

## Botswana

*The Government has designed institutional and policy frameworks to combat the worst forms of child labor and supported programs with NGOs to stop the trafficking of children. Among those at risk of the worst forms of child labor are children working as herders or in domestic service, some of whom may be trafficked. Lack of evidence of enforcement efforts may reflect gaps in the country's legal framework and its capacity to implement the institutional and policy frameworks it has designed.*

### Statistics on Working Children and School Attendance

Children	Age and Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



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

Children in Botswana are exploited in the worst forms of child labor.<sup>610</sup> The majority of working children are engaged in agricultural work,<sup>611</sup> which has a high risk of occupational injury as it may involve work with dangerous tools, and performance of arduous tasks. In Botswana, children herd livestock on family cattle posts. Boys manage cattle herds in isolated areas for days without proper food and shelter, working long hours, walking long distances, and facing exposure to insect and snakebites.<sup>612</sup>

Children are also found in domestic service. Parents from rural areas send their children to the city to live with wealthier families and work as domestic servants. Some of these children are reported to work in situations of forced labor.<sup>613</sup> Children who work in domestic service risk long hours of work and physical and sexual abuse by their employers. Some of these children end up as street children and engage in begging. These children are at risk of vehicle accidents and exposure to the elements, and are at risk of commercial sexual exploitation.<sup>614</sup> Child prostitution takes place at truck stops and transit points in large towns.<sup>615</sup>

Botswana is a source, transit, and (to a lesser extent) destination country for children trafficked for the purpose of forced labor and sexual exploitation. Some children in domestic servitude and cattle herding have been trafficked within Botswana.<sup>616</sup> Botswana is also a staging area for both smuggling and trafficking of third country nationals, primarily from Namibia and Zimbabwe to South Africa. Zimbabweans are also trafficked into Botswana for forced labor as domestic servants.<sup>617</sup> HIV and AIDS in Botswana often impoverish families and push children into worst forms of child labor.<sup>618</sup>

The San—traditional hunter-gatherers—are the indigenous people of Botswana and are economically and politically marginalized.<sup>619</sup> San children are exploited through bonded labor whereby the child's family is bonded or “owned” by a cattle post owner or farmer, and children are forced to work to help retain tenure of their parents' homes.<sup>620</sup>

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

The Employment Act establishes the minimum age for employment at age 14.<sup>621</sup> The law forbids employers from using “young workers,” defined as children age

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.<sup>622</sup> The law permits a family member to employ their own children at age 14 who do not attend school for up to 30 hours a week, in light work that is not harmful to their health and development. The law does not more specifically define hazardous or light work, nor does it establish a list of hazardous occupations prohibited to children.<sup>623</sup>

The Employment Act prohibits forced labor.<sup>624</sup> Military service is voluntary and The Botswana Defense Force Act prohibits recruitment officers from enlisting persons under age 18.<sup>625</sup>

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.”<sup>626</sup> These laws also punish the offence of rape, indecent assault, and defilement of a person under age 16. Also prohibited is the procurement of a girl for prostitution, but apparently this prohibition does not apply to boys.<sup>627</sup> Child pornography is a criminal offense in Botswana.<sup>628</sup> The law specifically protects adopted children from being exploited for labor and orphans from being coerced into prostitution.<sup>629</sup>

### **Institutional Mechanisms for Coordination and Enforcement**

The Government has created a Program Advisory Committee on Child Labor, which includes representatives of the government agencies, various NGOs, workers’ federations, and employers’ organizations. The Advisory Committee facilitates the oversight of child labor issues among all stakeholders.<sup>630</sup>

The Ministry of Labor and Home Affairs (MOLHA) has overall responsibility for enforcing child labor laws and policies. The Commissioner of Labor within the MOLHA is tasked with investigating workplaces that are suspected of violating child labor laws.<sup>631</sup> The Labor Inspection Unit within the MOLHA is charged with enforcing the Employment Act.<sup>632</sup> The Act outlines the scope of labor inspections to include those provisions related to employment of children. The Commissioner of Labor is authorized to end employment relationships involving children,<sup>633</sup> but the MOLHA did not conduct any inspections or

monitoring visits nor were any fines issued for child labor violations during the reporting period.<sup>634</sup> The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws.<sup>635</sup>

The Botswana Police Service, joined by Immigration, the Ministry of Labor, Ministry of Social Services, and Directorate of Intelligence and Security, lead in the Government’s anti-trafficking in persons efforts.<sup>636</sup> Interagency cooperation on trafficking is informal at present but the Government of Botswana has plans to create a formal trafficking in persons task force.<sup>637</sup> Law enforcement and immigration officials receive training in anti-trafficking methods.<sup>638</sup>

There were no prosecutions or convictions for trafficking violations during the reporting period.<sup>639</sup> Media reports indicated that Botswana’s police broke up a human trafficking ring suspected of trafficking into Canada some 1,000 women and children for servitude and sexual exploitation in 2009.<sup>640</sup>

### **Government Policies on the Worst Forms of Child Labor**

In February 2008, the Government of Botswana established a National Action Plan for the elimination of the worst forms of child labor.<sup>641</sup> Among the Plan’s action items are addressing legislation and policy gaps, raising awareness, programs better targeted to address child labor, and training for relevant stakeholders and implementers.<sup>642</sup>

The Government of Botswana has addressed child labor in other policy frameworks. The National Plan of Action for Children (2006-2016) seeks to promote the rights of children via the promotion of several key areas, such as education and training; health and nutrition; and children and HIV/AIDS.<sup>643</sup>

The Ministry of Education’s Revised National Policy on Education aims to increase schooling access and retention of working children and those at risk of child labor.<sup>644</sup> Strategies include harmonizing the Children’s Act with labor laws, mainstream raising public awareness on child labor as barrier to inclusive education, and strengthening existing outreach programs.<sup>645</sup> The Presidential Task Group on Long Term Vision for Botswana produced another strategy, Vision 2016, which acknowledges the problem of parents intentionally choosing not to send their

children to school.<sup>646</sup> The strategy proposes universal schooling in partnership with improvement of socio-economic conditions as a solution for parents who consider their children as essential sources of labor and income for their families, especially those in poor and rural populations.

The UN Development Assistance Framework for Botswana (2010-2016) includes the reduction of child labor among goals for creating a protective and supportive environment for children.<sup>647</sup> The National Youth Policy addresses issues affecting youth, such as the high number of young people who are not in school and the abuse of young people.<sup>648</sup> This policy, reviewed in 2004, in cooperation with ILO suggested strategies to include child labor and to address problems such as increased coordination from government, NGO, and community stakeholders and the provision of vocational and skills training.<sup>649</sup>

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

The Government of Botswana's Central Statistic office included a children's activities module in the 2005/06

national Labor Force Survey,<sup>650</sup> but statistics on child work and schooling still are not available.

Currently the Government participates in a regional project to combat worst forms of child labor in three Southern African countries of Botswana, Namibia, and South Africa.<sup>651</sup> The project—supporting and monitoring the implementation of National Plans of Action in the three core countries in Southern Africa Phase II—is a continuation of an earlier \$4.75 million regional project also funded by USDOL.<sup>652</sup> The Phase I project provided technical support to ensure mainstreaming of the national action plan for the elimination of child labor in Botswana.<sup>653</sup>

The Government funded and supported NGO programs that provided assistance and services to crime victims, including victims of suspected trafficking. Other efforts made to prevent trafficking in, to, and through Botswana include an awareness raising campaign that placed anti-trafficking education posters at all of its border posts,<sup>654</sup> and engagement in international meetings on the subject.<sup>655</sup>

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

##### **IN THE AREA OF LAWS AND REGULATIONS:**

- Amend labor laws to specifically define light work and identify the types of hazardous work that are likely to harm the health, safety, and morality of children.
- Amend laws, in accordance with international standards, to protect all children from prostitution, regardless of gender.

##### **IN THE AREA OF COORDINATION AND ENFORCEMENT:**

- Address the reasons why there appears to be no MOLHA enforcement of child labor laws, and little enforcement of anti-trafficking laws.

##### **IN THE AREA OF POLICIES AND PROGRAMS:**

- Reconcile the various plans that have addressing child labor among their goals, to prioritize action items with a view toward identifying funding and implementing the most urgent.
- Analyze and release results of the 2006/7 Labor Force Survey module on child work activities.

<sup>610</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, 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.

<sup>611</sup> Eva Procek, *Discussion Document on Child Labor in Botswana*, Botswana Ministry of Labor and Social Security, International Labor Organization (ILO) and Programme Towards the Elimination of the Worst Forms of Child Labor (TECL), October 2006.

<sup>612</sup> International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland: Report for the WTO General Council Review of Trade Policies of the Five Countries of the Southern African Customs Union (SACU)*, Geneva, November 4 and 6, 2009; available from [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).

<sup>613</sup> U.S. Department of State, “Botswana (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Department of State, “Botswana,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/118987.htm>.

<sup>614</sup> Ditshwanelo, *Press Statement on World Day Against Child Labor- 12 June 2009*, Ditshwanelo- The Botswana Centre for Human Rights, June 12 2009; available from [http://www.ditshwanelo.org.bw/press\\_2009-jun%2010.html](http://www.ditshwanelo.org.bw/press_2009-jun%2010.html).

<sup>615</sup> International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*.

<sup>616</sup> U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).” See also Procek, *Discussion Document on Child Labor in Botswana*.

<sup>617</sup> U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

<sup>618</sup> Procek, *Discussion Document on Child Labor in Botswana*, 15.

<sup>619</sup> U.S. Department of State, *Country Reports on Human Rights Practices*, 2006; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm>.

<sup>620</sup> Procek, *Discussion Document on Child Labor in Botswana*.

<sup>621</sup> Government of Botswana, *Employment Act*, (1982); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/842/64792/E82BWA01.htm>.

<sup>622</sup> *Ibid.*

<sup>623</sup> U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

<sup>624</sup> Government of Botswana, *Employment Act*, para 2.

<sup>625</sup> Government of Botswana, *Botswana Defence Force*, 23, (1977); available from <http://www.laws.gov.bw/Docs/Principal/Volume3/Chapter21/Chpt21-05%20Botswana%20Defence%20Force.pdf>.

<sup>626</sup> UN International covenant on civil and political rights, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Initial report of States parties due in 2001 Botswana*, CCPR/C/BWA/1, May 2, 2007; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/415/11/PDF/G0741511.pdf?OpenElement>.

<sup>627</sup> Government of Botswana, *Criminal Procedure and Evidence Act*, (1939); available from <http://www.laws.gov.bw/Docs/Principal/Volume2/Chapter8/Chpt8-02%20Criminal%20Procedure%20and%20Evidence.pdf>. para 141, 142, 145, 150, 146, 149

<sup>628</sup> U.S. Department of State, *2009 Human Rights Reports: Botswana*, March 11, 2009.

<sup>629</sup> U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

<sup>630</sup> International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*. See also U.S. Department of State, *Country Reports on Human Rights Practices-2006*, March 6, 2007; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78720.htm>

<sup>631</sup> U.S. Embassy- Gaborone, *reporting*, January 20, 2009. See also U.S. Department of State, “Country Reports- 2008: Botswana.”

<sup>632</sup> ILO, *Botswana: Labour Inspection Structure and organization*, accessed February 22, 2010; available from [http://www.ilo.org/labadmin/info/lang--en/WCMS\\_114934/index.htm](http://www.ilo.org/labadmin/info/lang--en/WCMS_114934/index.htm).

<sup>633</sup> U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

<sup>634</sup> U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

<sup>635</sup> U.S. Embassy- Gaborone, *reporting*, January 20, 2009.

<sup>636</sup> U.S. Embassy- Gaborone, *Botswana TIP Situation*, Gaborone, April 7 2010, section 2B. See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in Botswana*.

<sup>637</sup> U.S. Embassy- Gaborone, *Botswana’s TIP Situation*.

<sup>638</sup> U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

<sup>639</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

<sup>640</sup> PRESS TV, *Human trafficking ring smashed in Botswana* 04/19/ 2009 2009; available from <http://www.presstv.ir/pop/Print/?id=91932>. See also Scott Gilbreath, “Botswana Police Bust human Trafficking Ring,” *Nova Scotia Scott*, April 27 2009; available from <http://www.novascotiascott.com/2009/04/27/botswana-police-bust-human-trafficking-ring/>.

<sup>641</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

<sup>642</sup> Ibid.

<sup>643</sup> Republic of Botswana, *National Report on the Development of Education: “Inclusive Education: The Way of the Future”*, Draft Report, Ministry of Education and Skills Development, 2008; available from [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/botswana\\_NR08\\_draft.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/botswana_NR08_draft.pdf). See also Child Rights Information Network, *Childs Rights References in the Universal Periodic Review: Botswana - 3rd Session - 2008*, December 1, 2008; available from <http://www.crin.org/docs/Botswana.pdf>.

<sup>644</sup> Republic of Botswana, *Inclusive Education: The Way of the Future*.

<sup>645</sup> Ibid.

<sup>646</sup> Government of Botswana, “Botswana,” in *Vision 2016 Booklet: A Framework for a Long Term Vision for Botswana*, 2006; available from <http://www.vision2016.co.bw/PDF%27s/English%20Full%20version.pdf>.

<sup>647</sup> Government of Botswana and the United Nations System in Botswana, *United Nations Development Assistance Framework 2010-2016 Botswana*, March 2009; available from [http://botswana.unfpa.org/drive/BotswanaUNDAF\(2010-2016\).pdf](http://botswana.unfpa.org/drive/BotswanaUNDAF(2010-2016).pdf).

<sup>648</sup> Republic of Botswana, *National Youth Policy*, Ministry of Labour and Home Affairs, February 1996; available from [http://www.ub.bw/ip/documents/1996\\_National%20Youth%20Policy.pdf](http://www.ub.bw/ip/documents/1996_National%20Youth%20Policy.pdf). See also UNICEF, *A World Fit for Children Mid Decade Review: Botswana Progress Report*, August 2007; available from [www.unicef.org/worldfitforchildren/.../Botswana\\_WFFC5\\_Report.pdf](http://www.unicef.org/worldfitforchildren/.../Botswana_WFFC5_Report.pdf).

<sup>649</sup> UNICEF, *A World Fit for Children Mid Decade Review: Botswana Progress Report*.

<sup>650</sup> U.S. Embassy- Gaborone, *reporting, January 20, 2009*.

<sup>651</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Technical Project Report, Geneva, August 28, 2009.

<sup>652</sup> ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL)*, Final Technical Progress Report, Geneva, September, 2008.

<sup>653</sup> Ibid.

<sup>654</sup> U.S. Department of State, “Trafficking in Persons Report- 2009: Botswana (Tier 2).”

<sup>655</sup> U.S. Embassy- Gaborone, *Botswana’s TIP Situation*.