

Botswana

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Botswana are unavailable.⁵⁹⁵ In remote areas, young children work as cattle tenders, domestic workers, and childcare providers.⁵⁹⁶ Many are also employed in agriculture, predominately subsistence farming, and family businesses.⁵⁹⁷ Some children in urban areas who are orphaned by HIV/AIDS are exploited in prostitution.⁵⁹⁸ In the past year, children were reportedly trafficked to work as maids or cattle herders.⁵⁹⁹ According to NGOs, Botswana is both a country of origin and a country of transit for children trafficked into South Africa for exploitative child labor.⁶⁰⁰

Primary education is free for the first 10 years of schooling, but is not compulsory.⁶⁰¹ In 2002, the gross primary enrollment rate was 103 percent, and the net primary enrollment rate was 81 percent.⁶⁰² Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Botswana. As of 2001, 86 percent of children who started primary school were likely to reach grade 5.⁶⁰³ In Botswana's education system, girls and boys have equal access to education. Girls, however, are likely to drop out of secondary school due to pregnancy.⁶⁰⁴

⁵⁹⁵ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. 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, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

⁵⁹⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Botswana*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41589.htm>. The Minister of Labor reported to Parliament in March 2004 that there were an estimated 8,500 children between the ages of 12-17 working in traditional or subsistence agriculture or other informal sectors. See U.S. Embassy- Gaborone, *reporting*, September 2, 2004, para 2.

⁵⁹⁷ Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Dawie Bosch and Associates, Pretoria, August, 2003, 10.

⁵⁹⁸ U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5. According to Botswana's 2001 Population and Housing Census, there are 111,828 children in Botswana who had lost one or both of their parents. See U.S. Embassy- Gaborone official, email communication to USDOL official, May 26, 2005.

⁵⁹⁹ U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5.

⁶⁰⁰ International Organization for Migration, *The Trafficking of Women and Children in the Southern African Region*, Pretoria, March 24, 2003, 11; available from <http://www.iom.int/documents/publication/en/southernafrica%5Ftrafficking.pdf>. See also ECPAT International, *Botswana*, [online] 2005 [cited June 16, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁶⁰¹ U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5. See also U.S. Embassy- Gaborone, *reporting*, September 28, 2001.

⁶⁰² UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

⁶⁰³ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁶⁰⁴ Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Page 7.

Child Labor Laws and Enforcement

The Employment Act sets the minimum age for basic employment at 14 years, and for hazardous work, at 18 years.⁶⁰⁵ Under the law, children who have attained the age of 14 years and are not attending school may be employed in light work not harmful to their health and development by family members or as approved by the Commissioner of Labor.⁶⁰⁶ Children and young persons may not be employed in underground work, night work, or in any work that is harmful to their health and development.⁶⁰⁷ Without the express permission of the Commissioner of Labor, children may not work more than 3 consecutive hours and young persons more than 4 in industrial undertakings.⁶⁰⁸ Children and young persons are also prohibited from working on rest days and public holidays.⁶⁰⁹ The Employment Act prohibits forced labor, although it does not specifically mention children.⁶¹⁰ Child prostitution and pornography are criminal offenses and “defilement” of persons less than 16 years of age is punishable by a 10-year minimum prison sentence.⁶¹¹ The law specifically protects adopted children from being exploited for labor and orphans from being coerced in prostitution.⁶¹² Military service is on a voluntary basis and recruits who appear to be under the age of 18 may not be enlisted.⁶¹³

The Department of Labor is tasked with investigating workplaces that are suspected of violating child labor laws.⁶¹⁴ The Employment Act authorizes the Commissioner of Labor to terminate the unlawful employment of children.⁶¹⁵ The child welfare divisions of the district and municipal councils are also responsible for enforcing child labor laws.⁶¹⁶ The maximum penalty for illegally employing a child is imprisonment for up to 12 months, a fine of 1500 Pula (USD 274), or a combination of the two.⁶¹⁷

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Botswana is working with ILO-IPEC to implement a USDOL-funded, regional child labor project in Southern Africa. Activities in Botswana include research on the nature and incidence of

⁶⁰⁵ U.S. Embassy- Gaborone, *reporting*, September 28, 2001.

⁶⁰⁶ The Government of Botswana, *Employment Act*, in NATLEX, [cited June 17, 2005], Para 107; available from <http://natlex.ilo.org/txt/E82BWA01.htm#p6>.

⁶⁰⁷ *Ibid.*, Paras 108 and 110. “Young persons” are those who are 15 to 17 years old. See Duma Gideon Boko, *Scoping Study on Child Labour in Botswana*, Page 5.

⁶⁰⁸ The Government of Botswana, *Employment Act*, Para 111.

⁶⁰⁹ *Ibid.*, para 107. However, there is still no definition for “light work”. See U.S. Embassy- Gaborone, *reporting*, September 2, 2004, para 2.

⁶¹⁰ The Government of Botswana, *Employment Act*, Part VI.

⁶¹¹ U.S. Department of State, *Country Reports- 2004: Botswana*, Section 5. Legislation against “defilement” prohibits prostitution and pornography. See also Interpol, *Legislation of Interpol member states on sexual offences against children: Botswana*, [database online] 2005 [cited June 17, 2005]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaBotswana.asp>.

⁶¹² U.S. Department of State, *Country Reports- 2004: Botswana*, Section 6d.

⁶¹³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- 2004: Botswana*, London, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=759.

⁶¹⁴ U.S. Embassy- Gaborone, *reporting*, August 18, 2005, para 5.

⁶¹⁵ The Government of Botswana, *Employment Act*, Para 110.

⁶¹⁶ U.S. Department of State, *Country Reports- 2004: Botswana*, Section 6d.

⁶¹⁷ U.S. Embassy- Gaborone, *reporting*, September 28, 2001, para 3. For currency conversion see FX Converter, *Currency Converter*, [online] [cited June 17, 2005]; available from <http://www.carosta.de/frames/convert.htm>.

exploitative child labor and efforts to build the capacity of the government to address child labor issues.⁶¹⁸ The American Institutes for Research, with the support of the Government of Botswana, is implementing another regional, USDOL-funded project. This USD 9 million project aims to improve quality of and access to basic and vocational education for children working or at-risk of working in the worst forms of child labor.⁶¹⁹

The government is working with NGOs, IOs, community-based organizations, and the private sector on a National Orphan Program to provide social services for orphaned children. Specific activities under this program include developing a national database of orphaned children, identifying needs of foster children and parents, training community volunteers, providing HIV/AIDS counseling, and developing child protection priorities. A major goal of the National Orphan Program is to develop a National Orphan Policy based on the Convention on the Rights of the Child.⁶²⁰

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	06/05/1997	✓
Ratified Convention 182	01/03/2000	✓
ILO-IPEC Member		
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan		

The government is implementing a National Action Plan for Education which aims to address issues of access, quality, and equity in Botswana’s educational system.⁶²¹ The government collaborates with UNICEF on efforts to improve schools, strengthen services for orphans and vulnerable children, and increase awareness of the Convention on the Rights of the Child.⁶²² UNICEF also implements a girls’ education program in Botswana aimed at improving the primary school curriculum, supporting the development of early childhood education policy and pregnancy prevention policies and programs, and improving the learning environment at boarding schools in remote areas.⁶²³

⁶¹⁸ ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa’s Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September, 2003, 38-39.

⁶¹⁹ This USDOL Child Labor Education Initiative grant was awarded in August 2004. See *Notice of Award: Cooperative Agreement*, U.S. Department of Labor / American Institutes for Research, Washington, D.C., August 16, 2004, 1-2.

⁶²⁰ *Children and AIDS: Challenges and Strategies to Cope*, Global Health Council, April 2001 [cited June 17, 2005]; available from <http://www.globalhealth.org/news/article/894>.

⁶²¹ Ministry of Education, *National Action Plan*, as cited in UNESCO, *Education Plans and Policies*, 2002 [cited June 17, 2005], 4; available from http://portal.unesco.org/education/en/ev.php-URL_ID=20923&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁶²² UNICEF, *At a glance: Botswana*, [online] 2005 [cited June 16, 2005]; available from <http://www.unicef.org/infobycountry/botswana.html>. According to UNICEF there are approximately 120,000 orphans in Botswana due to deaths from HIV/AIDS. See UNICEF, *Botswana Statistics, HIV AIDS*, [online] 2001 [cited May 1, 2006]; available from http://www.unicef.org/infobycountry/botswana_statistics.html#14.

⁶²³ UNICEF, *Girls’ Education in Botswana*, [online] [cited July 30, 2005]; available from <http://www.unicef.org/girlseducation/files/Botswana.doc>.