

In 2014, Botswana made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government passed the Anti-Human Trafficking Bill which criminalizes and penalizes perpetrators that engage in trafficking of children. The Government continued its Stay-in-School Program which trains teachers and social workers on how to talk to parents about the importance of education. 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. Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(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)
Data were unavailable from 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 activity.

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

Sector/Industry	Activity
Agriculture	Farming activities, including cattle herding* (1-4)
Services	Street work,* including vending* (7)
	Domestic work* (1-4, 8)
Categorical Worst Forms of Child Labor‡	Forced labor on farms and cattle posts* sometimes as a result of human trafficking* (4, 9)
	Commercial sexual exploitation* sometimes as a result of human trafficking* (4, 9)

* 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, 9)




II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

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

Botswana

MINIMAL ADVANCEMENT

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, 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	15	Articles 2 and 107 of the Employment Act (10)
Minimum Age for Hazardous Work	Yes	18	Articles 2 and 110 of the Employment Act (10)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 2 and 108 of the Employment Act (10)
Prohibition of Forced Labor	Yes		Articles 2 and 71 of the Employment Act; Article 262 of the Penal Code (10, 11)
Prohibition of Child Trafficking	Yes		Article 175 of the Penal Code; Section 114 of the Children's Act (11, 12)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 25 and 57-59 of the Children's Act (12)
Prohibition of Using Children in Illicit Activities	Yes		Section 60 of the Children's Act (12)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Section 17 of the Botswana Defense Force Act (13)
Compulsory Education Age	No		
Free Public Education	Yes		Revised National Policy in Education, White Paper No: 12 of 1994(7)

*No conscription (14)

In 2014, the Government passed comprehensive anti-human trafficking legislation, the Anti-Human Trafficking Bill, that criminalizes trafficking of children.(15) The Employment Act establishes the minimum age for employment at 15 and allows children age 14 to engage in light work.(10, 16) The minimum age protections in the Employment Act do not apply to children who work without a contract, and therefore do not apply to children doing domestic work. Although the Employment Act prohibits hazardous underground work for children less than 18 years, the law fails to prohibit hazardous work in other child labor prevalent sectors such as in agriculture. (10)However, limited evidence suggests that the Government has made efforts to compile a comprehensive list of hazardous occupations in recent years, but it has yet to be approved.(17-19) Although Section 60 of the Children's Act prohibits the use of children in the production and trafficking of drugs it does not prohibit the use of children in other illicit activities such as gang related activities. Research found no laws making education compulsory but the Government reported to UNESCO that education is compulsory for children up to age 16.(4, 20) Although primary school education is free, secondary school costs between \$38 and \$43 per year.(21) 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, 21) There is no compulsory age for education. The lack of standards in this area may increase the risk of children's involvement in 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. In the case of the Commissioner of Labor, authorized to end employment relationships involving children.(1, 4, 10, 17, 22) In the case of the Labor Inspection Unit under the Commissioner of Labor's Office, enforce the Employment Act by performing labor inspections in workplaces that are suspected of violating child labor laws.(1, 4, 10, 17, 22)
District and Municipal Council Child Welfare Divisions	Enforce child labor laws at the local levels.(1, 17, 23)
Ministry of Defense, Justice, and Security (MDJS)	Monitor suspected human trafficking cases.(24)

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

Labor Law Enforcement

In 2014, the Ministry of Labor and Home Affairs (MOLHA) employed 55 labor inspectors but they received no child labor trainings during the year.(15) Also, the MOLHA has stated that it does not have enough labor inspectors to address child labor in rural areas.(1, 17, 23) Labor inspectors are authorized to issue penalties for labor violations; the penalty is \$150 or 12 months in prison or both. (15) The MOLHA allocated \$55,555 for allowances to support labor inspector needs outside of salaries. The District Councils were also allocated a discretionary fund for specific district needs that allowed for the allocation of funds to labor inspectors to acquire necessary resources, such as a vehicle, to facilitate inspections. (15) The Government reported that it conducted 1,378 labor inspections, including child labor inspections, during the year. However, research did not find information on the number of unannounced visits conducted during the year. (15)

Criminal Law Enforcement

In 2014, research did not find information on the number of child labor criminal investigators, number of investigations conducted, or the number of prosecutions and convictions.(15) Despite significant efforts in past years including increases in training to address trafficking in Botswana, it has been 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.(18, 23, 24)

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
Human Trafficking (Prohibition) Committee	Establish a reporting and referral mechanism for children subject to trafficking. Created by the Anti-Human Trafficking Bill (2014). (15)
Advisory Committee on Child Labor	Coordinate efforts to address child labor. Include representatives from government agencies, various NGOs, worker federations, and employer organizations.(2, 4, 17)
Child Labor Committees	Identify child laborers at the village level. Include social workers, local school teachers, members of the Village Development Committees, which are local government structures; labor inspectors and community leaders, including chiefs and local priests.(3, 21)

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).

Botswana

MINIMAL ADVANCEMENT

Table 7. Policies Related to Child Labor

Policy	Description
National Action Plan on the Elimination of the Worst Kinds of Child Labor	Outlines the Government's plan to address legislation and policy gaps by raising awareness, developing programs to address child labor, and providing training on child labor and the worst forms of child labor to relevant stakeholders and implementers.(15)
National Plan of Action for Orphans and Vulnerable Children (OVC)*	Outlines the Government's response to challenges faced by orphans and vulnerable children by developing and implementing strategic policy plans, including Vision 2016, the 2010 National Development Plan (NDP 10), and the Second National Strategic Framework (NSF II). Facilitates operational planning and encourages the development of communication tools among key players. Provides long-term planning objectives for child protection and facilitates the implementation of the Children's Act and other regulations related to the needs of orphans and vulnerable children. (25)
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. Works to provide universal access to school and help improve families' socioeconomic conditions so that children in poor and rural areas are no longer viewed as essential sources of labor and income. (26)
UN Development Assistance Framework (2010-2016)	Includes the goal of reducing child labor to help create a protective and supportive environment for children. (27) Supports reducing child labor to help create a protective and supportive environment for children.(27)
Botswana National Youth Policy and National Action Plan for Youth*	Addresses issues affecting youth, such as abuse and access to education. Includes Government funded programs and nationwide seminars to encourage youth entrepreneurship. (21, 28, 29)
MOLHA Sustainability Plan	Aims to improve the daily operations of labor inspectors, to include child labor inspections. The plan mostly includes local leaders and volunteers who identify and refer cases of child labor to social workers.(30) Charges schools with monitoring school attendance to promote retention.(30)
Ministry and Department Action Plans	Outlines plans to increase efforts to address child labor by the Ministry of Education, the Department of Social Services, and the Police.(31) Includes implementation strategies by the Ministry of Gender and Child Welfare that include safety and protection of children and identify and helping vulnerable children in need.(31)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Botswana funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms. (Table 8)

Table 8. Social Programs to Address Child Labor

Program	Description
Decent Work Country Program (DWCP) (2011-2015)	ILO DWCP for Southern Africa that focuses on employment creation, social protection, tripartism, social dialogue, and workers' rights. Addresses HIV/AIDS and child labor issues through addressing socioeconomic issues.(31, 32)
Stay-in-School Program*‡	Government program that trains teachers and social workers to communicate with parents about the importance of education.(1, 17)

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

‡ Program is funded by the Government of Botswana.

Although Botswana has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, including in 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
Legal Framework	Ensure prohibitions on hazardous occupations for children under 18 years in all relevant sectors.	2009 – 2014
	Prohibit the use of children in all illicit activities such as gang related activities.	2011 – 2014
	Ensure that the law's minimum age protections apply to children working without a contract.	2010 – 2014
	Ensure free education for all children and make education compulsory until at least the minimum age of employment.	2010 – 2014
Enforcement	Make information publicly available on the 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 – 2014
	Ensure police officers are adequately trained to identify perpetrators of violations of anti-human trafficking laws to facilitate prosecution and conviction of those who violate anti-human trafficking laws.	2011 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into the 1996 Botswana National Youth Policy (NYP) and 2001 National Action Plan for Youth, and other policies on child labor.	2011 – 2014
Social Programs	Develop programs to address child labor in domestic work and cattle herding.	2012 – 2014
	Conduct research on child labor, including its worst forms, to inform policies and programs.	2013 – 2014
	Assess the impact that existing social programs, such as the Stay-in- School Program, have on child labor.	2014

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.
- 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&clid=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 January 16, 2015. 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.
- U.S. Embassy Gaborone official. E-mail communication to USDOL official. April 13, 2015.
- 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.
- 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>.
- Child Soldiers International. "Appendix II: Data Summary on Recruitment Ages of National Armies," in *Louder Than Words: An Agenda for Action to End State Use of Child Soldiers.* London; 2012; http://www.child-soldiers.org/user_uploads/pdf/appendix2datasummarytableonrecruitmentagesofnationalarmies9687452.pdf.
- U.S. Embassy- Gaborone. *reporting, January 21, 2015.*
- ILO Committee of Experts. *Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Minimum Age Convention, 1973 (No. 138) - Botswana (Ratification: 1997);* accessed June 25, 2015; http://www.ilo.org/dyn/normlex/en/?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3180120:NO.
- U.S. Embassy- Gaborone. *reporting, January 31, 2013.*
- U.S. Embassy Gaborone official. E-mail communication to USDOL official. March 21, 2013.
- ILO Committee of Experts. *Observation (CEACR) - adopted 2014, published 104th ILC session (2015) Worst Forms of Child Labour Convention, 1999 (No. 182) - Botswana (Ratification: 2000);* accessed June 19, 2015; http://www.ilo.org/dyn/normlex/en/?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3180142:NO.
- UNESCO. *Beyond 20/20 Web Data System: Table 1: Education Systems.* 2012. <http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx>.
- U.S. Department of State official. E-mail communication to USDOL official. May 28, 2013.
- ILO. *Botswana: Labour Inspection Structure and Organization;* accessed February 22, 2010; http://www.ilo.org/labadmin/info/WCMS_114934/lang-en/index.htm.
- U.S. Embassy- Gaborone. *reporting, February 15, 2013.*
- U.S. Embassy- Gaborone. *reporting, February 21, 2012.*
- 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).

Botswana

MINIMAL ADVANCEMENT

26. 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>.
27. 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).
28. 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.
29. U.S. Department of State official. E-mail communication to USDOL official. May 7, 2012.
30. ILO-IPEC. *Technical Progress Report Botswana, Namibia and South Africa (TECL II) April 2012*. Geneva; 2012.
31. ILO-IPEC. *TECL- (Phase II) TPR-October 2011*. Technical Progress Report. Geneva; 2011.
32. 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>.