana Police.(28) Several components by the Ministry of Gender and Child Welfare were implemented including the safety and protection of children and reaching out to children in need.(28)

\*The impact of this policy on child labor does not appear to have been studied.

### VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Botswana funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

**Table 8. Social Programs to Address Child Labor**

Program	Description
Decent Work Country Program (DWCP)*	ILO DWCP for Southern Africa focuses on employment creation, social protection, tripartism, social dialogue, and workers' rights. Addresses HIV/AIDS and child labor issues through addressing socioeconomic issues.(28, 29)
Stay-in-School Program *‡	Government program where 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 issues preventing children from attending school.(1, 14)

\*The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Botswana.

In 2013, the Government also began releasing data on a comprehensive census conducted in 2011, which does not appear to include information on child labor.(15, 30) The Government increased campaigns to raise awareness of child labor, including through its ministries and in partnership with NGOs.(1, 8, 14) Although the Government has programs to address child labor, little research is available on their impact, especially in addressing child domestic work and livestock herding.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Botswana (Table 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Enact a law that identifies the hazardous occupations prohibited for children.	2009 – 2013
	Clarify whether laws fully protect children from trafficking and take measures to strengthen these laws if they do not, including by passing the pending anti-trafficking legislation.	2010 – 2013
	Prohibit the use of children in illicit activities.	2011 – 2013
	Extend protection to all children working in child labor in domestic service.	2010 – 2013
	Ensure free education for all children and make education compulsory until at least the minimum age of employment.	2010 – 2013
Enforcement	Make information publicly available on the number of labor inspectors employed, funding levels, number of investigations and outcomes of cases, and ensure that adequate resources are available to enforce child labor laws throughout the whole country.	2012 – 2013
	Improve the ability of the police force to handle cases of violence and trafficking of children through targeting procurers and accomplices in prostitution, centralizing referral systems, and training in sensitization and investigative skills.	2011 – 2013
	Prosecute and convict those who violate anti-trafficking laws.	2011 – 2013
Government Policies	Assess the impact of the NYP and other policies on child labor.	2011 – 2013
Social Programs	Develop programs to address child labor in domestic work and cattle herding, and assess the impact of existing programs on child labor.	2012 – 2013
	Conduct research to determine the activities carried out by children working in agriculture to inform policies and programs.	2013

## REFERENCES

- U.S. Embassy- Gaborone. *reporting, January 17, 2014.*
- 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. [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).
- Childline. *Final Output Report TECL II.* Gaborone; April 12, 2012. [source on file].
- U.S. Department of State. "Botswana," in *Country Reports on Human Rights Practices- 2013.* Washington, DC; February 27, 2014; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220084>.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.* [accessed February 10, 2014]; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys.* Analysis received February 13, 2014. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, 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 of this report.
- The Protection Project. *The Protection Project- Human Rights Report.* Project Document. Washington, DC, The Paul H. Nitze School of Advanced International Studies (SAIS) at The Johns Hopkins University; June 30, 2010. <http://www.protectionproject.org/wp-content/uploads/2010/09/Botswana2.pdf>.
- U.S. Department of State. "Botswana," in *Trafficking in Persons Report- 2013.* Washington, DC; June 19, 2013; <http://www.state.gov/documents/organization/210738.pdf>.
- Government of Botswana. *Employment Act,* enacted 1982. <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm>.
- Government of Botswana. *Penal Code,* enacted 1964. [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=238601](http://www.wipo.int/wipolex/en/text.jsp?file_id=238601).
- Government of Botswana. *Criminal Procedure and Evidence Act,* enacted January 1, 1939. [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_country=BWA&p\\_classification=01.04&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BWA&p_classification=01.04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY).
- Government of Botswana. *Children's Act,* 8, enacted 2009. <http://www.santac.org/eng/Media/Files/Botswana-Children%27s-Act-2009>.
- Government of Botswana. *Botswana Defence Force,* 23, enacted 1977. <http://www.elaws.gov.bw/law.php?id=883>.
- U.S. Embassy- Gaborone. *reporting, January 31, 2013.*
- U.S. Embassy Gaborone official. E-mail communication to USDOL official. March 21, 2013.
- U.S. Embassy- Gaborone. *reporting, February 21, 2012.*
- U.S. Department of State official. E-mail communication to USDOL official. May 28, 2013.
- U.S. Department of State official. E-mail communication to USDOL official. May 7, 2012.
- UNESCO. *Beyond 20/20 Web Data System: Table 1: Education Systems.* 2012. <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx>.
- U.S. Embassy- Gaborone. *reporting, January 20, 2009.*
- ILO. *Botswana: Labour Inspection Structure and Organization;* accessed February 22, 2010; [http://www.ilo.org/labadmin/info/WCMS\\_114934/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_114934/lang--en/index.htm).
- U.S. Embassy- Gaborone. *reporting, February 15, 2013.*

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23. ILO-IPEC. *Technical Progress Report Botswana, Namibia and South Africa (TECL II) April 2012*. Geneva; 2012.
24. National AIDS Coordinating Agency. *Botswana 2012 Global AIDS Response Report*. Progress Report of the National Response to the 2011 Declaration of Commitments on HIV and AIDS. Geneva, March 31, 2012. [http://www.unaids.org/en/dataanalysis/knowyourresponse/countryprogressreports/2012countries/ce\\_BW\\_Narrative\\_Report\[1\].pdf](http://www.unaids.org/en/dataanalysis/knowyourresponse/countryprogressreports/2012countries/ce_BW_Narrative_Report[1].pdf).
25. Government of Botswana. *Vision 2016 Booklet: A Framework for a Long Term Vision for Botswana*. Gaborone; March 7, 2011. <http://www.vision2016.co.bw/vision-publications.php?flag=pub>.
26. Government of Botswana and the United Nations System in Botswana. *United Nations Development Assistance Framework 2010-2016 Botswana*. Gaborone; March 2009. [http://botswana.unfpa.org/drive/BotswanaUNDAF\(2010-2016\).pdf](http://botswana.unfpa.org/drive/BotswanaUNDAF(2010-2016).pdf).
27. Government of Botswana, Ministry of Labour and Home Affairs. *National Youth Policy*. Gaborone; February 1996. [http://www.ub.bw/ip/documents/1996\\_National%20Youth%20Policy.pdf](http://www.ub.bw/ip/documents/1996_National%20Youth%20Policy.pdf).
28. ILO-IPEC. *TECL- (Phase II) TPR-October 2011*. Technical Progress Report. Geneva; 2011.
29. Government of Botswana. *Decent Work Country Programme for Botswana 2011 to 2015*. Gaborone; February 2011. <http://www.ilo.org/public/english/bureau/program/dwcp/download/botswana.pdf>.
30. U.S. Embassy- Gaborone. *reporting, January 20, 2012*.