



International  
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Summary of

# Discussion document on child labour in Botswana

*For consideration by government  
ministries, parliament, civil society and  
development partners*

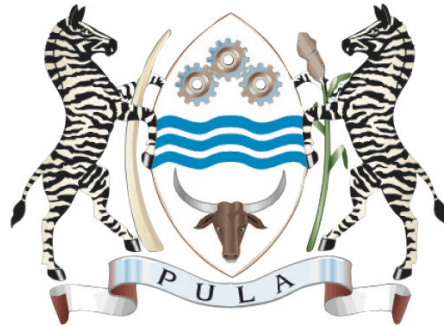
October 2006

Eva Procek



Republic of Botswana

TECL Report No. 51



Summary of

# Discussion document on child labour in Botswana

*For consideration by government  
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October 2006

Eva Procek

of Social Welfare & Development Services (Pty) Ltd

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## Acronyms and abbreviations

ACHAP	African Comprehensive HIV/AIDS Partnerships
AIDS	Acquired Immune Deficiency Syndrome
APEC	Action Programme on the Elimination of Child Labour
BCC	Botswana Council of Churches
BNLS	Botswana, Namibia, Lesotho, Swaziland
BOCAIP	Botswana Christian AIDS Intervention Programme
BOCONGO	Botswana Council of Non Governmental Organisations
BOTUSA	Botswana – USA Partnership
CBO	Community Based Organisation
CRC	Convention on the Rights of the Child
CSEC	Commercial sexual exploitation of children
CSO	Central Statistics Office
CT	Child Trafficking
CUBAC	Children used by adults to commit crimes
DNFE	Department of Non-Formal Education
DSS	Department of Social Services
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
FEW	Family Welfare Educator
GEM	Girls Education Movement
GOB	Government of Botswana
GOSTF	Gantsi Out of School Task Force
HBC	Home Based Care
HIV	Human Immuno-Deficiency Virus
ILO	International Labour Organisation
IPEC	ILO's International Programme on the Elimination of Child Labour
LFS	Labour Force Survey
MFDP	Ministry of Finance & Development Planning
MLG	Ministry of Local Government
MLHA	Ministry of Labour and Home Affairs
MoE	Ministry of Education
NACA	National AIDS Co-ordinating Agency
NCPD	National Council on Population and Development
NDP	National Development Plan
NGO	Non-governmental organisation
NPA	National Programme of Action for the Children of Botswana
NPP	National Population Policy
NSPR	National Strategy for Poverty Reduction
PACC	Programme Advisory Committee on Child Labour
PEPFAR	US President's Plan for AIDS Relief
RAD	Remote Area Dweller
RADP	Remote Areas Development Programme
RECLISA	Reducing Child Labour through Education in Southern Africa
S&CD	Social and Community Development
SACU	South African Customs Union
SIDA	Swedish International Development Agency
SOS	Save Our Souls (SOS) Children's Villages
STPA	Short Term Plan of Action on the Care of Orphans in Botswana
TBP	Time-bound programme
TECL	Programme <i>Towards the Elimination of the worst forms of Child Labour</i>
UN	United Nations

UNAIDS	The Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational and Scientific Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
US	United States
USDOL	United States Department of Labour
VDC	Village Development Committee
WFCL	Worst Forms of Child Labour
WHO	World Health Organisation
YWCA	Young Women's Christian Association

# 1. Introduction

This document discusses Botswana's current and proposed approach to the issue of child labour. In line with the UN Convention on the Rights of the Child, which reads —

*child labour is defined as work that is harmful to the child because it is economically exploitative, hazardous, interferes with the child's education, or is harmful to the child's health or physical, mental, spiritual, moral or social development.*

Botswana ratified this convention in 1995, the Minimum Age Convention (C138) of the International Labour Organisation (ILO) in 1997 and the ILO Worst Forms of Child Labour Convention in 2000. The country also ratified the African Charter on the Rights and Welfare of the Child in 2001.

Comprehensive, explicit time-bound strategies to address child labour and worst forms of child labour specifically have not yet been developed. Stakeholders in Botswana requested the ILO's International Programme on the Elimination of Child Labour (IPEC) to secure funding to assist the country in this regard and limited funding was obtained through the programme *Towards the Elimination of the Worst Forms of Child Labour* (TECL) of the ILO.

In 2004 a multi-sectoral Programme Advisory Committee on Child Labour (PACC) was established to oversee coordination of the TECL programme and similar initiatives at national level. The Department of Labour in the Ministry of Labour and Home Affairs acts as the lead department and secretariat of the PACC.

## 1.1 Background

This document is a summary of a comprehensive discussion document on child labour in Botswana. The full document is available from the publishers.

This report forms part of a set of joint projects between the Government of Botswana, organised business and labour, other civil society organisations and ILO/TECL. Its drafting was overseen by the Programme Advisory Committee on Child Labour of Botswana, which includes representatives from key government ministries and the other organisations listed above.

The overall development objective of these projects is 'To create an enabling environment for the elimination of the worst forms of child labour (WFCL) and child labour in general in Botswana'. The projects includes steps to increase knowledge and information on the extent, nature and causes of WFCL within Botswana, an assessment of the policy environment as the framework for a child labour action programme and the formulation of a child labour action programme with an emphasis on eliminating worst forms of child labour.

The processes related to this report are discussed in paragraph 1.3 below.

## 1.2 Policy directives – the Constitutional Imperative and International Obligations to address child labour

The Constitution of Botswana, the ILO Worst Forms of Child Labour Convention [1999] and the ILO Minimum Age for Admission to Employment Convention [1973] are the fundamental policy directives that require Botswana to take steps to avoid children engaging in work that is detrimental to them, and what kinds of work must be addressed. By ratifying the conventions Botswana freely accepts the responsibility of complying with their provisions. The Department of Labour and Social

Security in the Ministry of Labour and Home Affairs is responsible within government for coordinating activities around these conventions and for reporting to the ILO.

**The Minimum Age Convention** provides for the following:

- The minimum age for work or employment is 15 years.
- Laws may permit employment of children 13 to 15 years of age in light work that is unlikely to be harmful to their health or development and that will not prejudice their benefiting from school or vocational programmes.
- The minimum age for work that is likely to jeopardise health, safety or morals should be at least 18 years.
- Ratifying states must pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work.

**The Worst Forms of Child Labour Convention** defines worst forms of child labour as including the Commercial Sexual Exploitation of Children (CSEC), Children Used by Adults to Commit Crime (CUBAC), Child Trafficking (CT), and children in very hazardous forms of work.

This Convention requires the following:

- Immediate steps to ensure prohibition of all the worst forms. Regarding the 'very hazardous forms of work', government must specify in law what other kinds of work are considered so hazardous as to be seen as a worst form of child labour.
- Immediate steps must be taken to facilitate the effective elimination of worst forms of child labour. A key instrument to achieve this is a time-bound programme, or an Action Programme on the Elimination of Child labour (APEC).

In addition, the UN Convention on the Rights of the Child (1989) provides that every child has a right to be protected from detrimental work (Article 32.1). The African Charter on the Rights and Welfare of the Child (1990) further provides that in addition to protecting children working in the formal and informal sectors of the economy, governments should promote dissemination of information about the hazards of child labour. Botswana has also signed or ratified a number of relevant UN Protocols relevant to the issue of child labour.

### **1.3 Process related to this discussion document**

The child labour projects in Botswana involve four Streams:

- Stream 1 Building knowledge of child labour and especially the worst forms;
- Stream 2 Drafting a discussion document focussing on WFCL;
- Stream 3 Formulation of a child labour action programme with an emphasis on eliminating the WFCL;
- Stream 4 Sharing experiences and best practices.

Stream 1 comprises two major components:

- Quantitative research on children's work and labour gathered through a children's activities module incorporated into the National Labour Force Survey conducted by the Central Statistics Office of the Ministry of Finance and Development Planning. Unfortunately, while the fieldwork has been completed, the preliminary results are not yet available and could not be incorporated into the discussion document at this stage. They will however be incorporated into the Action Plan.
- Rapid Assessments in selected areas of Botswana on commercial sexual exploitation of children (CSEC) and child trafficking (CT), the latter taken as the movement of a child from his/her home resulting in the child working in another place where his or her labour is exploited in a way akin to slavery or where she or he is subjected to CSEC. Other sectors within which children may be trafficked include domestic labour or agricultural services. These rapid assessments were conducted in Gaborone, Tlokweng, Francistown, Selebi Phikwe, Serule/Gojwane and Gantsi



These outputs together with an assessment of the Botswana Scoping Study on Child Work and Labour conducted in 2003 by Mr Duma Boko form the point of departure for the Discussion Document. Other qualitative and quantitative research in the country was identified and reviewed, and two expert reports were prepared, on poverty and child labour by Dr Happy Siphambe, and on social welfare policy and child labour by Ms Boipelo Seithlamo. Their findings have been incorporated into this document.

The discussion document is organised according to the different types of work and factors related to child labour which need policy attention. The overall objective is that this document should form the basis for an extensive consultation process to develop a national Action Plan on Child Labour.

## **2. The challenge**

### **2.1 Children's activities and work**

There is little research specifically on children's work and labour in Botswana (with the exception of Dr Siphambe's work on children in employment and the recent Rapid Assessments on CSEC and CT). For the first time, a children's activities module has been included in the National Labour Force Survey 2005/2006 to measure the extent and nature of children's activities and this will provide a firm evidential base for a national debate on the definitions of children's work and labour, and for future policy development. Preliminary data will be available early in 2007.

The Scoping Study (2003) identified major areas of children's work involvement as – collecting fuel and fetching water exacerbated by caring for and carrying younger siblings; agriculture, especially subsistence farming; retail and wholesale family businesses including the distribution and sale of alcohol; school related work where children clean their classrooms and their surroundings; paid domestic work by girls from rural areas and children begging and working around urban car parks and shopping malls.

Child Indicators (2005) which examined the 2001 Census data, identified children who might be particularly vulnerable to child labour and exploitation. These include: the children of school going age who are not attending school, known as 'the missing children', the newly emerging group of children who head households (some 8,680 households) and orphans of the HIV and AIDS epidemic (some 15% of the total child population). Almost 6% of orphans aged 12-17 years (1186 children) were found to be economically active, mostly boys and mostly in low paying jobs.

Research on the composition of rural livelihoods (BIDPA 2001) suggests that subsistence agriculture is decreasing in significance for younger adults, but there remains a high degree of participation by the over 60s and possibly by the very young (<15 years). Dr Siphambe (2005 & unpublished 2006), analysed data from the 1995/96 Botswana National Labour Force Survey and found that approximately 0.3% of the total employed population of 345,405 were children aged 12-14 years (1036 children). They were mainly engaged in traditional and subsistence agriculture and the majority of these children reported working more than 35 hours per week. It would appear that these children were working in breach of the employment legislation and were therefore involved in child labour. The Stream 1 rapid assessment identified and interviewed three children working on two farms in the Gantsi area.

Further evidence of children's involvement in economic activity is provided in the Botswana AIDS Impact Survey II (BAIS II 2005) which found 1,696 children aged 12-14 years to be economically active (1,366 boys and 330 girls).

### **2.2 Worst forms of child labour**

A Strategic Planning Workshop held in Gaborone in 2004 as part of the TECL process, highlighted several key areas of concern. These were:

- The commercial sexual exploitation of children, and in particular transactional sex related to survival, arranged child marriages and children prostituted on the streets, in bars, at truck stops and in hotels.
- Child trafficking with a focus on the internal movement of children for domestic labour in slave-like conditions; bonded labour especially of San children where the child's family is 'owned' by the cattle post owner/farmer, and orphans forced to work to retain tenure of their homes.
- Children used by adults to commit crimes.
- Hazardous work done by children which includes collecting water and wood over long distances, especially by young children, extreme cases of livestock guarding, working in shebeens, working on the streets and working in agriculture where children may be exposed to particular hazards.

The Urban Youth Project (MOH/UNDP) interviewed 51 commercial sex workers in Gaborone and found that half were aged 15-24 years and a quarter of these girls were aged 12-14 years. Most of these young girls had been recruited into this work by friends or immediate family members at ages as young as 9 years. Formal sex for money was found to occur at bars, shebeens, nightclubs and hotels. It appears there is a hierarchy in which the youngest, uneducated and naïve girls who are new to sex work stand on the roadside while the older more experienced but uneducated girls go to the bars.

### 3. Studies on commercial sexual exploitation and child trafficking in Botswana

The reports on the Stream 1 rapid assessments on CSEC and CT present some evidence of young girls selling sex for money at truck stops and other locations in both Tlokweng and Francistown, and of transactional sex between young girls and older men for survival needs, but more often for luxury goods.

The rapid assessment on child trafficking identified only two children as possibly having been trafficked from a sample of 211 children selected as possibly trafficked. These children, both from Gantsi were a girl child moved to Lobatse for domestic labour, and a San boy moved to a remote cattle post. The rapid assessments identified another emerging problem with the movement of children especially orphans between relatives for exploitative domestic labour and to give relatives access to the children's welfare benefits, often without their consent and with little regard to the continuity of their education or their best interests.

### 4. The current policy framework

Child labour and the worst forms of child labour have not been a specific focus of legislation and policy in Botswana, but legislation and policies do exist which impact directly and indirectly on the issue. While the Constitution is silent on the specific protection of children, the **Employment Act** [CAP 47:01] which came into effect in 1984 provides wide protection to children and young people in employment. The Act specifically prohibits the employment of children (under 15 years of age) and protects those aged 15 and under 18 years of age. It prohibits children and young persons working underground or at night and restricts the employment of children and young persons on any work which is harmful to their health and development, is dangerous or immoral or otherwise unsuitable. The Act permits specific exceptions such that a child who is 14 and not attending school may be employed on light work not harmful to his or her health and development by a member of the child's family or if such work is approved by the Commissioner of Labour [s107(2)]. A child of 14 who is in school may be similarly employed during vacations. Unfortunately, monitoring of children's work either within or outside the family is virtually non-existent, and there has been no official definition of light work.

**The Children's Act** [CAP 28:04] is concerned with the protection of children in need of care, and with the organisation and implementation of child and juvenile justice. A child may be deemed to be in need of care if he or she is engaging in any form of street trading, unless deputed by his or her parents to work in a family concern. While this offers some protection, it clearly leaves a major loophole as often it is the parents who are the exploiters of their children's labour. A Review of the Children's Act is well advanced with the aim of incorporating the Convention on the Rights of the Child and this would include an explicit focus on the elimination of child labour. Other legislation is concerned with the welfare, maintenance and income support of children. Such acts include the Affiliation Proceedings Act (as revised), the Deserted Wives and Children Protection Act and the new Marriage Act.

The **Education Act** and the **Revised National Policy on Education** provide for 10 years basic education for all children, and at primary level in 2004 98.5% of 7-13 olds and 89.5% of 6-12 year olds were enrolled – a considerable achievement. Also transition from primary to junior secondary education shows an increasing trend, with a transition rate of 98.7% reported in 2003 (CSO Education Statistics 2003). However, education is not compulsory and primary and secondary school progression rates indicate that many school age children do not complete their formal education. The **National Literacy Programme** provides some non-formal education opportunities for out of school children, many of whom are believed to be working.

No specific legislation deals with CSEC or CT but the **Penal Code** and the **Children's Act** have several comprehensive sections which deal with the sexual abuse and exploitation of children. A wide range of poverty alleviation strategies targets the rural poor and those living in the remote areas. Policies with a specific focus on vulnerable children include the National Programme of Action for Children, the Remote Area Development Programme, the Revised National Policy on Destitute Persons and the Short Term Plan of Action for the Care of Orphans in Botswana. These policies, and the school feeding programmes work together to keep many poor and vulnerable children, including orphans, in school and out of detrimental work. However some children still fall through these nets. The only targeted NGO response to child labour is the partnership between RECLISA and SOS Villages and the Gantsi Out of School Task Force which enables out of school children who are at risk of or already involved in detrimental work to access education. However a number of other NGOs work with street children, most notably BCC in Gaborone, and with orphans and other vulnerable children.

## 5. General child labour issues

An Action Programme on Child Labour (APEC) for Botswana must suit the local context, be realistic in terms of resources and implementation capacity and be based on a clear commitment to the best interests of the children. All stakeholders must be consulted and involved including the children affected by and involved in child labour. Wherever possible existing initiatives should be supported to avoid duplication of effort, and priority should be given to action on the worst forms of child labour.

### 5.1 Definition of child labour

The results of the NLFS 2005/2006 will inform the debate on the nature of children's activities in Botswana and on the appropriate boundaries/thresholds for defining children's work and labour.

To determine what work by children in Botswana constitutes child labour involves a process of identifying work activities that are harmful or potentially harmful to children, such as where there is risk of physical harm, where the child's educational opportunities are threatened and where there is a risk of exploitation. Key factors that can cause or increase potential harm include long hours, young age, low wages, dangerous or exhausting work, work that adversely affects schooling, degrading work, work that reduces significantly the child's time for rest and recreation, absence of a caring adult or intimidation and abuse and work on the streets or that is hidden, isolated or not easily monitored.

Examples include children involved in domestic labour far from their own families or homes working long hours for little reward, hidden away and sometimes subjected to verbal, emotional or even sexual abuse or young boys isolated on remote cattle posts with little proper sustenance, vulnerable to violence from older herders and missing out on education.

## **5.2 Major causal factors of child labour**

**Poverty** is a significant cause of child labour, and extreme poverty means children are prepared to engage in more harmful and detrimental forms of work and their families encourage or condone such work. Poverty remains a significant problem in Botswana with 36.7% of the population living below the poverty datum line, and with income poverty highly concentrated in the country's remotest areas. Orphans, the elderly, remote area dwellers, youth and women headed households are the most vulnerable to poverty. While there are a number of social safety nets and poverty alleviation strategies in place, none have focused specifically upon child poverty or upon the links between poverty and child labour.

**HIV and AIDS** have made children's situations ever more precarious and have a major influence on child labour. HIV and AIDS lead to impoverishment and may lead affected children to take up detrimental forms of work which may expose them to increased risks of infection. Children may be withdrawn from school to care for younger siblings; orphans are moved to stay with relatives where they may be exploited as domestic labour and fall out of school; and working children may not receive vital HIV prevention messages. Botswana is one of the countries hardest hit by the epidemic with an adult prevalence rate of 37.3% (BAIS II 2005) and orphans now comprising 15.7% of all children aged 0 -18 years. The country has developed a complex multi-sectoral response that includes education, prevention and comprehensive care including provision of antiretroviral therapy. With respect to children the response has focused on prevention and on providing a safety net through the STPA. The good news is that unlike many parts of Africa, orphans are continuing to access education and there is no evidence to indicate they are being forced into detrimental work; 92% of 10-14 year old orphans are in school compared to 93% of non-orphaned children (CSO/UNICEF 2005).

## **5.3 Areas or population groups especially vulnerable to child labour**

**Children in the rural & remote areas** comprise the largest group of children who have never attended school or who have dropped out, with the highest drop out rates in the poorest rural districts of Ghanzi, Kgalagadi and North West. San children especially experience severe poverty with low levels of education and literacy. Some of these children stay with their families on private farms and cattle posts where they are especially vulnerable to child labour while others migrate between farms and settlements. They face special problems in accessing education and are caught between conflicting cultural expectations.

**Out of school children** are of particular concern and while the percentage of children aged 7 -13 years enrolled in formal education is very high, there are children who drop out at both primary and secondary levels. This out-of-school group includes street children, baby sitters and domestic workers, disabled children, herd boys and children of farm workers, girls who have dropped out due to pregnancy and children who do not attend for religious or cultural reasons. Some of these children are accessing non-formal education.

**Orphans and children heading households.** The international literature reveals a close relationship between orphan hood and being pushed into labour – especially CSEC. Although the evidence indicates that orphans are not being pushed out of school and into labour, the fact remains that over half of Botswana's orphans live with household heads who are not economically active, and who are suffering severe financial strains. Findings from the Stream 1 Rapid Assessments suggest that some orphans may go to farms to work to support themselves, and girls are getting involved in transactional sexual relationships with older men to meet their needs for housing and survival.

**Girl children** are particularly at risk of being drawn into transactional sex, being exploited in commercial sex at truck stops and bars and being involved in onerous domestic chores, caring activities and childcare. They are also at risk of early pregnancy. In 2003, 32.4% (1,273) of secondary school dropouts and 1.9% (107) of primary school dropouts were because of pregnancy (CSO Education Statistics 2003). The primary school pregnancies suggest that some of these girls may have been subjected to unlawful sex which could be prosecuted. Clearly these young girls are also at high risk of HIV infection.

**Boy children** face different pressures and risks. They may be forced to take on the role of head of household with responsibilities way above their years. They may be pushed out of school to make an income, and are often involved in herding at remote cattle posts. For example in 2003, 3,434 (approx 2% of enrolled boys) boys dropped out of primary school compared with 2070 girls (approx 1.3% of enrolled girls). Also patterns of dropping out show regional variation, for example in 2003 almost 12% of boys (78) and 9% of girls (59) enrolled in Std 1 in Ganzi dropped out, compared with 0.6% of boys (4) and 0.2% of girls (2) enrolled in Francistown. However, many primary school dropouts do re-enter school, and in 2003 some 1,707 boys re-entered (89% of them having previously deserted) compared with 892 girls.

#### **5.4 General strategies for a child labour action programme**

Prevention is the most fundamental strategy which involves targeted poverty reduction strategies to improve rural livelihoods, enhancing educational opportunities for those currently out of school and retaining more children in school and more effective monitoring of all vulnerable children, especially orphans. Also child labour should be made socially reprehensible and abusers of child labour punishable.

#### **5.5 Considering child labour in other policies**

Botswana has a wide range of child friendly policies which are keeping the majority of vulnerable children in school and preventing them from falling into detrimental work, however few of these address the issue of child labour directly. A review process is required that assesses all relevant public sector policies and programmes for their impact on child labour and the contribution they could make to the elimination of child labour, especially the worst forms. Programmes such as the Orphan Care Programme and Non – Formal Education are able to reach deep into communities and even into children’s homes and could be powerful allies in reaching and assisting children involved in harmful work.

#### **5.6 General steps for the consideration by the Department of Labour, as lead Ministry**

The employment legislation potentially offers wide protection to employed children but requires diligent monitoring and review. The most progressive approach for the Department of Labour would be to implement the Convention recommendations (R146 Minimum Age Recommendation (1973) & R190 Worst Forms of Child Labour Recommendation (1999) to develop and promote models of best practice.

While the employment legislation protects ‘employed’ children, it offers little protection to children employed casually, working within their families or to children working on remote farms and cattle posts. Following publication of the findings of the LFS (2005/2006) the Department of Labour should commission research to investigate any indicators of pockets of child labour.

#### **5.7 Training and capacity building**

Training is required for all stakeholders including labour inspectors and labour officers, law enforcers, teachers and counsellors, social workers and other welfare providers, chiefs and VDC members, NGOs, CBOs and FBOs, parents and caregivers, officers enforcing the Liquor Acts, BOCCIM and

the Trade Unions to ensure that training materials on child labour are integrated into all their training courses.

## **5.8 Provision of child care facilities**

At the moment early childcare provision is in private and voluntary hands since government has argued that it is not yet in a position to provide this. Since it has to be paid for, only 17% of all under school age children are accessing these services, and only 10% of children aged 3-4 years attended a pre-school or crèche in 2001 (CSO/UNICEF 2005) The development of good quality early child care facilities can relieve the burden placed on children, especially on girls from poorer areas who are recruited to care for their younger siblings and for the children of working mothers.

## **5.9 The APEC process**

It is vital that implementation of existing policy and future policy and programmes is closely monitored and evaluated on a regular basis, and that strong and clear coordination is maintained between child welfare services. The PACC is charged with determining how the programme will be overseen and implemented.

# **6. Types of children's work: Issues for discussion**

**Child trafficking.** No conclusive figures are available on trafficking of children in Botswana. The Stream 1 rapid assessment interviewed over 200 children believed to be vulnerable to trafficking and identified two children in Gantsi who could have been trafficked. The major issues that arise in this respect are defining and identifying trafficking in the Botswana context, and how to monitor the movement of children within the extended family to prevent the exploitation of their labour.

**Commercial exploitation of children.** No conclusive evidence is available on the scale of CSEC in Botswana, but research suggests that this worst form of child labour exists particularly at the truck stops and transit points in the large towns and villages across the country. The major issues are preventing young girls falling into CSEC, how to police the sexual exploitation of young girls and how to combat transactional sexual relations between young girls and older men, when this is deeply culturally embedded.

**Children involved in illegal work-related activities.** There are no statistics on the incidence of children being used by adults to commit crimes although anecdotal evidence suggests that the use of children in housebreaking, burglary and thefts from and of cars may be likely. Also social workers working with young offenders report that some of the robberies for which children were convicted had the hallmarks of having been masterminded by adults. The police service and social workers who work with children charged with offences should be alerted to investigate the possibility of CUBAC and any adult offenders prosecuted.

**Collecting water and fuel.** These activities only become problematic if children spend excessive time on this, especially when they are very young, and where these activities are detrimental to their health and schooling. These are probably the most common forms of child work in Botswana and the NLFS should provide base line data on the numbers of children involved and the hours they spend on these activities. It will then be open to public debate to define what work is acceptable for children at different ages.

**Paid domestic work.** It is notoriously difficult to gather accurate information on this hidden form of child work, but anecdotal evidence suggests that it may occur where children are taken from rural households to work in urban areas, often for no payment other than accommodation and food. Orphaned children specifically report their involvement in this type of domestic labour. The major issue is how these children can be reached, and what can be done to protect them.

**Household chores.** While it is considered normal for children to undertake household chores, few would disagree that children should not work at these chores to the point where it harms their health or schooling. Anecdotal evidence and children's reports indicate that orphans may be at particular risk in this regard.

**Commercial and subsistence agriculture.** Children are engaged in a variety of seasonal tasks: weeding, gathering fruits, cutting grass, collecting and selling mopane worms and general household chores, including collecting wood and fetching water. Boys also tend small stock and cattle. The children of farm labourers often work alongside their parents, or sometimes in place of their parents on remote farms. The major challenge is how to reach these children, especially those on private farms, and how to get them into education,

**Retail and related including shebeens.** It is not uncommon to find children working in family tuck shops, street vending, car washing and collecting scrap metal. Others work in and around the shebeens where there is some evidence that they may become exploited in CSEC. Some children of minority groups do not attend school and instead are economically active selling food and other goods on the streets. Little is known of their hours and conditions of work. The employment legislation needs to be broadened to offer protection to children in all types of work.

**Begging** Children working on the streets are the group most likely to beg for food and money in and around the car parks of supermarkets and shopping centres. Others beg inside the more expensive supermarkets, accosting shoppers in the aisles. Often this activity appears to be opportunistic, although there are regular groups of children at different spots in Gaborone and Francistown. Some of the children begging are as young as 5 and 6 years old.

**Performing arts.** Children are lawfully permitted to participate in the performing arts, if they have the permission of the Commissioner of Labour, but this provision is not enforced. Their involvement is currently unregulated, although numerous children are regularly involved.

## **7. Circumstances that increase the likelihood of harm: Issues for discussion**

**Some forms of work** may lead to indirect child exploitation especially where children help their parents or other adults and so benefit the parent's employer. These forms of work are often invisible and hidden from view. They include piece work, task work, home work, subcontracting work and work in agriculture all of which encourage parents and other adults to use the services of children to increase output and therefore income. These forms of work need to be identified with a view to regulation.

**Age and gender** are critical variables when considering whether work is harmful or detrimental to a child. It is disturbing to find that some girl children in Gaborone were recruited into commercial sex as young as eight or nine years old. Priority measures are required for these very young children.

**HIV/AIDS** creates new forms of vulnerability for children.

**Working on the streets** especially without any adult supervision or support, makes children extremely vulnerable to abuse and exploitation by adults. Some of these children have run away from abusive and exploitative home and work situations.

**Being out of school.** These children are particularly likely to work and are at high risk of falling into detrimental work – they work alongside their parents, look after households and their own siblings and other children, and look after small stock or cattle

**Working in domestic labour in private homes.** It is not known how many children, especially girls are involved in this type of work because they are hidden from view and from any form of monitoring or regulation. They may be separated from their support systems and isolated. They are at particular risk of physical, mental and sexual abuse. These children must be made visible to the child protection networks and enabled to attend school.

**Children working and staying in remote cattle posts.** Boys and especially young boys may be isolated at remote cattle posts without proper food and shelter and without access to education. They are exposed to the elements and sometimes to predators in an extremely harsh environment. Evidence from neighbouring countries shows that children working in remote cattle posts are much more at risk than children who are able to get back to the relative safety and familiarity of their homes each night.

**Other circumstances that increase vulnerability** include poverty stricken children staying alone in urban villages to attend school, children living in strife torn and dysfunctional families where parents fail to provide for their basic needs ,and early pregnancy when a young mother has to support herself and her baby. There is also considerable concern about the possible impacts of the reintroduction of school fees at secondary levels.

## 8. Conclusions and major issues for consideration

The 2006 Global Report of the Director General of the ILO ‘The end of child labour: Within reach’ reports an encouraging reduction in child labour, especially in its worst forms in many parts of the world —

*“the number of child labourers globally fell by 11% over the last four years, while that of children in hazardous work decreased by 26%”*

and even more encouragingly —

*“the more harmful the work and the more vulnerable the children involved, the faster the drop”.*

However the report indicates that the least progress has been made in sub-Saharan Africa. The Report goes on to highlight the conditions necessary for concrete action:

*“Political commitment, through the adoption of coherent policies in the areas of poverty reduction, basic education and human rights, is central to progress, both past and present, made by countries combating child labour”(page 11)*

While economic growth is important, it is not enough – policy choices are crucial which free children from detrimental work and —

*“where “children’s right not to work” is fully recognised and becomes the social norm”(page 11).*

The Report sets out an action plan in which —

*“the ILO and its member States continue to pursue the goal of the effective abolition of child labour, committing themselves to the elimination of all of the worst forms of child labour by 2016, and that they put in place appropriate time bound measures by the end of 2008.”*



This timetable is congruent with Botswana's Vision 2016, but 2008 is very close and much remains to be done. This discussion document is concerned with raising the key issues that are pertinent to children's work and labour and which may form the basis for informed debate and wide consultation on the way forward towards a national action plan. These issues will no doubt be further refined when data from the national labour force children's activities survey is available.

Many children in Botswana are involved in household and domestic chores, in wood gathering and water fetching, in subsistence agriculture and in work activities in and around their schools. At the moment there are no indicators for what constitutes detrimental work, and wide ranging debate is required to determine the thresholds of children's work and labour.

Evidence indicates that there are children who are economically active, at ages as young as 12 - 14 years. These children have been clearly identified through formal surveys. Other children may well be involved in hidden forms of domestic work or farm labour. Further research and data are clearly needed to determine the conditions of life and work of these children and to identify the best mechanisms through which they might be protected.

Evidence also indicates that some children are involved in the worst forms of child labour most especially CSEC and CT and perhaps CUBAC too. These worst forms of child labour are clearly defined in the Conventions and should be a priority for any action programme.

The overwhelming causes of children's work and labour in Botswana are poverty especially in the rural and remote areas, now exacerbated by the impacts of HIV and AIDS on family resources both material and human. The numbers of children affected by the epidemic has grown, and there are deep changes in the structure and functioning of the extended family safety networks. Also, despite years of successful effort to engage all children in education, some remain outside of the formal education system, most of them in the rural and remote areas. On a more positive note the prevailing policy environment is very favourable to child welfare – for example, since 1999, the STPA has registered over 52,000 orphans and provides substantial welfare benefits to these children. This has enabled otherwise poverty stricken households to continue to care for their children and maintain them in school. This has had a major impact on keeping vulnerable children out of detrimental work.

As child labour is so diverse and complex, there are issues specific to particular forms of labour and especially the worst forms. However there are also numerous cross cutting issues which include:

#### **The need for consensus building and community education on children's work and child labour**

- Developing consensus on culturally appropriate definitions of children's work and labour – this will involve setting the thresholds for acceptable and unacceptable levels of work for children of different ages, which can be used as a baseline for interventions. The findings of the LFS should inform this process. This must form the cornerstone of the APEC.
- This consensus building is also required around understandings of the worst forms of child labour, perhaps particularly in relation to CSEC.
- If such baselines are created, they should inform a community education process to enable all community members, parents and children to identify detrimental work and the children involved. A further process would involve clearly defining at community and district levels, the routes for referral and the stakeholders responsible for taking action in such circumstances.
- Training will then be required for a wide variety of implementers and service providers to ensure that they are fully equipped to deal with these sensitive issues

#### **Research and building the knowledge base on child labour**

- Deeper and more focused research is required into the various forms of children's work especially the more hidden forms, including paid and unpaid domestic work. This involves exploring innovative research methods to reach these children.

- If the findings of the LFS indicate children's involvement in forms of detrimental work or labour, these should be followed up swiftly with further in-depth research.
- Methods to enhance children's participation should be explored and developed, as it is often the children themselves who provide the best and most convincing testimony and who can suggest possible solutions to their dilemmas.

### **Legal issues**

- While there is a generally favourable legal and policy environment in terms of the employment legislation and child protection, this legislation should be revisited to clearly address children involved in all forms of work, whether employed or not, and whether within or outside of the extended family.
- There are also gaps in the legislation in terms of the prosecution of the worst forms of child labour. There is no legislation for example for dealing effectively with child pornography or prostitution. The juvenile justice system too needs revisiting to ensure that child victims of sexual exploitation, trafficking or CUBAC are not criminalized.

### **Policy issues**

- While there are a number of policies specifically addressing the needs and rights of children, especially vulnerable children, very few make any explicit reference to children's work, labour or the WFCL, and general poverty alleviation measures in the main do not target child poverty or child labour. All such policies need to be revisited to include a specific focus on child labour.

### **Education**

- While Botswana has been very successful in ensuring that most of her children are well nourished and in school, without making education compulsory, concern continues to exist about the 'missing children', many of whom are believed to be working. This involves revisiting and reconsidering various elements of education policy and practice, and raising and debating some difficult questions:
  - Has the time been reached when basic education should be made free and compulsory or should education be free and compulsory up to the age of 17 years?
  - How to extend the range and nature of non-formal education to reach the out of school children more appropriately?
  - How to extend educational opportunities to children working on remote private commercial farms?
  - How to implement the findings of research into the educational needs of minority children from remote areas?
  - How to monitor the possibly detrimental effects of the new cost sharing initiative in secondary education?
  - How to extend senior secondary education and vocational training opportunities further?

### **Social welfare policy**

- Social welfare programmes have the capacity to reach deep into communities and even into children's homes. They provide unique opportunities to monitor children vulnerable to or involved in child labour, even some of the worst forms. But once again there are difficult issues:
  - How can a focus on children's work be incorporated into other child welfare programmes such as the STPA?
  - Should the STPA reach out beyond orphans to other vulnerable children in the community?
  - How can vulnerable children be more effectively monitored within their homes and communities?
  - What action can be taken and by whom to assist children involved in detrimental work or the WFCL?

These issues, and many targeted to specific forms of child labour will form the core of the consultation process towards the development of the APEC.

# Outline of questions for discussion and possible action steps

## 1. Poverty and child labour

Poverty in the form of lack of basic income is a significant cause of child labour. Extreme poverty means that children are prepared to engage in more harmful and detrimental forms of child labour than would otherwise be the case, and that their families condone or encourage such work.

### Issues for discussion

- (a) How can we develop a deeper understanding of child poverty in Botswana?
- (b) What are the links between household poverty and child labour?
- (c) What are the links between poverty, orphan hood and child labour?
- (d) How can we begin to identify the key poverty reduction strategies that impact on child labour and target and highlight these?
- (e) How to strengthen poverty reduction strategies without contributing to dependency, through more effective targeting of social safety sets?
- (f) How to address the disadvantageous position of women in the labour market, which is a direct cause of child labour through poverty?

### Possible action steps for consideration

- 1. Include the elimination of children's detrimental work and child labour in the poverty alleviation implementation plan, programmes and strategies?
- 2. Ensure child poverty and child labour are clearly identified and targeted in all poverty reduction measures?
- 3. Impact assessments on child labour of all major policies and programmes?
- 4. Link child poverty and child labour with the programmes and strategies of the NPA?
- 5. Consider the roles the STPA and Destitute Policy could play in preventing child labour?
- 6. Increase access to senior secondary education and vocational and skill training?
- 7. Advocate for free and compulsory basic education or compulsory up to the age of 17 years?
- 8. Continuing education for parents, communities and CBOs on the importance of children attending school?
- 9. Extend the National Youth Policy grants and other income generating opportunities to prevent children falling into detrimental work?
- 10. Close monitoring of the 'cost sharing' initiative to ensure that children from poor families are exempted and are being retained in secondary education and that hidden costs are not pushing children out of school?
- 11. Implement recommendations from the review of the RADP and from the Review of the National Literacy Programme to ensure children from the poorest communities can access good quality, child friendly education?

## 2. HIV and AIDS and child labour

HIV and AIDS impact deeply upon children, often impoverishing families and pushing children into detrimental work. Botswana has an increasing number of orphans and vulnerable children and some of them are being exploited for their labour and for access to their benefits.

### Issues for discussion

- (a) What are the links between HIV and AIDS and child labour in Botswana?
- (b) What specific areas of children's work are of concern?
- (c) Are orphans more vulnerable to child labour than other children? Why and how does this happen?

### Possible action steps for consideration

1. Community education and mobilisation on the extra risks faced by children made vulnerable by HIV and AIDS?
2. Connect information and assistance for children involved in detrimental work with HIV and AIDS prevention strategies and programmes for girls and boys?
3. Alert and mobilise Social Welfare Committees and Child Welfare Committees to monitor children's work and child labour in their communities and produce simple reports and statistics?
4. Develop clear and agreed mechanisms for anyone to refer to a social worker, teacher or other village authority, a child believed to be in or at risk of detrimental work or child labour?
5. Incorporate commercial and transactional sexual exploitation of children into all HIV and AIDS education?
6. The STPA to focus more directly on developing effective ways of monitoring OVCs in their homes through regular visits, and this should include a focus on the children's work and labour?
7. Children's work and labour to be integrated into the registration and assessment processes for orphans and vulnerable children. Family Care Model referral and assessment forms to describe the work the children are doing and use this as one of the standard indicators of the child's welfare?
8. Any long-term programme for OVCs to include children's work and labour as a specific target for intervention?
9. FWEs, social workers, VDV members, CBOs and NGOs to be alerted to identify and respond to OVCs involved in child labour?
10. Indicators on children's work and labour to be reportable to NAC as part of the monitoring of the national HIV and AIDS response?
11. Child friendly reproductive health services to be alert to child labour, and supported to develop programmes to reach the hardest to reach children who may also be involved in child labour?
12. Social workers, teachers and community members to closely monitor the movements of OVCs out of their areas and ensure proper follow up to prevent them being exploited for domestic labour?
13. Social workers and all extension workers in commercial farming areas to develop strategies for visiting OVCs in their homes on the farms?
14. Farm owners to be involved in discussions at local and district levels on the care and protection of OVCs, and be made aware of their obligations to enable social workers to monitor their worker's children in their homes on the farms?
15. Identify the respective roles of parents, care givers, teachers, social workers, community leaders, traditional leaders & civil society organisations in protecting children at special risk of falling into child labour?
16. Each child who drops out of school to be carefully followed up and every effort made to return him or her to school?
17. Child-headed households to be identified in the community and a range of support services offered to enable the child head and the other younger siblings to access education and training?
18. Legislation and customary practices to be reviewed with a view to more effectively securing orphans' inheritance and property to prevent them being pushed into poverty?
19. Develop clearer and more accessible channels for children to get advice and assistance?
20. Develop strategies to break down the invisibility of some children through the involvement of children in cultural, sporting, recreational and other appropriate children's activities
21. Set standards for the acceptability of different forms of work for children at different ages. These can be used by communities to regulate and monitor children's work.

### 3. Out of school children and child labour

Children of school going age who are not at school due to poverty, or a variety of other reasons are clearly at high risk of falling into detrimental work or child labour. They have been the focus of attention for many years, but still they remain “the missing children” outside of formal education.

#### Issues for discussion

- (a) What is needed to make formal education more appealing to parents who do not send their children to school? Are there any possible incentives?
- (b) What is needed to make non formal education more child - friendly and appropriate for out of school children to enable them to eventually access formal educational opportunities?
- (c) What is needed to make formal education more appealing to the children who drop out and desert?
- (d) Would compulsory education make any difference? And to what age?
- (e) If education were to be made compulsory, how would this be enforced? And by whom?
- (f) Should children be balancing learning with the need to make a living?

#### Possible action steps for consideration

1. Research is needed on all groups of out of school children to determine if the missing children are also the working children and to explore the position of children from minorities?
2. Tracer studies to be conducted to follow up cohorts of children in and out of school to determine if they fall into detrimental work and to discover how best to assist them?
3. Research to be strengthened through adoption of effective and well considered child participation strategies?
4. Identify and review existing cultural practices that may be harmful to girls and to boys and may push them out of school and into detrimental work?
5. Re-evaluate the government strategy of not making education compulsory in light of the persistence of children missing from formal education?
6. Adopt the recommendations of the review of the Remote Area Development Programme in terms of making education more accessible for the children in the remote areas?
7. Adopt the recommendations of the Review of the National Literacy Programme on provision of non formal education for out of school children?
8. DNFE to promote and encourage experimental educational opportunities and partnerships with NGOs for out of school children?
9. Closely monitor the implementation and impact of 'cost sharing' in education?
10. Advocate for two years of senior secondary school education for all children?
11. Promote and develop vocational training and apprenticeship opportunities for older out of school children?
12. Encourage NGOs & CBOs to develop child care facilities to assist girls who dropped out of school because of pregnancy to return to education?
13. Develop effective means of following up each child who drops out of school to prevent him or her falling into detrimental work?
14. Use non formal education groups as a means of reaching out - of -school children who are working?
15. Strengthen the links between adolescent friendly sexual and reproductive health initiatives and services for out of school children?
16. National Action Plan for Youth to disaggregate age groups to separate out children and campaign for the elimination of detrimental work and labour for children under 18 years?
17. Department of Labour to enforce Employment Act provisions for protection of employed children?
18. Amendment of Employment legislation to cover all children's work?

## 4. Trafficking of children

Child trafficking is one of the worst forms of child labour - the movement of children resulting in the exploitation of their labour in slave-like conditions, or resulting in commercial sexual exploitation. Whilst there is little or no hard evidence of this in Botswana, there are clear instances of children being moved from their homes and into exploitative work often for relatives or family friends.

### Issues for discussion

- (a) Should the movement of children between relatives be monitored, and if so how and who by?
- (b) How can we distinguish between trafficking for exploiting their labour in conditions similar to (c) slavery and the movement of children, and especially OVC for beneficial alternative child care?
- (c) How can the community, schools social workers and other children identify children who may have been moved for child labour or trafficked and how should they respond?
- (d) How can vulnerable children in the remote and rural areas and on commercial farms be protected from being moved for exploitation of their labour or trafficked?

### Possible action steps for consideration

1. Review the Children in Need of Care Regulations 2005 to see if they can be used to protect children who might be moved between relatives for child labour purposes?
2. Conduct further research on all aspects of child movement, migration and trafficking?
3. Ensure that the Worst Forms of Child Labour (WFCL) including trafficking are taken seriously in law?
4. Incorporate awareness of and responsiveness to trafficking and the exploitative movement of children in training for child protection e.g. the police, social workers, NGOs?

## 5. Commercial sexual exploitation of children

Sexual exploitation of children includes prostitution, exploiting children for the purposes of pornography and various form of transactional sex. CSEC is defined as one of the worst forms of child labour in the relevant ILO Convention.

No conclusive figures are available on the scale of the commercial sexual exploitation of children in Botswana, but research suggests that this worst form of child labour exists, particularly at the truck stops and transit points in the large towns and villages across the country. Also, interviews with children in Tlokweng, Francistown and Selebi Phikwe reveal that children are involved in commercial sex in these areas and that transactional sex between young girls (and two boys in the rapid assessment) and adults is not uncommon.

### Issues for discussion

- (a) How can we increase the level of public awareness of CSEC?
- (b) How should we understand CSEC? Is it a crime and/or a worst form of child labour and/or a form of child abuse?
- (c) Are transactional sexual relations imbedded in the culture?

### Possible action steps for consideration

1. Should the legislation be amended to create a specific offence of 'commercial exploitation of children'?
2. Should the law on prostitution be reviewed to protect young girls from prosecution?
3. Should the law on the use of children in pornography be reviewed?
4. Should the law on pornography, particularly making or possessing pornographic images of children & regulation of access to, downloading and sharing of pornographic images of children from the Internet be reviewed?
5. Clarify the roles of the police service in terms of CSEC and child protection and develop proactive responses?
6. Which ministry/dept should have the responsibility for dealing with CSEC?
7. Include the elimination of transactional sex and commercial sexual exploitation of children in all HIV and AIDS education and prevention strategies?
8. Include the elimination of transactional sex and commercial sexual exploitation of children in all youth friendly sexual and reproductive health initiatives?
9. Encourage involvement of NGOs and CBOs with children who are vulnerable to sexual exploitation?



## 6. Children used by adults to commit crime (CUBAC)

Another worst form of child labour is the use of children by adults in illegal activities, most especially in drug related offences, robberies and house breaking, street crime etc. Children are used as they are smaller and less conspicuous and the penalties against them if convicted are often lighter. While there is no hard evidence of CUBAC in Botswana, there is anecdotal evidence that children may be used by adults to steal, break into cars and commit robberies

### Issues for discussion

- (a) Do the police service and the child and juvenile justice processes take full account of the possibility of CUBAC ?
- (b) What are the mechanisms used when an adult and a child are jointly accused of an offence?

### Possible action steps for consideration

1. Amend the way in which the police record reported offences, to indicate any element of adults using children to commit crimes?
2. When a child is accused/charged with an offence, include questioning on CUBAC as a routine procedure – develop a protocol to assist the police and social workers?
3. Increase public & institutional awareness of CUBAC?
4. Research to be undertaken on children and young people charged with offences to identify any evidence of CUBAC?
5. Juvenile Justice – what will the new Children’s Act offer – is this adequate and will it address CUBAC?
6. Develop a fully resourced Probation Service to ensure children are diverted into meaningful community programmes?

## 7. Child domestic workers

Some children are working as domestic workers in private households or for members of their extended family, spending long hours each day, and isolated from their homes and friends. Some child domestic workers do not go to school, but instead look after younger children. These are some of the most invisible of the child labourers.

### Issues for discussion

- (a) How can child domestic workers be made visible within their communities?
- (b) How can child domestic workers be monitored and regulated?
- (c) How can the Employment Act be enforced to protect child domestic workers?
- (d) Should children get the same minimum wages as adults to make them less desirable as cheap labour?

### Possible action steps for consideration

1. Minimum wage regulations for domestic employees to apply to child domestic workers?
2. If minimum wages are imposed for domestic workers they should be enforced and labour inspectors should be given powers to inspect any private houses that employ domestic labour?
3. Comprehensive research into child domestic work? Use the data from the LFS to target areas where there are high numbers of young domestic workers?
4. Regulation of informal fostering through Children in Need of Care Regulations? (currently only up to 14 years – what about 14-17 year olds)?
5. Close monitoring of children’s movements and regular unannounced visits to host homes by social workers?
6. Introduce a requirement that children below 16 years working as domestic labour must attend non formal educational classes for a minimum number of hours each week?

## 8. Children doing excessive household chores

It is generally considered normal for children to undertake household chores and in general girls are expected to do more of these chores than boys. However some children are spending many hours each day both before going to school and when they get return after school. Anecdotal evidence and children's descriptions of their responsibilities indicate that orphans may be at particular risk of working in a way that may be detrimental to their well-being and schooling, as they may be looking after their sick family members, younger siblings, doing the household chores and attending school. Some may also be working outside the home.

### Issues for discussion

- (a) What are acceptable levels of household chores for children of different ages?
- (b) Should orphans who have to move to live with relatives be expected to do more household chores than the natural children of the family?
- (c) What level of household chores is acceptable in return for relatives providing food and accommodation?

### Possible action steps for consideration

1. With data from Labour Force Survey children's activities module, consult with communities and children to determine acceptable levels of domestic work and household chores for children at different ages. These could be used to develop national standards for acceptable levels of children's household work?
2. Close monitoring by social workers and schools of all movements of children to different care-giving households?
3. Home Based Care Programme should monitor if children are caring for home based care patients and what level of care they are providing, for how many hours and how this affects their schooling?
4. Provision of early child care services for the young siblings of child headed households?
5. Assessment of child headed households focussing upon the work of the household head and the levels of support required to prevent detrimental work?
6. Inclusion in school curriculum of national standards on acceptable child work at different ages?
7. NGOs, CBOs to be alerted to detrimental household work and mobilised to respond?
8. Circles of Support and other education programmes to include monitoring of children's household work?

## 9. Children working in commercial and subsistence agriculture

Some children work on isolated cattle posts and farms far away from schools. The children of farm labourers often work alongside their parents, or sometimes in place of their parents. The major challenge is how to reach these children, especially those on private farms, and how to get them into education.

### Issues for discussion

- (a) How can we make rural working children more visible?
- (b) How can children working at remote cattle posts and on farms access education?
- (c) Should the employment act regulate the activities of young boys herding in remote cattle posts or working on farms even if they are working for their families?
- (d) How does the community view herding activity that prevents a child from going to school on a regular basis? Approved cultural practice or detrimental child labour?

### Possible action steps for consideration

1. Make rural working children more visible through publicising the results of the LFS?
2. Engage commercial farmers in debate on accessing education for workers children?
3. Improve and strengthen enforcement of current employment legislation to reach into farms?
4. Work closely with health education and other farm workers rights organisations to increase access to and action for working children of farm labourers?
5. Consider the recommendation of the 2004 UNESCO review of The National Literacy Programme which states that there should be laws or regulations to require rural employers and landowners to install schools or alternative educational opportunities for workers' children on their land with the government providing teachers and learning materials
6. Consider making basic education compulsory at least up to the end of Community Junior Secondary School to ensure rural children participate?
7. Explore experimental forms of education for rural children?

## 10. Children in the retail trade, including shebeens

There are children working in tuck shops, street vending and car washing in addition to work in family businesses stacking shelves and serving customers. Many of the children work without pay in family businesses. With the recent rise in the price of metals, there are also increasing numbers of children collecting scrap metal for sale to scrap metal merchants. In Francistown many young children can be seen struggling across a busy intersection with their heavily laden wheel barrows full of heavy scrap metal. This also includes children working in shebeens and other liquor making and selling outlets.

### Issues for discussion

- (a) Is it acceptable for children to hawk on the streets and be out of school because they are doing this for their parents?
- (b) Should children be working and in around the sale and consumption of alcohol and what risks does this expose them to?

### Possible action steps for consideration

1. Licensing authorities and the Police Service to ensure that the Liquor Act is fully complied with, and children are not allowed into licensed premises or into shebeens?
2. Education and public awareness-raising on the risks for children of such hazardous work?
3. Engage liquor producers and distributors in debate on their roles and responsibilities in terms of the involvement of children in their businesses?
4. Close regulation and enforcement of the informal sector and children working in it?
5. Review the Children's Act conditions for a child to be deemed in need of care - Review employment legislation to cover all children's work not just their employment?
6. Compulsory education for all children up the end of CJSS?

## 11. Children working and living on the streets and begging

The African Charter Articles 27 & 29 oblige governments to protect children from all forms of sexual exploitation and sexual abuse, to prevent child trafficking by any person including parents or legal guardians and to prevent the use of children in all forms of begging. Whilst there is no separate research data in Botswana on children who beg, available data from studies of children working on the streets indicate that it is this group who are most likely to beg for food and money in and around the car parks of large super markets and shopping centres. Sometimes they 'guard' cars or carry shopping in exchange for money. Some of the children involved in begging are as young as 5 and 6 years old.

### Issues for discussion

- (a) What are the links between poverty and children working on the streets and begging?
- (b) What types of services can assist children on and of the streets?
- (c) How can children on the streets be protected from adult abuse and exploitation?

### Possible action steps for consideration

1. Research is needed to gain more information from the public and from the children involved, of the scale and types of begging?
2. Public information campaign about what to do if approached by a child begging and how shops should respond to children begging in their stores?
3. Debate on the respective roles of different stakeholders in assisting children working on the streets and begging?
4. Explore models of non formal, drop in style educational facilities for children working or living on the street.

## 12. Children in the Performing Arts

Children in Botswana are allowed to participate in the performing arts if they have the permission of the Commissioner of Labour. The Department of Labour advises that no such permissions have ever been sought or granted, therefore these activities are currently unregulated although numerous children are regularly involved. In contrast to this approach, South Africa recently passed a Sectoral Determination for Children in Performing Arts to protect children from any form of exploitation.

### Issue for discussion

Is further regulation required to protect children involved in the performing arts and if so what type? How would it be enforced?

### 13. Types of adult work that encourage child labour

Some forms of work may lead to indirect forms of child exploitation by a person, who may not be a formal employer but who gives orders, determines conditions of work and draws a profit from that work. These are forms of work where children may help their parents or other adults and so benefit the parent's employer. These forms of work are often invisible and hidden from view.

#### Issues for discussion

- (a) Are there forms of adult work that may lead to exploitation of a child, for example work on farms or piece jobs?
- (b) Are there hidden forms of work that may exploit children?

#### Possible action steps for consideration

1. Research to identify the forms of adult work in Botswana that encourage hidden child labour?
2. Adult work that encourages child labour to be reviewed with a view to regulation?
3. Public awareness raising on hidden child labour?
4. Extension of employment legislation to cover informal and all child work, not just employment?
5. Requirement on all employers and contractors not to use child labour and enforcement through Employment legislation?

### 14. Gender and age as important factors in child labour

It is clear that age is a critical variable when considering whether work is harmful or detrimental to a child. What might be an appropriate level of work for a 16 years old child is clearly quite different from what is appropriate and acceptable for a 7 year old. It is disturbing to find that some girl children in Botswana are being recruited into commercial sex as young as eight and nine years old and some are becoming pregnant while still in primary school. These children are being placed in situations of extreme risk and priority measures are required to assist them.

#### Issues for discussion

- (a) What are the different cultural expectations of boys' and girls' work inside and outside the home?
- (b) What are the specific vulnerabilities of girls to child labour and what are the specific vulnerabilities for boys?

#### Possible action steps for consideration

1. All research data on children, children's work and child labour should be disaggregated by age and sex and targeted research on specific areas of special vulnerability for boys and for girls?
2. Community awareness-raising on child labour should include an exercise to enable communities to ascertain what they believe is acceptable work for boy and girl children at different ages to set baselines that are publicly endorsed?
3. Measures to protect children from detrimental work should target boys and girls separately as well as together?
4. Minimum age for children's employment should be increased to 16 years in line with the Convention Recommendation?
5. All programmes to target young children as a priority?