

In 2017, Botswana made a minimal advancement in efforts to eliminate the worst forms of child labor. During the year, the government's primary school feeding program served 755 primary schools with an enrollment of 354,317 students. The government also finalized the Anti-Human Trafficking National Action Plan. However, children in Botswana engage in the worst forms of child labor in commercial sexual exploitation. Children also engage in child labor in cattle herding and domestic work. 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 cattle herding and domestic work.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Botswana engage in the worst forms of child labor in commercial sexual exploitation. Children also engage in child labor in cattle herding and domestic work. (1; 2; 3; 4; 5) 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 (%)		69.2

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2018. (6)
Data were unavailable from Understanding Children's Work Project's analysis, 2018. (7)

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, including picking beans (2; 8; 9; 10) Herding cattle (4; 2; 3; 10)
Services	Street work, including vending (1) Domestic work (1; 2; 4; 5)
Categorical Worst Forms of Child Labor‡	Forced labor in herding cattle and domestic work, each sometimes as a result of human trafficking (10) Commercial sexual exploitation, sometimes as a result of human trafficking (3; 5; 10)

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

According to UNICEF data published in 2016, approximately 9 percent of children in Botswana are engaged in child labor. However, the data did not provide information about the sectors, types of activities, and hazards children encounter as child laborers. (11) Reports also indicate that children in Botswana are victims of commercial sexual exploitation and forced labor, sometimes as a result of human trafficking. In addition, children of San ethnic minority groups may be subjected to forced labor conditions on private farms and cattle posts. (5; 4; 3)

Furthermore, UNICEF's data indicated that 16 percent of children of primary school age are not attending school, although the data did not reveal the direct cause. (11) In its 2017 and 2018 budget, the Government of Botswana allocated 17.2 percent of total government spending (\$672 million) to education. (10) Primary education is free, and poor families receive free meals, toiletries,

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and school uniforms. (8; 10; 12) However, secondary school costs between \$38 and \$43 per year; some poor families may receive a tuition exemption. (12; 13) Research was unable to determine the number of families that benefitted from the tuition exemption during the year.

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 child labor, including a lack of a compulsory education age that is consistent with the minimum age for work.

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 (14)
Minimum Age for Hazardous Work	Yes	18	Articles 2 and 110 of the Employment Act (14)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 108 and 109 of the Employment Act (14)
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 (14; 15; 16; 17)
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 (15; 16; 17)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 25 and 57–59 of the Children's Act (15)
Prohibition of Using Children in Illicit Activities	Yes		Section 60 of the Children's Act (15)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	18	Section 17 of the Botswana Defence Force Act (18)
Non-state	Yes	18	Section 26 (4) of the Children's Act (15)
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 (15; 19)

* No conscription (18)

Under Botswana 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. (20) 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. (14) Although the government compiled a comprehensive list of hazardous occupations in 2013, the list has yet to be approved. (21; 22; 23)

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 the Ministry of Labor of Home Affairs and the Ministry of Defense, Justice, and Security 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, Labour Productivity and Skills Development	Enforce child labor laws and policies. In the case of the Commissioner of Labor, authorized by the Employment Act to conduct labor inspections. (8; 14; 21) Facilitate coordination with local leaders and law enforcement officers. Post labor inspectors to District Council offices to carry out their duties. (24)
District and Municipal Council Child Welfare Divisions	Enforce child labor laws at the local levels. (8)
Botswana Police Service	Investigate cases of the worst forms of child labor, including commercial sexual exploitation of children and child trafficking. (2)
Ministry of Defense, Justice, and Security	Monitor suspected human trafficking cases and lead the Human Trafficking (Prohibition) Committee. (25; 26) In 2017, launched a booklet used as a reference document on Prevention and Combating Trafficking in Persons: Lessons from the SADC Region. (27)

Labor Law Enforcement

In 2017, 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, Labour Productivity and Skills Development that may hinder adequate labor law enforcement, including the lack of authority to assess penalties.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	\$46,000 (28)	Unknown (10)
Number of Labor Inspectors	108 (28)	Unknown (10)
Inspectorate Authorized to Assess Penalties	No (2)	No (10)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown (2)	Unknown (10)
Training on New Laws Related to Child Labor	Unknown (2)	Unknown (10)
Refresher Courses Provided	Unknown (2)	Unknown (10)
Number of Labor Inspections Conducted	4,999 [†] (2)	2,335 [‡] (10)
Number Conducted at Worksites	4,999 [†] (2)	Unknown (10)
Number of Child Labor Violations Found	Unknown (2)	Unknown (10)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown (2)	Unknown (10)
Number of Child Labor Penalties Imposed that were Collected	Unknown (2)	Unknown (10)
Routine Inspections Conducted	Yes (2)	Yes (10)
Routine Inspections Targeted	Yes (2)	Yes (10)
Unannounced Inspections Permitted	Yes (2)	Yes (10)
Unannounced Inspections Conducted	Yes (2)	Yes (10)
Complaint Mechanism Exists	Yes (2)	Yes (10)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (2)	Yes (10)

[†] Data are from April 1, 2016, to March 31, 2017.

[‡] Data are from April 1, 2017, to March 31, 2018.

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Although the government did not release information regarding its enforcement actions, an NGO reported that two children were found in child labor in domestic work. (10)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Botswana took actions to combat the worst forms of child labor (Table 7). However, gaps exist in the operations of the Ministry of Defense, Justice, and Security (MDJS) that may hinder adequate criminal law enforcement, including training for criminal investigators.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	N/A (2)	N/A (10)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (2)	N/A (10)
Refresher Courses Provided	Yes (2)	Unknown (10)
Number of Investigations	9 (2)	1 (10)
Number of Violations Found	14 (2)	Unknown (10)
Number of Prosecutions Initiated	14 (2)	1 (10)
Number of Convictions	Unknown (2)	0 (29)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (2)	Yes (10)

In 2017, the Directorate of Public Prosecutions (DPP) continued prosecution of a case of child commercial sexual exploitation involving a Zimbabwean perpetrator. The DPP also reported seven convictions pertaining to the ill treatment and neglect of children under the Children's Act, but did not provide information as to whether the cases involved child labor. (10)

The MDJS reported the need for technical support, training, and increased coordination among agencies to address human trafficking. It also indicated that rehabilitation services for human trafficking victims are also needed. (30) Reports indicate that police are sometimes insensitive, untrained in approaching and communicating with women and children victims, and lacking in investigative training to identify, aid, or assist in prosecuting and preventing human trafficking violations. (22; 25; 31)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

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

Coordinating Body	Role and 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 and completed drafting the Anti-Human Trafficking National Action Plan, which is slated to be launched in 2018. (10)
Advisory Committee on Child Labor	Oversee child labor issues and report to the government three to four times a year. Includes representatives from government agencies, various NGOs, worker federations, and employer organizations. (2; 21) Research was unable to determine whether the Advisory Committee on Child Labor was active during the reporting period.
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. (2; 12; 10) Research was unable to determine whether the Child Labor Committees were active during the reporting period.

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 was unable to 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.
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. (10) Research was unable to determine whether activities were undertaken to implement the Ministry of Labor and Home Affairs Sustainability Plan during the reporting period.

Child labor elimination and prevention strategies are not included in some national policies, including the Education and Training Sector Strategic Plan, Ministry of Local Government Development Plans, National Plan of Action for Orphans and Vulnerable Children, Botswana National Youth Policy, and National Action Plan for Youth. (12; 32; 33; 34)

V. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, 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 Combat Child Labor†	NGO-run shelters, with financial support from the government, cater to human trafficking victims, including children. (10) The National School Feeding Program focuses on providing meals to children (grades one through seven) in all public primary schools in the country. In 2017, the Primary School Feeding program involved 755 primary schools with an enrollment of 354,317 students. (10) The Remote Area Dweller Program provides a second meal to school children in remote areas, and to those from marginalized communities. (10) The Orphan Care Program provides orphans with meals and subsidizes the cost of school fees and transportation costs. (26; 35)

† 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. (36; 37)

Although Botswana has programs that target child labor, the scope of these programs is insufficient to fully address the scope of the problem, especially in cattle herding and domestic work.

VI. 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 light work provisions specific enough to prevent children's involvement in child labor.	2016 – 2017
	Prohibit hazardous work for children younger than age 18 in all relevant sectors, including in agriculture.	2009 – 2017
	Ensure that the law's minimum age protections apply to children working without a contract.	2010 – 2017
	Determine a compulsory education age consistent with the minimum age of employment.	2010 – 2017
Enforcement	Authorize labor inspectors to assess penalties for child labor violations.	2016 – 2017
	Publish information about the Labor Inspectorate's funding, number of inspectors employed, number of inspections conducted, types of training of labor inspectors on child labor issues, and the amount of child labor violations found and penalties imposed.	2016 – 2017
	Publish information about the number of investigations, prosecutions, and convictions involving the worst forms of child labor.	2017
	Ensure the Ministry of Defense, Justice, and Security receives sufficient training to address victims of human trafficking.	2017

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

Area	Suggested Action	Year(s) Suggested
Government Policies	Integrate child labor elimination and prevention strategies into relevant policies, such as the Education and Training Sector Strategic Plan, Ministry of Local Government Development Plans, National Plan of Action for Orphans and Vulnerable Children, Botswana National Youth Policy, and National Action Plan for Youth.	2011 – 2017
	Implement key child labor elimination policies, such as the National Action Plan on the Elimination of the Worst Forms of Child Labor.	2017
Social Programs	Collect and publish child labor data on the sectors in which children work, the types of child labor activities, and the hazards child laborers encounter, to inform policies and programs.	2013 – 2017
	Develop programs to address child labor in domestic work and cattle herding.	2012 – 2017

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