

*In 2016, Botswana made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government's Orphan Care Program provided 29,828 orphans with meals and subsidized the cost of school. In addition, 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 perform dangerous tasks in cattle herding. Key gaps remain in the country's legal framework, including the lack of minimum age for compulsory education and insufficient prohibitions for hazardous work. In addition, social programs do not always reach intended child labor victims, especially those engaged in domestic work and cattle herding.*



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Botswana perform dangerous tasks in cattle herding.(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 (%)	5 to 14	Unavailable
Primary Completion Rate (%)		99.7

*Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2016.(4) Data were unavailable from Understanding Children's Work Project's analysis, 2016.(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	Farming, activities unknown (3, 6, 7)
	Herding cattle (1-3, 8-10)
Services	Street work, including vending (1)
	Domestic work (1, 3, 9, 10)
	Work in informal bars, activities unknown (10)
	Truck driver assistance, including unloading goods (11)
Categorical Worst Forms of Child Labor <sup>‡</sup>	Work outside supermarkets, including carrying bags for customers (11)
	Forced labor in herding cattle and domestic work, each sometimes as a result of human trafficking (9, 10)
	Commercial sexual exploitation, sometimes as a result of human trafficking (8, 10)

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

Children in Botswana are possibly trafficked within the country for commercial sexual exploitation along major highways by truck drivers.(10) Two NGOs reported that children are engaged in cattle herding in remote rural villages, especially among the San population.(2, 8) UNICEF data published in 2016 reported that 9 percent of children in Botswana are engaged in child labor.(12)

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Primary education is free, and poor families receive free meals, toiletries, and school uniforms.(6, 13) Secondary school costs between \$38 and \$43 per year; however, poor families may receive a tuition exemption.(13, 14) According to UNICEF, 16 percent of children of primary school age are not attending school.(12) The Government has yet to collect and publish child labor data to inform policies and social programs.

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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, including its worst forms (Table 4). However, gaps exist in Botswana's legal framework to adequately protect children from child labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	15	Articles 2 and 107 of the Employment Act (15)
Minimum Age for Hazardous Work	Yes	18	Articles 2 and 110 of the Employment Act (15)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 2 and 108 of the Employment Act; Section 24 of the Children's Act (15, 16)
Prohibition of Forced Labor	Yes		Articles 2 and 71 of the Employment Act; Articles 175 and 262 of the Penal Code; Section 114 of the Children's Act; Articles 9 and 10 of the Anti-Human Trafficking Act (15-18)
Prohibition of Child Trafficking	Yes		Article 175 of the Penal Code; Section 114 of the Children's Act; Articles 9 and 10 of the Anti-Human Trafficking Act (16-18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 25 and 57–59 of the Children's Act (16)
Prohibition of Using Children in Illicit Activities	Yes		Section 60 of the Children's Act (16)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Section 17 of the Botswana Defence Force Act (19)
Non-state Compulsory	Yes	18	Section 26(2) of the Children's Act (16)
Compulsory Education Age	No		
Free Public Education	Yes		Revised National Policy in Education, White Paper No. 12 of 1994; Section 18 of the Children's Act (16, 20)

\* No conscription (21)

Under Botswanan law, children working without a contract do not benefit from minimum age protections. Although the Employment Act allows children at age 14 to conduct light work activities, the Government has yet to determine the types of light work activities permitted for children.(22) In addition, the Employment Act prohibits night work and hazardous underground work for children but fails to prohibit other types of hazardous work, including work with dangerous machinery, equipment, and tools.(15) Although the Government has made efforts to compile a comprehensive list of hazardous occupations in recent years, the list has yet to be approved.(23-25)

### 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). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

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

Organization/Agency	Role
Ministry of Labor and Home Affairs	Enforce child labor laws and policies. In the case of the Commissioner of Labor, authorized by the Employment Act to conduct labor inspections.(6, 15, 23) Facilitate coordination with local leaders and law enforcement officers; posts labor inspectors to District Council offices to carry out their duties.(26)
District and Municipal Council Child Welfare Divisions	Enforce child labor laws at the local levels.(6) Met quarterly during the year.(27)
Botswana Police Service	Investigate cases of the worst forms of child labor, including commercial sexual exploitation of children and child trafficking.(3)
Ministry of Defense, Justice, and Security (MDJS)	Monitor suspected human trafficking cases and lead the Human Trafficking (Prohibition) Committee.(28, 29)

#### *Labor Law Enforcement*

In 2016, labor law enforcement agencies in Botswana took actions to combat child labor, including its worst forms (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown* (26)	\$46,000 (30)
Number of Labor Inspectors	Unknown* (26)	108 (30)
Inspectorate Authorized to Assess Penalties	No (3)	No (3)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown* (26)	Unknown (3)
Training on New Laws Related to Child Labor	Unknown* (26)	Unknown (3)
Refresher Courses Provided	No (26)	Unknown (3)
Number of Labor Inspections	250+ (26)	4,999 <sup>‡</sup> (3)
Number Conducted at Worksite	250+ (26)	4,999 <sup>‡</sup> (3)
Number Conducted by Desk Reviews	Unknown* (26)	Unknown (3)
Number of Child Labor Violations Found	0 (26)	Unknown (3)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (26)	Unknown (3)
Number of Penalties Imposed That Were Collected	N/A (26)	Unknown (3)
Routine Inspections Conducted	Yes (26)	Yes (3)
Routine Inspections Targeted	Yes (26)	Yes (3)
Unannounced Inspections Permitted	Yes (26)	Yes (3)
Unannounced Inspections Conducted	Yes (26)	Yes (3)
Complaint Mechanism Exists	Yes (26)	Yes (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (26)	Yes (3)

\* The Government does not publish this information.

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### *Criminal Law Enforcement*

In 2016, criminal law enforcement agencies in Botswana took actions to combat the worst forms of child labor (Table 7).

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor**

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown* (26)	N/A (3)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (31)	Yes (3)
Refresher Courses Provided	Yes (31)	Yes (3)
Number of Investigations	Unknown* (26)	9 (3)
Number of Violations Found	Unknown* (26)	14 (3)
Number of Prosecutions Initiated	Unknown* (26)	14 (3)
Number of Convictions	Unknown* (26)	Unknown (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (26)	Yes (3)

\* The Government does not publish this information.

In 2016, the Botswana Police Service launched an investigation into the sex worker population at the Kazungula border with Zambia and Zimbabwe for possible victims of human trafficking; no human trafficking cases were found.(29) The Ministry of Defense, Justice, and Security (MDJS) contributed to training and workshops on human trafficking with religious groups, students, and recruitment agencies. In September, MDJS hosted a session at Materspei College to educate students about the dangers of human trafficking and methods that transnational criminals use to lure victims, including via cybercrime.(32) Reports indicate that police are sometimes insensitive when handling cases of violence against women and children and lack investigative training to identify, prosecute, and prevent human trafficking violations.(24, 28, 33)

#### **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 8).

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

Coordinating Body	Role & Description
Human Trafficking (Prohibition) Committee	Establish a reporting and referral mechanism for children subjected to human trafficking. Created by the 2014 Anti-Human Trafficking Bill and led by the MDJS.(1) Met during the year to develop a draft Human Trafficking National Action Plan.(29)
Advisory Committee on Child Labor	Oversee child labor issues and report to the Government three to four times per year. Includes representatives from government agencies, various NGOs, worker federations, and employer organizations.(3, 11, 23)
Child Labor Committees	Identify child laborers at the village level. Includes social workers; school teachers; members of the Village Development Committees, which are local government structures; labor inspectors; and community leaders, including chiefs and priests.(3, 13)

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

The Government has established policies related to child labor, including its worst forms (Table 9).

**Table 9. Key Policies Related to Child Labor<sup>†</sup>**

Policy	Description
National Action Plan on the Elimination of the Worst Kinds 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 and its worst forms for relevant stakeholders and implementers.(1)
Ministry of Labor and Home Affairs Sustainability Plan	Aims to incorporate addressing child labor issues into the regular duties of labor inspectors. Calls on local leaders and volunteers to identify and refer cases of child labor to social workers and school teachers to monitor attendance and promote retention.(34)

**Table 9. Key Policies Related to Child Labor<sup>‡</sup> (cont)**

Policy	Description
Ministry and Department Action Plans	Includes plans to address child labor through the Ministry of Education, the Ministry of Gender and Child Welfare, the Department of Social Services, and the Police.(35) Contains implementation strategies that aim to improve the safety and protection of children and to identify and help vulnerable children in need.(35)

‡ The Government had other policies that may have addressed child labor issues or had an impact on child labor.(36, 37)

Child labor elimination and prevention strategies are not included in the following policies: National Plan of Action for Orphans and Vulnerable Children, Botswana National Youth Policy, and National Action Plan for Youth.(13, 38-40) In December, the Government approved spending under National Development Plan 11 to address human trafficking by setting up mechanisms to protect the interests of witnesses and victims.(41)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Key Social Programs to Address Child Labor<sup>†</sup>**

Program	Description
Government-Funded Programs to Combat Child Labor <sup>†</sup>	NGO-run shelters, with financial support from the Government, that caters to human trafficking victims, including children. The Kagisano Society Women's Shelter that provides temporary shelter to women; in 2016, provided care to four girls who were victims of commercial sexual exploitation. Stay-in-School Program trains teachers and social workers to communicate with parents about the importance of education. National School Feeding Program focuses on providing meals to children (grades 1–7) in all public primary schools in the country, serving over 330,000 school children and Remote Area Dweller Program provides a second meal to schoolchildren in remote, marginalized communities. Orphan Care Program provides orphans with meals and subsidizes the cost of school fees and transportation costs. In 2016, President Khama said 29,828 orphans received aid monthly under the program.(6, 29, 42)

† 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, including its worst forms.(43-45)

Although Botswana has programs that target child labor, the scope of these programs does not always reach the intended targets, especially in domestic work and cattle herding in which children have been found working.

## 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 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor.	2016
	Ensure that the law prohibits hazardous work for children younger than age 18 in all relevant sectors, including in agriculture.	2009 – 2016
	Ensure that the law's minimum age protections apply to children working without a contract.	2010 – 2016
	Establish a compulsory education age equal to or higher than the minimum age of employment.	2010 – 2016
Enforcement	Publish information about the labor inspectorate's training of labor inspectors on child labor issues, the amount of labor violations found and penalties imposed, and the number of convictions related to the worst forms of child labor.	2016
	Authorize labor inspectors to assess penalties for child labor violations.	2016
Government Policies	Integrate child labor elimination and prevention strategies into the existing youth policies.	2011 – 2016

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)**

Area	Suggested Action	Year(s) Suggested
Social Programs	Collect and publish data on child labor, including its worst forms, to inform policies and programs.	2013 – 2016
	Develop programs to address child labor in domestic work and cattle herding.	2012 – 2016

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