

In 2020, Botswana made minimal advancement in efforts to eliminate the worst forms of child labor. The government provided emergency food assistance packages to vulnerable families, reaching over 47,000 households affected by the COVID-19 pandemic. Criminal law enforcement officials also initiated two prosecutions related to the human trafficking of children for commercial sexual exploitation. However, children in Botswana are subjected to the worst forms of child labor, including in commercial sexual exploitation, cattle herding, and domestic work, each sometimes as a result of human trafficking. Key gaps remain in the country's legal framework, including the lack of a minimum age for compulsory education and list of hazardous work activities for children. In addition, social programs do not always reach intended child labor victims, especially those engaged in cattle herding and domestic work.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Botswana are subjected to the worst forms of child labor, including in commercial sexual exploitation, cattle herding, and domestic work, each sometimes as a result of human trafficking. (1-3) 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 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		100.7

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2021. (4)
Data were unavailable from International Labor Organization's analysis, 2021. (5)

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	Herding and spraying of cattle (6-9)
Services	Street work, including vending (10) Domestic work (8-11)
Categorical Worst Forms of Child Labor‡	Forced labor in herding cattle and domestic work, each sometimes as a result of human trafficking (3) Commercial sexual exploitation, sometimes as a result of human trafficking (3,12-14)

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

There is little published information regarding the sectors and types of activities in which children are working. Children in Botswana are victims of commercial sexual exploitation, sometimes as a result of human trafficking. (13,15) Research indicates that some children residing in the Dukwi Refugee Camp are subjected to commercial sexual exploitation as they await decisions regarding their refugee status. (10) Some parents in poor rural communities send their children to work as domestic servants in cities, or at farms or cattle posts, increasing their vulnerability to forced labor. (3,13) Children, particularly children from the San minority ethnic group, work on commercial farms in the Ghanzi Region, tending to and herding cattle. (6,8) An NGO reported

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that one of the work activities children perform on commercial farms is the "dipping" (spraying) of cattle, a process to remove ticks and flies. Such work may expose children to hazardous chemicals. (8) On some farms, employers may withhold food rations unless children perform work. (3,6,8,13)

Botswana law provides for free basic education; however, the costs of books, uniforms, and other materials are prohibitive for poorer families. (16,17) In addition, school enrollment requires an identity document, such as a birth certificate or national identity card. The government allows all children to enroll in primary education, even without these documents; however, migrant children and children born outside of health care facilities, or whose parents did not register them at birth, may not be able to enroll in secondary schools or register for national exams. (18) Schools also often lack adequate resources for students with disabilities, and children of the San ethnic group have limited access to educational facilities, including traveling long distances to reach schools and encountering language barriers and prejudice within schools, which cause children to drop out. (10,17,19,20) Moreover, pervasive physical and sexual abuse within schools, by both teachers and peers, contributes to children leaving education early and becoming vulnerable to the worst forms of child labor. (6,10,21,22)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Botswana has ratified all key international conventions concerning child labor (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 laws and regulations related to child labor (Table 4). However, gaps exist in Botswana's legal framework to adequately protect children from the worst forms of child labor, including the lack of a compulsory education age that is consistent with the minimum age for work and inadequate legal protections for children from commercial sexual exploitation.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Articles 2 and 107 of the Employment Act (23)
Minimum Age for Hazardous Work	Yes	18	Articles 2 and 110 of the Employment Act (23)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Articles 2 and 71 of the Employment Act; Section 114 of the Children's Act; Articles 9 and 10 of the Anti-Human Trafficking Act; Section 262 of the Penal Code (23-26)
Prohibition of Child Trafficking	Yes		Section 114 of the Children's Act; Article 175 of the Penal Code; Articles 9 and 10 of the Anti-Human Trafficking Act (24-26)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 25 and 57–59 of the Children's Act (24)

Table 4. Laws and Regulations on Child Labor (Cont.)

Standard	Meets International Standards	Age	Legislation
Prohibition of Using Children in Illicit Activities	Yes		Section 60 of the Children's Act (24)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Section 17 of the Botswana Defence Force Act (27)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Section 26 of the Children's Act (24)
Compulsory Education Age	No		
Free Public Education	Yes		Section 18 of the Children's Act (24)

* No conscription (27)

The Employment Act allows children to conduct light work activities at age 14, with restrictions on the number of hours a child can work during a single day and in a week and a requirement that the Labor Commissioner approve any forms of work outside of domestic service; however, the government has yet to determine the conditions or types of light work activities permitted for children. (16) The Employment Act also prohibits night work and hazardous underground work for children, but the government has not promulgated regulations identifying hazardous work activities for children. Although the government compiled a comprehensive list of hazardous occupations, the list has not yet been approved. (17,23,28) In addition, legal protections for children from commercial sexual exploitation do not meet international standards because the use of children for prostitution and pornographic performances are not criminally prohibited. (24)

Despite the provision of free basic education, there is not a compulsory education age, which may increase children's vulnerability to child labor. (17,29)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Employment, Labor Productivity and Skills Development (MELSD)	Enforces child labor laws and conducts inspections under the Employment Act. (1,23) Facilitates coordination with local leaders and law enforcement officers. Posts labor inspectors to District Council offices to carry out their duties. (1) Coordinates with the Ministry of Local Government and Rural Development (MLGRD) to respond to cases of child labor and place children in safe environments. (10,30)
District and Municipal Council Child Welfare Divisions	Enforce child labor laws at the local levels. (1) The District and Municipal Council Child Welfare Divisions report to the Social Protection Department under the MLGRD (31)
Botswana Police Service (BPS)	Responds to cases of labor law violation, including child labor violations, based on referrals from MELSD. (7) Investigates cases of the worst forms of child labor, including commercial sexual exploitation of children and child trafficking. (1)
Ministry of Defense, Justice, and Security (MDJS)	Monitors suspected human trafficking cases and leads the Human Trafficking (Prohibition) Committee. (1)

Labor Law Enforcement

In 2020, labor law enforcement agencies in Botswana took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Employment, Labor Productivity and Skills Development (MELSD) that may hinder adequate labor law enforcement, including financial and human resource allocation.

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Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2019	2020
Labor Inspectorate Funding	Unknown (10)	\$64,424 (32)
Number of Labor Inspectors	Unknown (10)	Unknown (7)
Inspectorate Authorized to Assess Penalties	No (10,23)	No (7,23)
Initial Training for New Labor Inspectors	Unknown (10)	Yes (7)
Training on New Laws Related to Child Labor	Unknown (10)	N/A (7)
Refresher Courses Provided	Unknown (10)	No (7)
Number of Labor Inspections Conducted	Unknown (10)	76 (32)
Number Conducted at Worksite	Unknown (10)	76 (32)
Number of Child Labor Violations Found	0 (10)	0 (32)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (10)	N/A (32)
Number of Child Labor Penalties Imposed that Were Collected	0 (10)	N/A (32)
Routine Inspections Conducted	Yes (10)	Yes (32)
Routine Inspections Targeted	Yes (10)	No (32)
Unannounced Inspections Permitted	Yes (23)	Yes (23)
Unannounced Inspections Conducted	Yes (10)	Yes (7)
Complaint Mechanism Exists	Yes (10)	Yes (7)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (10)	Yes (7)

Under the Employment Act, child labor violations are criminal offenses, resulting in 12 months imprisonment; as such, Botswana labor inspectors refer violations to police for investigation and imposition of penalties. (23)

The government did not provide complete information on the number of labor inspectors. (7) Research found that the labor inspectorate lacks sufficient resources to adequately enforce labor laws. (7) Some of Botswana's largest administrative districts have only 1 to 2 labor inspectors. (6,7) The government reported 54 labor inspectors participated in a workshop on modern inspection techniques during the reporting period, but did not say whether this number comprised the entire inspectorate. (31) While the complete number of labor inspectors is unknown, according to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing economies, Botswana would need to employ about 78 labor inspectors. (10,33,34) The inadequate number of labor inspectors likely inhibits enforcement of the agricultural sector; for example, there was only one labor inspector in Ghanzi District, a district that spans 117,000 square kilometers and where there are reports of child labor at farms and cattle posts. (6,7) Furthermore, labor inspectors are not authorized to inspect domestic households, and some labor inspectors have faced obstacles in accessing large farms, such as locked gates or denial of entry, inhibiting their ability to identify underage workers. (6,10)

Research indicates that the government significantly curtailed labor inspections in accordance with pandemic and public health mandates that restricted movement. As a result, labor inspections were mostly in response to complaints. (11)

Criminal Law Enforcement

In 2020, criminal law enforcement agencies in Botswana took actions to combat child labor (Table 7). However, gaps exist within the operations of criminal enforcement agencies that may hinder adequate criminal law enforcement, including investigation planning.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2019	2020
Initial Training for New Criminal Investigators	Unknown (10)	Unknown (7)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (10)	N/A (7)
Refresher Courses Provided	Yes (10)	Unknown (7)
Number of Investigations	Unknown (10)	2 (35)

Table 7. Criminal Law Enforcement Efforts Related to Child Labor (Cont.)

Overview of Criminal Law Enforcement	2019	2020
Number of Violations Found	0 (10)	2 (35)
Number of Prosecutions Initiated	0 (10)	2 (7)
Number of Convictions	0 (10)	Unknown (7)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (10)	Unknown (7)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (10)	Yes (7)

The government did not provide complete information on its criminal law enforcement efforts related to the worst forms of child labor, including trainings of new investigators and refresher courses, number of convictions, and whether it imposed penalties for criminal child labor offenses. (7) During the reporting period, criminal law enforcement officials opened two separate investigations related to the human trafficking of two Zimbabwean children for commercial sexual exploitation, initiating prosecutions against the alleged offenders. (35) Research, however, could not determine whether there were additional investigations, prosecutions, and convictions related to the worst forms of child labor. (7) MELSD and the Botswana Police Service operate toll-free hotlines to report offenses, including child exploitation, but the government did not provide information on the number of calls related to the worst forms of child labor. (7,14)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Advisory Committee on Child Labor	Oversees child labor issues and reports to the government three to four times a year. Includes representatives from government agencies, various NGOs, worker federations, and employer organizations. (1) Led by MELSD, with participation from the MLGRD, Ministry of Finance, and the Office of the President. (18) Research was unable to determine whether the Advisory Committee on Child Labor was active during the reporting period. (7)
Child Labor Committees	Identify child laborers at the village level. Include social workers; school teachers; members of the Village Development Committees, which are local government structures; labor inspectors; and community leaders, including chiefs and priests. (1) Research was unable to determine whether Child Labor Committees were active during the reporting period. (7)
Human Trafficking (Prohibition) Committee	Provides an inter-ministerial reporting and referral mechanism for children subjected to human trafficking. (18) Led by MDJS, with representation from MELSD, BPS, the Directorate of Public Prosecutions, and ministries responsible for gender affairs, social protection, immigration, and transportation. (1,36) The Human Trafficking (Prohibition) Committee met during the reporting period to oversee the integration of the Anti-Human Trafficking National Action Plan into other national strategies. (35)

The MDJS reported the need for technical support, training, and increased coordination among agencies to address human trafficking. It indicated that referral and rehabilitation services for victims of human trafficking are also needed. (1,14)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan on the Elimination of the Worst Forms of Child Labor	Outlines the government's plan to address child labor through legislation and policy, and includes awareness-raising programs and training on child labor for relevant stakeholders and implementers. (1) Research could not determine whether activities were undertaken to implement the National Action Plan on the Elimination of the Worst Forms of Child Labor during the reporting period. (7)

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Table 9. Key Policies Related to Child Labor (Cont.)

Policy	Description
Anti-Human Trafficking National Action Plan (2017–2020)	Outlined the government's plan to implement the Anti-Human Trafficking Act of 2015. Established goals to strengthen national coordination mechanisms to combat and prevent human trafficking through public awareness and cooperation among government departments and civil society. (37) During the reporting period, the government adopted measures to align the Anti-Human Trafficking National Action Plan with other national planning strategies. (35)

Child labor elimination and prevention strategies are not included in some national policies, including the Education and Training Sector Strategic Plan and the Botswana National Youth Policy. (38,39)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, the government funded and participated in programs that include the goal of eliminating child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor

Program	Description
Government-Funded Programs to Prevent and Eliminate Child Labor†	Government-funded programs that aim to prevent child labor and increase protections for vulnerable children. Includes NGO-run shelters, with financial support from the government, that cater to human trafficking victims, including children; the National School Feeding Program, which provides meals to children (grades one through seven) in all public primary schools in the country; the Remote Area Dweller Program, which provides a second meal to school children living in remote areas and children from marginalized communities; the Orphan Care Program, which provides orphans with meals and subsidizes the cost of school fees and transportation costs; and the Needy Children and Needy Students program, managed by the MLGRD, which provides families with free meals, toiletries, and school uniforms. (1,40) During the pandemic, the government distributed food assistance packages to vulnerable families. (8,9) As of April 2020, 47,493 households had received assistance under the temporary program. (41) However, research could not determine whether activities were taken to implement other government-funded programs during the reporting period, including the National School Feeding Program, the Remote Area Dweller Program, the Orphan Care Program, and the Needy Children and Needy Students programs.

† Program is funded by the Government of Botswana.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (42)

There are no official government-run shelters to assist child victims of human trafficking; the government authorized and partially funds NGO-run shelters, but it does not provide its own services. (1,14) An NGO reported that established shelters lack resources to attend to the needs of older children. (9)

Although Botswana has programs that target child labor, the design and implementation of these programs are insufficient to fully address the scope of the problem, especially in commercial sexual exploitation, cattle herding, and domestic work.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Botswana (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish provisions specifying the types of light work acceptable for children age 14.	2016 – 2020
	Determine by national law or regulation the types of hazardous work prohibited for children, after consultation with employers' and workers' organizations.	2009 – 2020
	Ensure that the use of children in prostitution and pornographic performances are criminally prohibited.	2020
	Establish a compulsory education age consistent with the minimum age of employment.	2010 – 2020

Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

Area	Suggested Action	Year(s) Suggested
Enforcement	Publish information regarding labor law enforcement efforts, including the number of labor inspectors.	2016 – 2020
	Ensure that labor law enforcement officers receive refresher trainings.	2020
	Ensure that the labor inspectorate has sufficient human and financial resources to adequately enforce labor laws, including on farms and cattle posts.	2020
	Ensure the number of labor inspectors in Botswana meets the ILO's technical guidance.	2020
	Ensure that labor inspectors have authorization to worksite premises and are able to conduct inspections at farms and domestic households.	2018 – 2020
	Publish information about criminal law enforcement efforts related to the worst forms of child labor, including the training of investigators, number of convictions, and whether there were penalties imposed for criminal child labor offenses.	2017 – 2020
	Publish information on the number of complaints related to the worst forms of child labor received through the Ministry of Employment, Labor Productivity and Skills Development and the Botswana Police Service toll-free hotlines.	2020
Coordination	Ensure that all coordinating bodies are able to carry out their intended mandates.	2018 – 2020
	Ensure that the Ministry of Defense, Justice, and Security receives sufficient training and that there is increased coordination among agencies to address victims of human trafficking.	2017 – 2020
	Ensure that there are adequate referral and rehabilitation services for human trafficking victims.	2018 – 2020
Government Policies	Publish activities undertaken to implement the National Action Plan on the Elimination of the Worst Forms of Child Labor during the reporting period.	2017 – 2020
	Integrate child labor elimination and prevention strategies into relevant policies, such as the Education and Training Sector Strategic Plan and the Botswana National Youth Policy.	2011 – 2020
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2013 – 2020
	Enhance educational access for all children by defraying costs for uniforms and school materials.	2020
	Enhance efforts to remove educational barriers and make education accessible for all children by taking measures to reduce travel distances to reach schools, address language barriers and ethnic discrimination, prevent physical and sexual violence in schools, increase resources for students with disabilities, and ensure that children can enroll in school regardless of their ability to provide identification documents.	2020
	Publish activities undertaken to implement government-funded social programs during the reporting, including the National School Feeding Program, the Remote Area Dweller Program, the Orphan Care Program, and the Needy Children and Needy Students programs.	2020
	Establish official government-run shelters to assist child victims, while ensuring that shelters have sufficient resources to attend to the care of older children.	2020
	Develop programs to fully address the scope of child labor in commercial sexual exploitation, domestic work, and cattle herding.	2012 – 2020

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