

In 2012, Botswana made a moderate advancement in efforts to eliminate the worst forms of child labor. The Ministry of Labor and Home Affairs (MOLHA) began implementing a sustainability plan in which labor inspectors work with local leaders and Village Development Committees to identify and refer cases of child labor to social workers. In addition, some communities have created Child Labor Committees to support these efforts. The Government also funded an NGO to remove children from the worst forms of child labor and has 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. However, gaps in the legal framework remain, as the Labor Code does not define hazardous or light work, and 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		97.2

#### Sources:

**Primary completion rate:** Data from 2009, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis, 2013.(2)

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

Children in Botswana are engaged in the worst forms of child labor, including in livestock herding and domestic work.(3-10) Children often work for little or no pay as herd boys on family cattle posts.(8-11) Boys manage herds of livestock in isolated areas for days without proper food and shelter.(5, 11) According to the MOLHA, more than 25,000 children under the age of 15 are working on farms and cattle



posts.(3) Children in Botswana also work in dangerous activities in agriculture.(3, 7) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(12, 13)

Children also work in domestic service. Parents from rural areas work alongside their children in domestic service or send their children to the city to live with wealthier families and to work as domestic servants.(3, 4, 8, 9) The MOLHA Minister reported that more than 1,500 children are working in domestic service.(3, 4, 8) These children may be denied access to education, subjected to confinement, and subjected to verbal, physical, and sexual abuse from their employers.(8) In addition, children in domestic work may be required to work long hours and perform strenuous tasks without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(14, 15)

Botswana is a source and destination country for children trafficked for the purposes of forced labor and commercial sexual exploitation.(8, 10) Truck drivers are among the clientele of children who are subjected to commercial sexual exploitation in bars and along major highways in Botswana.(8, 10) Those most susceptible to trafficking in Botswana are unemployed men and women, those living in rural poverty, agricultural workers, and children.(16)

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

The Employment Act establishes the minimum age for employment at 14.(17, 18) 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.(17) 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.(17) Gaps between the legislative framework and the National Action Plan for the Elimination of Child Labor (NAP) have been identified and new amendments for certain provisions in the Employment Act have been proposed.(3, 19) Regulations for a hazardous work list, developed with ILO consultants and NGO stakeholders, have been finalized and submitted to the Commissioner of Labor, who was to present them to the Cabinet. Further information was not available on the progress of these efforts.(19) As of the end of the reporting period, the law did not define hazardous or light work more specifically, nor did it establish a list of hazardous occupations prohibited to children.(3, 20) The law also lacks protections for children involved in domestic work.

## International Conventions and Selected Laws on Child Labor and Education

	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	No
	Free Public Education	No

The Government of Botswana does not yet have a law specifically prohibiting trafficking in persons, although one is currently under consideration by the Cabinet.(8, 21, 22) 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.”(8, 23, 24) 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.(23) Child pornography is a criminal offense in Botswana.(10) The law specifically protects adopted children from being exploited for labor or coerced into prostitution.(10) The Employment Act prohibits forced labor.(17)

While the Children’s Act specifically prohibits the trafficking of children, it does not define child trafficking.(8, 25) It is unclear whether the collection of laws that cover trafficking fully protect children from all forms of trafficking. The Attorney General has worked with the UNODC and the Ministry of Defense, Justice, and Security (MDJS) to draft comprehensive anti-trafficking legislation to present to Parliament.(21) As of the end of the reporting period, the draft legislation is pending final review by the Cabinet before it goes to Parliament for debate and passage.(20, 22) In the absence of a comprehensive trafficking law, current laws do not specifically protect against sex and labor trafficking to Botswana, although they do prohibit most forms of trafficking.

Although there appears to be no laws making education compulsory, the Government considers education compulsory and there were government reports to the UNESCO Institute for Statistics that education is compulsory until age 16.(10, 22, 26, 27) Primary school education is free, and secondary school costs the equivalent of between \$38 and \$43.(22) In addition, the law provides that children from poor families are exempted from paying school fees and also receive free meals, toiletries, and school uniforms.(22, 26) The lack of a free secondary education and a compulsory education law may leave some children more vulnerable to 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.(28) Research did not uncover any 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 on Child Labor facilitates the oversight of child labor issues among all stakeholders.(3, 5, 10) The Department of Labor within the MOLHA coordinated with the Department of Social Services to raise awareness and advocate against exploitative child labor.(3, 8) In some villages, local authorities formed Child Labor Committees that were active in identifying child laborers. The committees included an area social worker, local school teachers, members of the Village Development Committees (VDC), labor inspection officers, and community leaders including the chief and the local priest.(9, 22)

The MOLHA has the overall responsibility for enforcing child labor laws and policies.(3, 10) The Commissioner of Labor within the MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws and is authorized to end employment relationships involving children.(17, 29) The Labor Inspection Unit under the Commissioner of Labor'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, 30) 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. The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws at the local levels.(3, 31)

In 2011, the most recent period data are available, the 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 by these inspections involved children.(3, 10, 11) 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 among those with a strong presence and networks at the community level.(19) In 2012, two NGOs—one of which is government funded—conducted a project with ILO support and removed a total of 277 children from agricultural labor, and 60 from commercial sexual exploitation.(9, 22)

The MDJS is the lead ministry responsible for trafficking matters, including monitoring suspected trafficking cases.(21) The Government continued a campaign to increase birth registrations to combat trafficking sustained by identity fraud. 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 the ability to identify, prosecute, and prevent trafficking.(20, 21, 31) In addition, the Penal Code and the Criminal Procedure and Evidence Act have not been used to prosecute or convict any trafficking offenders.(8)

## Government Policies on the Worst Forms of Child Labor

The Government of Botswana's NAP includes 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.(29, 32) The MOLHA allocated money to the Department of Labor specifically for child labor issues in the national 2012-2013 budget.(19)

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 the OVC within other strategic policy plans, including Vision 2016, the 2010 National Development Plan (NDP 10), and the Second National Strategic Framework (NSF II).(33) It will also aim to 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.(33)

Implementation of the NAP is ongoing, and 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.(19, 34) 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.(19)

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

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to school.(35) 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.(35) 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.(36)

The 1996 Botswana National Youth Policy (NYP) and 2001 National Action Plan for Youth, which were most recently revised in 2010, address issues affecting youth, such as abuse of young people and the high number of young people who are not in school.(22, 37, 38) The NYP activities also include government-funded programs and nationwide seminars to encourage youth entrepreneurship and engagement in business activities.(26) The impact of the NYP on the worst forms of child labor has not been studied.

The Ministry of Education, the Department of Social Services, and the Botswana Police have been implementing action plans, which include efforts to address child labor.(34) 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.(34) The Government has contracted local NGOs to begin drafting referral procedures for orphans and vulnerable children and victims of gender-based violence, two groups that may be more susceptible to forced labor.(22)

The Ministry of Labor, with input from social partners, has a sustainability plan in which child labor is becoming part of the daily operations of labor inspectors, who work closely with the VDCs. These committees consist mostly of local volunteers and local leaders who identify and refer cases of child labor to social workers.(19) Another significant part of this plan is that schools will be charged with monitoring school attendance to promote retention.(19)

## 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 combatting the worst forms of child labor in the southern African countries of Botswana, Namibia, and

South Africa.(32, 34) 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.(32, 34)

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.(34)

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 subregion.(34) The DWCP for the subregion is part of a broader action plan to eliminate the worst forms of child labor in Africa by 2016.(32, 34) The program focuses on employment creation, social protection, tripartism, social dialogue, and workers' rights. Through addressing socioeconomic issues, the DWCP also helps address HIV/AIDS and child labor issues.(34) The Government is operationalizing the DWCP that was adopted in 2011.(19)

The Government is operating 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 began releasing data on a comprehensive census conducted in 2011.(11, 20) An ILO-funded project aimed to help child laborers return to school and to keep at-risk children in school. However, the ILO funding ended for this project in early 2012.(3)

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 NGOs, conducted awareness raising on exploitative child labor.(3, 8) 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.

**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 <ul style="list-style-type: none"> <li>Specifically define light work and identify the types of hazardous work prohibited for children.</li> <li>Extend protection to all children working in the worst forms of child labor in domestic service.</li> <li>Protect against sex and labor trafficking by passing the currently pending anti-trafficking legislation.</li> <li>Prohibit the use of children in illicit activities.</li> <li>Clarify whether laws fully protect children from trafficking and take measures to strengthen these laws if they do not.</li> </ul>	2009, 2010, 2011, 2012  2010, 2011, 2012  2011, 2012  2011, 2012 2011, 2012
	Ensure free education for all children and make education compulsory until at least the minimum age of employment.	2010, 2011, 2012
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, 2012
	Make information publicly available on the number of labor inspectors employed, funding levels, number of investigations, and prosecutions, and ensure adequate resources are available to address child labor throughout the whole country.	2012
	Ensure enforcement of anti-trafficking laws.	2011, 2012
Policies	Assess the impact of the NYP on the worst forms of child labor.	2011, 2012
Social Programs	Develop programs to address child domestic work and cattle herding, and assess the impact of existing programs that target child labor.	2012

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