
CSO Complementary Report on the Status of UNCRC in Botswana

Developed with Civil Society Organisations working on
Children's Rights in Botswana

August 2018



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LIST OF ACRONYMS

ACERWC	African Committee of Experts on the Rights and Welfare of Children
ACRWC	African Charter on Rights and Welfare of the Child
ANC	Antenatal Care
ARV	Antiretroviral drugs
BBM	Babelegi Mmogo/ Bakgatla Bolokang Matshelo
BGCSE	Botswana General Certificate of Secondary Education Examination
BISA	Botswana Integrated Sports Association
BNSC	Botswana National Sports Commission
BONELA	Botswana Network on Ethics, Law and HIV and AIDS
BOPSSA	Botswana Primary School Sports Association
CA	Children's Act 2009
CCF	Children's Consultative Forum
CPC	Child Protection Committee
CRC	Convention on the Rights of the Child
CRNSA	Child Rights Network for Southern Africa
CRVS	Civil Registration and Vital Statistics
CSO	Civil Society Organisation
CSS	Community Support Strategy
CWD	Children with Disabilities
Dikgosi	Traditional Leaders in Botswana
DSP	Department of Social Protection
ECCE	Early Childhood Care and Education
ECED	Early Childhood Education
FCII	Francistown Centre for Illegal Immigrants
GoB	Government of Botswana
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
ISPR	Initial State Party Report
IT	Information Technology
Kgotla	Traditional community meeting place
Lentswe La Bana	Children's Voices (Setswana) (magazine)
MoBE	Ministry of Basic Education
MOU	Memorandum of Understanding
NCC	National Children's Council
NGO	Non-governmental Organisation
NPA	National Plan of Action
OVC	Orphaned and Vulnerable Children
PMS	Performance Management System
RADS	Remote Area Dweller Settlements
RPNE	Revised National Policy on Education
SADC	Southern African Development Community
SAPST	Southern African Parliamentary Society Trust
SDG	Sustainable Development Goals

SSI	Stepping Stones International
TSP	Tirelo Sechaba Participants
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
VCPC	Village Child Protection Committee

ACKNOWLEDGEMENTS

The Civil Society organisations in Botswana working with children would like to express deep gratitude and appreciation to The Southern African Parliamentary Support Trust (SAPST) and the Child Rights Network for Southern Africa (CRNSA) for providing the financial and technical support required for the compilation of this complementary report to the State party's United Nations Convention on the Rights of the Child (UNCRC) report.

Civil society organisations (CSOs) working with children in Botswana (listed in the annex of the document), media and United Nations Children's Fund (UNICEF) are acknowledged for their expertise, ideas and sharing of information that has been incorporated in the complementary report.

A special thanks is afforded to the technical drafting team BONELA, Stepping Stones International, SOS Children's Village and Love Botswana for compiling additional evidence and editing. Additional gratitude is given to Stepping Stones International for leading the process and dedicating hours to writing the draft report. The report would be challenged if it were not for the involvement of children providing opinions and validation to the report. For their insights and courage to voice their opinions we are grateful.

Finally, the CSOs of Botswana are thankful to the African Committee of Experts on the Rights and Welfare of Children (ACERWC) for accepting the submission of this complementary report for Botswana. The civil society community is committed to receiving the ACERWC's concluding observations and implementing appropriate programming in the best interests of the children in Botswana.

EXECUTIVE SUMMARY

Civil Society Organisations working with children in Botswana have noted the importance of being part and parcel of the State and have a duty to be accountable to children of the country. As a result, 46 CSOs and 4 media houses assembled to deliberate on Botswana's UNCRC covering 2002 to 2015, the 2nd, 3rd and 4th reports.

The convening CSOs acknowledge that the State party has developed sound child related policies and ratified and signed the Convention on the Rights of the Child (CRC) and the African Charter on Rights and Welfare of the Child (ACRWC) through the Children's Act. The State party has taken measures towards improving the lives of children. However, reviewing the 2004 NGO complementary report, CSOs identified many similar challenges from 14 years ago. Therefore, CSOs pledge for actions that will create visible change and impact, recognizable to all Batswana. In the annual state of the nation there is no specific section that speaks to the promotion and protection of children's rights in Botswana. Furthermore at this time there is no political party including the child in their party manifesto.

During the review of the UNCRC Botswana State party report, the CSOs recognized that while the State party has made progress in developing policies and in some instances establishing structures, there remain glaring gaps. In the State party report and in practice CSOs are particularly concerned with the following:

1. **Gap between policies and implementation:** There seems to be a gap between existing statutes, policies and guidelines and the lack of their actual implementation and enforcement. The development of guidelines, costing, implementation and accountability of child related policies in Botswana is lackluster. An exceptional example that we need to ask ourselves is, how many people have been charged the minimal P5,000 for knowing about, but not reporting a child sexual abuse incident, section 42:13 of the Children's Act 2009? There are no cases documented, yet child sexual abuse continues to increase in Botswana. Additionally, CSOs experience that policies and Acts are often contradicting each other, because policies are not aligned and sufficiently harmonised.
2. **Focus on output instead of outcome:** Language being used in the State party report is not results-based. In several cases the State party quotes what the Children's Act states but does not provide evidence for how it is being implemented. An example is that the State party reports of distributing newsletters or other information but rarely specifies on engagement, implementations, monitoring and impact. Another example is that in Chapter 5 of the State party report, the language of the law is cited, but the actions and progress of the State party is not addressed. In order for the State party to effectively evaluate its implementation efforts, and for recommendations on further improvement to be made, we must be provided with information on the status of the implementation of various laws.
3. **Lack of data and research:** The State party report lacks research on children and disaggregated statistics, which was flagged in the previous 2004 NGO complementary report. Moreover, the language is generalised with no reference to statistics or naming specific districts or localities where measures are having an effect. Often times it is not clear of which public forums and communities the State party speaks nor the nature of engagements. The Violence Against

Children survey results, sanctioned by Ministry of Local Government in 2016, have not been shared with civil society and remains with parliament for review. This leads CSOs to question why research must reviewed, since the outcomes of research are non-negotiable.

- 4. Strengthened structures and systems that function inefficiently:** There are structures and systems that are established but do not function well. This is due to inadequate capacity building among service providers, and lack of accountability and reporting. Coordination between sectors is minimal. Examples include confidentiality in reporting sexual abuse cases, misunderstanding of the role of chiefs in handling child abuse cases, non-child-friendly courts, high number of birth certificates not issued, incomplete multi-sector referrals, disempowering methods of punishment in schools using corporal punishment, and inequality of access to services for children who are migrants, refugees, disabled or living in rural areas, to name a few. The National Children’s Council (NCC) and Village Child Protection Committees (VCPC) have been formed but are not fully operating to achieve improved child protection in the country.

In a speech delivered at the launch of the Sustainable Development Goals (SDGs) in Botswana, February 2018, then Vice President Masisi emphasised several factors that are critical to success which also resonate with the gaps that CSOs identified in order for the State party to uphold the CRC. He stated, “It is critical therefore that all stakeholders play their part in the domestication, localisation and implementation exercise. These platforms should ensure that strategic initiatives geared towards resource mobilisation, capacity building of stakeholders, monitoring and evaluation, as well as reporting among others, are undertaken.” Vice President Masisi also highlighted the importance of the availability of timely and disaggregated data and monitoring and evaluation of performance against the set SDGs targets and indicators, saying it could not be overemphasised¹.

The CSOs working with children in Botswana are optimistic that this complementary report will stimulate conversation between the ACERWC and the State party regarding harmonization of child related laws, improved and strengthened monitoring and accountability systems, adequate budget allocation for the Children’s Act to be implemented, and improved social protection services for children.

Botswana has set high ambitions with Vision 2036 and the Sustainable Development Goals (SDGs). In line with Vision 2036’s statement, “we all want to work towards a Botswana where all men and women have equal opportunity to actively participate in the economic, social, cultural and political development of their country.... Botswana will have a safe and enabling environment for children to grow to reach their full potential”. We believe that the only way for Botswana to achieve these ambitions is to work hand in hand with CSOs. The State party is therefore urged to enhance collaboration with CSOs to support implementation of policies and to fill the gaps with evidence-based programs where it is difficult for government to reach and implement.

¹ Kealeboga, K. (2018, February 22). SDGs realisation needs collaboration. www.dailynews.gov.bw/news-details.php?nid=41058

INTRODUCTION

1.1. General description of the contributing body of CSOs

CRNSA and SAPST financially and technically supported the development process of this complementary report. There were 46 Civil Society Organisations and 4 media houses--working with children in various capacities, such as direct service, advocacy, children's rights, family strengthening, and education--that convened for two days to discuss, debate and share information on each section of the State party report.

1.2 Purpose of the contributing body

The CSO report is not intended to replace the State party report but rather to a) provide complementary information in respect of the achievements made to date b) identify gaps and inconsistencies in the State party report and c) propose recommendations under each theme, as necessary. While Botswana has developed policies and strategies to assist children in the country, CSOs have first-hand experience on the extent of implementation of the policies in communities. Therefore, it is important that CSOs, supported by children's views, share their experiences and research to validate and fill in gaps in the State party's report on the UNCRC. Stepping Stones International, Childline, SOS Children's Village and BONELA organised the two-day workshop for CSOs and relevant stakeholders to understand the CRC reporting process and respond to it.

1.3 History of Botswana CSO involvement/impact on CRC

In March 2004 a complementary CSO report was submitted with the coordination and preparation of the report led by BOCONGO. Twenty three child welfare organisations participated, as well as 37 children and UNICEF. At that time, the report states "there is observable weak enforcement of existing child protection laws despite recommendations in several previous child welfare forums, urging for strengthening of the enforcement of existing child legislation and effective implementation of programs and services. There is still widespread ignorance about the CRC and child rights in Botswana, especially in the NGO sector."

There have been some positive changes seen since the previous CSO complementary report, including: The establishment of a National Council, the review of the Children's Act, and the change of the definition of a child to be 18 years in legal policies. Despite progress, in certain structural recommendations, implementation and use of the systems are still lagging. For example, while an inter-agency referral system was designed, in practice there are no feedback mechanisms for a child reporting on child abuse between the police, the social worker and the health care provider. Some other examples of minimal progress are the Foster Care policy, which is still under review, and child-friendly courts, which are not operational and left to the discretion of the magistrate. Furthermore, child sexual

offences in the form of rape, defilement and incest are on the increase². This is a sure sign that the right to protection against sexual abuse and exploitation is being undermined.

1.4 Consultative process in the preparation of this report

On the first full day of the CSO meeting, the welcome and program outline was delivered by Lisa Jamu, the Executive Director of Stepping Stones International. She encouraged CSOs to share their data, cases and expertise, and to assist in painting a full picture of how the CRC is being implemented in Botswana. Mr Phillip Muziri of Southern African Parliamentary Trust (SAPST) presented on human rights monitoring and implementation mechanisms. An overview on State budget monitoring and UNCRC general comments was delivered by Ms Chengetai Kanyangu of Southern African Parliamentary Trust (SAPST). Then, nine children and youth of the 15 total present, spoke on their views on the CRC in Botswana. Botswana Statistics also shared some relevant statistics, while those present noted the gaps in available data on children. Dr Musa Chibwana, from CRNSA led the group in understanding the process for submitting the report and then explained the various forms the report could take. After a fruitful discussion on the type of report which should be submitted, it was decided by all of the organisations that the CSO report will be a complementary report.

The presentations set the scene for developing the report. CSO representatives then organised themselves into thematic groups according to area of interest based on the UNCRC State party report. The tasks for each group over the two day period were to review the State party report, discuss what had been done well, identify what gaps exist in implementation and reporting, cite available evidence for those instances, and then make recommendations on how the State party can improve. Each group was then given an opportunity to present their group work and engage the entire group of participants for validation and additional comments.

UNICEF and the media also participated during some of the groups sessions, and the media was able to write about the activity to inform the general public. During the sessions two radio stations engaged SSI officer on the report-writing session.

A subcommittee of the larger group comprising of SOS Children's Village, BONELA and Stepping Stones International (SSI) and Love Botswana validated the report with additional evidence, cases, media reports, assessments and further discussion with children. A week after the UNCRC report-writing workshop, Stepping Stones International held a small rally with more than 100 children and youth from schools and University of Botswana to further provide the children and youth the platform to express their opinions and highlight priorities, which were primarily aimed at equal access to education, child protection, and a yearning to be able to have open communication with parents.

² Botswana Police Service, 2008

The final report preparation process was facilitated and organised by Stepping Stones International with financial support from SAPST. The report follows a structure that is based on the following eight groupings of articles of the Convention on the Rights of Children (CRC):

- General Measures of Implementation
- Definition of the Child
- General Principles
- Civil Rights and Freedoms
- Family Environment and Alternative Care
- Basic Health and Welfare
- Education, Leisure and Cultural Activities
- Special Protection Measures for Children.

This report is organised according to the above stated chapters and further numbered according to the points in the State party report. This allows the reviewing committee to clearly understand and compare the CSOs' points to that of the State party. This also serves to demonstrate the numerous challenges which children continue to face in Botswana in regard to their rights as provided for under the Convention. At the end of each chapter we present summarised recommendations for the Committee to consider.

CHAPTER 1 GENERAL MEASURES OF IMPLEMENTATION

2. The State party took an important and necessary step of passing the Children's Act 2009, thereby moving to domesticate the UNCRC and grant a clear set of human rights to children in Botswana. However, the statute has not been fully implemented. It has taken eight years to implement regulations following the Act. This, in turn, has hindered Botswana's adherence to the relatedly ratified conventions (i.e. UNCRC, ACRWC) and, by extension, its commitment to upholding Children's Rights. This shortcoming is illustrated by the fact that no implementation plan has been put into place in order to operationalise the Children's Act³. Furthermore, no costing was done in order to influence resource allocation to the implementation of the Children's Act, making it difficult for bodies working under the Children's Act to implement⁴.

7. CSOs recognize the State party's acknowledgement of inefficiencies in releasing identity cards to children. CSOs are concerned that when these children do not have identity cards they are not able to access the entitlements of national identity. Further, if they are penalised for not having an ID, this can lead to charges which children and parents cannot afford, thereby compounding the barriers to obtaining the ID. Under the USAID funded Orphaned and Vulnerable Project in Kgatleng, SSI found 369 OVC in one village, Mochudi who did not possess their birth certificates, which are needed to obtain an ID. BONELA found 107 children who did not have birth certificates in Mmanxotae ward (Tutume district), therefore they were unable to access immunisations and social welfare package for orphans in Tutume District.

8. It is commendable that the State party enacted The Domestic Violence Act. Hitherto, there are no regulations to facilitate the implementation of this law, and consequently it has not been fully implemented. Despite having an officer designated to addressing domestic violence in some police stations, these persons are not assigned exclusively to related cases, and in some instances they are not present at stations when needed due to other assignments. Research shows that about three in every five women (62%) in Botswana have experienced violence in an intimate relationship⁵, with a recent alarming statistic of 40 women being raped per week in Botswana⁶.

10, 11. The Children's Act 2009 (section 41) does not recognize Dikgosi (chiefs) as commissioners of child welfare, while the customary law recognizes Dikgosi as custodians of family and community welfare issues in general. As a result, many children's cases are handled by chiefs but not prosecuted. These cases are dealt with without social workers' involvement, and most cases not prosecuted in the best interest of the child. Furthermore, victims of abuse often go without proper care and treatment

³ Childline Botswana (2017). A study to identify the impediments to the full implementation of the Botswana Children's Act (2009).

⁴ SOS Children's Villages Botswana (2017). Legal and budgetary possibilities assessment for increasing government subsidies: The Case of SOS Children's Villages Botswana.

⁵ Government of Botswana & Gender Links (2012). Gender based Violence Indicators Study Botswana. Key findings of the Gender Based Violence Indicators. Gaborone.

⁶ www.thegazette.news/rape-nation/

with the customary court conflict resolution approach being to reconcile families and in most cases children's needs not considered⁷.

12. Section 169 of the Penal Code is extremely gender-biased and does not represent individuals being equal before the law. First, the title of the section denotes that the female is the perpetrator under the act by using the language "*incest by females*." The crime describes a family member having carnal knowledge of the female. Second, the section specifies females who provide consent to a family member being guilty of the act and not males who provide consent. Third, the section promotes gender-based violence by transforming the victim of the crime into the perpetrator. The fact that a female can actually be guilty of incest by consent is inconsistent with the Children's Act, African Charter, and the UN Convention on Children's Rights⁸.

16. The State party's acknowledgement of "the important role played by non-governmental organisations in development and service delivery..." is appreciated. However, the majority of the participating CSOs in this report have never heard of the Government's *Policy Guidelines for Financial Support to Non-Governmental Organisations (2013)*. If CSOs are to be successful in working together with the State party to implement the Children's Act and the mandates of the UNCRC, the State party must effectively engage CSOs on how it "continuously builds the capacity of the civil society organisation." The NGO Council could play a prominent role in strengthening this collaboration.

17-19. The State party's recognition that the National Children's Council (NCC) is not yet functioning according to its national role is noted. CSOs also note that it has been 9 years since the NCC has been prescribed by the Children's act.

21. A consistent recommendation of the Universal Periodic Review (UPR) in cycle 1 and 2 has been to "accelerate the implementation of the Action Plan to enable targeted programming and interventions for the welfare and protection of the most vulnerable children in Botswana." CSOs are concerned about inadequate progress on implementing the National Plan of Action 2006-2016.

22. CSOs recognize the Children's Consultative Forum (CCF) exists as an advisory to the National Children's Council (NCC). However, there is no indication that work has been implemented in addressing or preventing child maltreatment nationwide. The children of the CCF and subsequently the NCC could be playing an active role in holding both the Government and CSOs accountable on why, to the available knowledge, no cases have been brought forward on child maltreatment.

23. It is CSOs' experience on the ground that the forums and committees prescribed to be established under the Children's Act are not fully functional due to lack of funding. The baseline impediment study on the status of protection of children on the move and available policies in Botswana states that Village

⁷ Jamu, S., Keatletse, K., Letshabo, K., Gilika, M., Kgosi Seboko Mosadi, M., Kgosi Mosojane, L., Rieff, J. (2017). *Activating Accountability in Protecting Children's Rights in Botswana: Conversations with Dikgosi about Child Sexual Abuse and Exploitation at the Community Level*. Stepping Stones International, funded by the European Union.

⁸ Coley, D. (2014). *Child Protection and Sexual Offences in Botswana: Comprehensive Policy Review*.

Child Protection Committees are not functional^{9 10}. They often remain unelected, improperly trained (if at all), lacking in knowledge of their responsibilities, or inactive. For example, none of the Child Protection Committees in Kgatleng District are operational. Stepping Stones International has developed a training manual and monitoring mechanisms and implementation strategies for CPCs that could be widely shared. The manual is currently with the Ministry of Local Government and Rural Development and has been under review for the past 1.5 years.

24. The State party reports that the CRC has been “widely distributed” to children. CSOs need information on the specific recipients of the CRC so that CSOs can be more effective in their engagement with communities. Neither is it clear what measures have been taken by the State party to monitor to what extent the CRC has been incorporated into community practice.

27. That the State party conducted a police training on juvenile justice, child friendly process and procedures is commendable and a good start. It is recommended to continue to enhance professionalism of service providers and engage other sectors. The State party also reports that “Communities are also sensitised through regular public forums....” It is unclear which communities are targeted and reached, which public forums and forms of engagement are used, and how effective these interventions have been. It is a concern that CSOs working as child defenders are unable to identify these instances. This questions the visibility, level of engagement, and overall impact of the State party’s efforts.

31. The statistical information collected by the State party through census and related surveys currently disaggregates the age data of children by the categories of 0-4, 5-9, 10-14, and 15-19 years¹¹). These categories are misaligned with the defined age of the child (0-18 years) according to the Children’s Act. This compromises both the State party’s and CSO’s ability to collect accurate and congruent information regarding children’s rights issues.

32. The State party has made initial steps towards improving data collection on children’s issues. However, CSOs recognize an enormous gap in available data, such as for child abuse, well-being and psychosocial status. In addition, research shows that the extent of the problem of child abuse in Botswana is far larger than currently reflected in police and other government statistics¹². This undermines effective policy-making and implementation.

33. Child poverty is a serious issue in Botswana: 63% of children under 18 live in multi-dimensional poverty (defined as being deprived in at least two dimensions simultaneously) of which 44% live in severe multidimensional poverty¹³. Children that grow up in poverty experience lifelong negative effects

⁹ Childline Botswana. (2017). A study to identify the impediments to the full implementation of the Botswana Children’s Act

¹⁰ Findings from SSI’s projects from 2015-2018, funded by the European Union.

¹¹ Statistics Botswana. (2011). Botswana Population and Housing Census 2011. Gaborone.

¹² Seloilwe, E. & Thupayagale-Tshweneagae, G. (2009). Sexual abuse and violence among adolescent girls in Botswana: a mental health perspective. *Issues Ment Health Nurs.* 2009 Jul. 30(7).

¹³ UNICEF. (2015). Child poverty in Botswana: a multiple overlapping deprivation analysis.

on their well-being¹⁴. In regard to the “development of national social protection indicators,” currently the country is at a gross deficit. For example, while there are plans for a national child sexual offender register, it does not exist. There is no online database to track offenders at the magistrate courts level. Furthermore, police station records do not disaggregate sexual offenses against children from those against adults¹⁵. The protection and health of children is severely compromised without the existence of these basic informational tools.

34. The investment of high level political figures in children’s issues through NGOs is commendable. However, in terms of political will, at the time of writing this report no political party in the country has yet mentioned children in its manifesto. In citing that “Expenditures for children have been increasing...” CSOs question where this is evident through the State party’s reporting. In the future, CSOs request that the State party uses budget figures to illustrate such citations. Furthermore, there is no child-specific language found in constitutional law¹⁶.

37. As is noted by the State party, the enforcement of the Maintenance Enforcement Act is not adequately implemented. When parents who are ordered to pay the maintenance fee do not do so, the child’s rights are not fulfilled. In some cases where money is paid at court, CSOs have observed that the funds do not reach the children.

KEY RECOMMENDATIONS 1. GENERAL MEASURES OF IMPLEMENTATION

1. CSOs recommend that the State party prioritise children’s rights issues and take deliberate steps to include them in the State of the Nation Address report. Furthermore, the State party must develop an implementation framework for the Children’s Act that is costed. Thus, it is further recommended that the State party engage in evidence-based resource allocation in order to properly fund the implementation of the Children’s Act.
2. CSOs urgently recommend that the State party enforce the Domestic Violence Act through the formation and oversight of corresponding regulations.
3. CSOs urge the State party to establish functional monitoring and evaluation systems so that the next State party report will be able to provide statistics and outcomes as well as increase transparency in “effective monitoring of the protection of the children’s rights and welfare.” Within the system it is recommended that the State party seek a solution in order to harmonize the disaggregation of its data sources with the defined age of the child and conduct an analysis on the research gap that will increase the State party’s responsiveness to issues of children.
4. It is also recommended that the State party implement mechanisms which ensure that there is effective birth registration of children and timely receipt of their ID cards, including efforts

¹⁴ Roelen, K. and Sabates-Wheeler, R. (2012) ‘A child sensitive approach to social protection: serving practical and strategic needs’, *Journal of Poverty and Social Justice*, 20(3), pp. 291–306.

¹⁵ Jamu, S., Mahloko, T., Letshabo, K., Ajani, A., Pavey, L., & Jamu, L. (2015). Gaining traction by action-activating accountability in protecting the rights of children: Evaluation of preparedness in government services against child sexual abuse and exploitation in Botswana. Stepping Stones International, funded by the European Union.

¹⁶ Coley, D. (2014). *Child Protection and Sexual Offences in Botswana: Comprehensive Policy Review*.

that effectively encourage parents to collect ID cards for their children. Government should engage CSOs to assist in identifying those without birth certificates or national identities and mobilise the community to attain such efficiently.

5. Dikgosi are interested in developing guidelines with support from CSOs to outline what their role is in the community regarding children's issues, especially regarding child sexual abuse; thus this platform should be supported by the State party to engage them.
6. In recognizing the need for continued effort in advancing gender equality, CSOs encourage the State party to be more diligent in including gender and distinctions in its data collection and those protections it extends to children. Policy makers are urged to review language in its legal statutes to address gender-biased language and review the Constitution to incorporate women and children specifically, or refer to the Children's Act as an annex.
7. CSOs highly recommend the review and implementation of Botswana's NGO policy (2001). The policy should formulate a costed education, information and training strategy. CSOs further recommend the formation of a clear government CSOs communication strategy used to distribute correspondence and materials to organisations working on children's issues.
8. CSOs recommend the development of a new National Action Plan in a timely manner, with roles for CSOs to participate and monitoring mechanisms included. Within this plan, it is urgent that the State party prioritise full operation and support for the National Consultative Council and Children's Consultative Forum.
9. CSOs recommend that Child Protection Committees be revived, operational and held accountable.
10. With the adaption of the CRC, CSOs urge the State party to review the Botswana Constitution and seek to establish constitutional protections of the child, as many other nations--including regional peers such as South Africa--have already achieved.

CHAPTER 2 DEFINITION OF THE CHILD

39, 40. CSOs commend that the state has recognized the Definition of the Child. The State party report notes ‘there are still some challenges to harmonizing the “definitions” of the child in the different laws.’ Indeed, there is still misalignment between some laws, and this gives rise to significant problems in both gathering consistent and usable statistics and implementing services for children. For example, the Sexual Reproductive Health Policy currently defines Adolescents as age 10-19 years¹⁷. Whereas, the Public Healthcare Act stipulates that healthcare professionals cannot consult children under 16 years of age without parental consent¹⁸. This has created a contraction in service implementation. The State party report also notes that “The National Children Council has been tasked with working with the Attorney General’s Chamber to fast track consequential amendments of all laws that are in conflict with the Children’s Act (2009)”. However, there is neither a budget allocated, nor a specific timeline assigned for the delivery of this effort.

KEY RECOMMENDATIONS 2. DEFINITION OF THE CHILD

It is recommended the State party review all policies and align them with the CRC, as well as allocate resources to amend all laws that are in conflict with the Children’s Act. It is also recommended that the State party withdraw its reservation on Article 1 of the UNCRC.

¹⁷ Government of Botswana, Sexual Reproductive Health Policy

¹⁸ Botswana Legal Assessment Report 2017, BONELA

CHAPTER 3 GENERAL PRINCIPLES

41. The State party notes that “the State Party has since amended its Constitution accordingly.” However, the statement does not specify the provision and what exactly was amended. The report also uses blanket claims without data to substantiate the information.

44, 45. Currently, the best interest of the child is not being reflected in the practices of some State-managed duty-bearers. For example, there continues to be untimely case assignment of social workers to cases of children. In those instances where children require assistance--which the Children’s Act protocol requires when police are interrogating children (for example, *Ontiretse Montsho vs State, 2018, Mochudi*)--and the time is past 4:30pm., services are often unavailable because government social workers are not compensated to work after normal work hours or on weekends. This leads to situations where serious child abuse cases are not attended to immediately, but have to wait until the next day or the beginning of the following week. This has led to distressing cases; for example, a nine year-old girl in Mochudi was raped by her stepfather and, unable to access services on a Friday afternoon, was told to return on Monday morning¹⁹. Additionally, there is currently no specialisation among social workers for working specifically with abused and exploited children. Of major concern is that there is no monitoring body in place that holds governmental service providers accountable for their performance. Neither do the service providers themselves have systems in place within their own organisations.

Furthermore, the State party never seems to focus on children’s psychosocial well-being, even though it is essential for ensuring normal growth and development. International research shows vulnerable youth experience developmental, physical, psychological and social distress. Psychosocial assessments done in Botswana in 3 districts amongst 735 children show concerning findings regarding the state of psychosocial wellbeing in Botswana: 58% had at one point contemplated of ending their own lives. Of these respondents, 13% had thoughts of taking their own lives all the time. 33% had severe psychological and behavioral problems that required individual urgent attention. 35% were in the ‘borderline area’ and required interventions to address their difficulties²⁰.

47. It is appreciated that the State party reports in detail with data relating to child mortality. And, Botswana has made great strides in ensuring the survival of children. None-the-less, there are areas of improvements urgently needed. UNICEF Botswana reports that over 60% of deaths for children under 5 years are associated with malnutrition. And, according to the Baseline Survey conducted by Kagisano Society Women’s Shelter, migrant women expecting children with Botswana men are deprived access to preventative mother-to-child transmission interventions²¹.

51. In contrary of what the State party report suggests regarding considerable improvement in the

¹⁹ *Ontiretse Montsho vs The State, 2018, Mochudi*

²⁰ Jamu, S. (2013). Psychosocial well-being of orphaned and vulnerable youth at Stepping Stones International: Baseline study. Gaborone, Botswana: Stepping Stones International Psychosocial Support Program developed under the support of the ORFUND, the Stephen Lewis Foundation & the FACET Foundation.

²¹ KSWs (2018). Reducing vulnerable and at risk children (VAC) and enhancing the protection of children on the move (COM) in Botswana - Baseline Assessment.

nutritional status of children, UNICEF reports no improvement on child malnutrition between 2000 and 2007: in the year 2000 stunting and wasting among children under-5 was 23% and 5% respectively, and increased to 26% and 7% respectively in 2007²².

52. CSOs seek insight on how many secondary school have established School Councils, how many students are actively participating, and how the councils function. To this point, there continues to be visible conflict between school management and students, illustrated by 'school strikes in Matsha' (13th to 14th November 2015)²³.

54. CSOs recognize that the Children's Consultative Forum (CCF) has been created. However, their work is unclear. CSOs and the public would benefit from the State party's report on the functioning of the CCF, including: the number of times the CCF has met, reports CCF actions that have affected change or protections, and the Forum's successes and challenges. CSOs would like to collaborate structurally with the CCF; but, in order to do so effectively, more transparency on their functioning is needed.

56. While the State party admits courts are unfriendly to children, it presents no plan on how this shortcoming will be addressed.

KEY RECOMMENDATIONS 3. GENERAL PRINCIPLES

1. For the sake of both clarity and accountability, CSOs suggest that the State party specify constitutional changes cited in the report and employ data in reporting on the progress made.
2. CSOs encourage the State party to use the cited guiding principles for "best interests of the child" to shape concrete terms of implementation through services and interventions. For example, it is necessary to invest in more psychologists and counsellors, especially professionals that are specialised in children, since there is a lack of qualified professionals in Botswana that can provide the necessary support.,
3. By request of service providers, CSOs recommend specialisation and training for those working specifically with children of abuse and trauma cases. Moreover a rotational schedule should be implemented within the public service where there is a 24-hour, 7-day per week availability of a social worker for urgent cases. Alternatively, "one-stop shop" availability of on-call services.
4. It is recommended that the State party specify the number of School Councils active, in which schools, and the representation of students.
5. The State party should capacitate members of the CCF for meaningful child participation in decisions that affect children, and also assist them with funding to implement their plans on children's issues. Similarly, it is critical to develop ways to effectively monitor the Children's Consultative Forum, and to utilize the work which has already been done by CSOs to optimize the CCF's efforts.

²² UNICEF (2011). The situation Analysis of Children and their Families in Botswana. Summary Report: Findings and Recommendations to Policy Makers 2010/11.

²³ www.mmegi.bw/index.php?sid=1&aid=879&dir=2011/December/Friday23/

6. CSOs therefore recommend the State party to have more research conducted on children and youth's psychosocial well-being in the Botswana context to better understand scale and the underlying problems and to be able to design a proper response.

CHAPTER 4 CIVIL RIGHTS AND FREEDOMS

62. CSOs recognize the State party's efforts in establishing the computerized birth registration system in order to link births with national identity. In remote area births are failing to be registered because so many are home deliveries and the long distances between where people live and where the computer systems are located is a barrier to registration. Additionally, some of the unregistered children are orphaned or vulnerable children (OVC) living with grandparents who do not know the children's birth dates²⁴. Consequently, these unregistered children end up losing their access to education, health care, and social welfare (369 OVC in Mochudi did not have birth certificates in 2017 in the USAID funded OVC project). In another example, the North West District Health Management Team had to visit Xabara settlers in order to deliver immunisations to those children and they found cases of unregistered births²⁵.

63. CSOs recognize the State party's effort to increase the presence of birth facilities and administrative supports in rural areas. Some remote villages have no National Service Programme (Tirelo Setshaba) Participants (TSP). Therefore not every village has registration administration as claimed in the State party report. In one instance of a CSO seeking to enroll deaf TSPs, government suspended placements; and thus, less than 10 deaf participants could be placed. Furthermore, TSPs face challenges in being paid for their work, as the local administrative oversight required of facilitating CSOs by the State party is often prohibitive due to limited CSO staff, travel, and overall funding.

65, 67. Remote areas are not reached by mass media campaigns. It is difficult to find regional newspapers like the Ngami Times (of Maun) in remote areas of Ngamiland, for instance. In villages and remote areas--and for those children out of reach of registration--parents sometimes give children derogatory names based on circumstances surrounding the child's conception and birth. Even after a child's name is changed for the purpose of obtaining a birth certificate, the child often continues to be called by the first (and sometimes derogatory) name by peers and even those teachers at school who have known the child from a young age.

68. Setting legal precedent for unmarried fathers to be recognized as a parent is an important step with real potential impact. In practice, however, children born out of wedlock--though their births have been registered with the hospital--do not necessarily end up having actual relationships with their fathers. The father's name on a birth certificate alone does not require that he will take the responsibility of engaging the child. As follows, cases of children being raised by 'single mothers' with absentee fathers remains very common in Botswana.

69. Though cultural norms in Botswana still support authoritative parental power over children, today's society is slowly accepting children's right to freedom of expression. A gap lies in the lack of education of communities on the Children's Act of 2009. CSOs find that there can be confusion for parents about how

²⁴ Love Botswana Cases in Maun and Tobere Village

²⁵ United Nations Statistics Division Demographic Statistics. (2016). Status of Civil Registration and Vital Statistics: African English-Speaking Countries (Vol. 3).

to set boundaries and limits for children within the context of their rights and responsibilities. One youth presenter at the CSO meeting explained: *"I never knew I had the right to play and rest.... We are creative and have the ability to change the world. I am an entrepreneur and have dreams. There was a time when my friends and I would love creating using wire and cans, and my mother would say, '...You play and don't have time for your books!' But I had a dream: To be an entrepreneur."*

78. Although internet access among young people in Botswana is very low, mobile internet access is gaining a lot of popularity especially among young people in Botswana and expected to increase the next couple of years²⁶. Many children now have access to technological media, especially in urban areas and villages. As many parents are slower than their children to develop related technological savvy, parents often lack an understanding of how to exercise control over to what and to whom their children are exposed. As a result, neither children nor parents are being well equipped to functionally understand the concept of 'child's privacy' and protection of the child online and through related media. By extension, this is a significant issue contributing to conflict between children and parents.

79. Through the process of working with schools and implementing a scorecard for improving service provision, it was found that there are no implemented operating procedures for case management and child friendly services. In a study on the preparedness of service providers to provide services, only 59% of guidance and counselling teachers stated they had adequate space to provide counselling services²⁷.

80. Currently, there is no provision in the Cybercrime and Computer Related Crimes Act (2007) for compulsory reporting to police by internet providers when they detect customers access sites with child pornography.

81. The provision of other educational forums is commendable, but as it is evident--and even acknowledged by the State Party--children are not engaged with libraries. The current library system needs be extended to include a broader technological component which meets the children's needs. Students often express their frustration with lack of a fully-fledged and maintained computer room in schools where they can effectively engage their studies. A study on internet use by young people in Botswana found that internet access among young people was very low, with majority of access taking place on university campuses. Yet, it was found that there were disparities in internet access between the post-secondary institutions themselves²⁸.

82. Though it is said to be distributed countrywide, distribution of the National Child Care Newsletter (*Lentswe La Bana*) does not reach some areas of the country. In fact, CSOs and the newly retired Director of Education for the North-West District stated that they are unaware of such a document.

83-85. In schools, children continue to be caned in the presence of other students. This punishment is intended to deter unwanted behaviour by both inducing pain and also embarrassing children. CSOs were told of a student at Sedie Community Junior Secondary School in Maun who reportedly physically retaliated against a teacher in class after being humiliated by degrading and physical punishment in the

²⁶ Batane, T. (2013). Internet Access and Use among Young People in Botswana, 3(1), 117–119

²⁷ Jamu et al. (2015)

²⁸ Batane, T. (2013)

presence other students. This year (2018), social media posts have documented students (some wearing a school uniform) retaliating towards teachers whom apparently punished them unfairly in school. CSOs are concerned that these violent climates very likely contribute to truancy and other unconstructive behaviour amongst students. The State party report acknowledges that there is yet to be a decision made on administration of corporal punishment in schools²⁹. While the long-running debate of its use endures, children continue to be subject to arbitrary and varying degrees of corporal punishment in Botswana.

“At the Universal Periodic Review (UPR) of Botswana in 2008, the Government rejected recommendations to prohibit all corporal punishment of children³⁰. Following the second UPR in 2013, the Government again rejected recommendations to prohibit, stating that it would undertake awareness raising campaigns before considering prohibition in all settings³¹. Botswana’s 2017 national report to the UPR highlighted the Children’s Act as prohibiting “harmful social, cultural and religious practices which are detrimental to a child’s well-being” but noted that the Act allowed corporal punishment as prescribed by law³². Another 2017 report to the Committee on the Rights of the Child referred to “public debates” being carried out on the issue of prohibition and alternative methods of discipline, but ultimately seemed to defend its use in homes, schools and as a sentence for a crime³³.”

Source: the Global Initiative to End All Corporal Punishment of Children (2018)

Many studies show that using corporal punishment in schools has detrimental, multidimensional impacts on students’ academic performance, their psyche, and personality development. Long-term negative effects are documented, such as an “increase the probability of deviant and antisocial behaviours, such as aggression, adolescent delinquency and violent acts inside and outside the family as an adult”^{34 35}.

86. As the Botswana Police Service is responsible for receiving and investigating all cases of misconduct in public, their treatment of cases involving police officers is subject to bias. The State Party report cites the case of *Lesego Thebe & Four Others v The State*, a publicised an instance of police brutality³⁶; and yet no independent oversight body exists. Through a community mobilization project by CSO Love Botswana, volunteers received reports of fear of police officers. These people, living in rural areas, remained anonymous. CSOs such as Childline provide resources for children to report incidents without fear of retaliation.

²⁹ Kenosi, I. (2014, November 17). Brutality in schools is regrettable: BTU. Sunday Standard. Retrieved from <http://www.sundaystandard.info/brutality-schools-regrettable-btu>

³⁰ 17 March 2009, A/HRC/10/69/Add.1, Report of the working group: Addendum

³¹ 23 May 2013, A/HRC/23/7/Add.1, Report of the working group: Addendum, para. 30

³² 6 November 2017, A/HRC/WG.6/29/BWA/1, National report, para. 50

³³ [September 2017], CRC/C/BWA/2-3, Second-third report, paras. 85 and 94

³⁴ www.cyc-net.org/cyc-online/cycol-0101-corporal.html

³⁵ www.livestrong.com/article/213859-long-term-effects-of-physical-punishment-on-a-child/

³⁶ Letsididi, B. (2017). Botswana has yet to decolonise and humanise its police service. Sunday Standard. Retrieved from <http://www.sundaystandard.info/botswana-has-yet-decolonise-and-humanise-its-police-service>

89. Free and compulsory basic education for all children is an initiative that should be extended to children with disabilities, and to those living in remote areas. Currently, in rural areas, some children must walk distances of up to 20 kilometers daily to access education. Children with disabilities (CWD) are often not registered for school by their parents, as it is not physically accessible to these children. Other CWD must leave school early in the day, due to poor transport logistics or lack of facilities and other resources to assist with their instruction. Present research suggests that early childhood education (ECED) providers in Botswana perceive non-availability of a number of factors necessary for the inclusion of CWD³⁷. Hence, it is essential that the State party focuses on providing appropriate materials and resources, and establishing support services and inclusive learning environments for CWD. The ECED providers are very important stakeholders, and ECED training must be emphasised for inclusion of CWD in early childhood settings in Botswana.

93. During a recent CSO and media meeting (12th July 2018) to discuss the role of media houses in child protection and the role of political parties, media mentioned that they need more training on children’s rights and child protection systems to be able to carry out their roles. The president of Botswana Media Allied Workers Union, Mr Phillimon Mmeso, also highlighted the challenge of accessing information within government, mainly attributed to lack of a Freedom of Information Act in Botswana.

94. CSOs recognize that consultation with citizens on the issues of corporal punishment is important; but it is essential the State party communicate information on the studied effects of corporal punishment, rather than relying solely on cultural practices and perspectives. Therefore, we invite the State party to consult CSOs that deal directly with child care and protection.

95. CSOs recognize that the introduction of widespread change is often met with resistance. Proposed changes to traditional practices and culture are even more so antagonized, especially when people are not effectively shown the reasons for the proposed change. Currently, public education on children’s rights and freedoms is limited in Botswana. For example, Love Botswana’s Babelegi Mmogo project, which encourages volunteerism in the ‘It takes a village to raise a child’ endeavour, has mostly women participants. Kgotla (traditional community meeting place) meetings reveal that people are not conversant with the Children’s Act of 2009 and its Regulations of 2015. Children’s responses also reveal only a superficial understanding of the bill of rights.

KEY RECOMMENDATIONS 4. CIVIL RIGHTS AND FREEDOMS

1. To address the challenges of birth registration, name-changing, and the enrollment of National Service Programme Participants in rural areas, CSOs recommend the State party fund, monitor, and report (with data) on the implementation of the improved CRVS systems and mobile data collection, and the collaborative community research and outreach efforts with CSOs.
2. CSOs recommend that the State party support the awareness, understanding and

³⁷ Chhabra, S., Bose, K., Chadha, N. (2016). Botswana Early Childhood Educators “Perceptions on Factors associated with the Inclusion of Children with Disabilities”. *International Journal of Learning, Teaching and Educational Research*, 15(3), 1–19.

implementation of children's civil rights and freedoms by: Translating the Children's Act into Setswana and other local languages, and effectively distributing it; working with CSOs to share relevant information with media houses; and funding CSO work that directly advances efforts to educate and raise awareness about children's rights and freedoms.

3. In addressing challenges faced by children's information privacy and protection, CSOs recommend that the State party focus on increasing media literacy: Create education platforms for parents on how to monitor children's usage of social media while still granting them the privacy they are entitled to. Concurrently it is recommended to create and maintain more technologically advanced, youth-friendly libraries that provide education on safe internet practices and structural protections against harmful content and cyber crime. Furthermore, the State party should address the structural and cultural barriers within schools which compromise student's privacy when they are seeking counseling services.
4. As the education and care of children should be fully inclusive regardless of their place of origin, CSOs recommend that the State party create a strategy and budget for the distribution and use of important documents dealing with child education and care, focusing especially on schools, those who work directly with children and those families at risk of neglecting children. We highlight the need to target migrant and minority ethnic group children in these efforts, as they are recognized in the Citizenship Act (1998) and Section 42 of the Children's Act.
5. Given the supporting evidence, CSOs recommend the State party should move decidedly towards the abolishment of corporal punishment in schools. The State party is encouraged to engage those CSOs with experience in classroom management and parenting skills to provide alternative methods for discipline. While taking steps to abolish corporal punishment, CSOs urge that its use be strictly monitored, as the current frequency of misuse by teachers and other adults is in violation of children's rights.
6. CSOs recommend that the State party collect and report disaggregated data on children with disabilities to inform policy and legislative measures that safeguard these children's rights. In the new Education Bill that proposes free and compulsory basic education for all children, CSOs recommend that the State party: Hold parents accountable for seeking suitable education for their children; provide appropriate training of and access to ECCE for children with disabilities; and implement improved and expanded school transport for children from disadvantaged backgrounds, especially for children in remote areas.
7. The State party should conduct sensitization of rural communities on the importance of birth registration and provide incentive for parents/guardians to ensure birth registration of children.

CHAPTER 5 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

99, 103. CSOs acknowledge the State party's inclusion of parental responsibility in the Children's Act. The regulations provide for a co-parenting agreement, however there is no monitoring to ensure that children in single-headed households are receiving the emotional and social support from both parents. CSOs at this report convening concurred that most single-headed households are not co-parented from a psychosocial support point of view. Rather, most support given is primarily financial.

105. CSOs experience that parents and caregivers struggle with their responsibilities. During trainings for caregivers it shows that most of the parents have limited knowledge on issues of child development, children's rights, roles and responsibilities of the children and as caregivers and had hardly any knowledge on constructive parenting skills. They mention they struggle to raise their children and there is no place for them to go to where they can receive support³⁸ *"Ke ne ke itlhobogile ka bongwanake mme ke leboga Modimo re bone thuso, gompiano re kgona go bua ka mathata a rona ka kagiso go sena dintwa"*, meaning "I had given up on my children, but thanks to God we found help and are now able to talk about our problems peacefully without fights." (Caregiver that attended the caregivers' workshop). This is in line with feedback from children and youth that state that a main concern for them is that they don't experience supportive homes.³⁹ CSOs therefore advise to invest in structural places or mobile trainings where caregivers can receive information and can be capacitated on how to provide safe and supportive homes for their children.

107, 114. While there is legislative provision to separate children from their abusive homes, there are only four places of safety for children in Botswana, and they rely heavily on donor funding. From a budgetary planning standpoint, CSOs need to anticipate what funding they will receive from government to implement these services. Currently, there is no defined basis for the allocation and dispersal of funds. The sustainability of the current set-up is not guaranteed, as these providing institutions are either NGOs or private owned.

109. The overstay of abandoned babies in hospitals poses a threat to the child's health. CSOs observe that by the time these children are admitted to institutions like Childline, they present delayed developmental milestones and physical ailments, among other problems. It is suspected that this may be due to the fact that children need specialised care which cannot be provided by the hospital.

110-113. Currently, there is no clear structure in place to support Article 10 (Family Reunification). Court orders do not have a defined period of stay, and the extent and quality of record-keeping by social workers is insufficient, as it is done manually. There is also a lack of continuity between the child's environment within the service organisation and the environment of the foster family, which causes disruptive transitions for the child. When reunified with their family, children are sometimes returning to similar or worse conditions than what they first left.

³⁸ Evaluation Caregivers training in Ghanzi District (SSI, 2017)

³⁹ Interviews with children and youth regarding their well-being (SSI, 2018)

116. It is common that children placed in short-term residential alternative care are not transitioned to the foster care system or considered for adoption. They often stay beyond the date stipulated in their court order, have indefinite court orders, or stay beyond the age limit of the institution. Children with disabilities (CWD) who don't have parental care often overstay, as extended family members refuse to take them up; whereas, placement in foster care or finding adoptive parents is a significant challenge. Best practices already established by other countries facing similar challenges could be taken into consideration in assessing and improving the foster care system in Botswana. In particular, federal financing policies have favored foster care over other child welfare approaches, leading states to overuse foster care to the detriment of children who could be adopted or whose families could be rehabilitated. Studies have shown that alternative care placement of children with non-kin folk is often more effective than returning them to families that expect government compensation^{40 41}.

117. Children in alternative care do not receive adequate visits from social workers. For example, the CSO program, Lorato House has had an average of three social workers visiting for two children's cases per year, while there is an average of 20 children per year in attendance at the Centre. Thus, most of these children are never seen by a social worker, especially those without families, and often remain in residence at the institution until they reach adulthood. Furthermore, CSO social workers do not have the legal mandate to act on behalf of children in their places of safety.

118. The Botswana Adoption Act (1952) is not in line with the African Charter on the Rights and Welfare of a Child (ACRWC) and the UNCRC, and it does not serve the best interest of the child in most cases. The State party needs to expedite the review of the Adoption Act to be aligned to other local and international child rights instruments⁴².

121. The State party report does not comment on cross-border child trafficking. There is an emerging trend of trafficking involving children. There is also a lack of coordination and budget for services addressing and preventing child trafficking. Affected children are placed in institutions on a temporary status but often overstay their time due to the lengthy process of investigation and locating their family members. As a result, their right to education is infringed upon, as they are not placed in schools during these times. According to a news article from the Botswana Guardian (2013), the government recorded 20 minors aged from 0-15 years who were trafficked out of the country in the years 2009-2013⁴³. Another news article from Sunday Standard reported Botswana as a possible haven for child sex trafficking⁴⁴.

⁴⁰ Challenges of Foster Care in Botswana: An Analysis of Failed Government Policy for Orphans during the HIV Epidemic" by Bianca Dahl (website: paa2012.princeton.edu/papers/122544)

⁴¹ Maundeni, T. (2009). Care for Children in Botswana: The Social Work Role. *Social Work & Society - International Online Journal* Vol.1, No.1

⁴² sundaystandard.info/%E2%80%9Cbotswana%E2%80%99s-adoption-laws-are-regressive%E2%80%9D-experts

⁴³ www.botswanaguardian.co.bw/news/item/745-44-batswana-trafficked-in-last-four-years.html

⁴⁴ www.sundaystandard.info/botswana-haven-sex-trafficking-%E2%80%93-report

125. The State party reports that the rise of child abuse may, in part, be due to increased reporting of incidents. CSOs would like to be able to access these exact numbers in order to ensure adequate response on their part. The turn-around time for reported cases is far too long and not in the best interest of the child; average cases of child sexual abuse take more than 3 - 4 years to prosecute. Alarming, some children remain victims through the end of trial as a result of the length of trials. With the absence of probation officers, victims can remain vulnerable to intimidation by the accused person. Some cases are even dropped completely due to the fact the case would open wounds, cause distress for the child and re-traumatization. An additional component contributing to the prevalence of abuse, CSOs see a conflict between cultural practices and the law.

133. Gender-based violence is a tremendous problem in Botswana, affecting many women, men and children. Over two thirds of women in Botswana (67%) have experienced some form of gender violence in their lifetime, including both partner and non-partner violence⁴⁵. Witnessing domestic violence and growing up in abusive environments can have detrimental effects on children. Amongst other effects, these children have a high chance of becoming abusive and/or victims of abuse later in life⁴⁶. The State party does not report on what their plan is to counter this problem.

134. It is important to note that research shows child abuse is an underreported problem. It is expected that Botswana does not differ much from South Africa, where only one out of 18 child sexual abuse cases is reported⁴⁷. Therefore, CSOs expect that the increase of child abuse cases is indicative of only a small percentage of the actual incidents of abuse. As follows, more intensive research is needed in this regard. Currently, there is no clear reporting mechanism within communities or clear case management procedures in CSOs. Community awareness should be raised to address the standing stereotypes surrounding abuse, and Child Protection Committees (that are currently inactive) could play an important role. The environment of reporting at governmental service providers (police, education, health and social services) should be improved and made child-friendly.

135. CSOs recognize the State party's awareness in identifying some of the barriers it faces in effectively protecting children against abuse in Botswana, like the abuse from position of power, lack of child friendly systems in social service, hospitals and clinics, judicial services and even in schools. In addition, CSOs stress the need to review the quality of service provision and current gaps in the service delivery systems, structures and quality of trained personnel.

⁴⁵ Government of Botswana & Gender Links (2012). Gender based Violence Indicators Study Botswana. Key findings of the Gender Based Violence Indicators. Gaborone.

⁴⁶ Kitzmann, K., Gaylord, N., Holt, A., & Kenny, E. (2003). Child Witnesses to Domestic Violence : A Meta-Analytic Review Child Witnesses to Domestic Violence : A Meta-Analytic Review. *Journal of Consulting and Clinical Psychology*, 71(2), 339–352.

⁴⁷ Artz, L., Burton, P., Ward, C., Leoschut, L., Phyfer, J., Lloyd, S., & Kassanje, R. (2016). Optimus Study South Africa: Technical Report Sexual victimisation of children in South Africa Final report of the Optimus Foundation Study. Zürich.

KEY RECOMMENDATIONS 5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

1. Concerning parental engagement, CSOs recommend that the State party more strictly enforce birth certificate adherence, establish a standard of social worker reporting on all aspects of co-parenting, and create more specific parenting guidelines that extend beyond the transactional nature of child-support payment. The State party is encouraged to work with CSOs to promote public awareness around parental education on the importance of meeting the emotional and psychosocial needs of the child.
2. CSOs recommend the expedited review and amendment of the Adoption Act (1952) and ratification of the Hague Convention on Intercountry Adoption to ensure protection of children adopted internationally, including timelines for implementation. CSOs also recommend that the State party expedite the foster care program which is currently being piloted and commit to dedicated and specialised personnel to assist children while they are hospitalised. Additionally, the State party should commit to complying with the 2010 UN Guidelines for the Alternative Care of Children.
3. CSOs recommend a review of alternative care systems to address delays in service delivery and implement more effective matching of children with families. For CWD, CSOs recommend that the State party should invest in creating suitable and safe institutions to care for these children, and fund CSOs who have such facilities and can provide quality service. Additionally, CSO social workers should be permitted to act on behalf of children when government social worker are not available to do so. The particular needs of those children reaching 18 years of age while in alternative care must also be addressed.
4. The State party is also urged to fund and create a children's court designated to directly addressing all child rights that are violated and in particular, sexual abuse and trafficking cases.
5. CSOs urge the State party to develop a comprehensive national plan to address its shortcomings in handling child abuse cases. This includes the education of children, parents, families and communities on responsibility of identifying and reporting instances which involve sexual, physical or emotional abuse of children. Also included should be the community sensitisation to children's rights, and improved and comprehensive service provisions for child victims. Additionally, the State party should have a well-developed plan and budget to provide services for abused children who need to be separated from their families. Dedicated reconstruction of services is recommended, including after-care services to ensure community integration, a national database for social workers, and a specialization for social workers working with abused children. CSOs recommend the use of best practices, guidelines and standard operating procedures for service improvement⁴⁸. This can help in determining how best to allocate resources to achieve the most impact and change. Furthermore, CSOs can collectively assist in campaigns, capacity building, and implementing interventions.

⁴⁸ Jamu et al. (2015)

6. CSOs recommend the State party to invest in physical sites and mobile trainings where caregivers can be advised on how to provide safe and supportive homes for their children.

CHAPTER 6 DISABILITY, BASIC HEALTH, AND WELFARE

137. The State party report has not included data on children with multiple disabilities or the visually impaired. CSOs feel the State party needs to acknowledge that disability has multiple facets and data collected must reflect these facets by being collected and disaggregated accordingly. This is important because children with varying disabilities need distinct services and interventions when it comes to protecting their health. For example, children with hearing impairments struggle to access services. There are 23 youth-friendly clinics in Botswana, but nurses at these clinics are not trained to assist children with specific disability, such as those within the deaf community.

139. CSOs recognize the popularity of the feeding programmes. However, the meals are not necessarily delivered on a consistent basis or of a balanced diet. Further, special diets required by some students are not provided for. The State party report notes that food is intended to alleviate short term hunger. In reality there are children from under-resourced families who depend on the food from school, as their families cannot provide for them. There are also street children who attend school who also rely on these meals, as they are seen looking for food in dustbins after school hours. Furthermore, because of intermittency of the feeding programme's apportion, the food prepared for children is sometimes expired. For example, in June 2018, it was discovered that food for the local primary schools in Francistown was of very bad quality, infested with weevils, mould and worms⁴⁹.

140. CSOs commend the State party in its successful efforts to drastically reduce instances of mother-to-child transmission of HIV. There is still much work to be done, as not all health facilities have antenatal (ANC) services. There have also been recent reports of commodities such as pipets and condoms being out of stock. Shortage of commodities could increase sexually transmitted infections and deaths. In the State party report, the adherence rate of antiretroviral therapy for children is not mentioned.

141,142. CSOs acknowledge the State party's efforts in improving and fairly distributing health services. Yet health facilities still experience serious shortage of staff, some essential medicines and medical commodities. The nurse-doctor to patient ratio is unbalanced with some facilities in rural areas receiving a doctor's visit only once a month (e.g. Tshokwe, Robelela and Tobane villages, Bobirwa Sub District)⁵⁰. CSOs also report the absence of youth-friendly services in some health facilities, including the lack of proper information from health facilities. Patients find themselves having to buy medicines unavailable in healthcare settings or resort to searching health facilities independently to look for medicines. Furthermore, youth are forced to access services at general health facilities which, at times, are not suited to serve in a child-friendly manor.

143. CSOs acknowledge the efforts of the State party in adopting the Accelerated Child Survival and Development Strategy 2009/10-2015/16. However, there is no data supporting the impact or success of

⁴⁹ How FCC misled the public: www.mmegi.bw/index.php?aid=76134&dir=2018/june/08

⁵⁰ Nkomazana, O., Peersman, W., Willcox, M., Mash, R., Phaladze, N. 2014. Human resources for health in Botswana: The results of in-country database and reports analysis. African Journal of Primary Health Care & Family Medicine, Vol 6, No 1, a716

the strategy, as no monitoring or evaluation has been done to determine the efficiency of the strategy.

145. CSOs commend the State party's regulation to make childhood diseases immunisation standard and compulsory nationwide. The media has on several occasions reported instances of the Bazeduru tribe refusal to present their children for rubella and polio vaccinations^{51 52} with the government failing to enforce the law for several years. As such, CSOs recognize and commend the State party for developing the Community Support Strategy (CSS) in response these types of challenges and reporting here on the initial outcomes of the pilot intervention. The pilot intervention was conducted in 2014, and as of 2016 the problem still persists.

147. CSOs recognize the State party for determining that "in balancing the freedom to religion with the right to life of a minor and in employing the principle of the 'best interest of the child', the right to life and/or health will reign supreme." CSOs find that certain religious groups still refuse to immunise their children.

148. CSOs acknowledge the presence of facilities for children with disabilities (CWD). The challenge is that they are located only in certain specific areas, such as Rankoromane residential school in Otse and UCCSA Lephoi Accommodation Centre for the blind in Francistown. This disadvantages children from distant rural areas in their effort to access needed services. Services for children with Down Syndrome is only offered at one hospital in the country, which has no boarding facilities. The Botswana government have to date not signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). CSOs stress the importance of signing this Convention and accelerating to ratify and domesticate its provisions.

150. In acknowledging that the State party largely finances public health, CSOs know that children from foreign parents do not fully access public health services when parents can't afford the P50.00 fee for foreigners. In Botswana public health facilities, you are expected to produce identity cards before you are being assisted. This continues to pose a challenge for neglected children whose parents do not have identity cards or those children who do not have birth certificates.

151. CSOs commend the State party for making a provision in the law to terminate rape induced pregnancy. The provision alone without a post rape abortion protocol continues to make it difficult for the option to be exercised by women who have been raped and gotten pregnant⁵³.

169. The State party has set up good programs in Antiretroviral Therapy and the Prevention of Mother to Child Transmission for citizens, sadly these programs are not accessible to children whose parents do not have national identity cards or children without birth certificates or IDs. As a requirement to access the programs services one must produce an ID card; this includes access to antiretroviral drugs (ARVs). As such, children born from foreign mothers currently can not access ARVs in Botswana.

⁵¹ www.mmegi.bw/index.php?aid=64957&dir=2016/november/28

⁵² www.sundaystandard.info/freedom-information-law-not-priority-%E2%80%93-kwerep

⁵³ Jamu et al. (2015)

180. The teenage pregnancy rate is approximately 16% in Botswana⁵⁴. Lack of proper information leads to increased numbers of unwanted teenage pregnancies⁵⁵. Currently there are no prosecutive measures for people who impregnate children who are 16 years and above, as 16 years is considered the legal age of consent to sex under the Penal Code⁵⁶. This is despite the provisions of the Children’s Act (*sec 25*). This disconcerting conflict has been recognized by the Law Society of Botswana, as they state their concern regarding insufficient or non-existent investigations and prosecutions in cases of child sexual abuse. They also advocate for a discussion on the efficacy of Botswana’s laws as they relate to this problem⁵⁷. CSOs see reports of increased school drop-out due to pregnancy⁵⁸. In the year 2007 alone, it was reported that 1,057 girls in Botswana dropped out of secondary school because of their pregnancy. CSOs expect that this number was much higher in actuality, due to under reporting. Only 40.5% of girls returned to school after their pregnancy⁵⁹. In only the first four months of 2018 in Bobonong and surrounding villages, 9 girls dropped out of school: 4 in senior secondary school, 4 in junior secondary school and even 1 in primary school⁶⁰. Assistant Minister Molao from the Ministry of Basic Education stated extremely concerning numbers, namely that in 2016, there were 6 dropouts because of pregnancy in pre-primary school, 271 in primary school, 1,194 in junior secondary and 477 in senior secondary.⁶¹

KEY RECOMMENDATIONS 6. DISABILITY, BASIC HEALTH AND WELFARE

1. CSOs recommend that measures be put in place to curb teenage pregnancies, for example, comprehensive sexuality education, enforcement of the Children’s Act, and prosecution of sex offenders. CSOs urge the State party to focus their attention on teenage pregnancy prevention, especially in rural and less developed areas, where teen pregnancy rates are highest. Furthermore, disaggregated data must be presented to show the number of young women who are at risk of maternal mortality and the areas in which these deaths occur. CSOs further recommend to the State party to develop post rape abortion protocols.
2. CSOs recommend that the State party report on the continuing outcomes of the Accelerated Child Survival and Development strategy, show data for subsequent interventions, and employ mechanisms for identifying and engaging cases of immunisation refusal.
3. CSOs urge the State party to ratify the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and extend appropriate health services for CWD to cover those parts of the nation currently without services.

⁵⁴ Government of Botswana. (n.d.). Policy guidelines and service standards: sexual and reproductive health.

⁵⁵ Government of Botswana. (n.d.). Policy guidelines and service standards: sexual and reproductive health.

⁵⁶ Botswana Penal Code sec 147

⁵⁷ LSB on sexual abuse of children: www.mmegi.bw/index.php?aid=60004&dir=2016/may/17

⁵⁸ CSO (2009). 2007 Botswana Family Health Survey IV Report. Gaborone.

⁵⁹ Molisiwa, S., & Moswela, B. (2012). Girl-Pupil Dropout in Secondary Schools in Botswana: Influencing Factors, Prevalence and Consequences. *International Journal of Business and Social Science*, 3(7), 265–271.

⁶⁰ SSI (2018). Data analysis of Records from Regional Education Office Bobirwa Sub-District

⁶¹ Teenage pregnancy in schools worrisome (23 Mar 2017); www.dailynews.gov.bw/news-details.php?nid=34944.

CHAPTER 7 EDUCATION, LEISURE, AND SOCIAL ACTIVITIES

General Comments regarding Quality of Education. The amount of investments made on education by the government (25% of the national budget) does not reflect the quality of the education. There is a decline in learner achievements. Of the total students who sat the 2014 examination, only 5,796 obtained Grade C or better. This is only 25.8%. In 2017 this percentage was 24.1%.⁶² The rest of the candidates obtained Grade D or below. The BGCSE results have been declining since 2006.⁶³

This concerning decline of performance of the education system has far reaching implications for Botswana as a country. It means children and youth are not capacitated to find proper employment since education is the most important means of social upliftment. Secondly, they cannot provide the necessary human resources that are necessary to enable economic development. Thirdly, it means that the inequality gap will only become wider, since it is the most vulnerable communities from underdeveloped areas that suffer the most from the consequences.

183. Although the State party recognizes that every child has the right to free basic education, research shows that still 10%-15% of primary school aged children and 38% of secondary school aged children are out of school⁶⁴. Another discrepancy is that the Children's Act of 2009 only recognizes the right to basic education, while the CRC provides standards for primary, secondary, vocational, and tertiary education.

Botswana has not signed The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This affects child refugees and general access to services, such as school and essential medicines. As it stands currently, refugee children face significant challenges in engaging education through issues such as language barriers, cultural aspects taking precedence over policy, and general lack of access--especially refugee children with disabilities.⁶⁵ In March 2018, close to 70 of these children were still in the Francistown Centre for Illegal Immigrants (FCII). These children are denied their basic rights as provided in the UNCRC (2009). As of July 2018, these children have had been held captive for three years without access to education or leisure activities.

184. The State party recognizes that education is not free for students at the secondary level. In some cases, this introduces a disruptive dynamic among students, as there is a stigma attached to students who are not able to pay school fees. Furthermore, students who are unable to or otherwise fail to do so are sent home, thereby denying them an education.

185. Setswana is not a universally unifying language within Botswana, as it is exclusive of speakers of Bakalaka, Bakgalagadi, Basarwa, for example⁶⁶. As a result, the effectiveness of communication from

⁶² www.bec.co.bw/2017-bgcse-results-released

⁶³ www.sundaystandard.info/botswana%E2%80%99s-education-system-has-become-tragedy

⁶⁴ UNICEF (2011). The situation Analysis of Children and their Families in Botswana. Summary Report: Findings and Recommendations to Policy Makers 2010/11.

⁶⁵ BONELA

⁶⁶ Boikhutso, K., & Jotia, A. (2013). Language identity and multicultural diversity in Botswana. *International Journal of Lifelong Education*, 32(6).

teachers to students during their first years of school is compromised for many young learners. This, in turn, directly affects students' ability to learn. CSOs see this as a crucial issue in addressing the quality of community education, especially for young children. As for English literacy, reading and comprehension level is very low amongst children across the country. SSI has done English Literacy assessments in several Districts and the outcomes are reason for major concern. For example, in Bobonong amongst 105 students from the final years of primary school and the first years of junior secondary school, all students' (100%) reading levels were reading at a lower level than their grade level. 20% of these students were considered as 'non readers', which means their reading level is below reception class. Additionally, about 94% of the students were at least 5 grades behind their expected level⁶⁷. This makes it almost impossible for the majority of children to pass their exams since they are in English. CSOs recognize that the Ministry of Basic Education is moving towards a learner-centered approach.

186. The policy that allowing students to remain in and then return to school before and after giving birth is commended. Teenage pregnancy impacts the continuity of the child's education, and the State party's statistical documentation and reporting on whether the policy is being followed properly is very important--as is education of school staff on the rights of teenage mothers.

188. CSOs commend the State party on the preparation of *An Equal Opportunities Policy*. CSOs request the State party report to the public on the status of the policy development and the composition and activities of the *Gender Reference Committee*. It is the view of some CSOs that the State party fails to involve stakeholder groups in the development policies which stand to affect them. Engagement and transparency is a direct way in which the State party can be duly inclusive and representative in its efforts to success.

189. CSOs recognize the State party's efforts in developing *A National Vocational Education Policy*. As it is presently regarded as the last resort in Botswana's education system, social stigmas surround these programs.

190. CSOs acknowledge and commend the State party's efforts in conducting gender sensitisation workshops. CSOs have learned that Guidance and Counselling departments across schools have no departmental operating budget⁶⁸.

191. CSOs advise that the creation of schools alone is not enough to ensure children's access to pre-primary education. The State party has taken this position for several decades, yet, as donor funding for civil society-run schools has decreased in recent years, research shows that access to pre-primary education in Botswana remains accessible only to those who can afford high-priced, private institutions found exclusively in those areas where affluent communities are located and where demand for such education is high⁶⁹.

⁶⁷ SSI (2017). English Literacy Assessments in Bobonong schools amongst 105 students

⁶⁸ Jamu et al. (2015)

⁶⁹ Maundeni, T. (2013). Early Childhood Care and Education in Botswana: A Necessity That Is Accessible to Few Children. *Creative Education*. Vol.4, No.7A1, 54-59.

192. While the State party holds that the Revised National Policy on Education (1994) “led to a reinterpretation of the goals and objectives of basic education into aims from which subject aims and curricula could be developed,” CSOs find that there remain many unimplemented and untested policies. For example, the multiple pathways provision is not pertinent for young learners as they have not yet reached such a level of speciality, where there is no provision for customized guidance for the specific needs of an individual learner. It is reported that only 17% of children eligible for Early Childhood Care and Education (ECCE) in Botswana have access to ECCE programs⁷⁰, while ECCE boosts children’s overall development.⁷¹ An analysis was conducted in 2009 which identified gaps in the ECCE policy and implementation process. The problems identified were resource constraints for community and NGO-based centres, the securing of qualified teachers for community schools, and a shortage of professionally trained personnel to enforce policy⁷².

194. CSOs find that there is need for vocational schools to develop fully fledged guidance and counselling programmes, and for diversification and implementation of the parallel curriculum to incorporate students with disabilities.

195. CSOs find a deficit in distance learning opportunities for secondary school children. Currently, only one institution (now called Botswana Open University) in the whole country provides such opportunities and is limited in its access, because not every area has internet connectivity or a tutor available. The focus should also be to make it available for children under the 18 age of years.

197. In regard to an Early Childhood Development framework, educational resources are not available in all regions. Additionally, CWD have limited access to these resources.

198. Teachers no longer assist in co-curricular activities as there is no budget to employ them. In a recent case (July 2018) covered in the media, some coaches brought in from outside the school violated students during the BISA camp⁷³, suggesting that it may be safer to staff positions with vetted school employees.

201. Recent studies have shown that dropout rates have increased, especially in primary and junior secondary schools in Remote Area Dweller Settlements (RADS). These schools are attended mostly by San children who reside at residential hostels built specifically for those students who live far away from school. In these communities it has been found that 17 - 25 students drop out of school each year for various reasons⁷⁴. The dropout rates in some primary schools in Ghanzi are as high as 30%. The high dropout rate is seen across levels, from Standards 1 - 7. By extension, this high dropout rate poses a serious threat to the economy, as it causes unemployment due to unskilled people and the lack of self-

⁷⁰ UNICEF (2007). A world fit for children mid decade Review: Botswana progress report.
http://www.unicef.org/worldfitforchildren/files/Botswana_WFFC5_Report.pdf

⁷¹ Maundeni, T. (2013).

⁷² UNESCO and Ministry of Education (2009). A report on the analysis of the early childhood care and education policy and programming in Botswana. Gaborone: Ministry of Education.

⁷³ Masanako, N. (2018, July 30). Players Sexually Abused During BISA Games. Sunday Standard.

⁷⁴ Mokibelo, E.B. (2008). A tracer study: Learners’ ability to read English texts at Junior secondary school. Unpublished report.

development and growth. Students from indigenous groups mainly drop out of school because of corporal punishment, cultural conflict, language barriers, unsupervised school hostels, and a lack of intolerance from other ethnic groups⁷⁵. A Kuru survey in 2000 found that 37% of farm workers aged 7-20 years in the Ghanzi District had never attended school. Nationally, the main reasons for all children dropping out of school include abandonment, income poverty, disruptive child labour practices, teenage pregnancy, cultural life styles (especially those associated with religious and nomadic groups), and unfriendly school environments⁷⁶.

202. CSOs find that most projects in the Remote Area Development Programme (1974) do not effectively engage the targeted stakeholders as they use “top-down” approaches. For example, boarding schools are not ideal for pre-primary and primary scholars in remote areas. CSOs recommend modernisation of the Programme and more involvement of stakeholder communities in the decision-making processes which inform these programmes.

207. CSOs recognize that the Botswana Primary School Sport Association (BOPSSA) and the Botswana Integrated Sports Association (BISA) exist. However, currently children do not have enough access to sporting activities, especially in remote areas. Furthermore, Botswana National Sports Commission (BNSC) is not promoting awareness on issues of “sexuality, sexual reproductive health and HIV/AIDS.” As such, there is gender imbalance evident in sports.

211. Almost all pre-schools owned by NGOs are exclusively donor-funded.

KEY RECOMMENDATIONS 7. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

1. CSOs recommend that the State party target, with top priority, all efforts towards improving access to and quality of education for children. Emphasis should be put on improving the English literacy level of children and youth, as it is a necessity for taking and passing exams, which are conducted exclusively in English. There are CSOs who can help with evidence based curricula such as Young 1ove in numeracy and Stepping Stones International in English literacy.
At younger ages, examining language barriers and considering ways to overcome these challenges could include incorporating “mother tongues” into curriculum for non-Setswana speaking ethnic groups, as a way to bridge the gap.
2. CSOs also recommend the State party integrate principles of gender inclusion into academic curriculum, and that it focus specifically on supporting teachers in primary education.
3. CSOs recommend that the State party ensure protection of child refugee rights as stated in the CRC, and that primary education is truly accessible for nationals as well as refugees.
4. CSOs recommend that the State party examine the impact of school fees on children’s access to education as provided for under the Children’s Act, in order to determine whether the

⁷⁵ Mokibelo, E. (2014). Why We Drop Out of School: Voices of San School Dropouts in Botswana. *Australian Journal of Indigenous Education*, 43(2), 185–194.

⁷⁶ UNICEF (2011). *The situation Analysis of Children and their Families in Botswana. Summary Report: Findings and Recommendations to Policy Makers 2010/11.*

current system fulfils the mandate of the law.

5. CSOs recommend that the State party document and report (using statistical data) on policy adherence by schools for the continuance of student attendance before and after giving birth. This could be achieved via the school register, and additional data may be accessible through inter-census or CSO-implemented survey of those who interact with mothers in the community. Further, CSOs recommend that awareness and training around the rights of teenage mothers be offered to school staff.
6. CSOs suggest that consideration be made on how to frame and present vocational education in an attractive and dignified manner.
7. CSOs recommend that the State party lift restrictions on academic teachers and allow them to extend their availability co-curricular activities. CSOs also suggest the monitoring of volunteers who assist these activities, to avoid incidences of child maltreatment or abuse. A structure is required in order to address sports-related issues of health, and of access to sports for girls and children in remote areas.
8. CSOs recommend the development of an improvement plan to remove barriers for indigenous and minority groups, to ensure they have access to and stay in school. For this reason, education should be localised, indigenised and centralised to the children's own environments.
9. With deliberate effort, CSOs recommend that the State party should invest in ECED to ensure that every child in Botswana has access, including children in rural areas and children with disabilities. In order to cultivate accessible pre-primary education in the near future, CSOs recommend that the State party seek to fund those non-government organisations prepared to successfully operate pre-primary schools based on standardized and licence-to-teach procedure.

CHAPTER 8 SPECIAL PROTECTION MEASURES

220. Currently, psychological services for refugee children in Botswana is inadequate, and the fostering and reunification processes are ineffective. In one instance in 2017, 165 failed asylum-seekers--including children--were held in Francistown without shelter or services, despite a High Court ruling directed the government to immediately release the refugees⁷⁷.

226. Currently, there are a host of issues which impede the protection of children from sexual exploitation in Botswana. The government does not have a deliberate system to capture disaggregated data on the number of children who have been sexually abused and exploited. This is illustrated in that there is no data reported on the rate of increase in child sexual abuse and exploitation cases. For those instances which are reported, no protocols or guidelines exist across child protection service providers for how to handle child sexual abuse and exploitation cases. In 2017, a case of sexual assault relating to a boy child was reported and investigated. This incident is an indication of the harm to which some refugee children are exposed, and CSOs suspect many more incidents go unreported due to intimidation and shame of victims⁷⁸. Furthermore, child protection service providers are not child-friendly, and this includes courts. Additionally, it is a crime to know of a sexual offense without reporting it; however, to date there are no cases on record of someone being charged of this offense^{79 80}.

230. CSOs note the State party's recognition that more needs to be done to understand the extent of increase in use of marijuana and prescription drugs.

237. In regard to children offenders and their treatment, CSOs recognize that institutionalisation is seen as a last resort. CSOs and the public would benefit from detailed reports on the current status of the School of Industries (Iago Centre in Molepolole) and the implementation of training probation officers. Currently, children that have committed an offence are kept in holding cells with adults⁸¹. It is also in contrast with the primary aim of juvenile justice, which is the rehabilitation and social integration of the child in a manner that respects the child's sense of dignity and worth of its own person and fosters his or her respect for the fundamental rights of others.⁸² The Children's Act offers very few options for the diversion of children from the formal criminal justice system and has limited sentencing options. It is essential to review the section in the Children's Act to bring it in line with international standards, in order to secure the effective protection of children in conflict with law in Botswana.⁸³

238. Probation officers are provided for under the Children's Act, but these positions have not yet been created. Currently, it is social workers and other personnel who are serving as such. This means that the probation management aspect of the role is not necessarily effectively being served, and this decreases

⁷⁷ Dipholo, K. (2017, August 11). Out in the Cold. The Voice.

⁷⁸ BONELA

⁷⁹ Coley, D. (2014). Child Protection and Sexual Offences in Botswana: Comprehensive Policy Review.

⁸⁰ Jamu et al. (2015).

⁸¹ Botswana 2013 Human Rights Report

⁸² Article 40(1) of the CRC & article 17(3) of the ACRWC.

⁸³ Somolekae, K. Child Justice in Botswana: The Compatibility of the Children's Act with International and Regional Standards.

the effectiveness of the child's probationary process.

240. Article 39 of the CRC concerns trauma in the context of neglect and abuse. The aim of this measure has been misunderstood. It does not concern recovery from disaster, but rather physical and psychological recovery and social reintegration in instance of abuse.

241. CSOs commend the State party's efforts in partnering with UNICEF Botswana to conduct training activities for juvenile justice professionals. However, it is not apparent what effect these trainings have had on current practices and what plans are made to sustain the effects.

243. As Botswana has not yet ratified the Convention on the Reduction of Statelessness, children born to refugees and asylum-seekers in Botswana are still considered stateless. This has a negative impact on their rights and access to services⁸⁴.

245. In regard to the prevention of child trafficking, CSOs find that the State party's ability to monitor the movement of children in and out of the country is not the primary issue, but rather that some Southern African Development Community (SADC) members are not adhering to requesting affidavits permitting travel by authorised caretakers. As a result, there are still cases of illegal border-crossing with children.

247. CSOs recognize the need for Guidance and Counseling Teachers in schools. However, based on research regarding implementation of the guidance subject in primary schools⁸⁵, 66% of guidance teachers stated that they had no formal training to teach guidance. Furthermore, research has shown that 91% of service providers (health, guidance teachers, police and social workers) had not been trained in crisis counseling, and 90% of the respondents had never received specialised instruction in trauma management⁸⁶.

Currently, non-government employed social workers are not permitted to conduct or present forensic evidence in court. This compounds the issue of social workers shortages in villages across the nation. As a result, children's access to psychosocial support and expedition of court cases is delayed.

248. CSOs also recognize the initiative of "Community Policing" and the significant potential benefit of its related efforts. However, CSOs question both its impact and currently activity in relation to effectively addressing instances of abuse and criminal activity.

249. CSOs acknowledge the State party's recognition that currently social workers are inappropriately playing the role of probation officers, and its identification of five priority gaps for intervention in 2009. Now, nine years later, CSOs inquire as to the plan devised by the State party to address these gaps and the status of those efforts.

⁸⁴ Dipholo, K. (2017, August 11). Out in the Cold. The Voice.

⁸⁵ Shumba, A. et al (2011). Perceived challenges of implementing the guidance subject in Botswana primary schools.

⁸⁶ Jamu et al. (2015).

KEY RECOMMENDATIONS 8. SPECIAL PROTECTION MEASURES

1. CSOs recommend that precise protocols to handle cases of child sexual abuse should be developed and that all those duty-bearers charged with ensuring the ongoing welfare of sexually abused children be held accountable to follow accordingly. Additionally, more data-driven information regarding fostering should be easily available to the public.
2. CSOs recommend that the mandates of the Children’s Act be incorporated into police trainings, with priority enforcement being given to cases of child sexual exploitation, and that proper documentation following all cases be kept. CSOs urge the State party to ensure service to those with disabilities by offering sign language training for service providers. The government must have a deliberate system to capture disaggregated data on the number of children who have been sexually abused and exploited, with child-friendly police officers in each police station throughout Botswana. Child-friendly courts with structures that favour these children should be created.
3. CSOs recommend that institutions and shelters should find ways of safely accommodating those children entering as victims of trafficking. Furthermore, the State party should examine why protocols regarding child trafficking are not being followed consistently, and strengthen oversight to ensure the safeguard of children from being taken across borders illegally.
4. CSOs recommend that the State party research the breadth of illicit drug use and its effects on youth. CSOs also recommend that security be enforced at the border posts, that training of child service providers in drug intervention be provided, and that residential rehabilitation centers be established to remove threats of exposure from communities.
5. CSOs recommend that the State party work with NGOs to intervene in instances of the maltreatment of both street children and children offenders, and that a curriculum be designed to address these children’s particular needs.
6. CSOs stress the need for the State party to prioritize trauma recovery services, as the effects of abuse are detrimental to children--and their development and social integration--and need to be recognized and addressed by specialists.
7. CSOs recommend that the State party ratify the Convention on the Reduction of Statelessness to ensure their children’s rights are protected.
8. CSOs recommend that the state consider task-shifting to allow non-government social workers to provide forensic social work. This will relieve government social workers of their overextended workload and expedite child abuse cases.
9. CSOs recommend that the State party report on the status and sustainability of Community policing initiatives, and, in addition to renewing its juvenile justice training efforts, that the State party report on the actual implementation and impact of the trainings in professional practice.

ANNEX I MEMBERS OF BOTSWANA CRC CSO COALITION

The following are participants at the two day workshop in addition to the list of civil society organisations who were invited but could not attend. Apart from CSOs and media houses, children and Youth attended from Gaborone, Mochudi and South East District.

Attending Participants

ACHAP

Bakgatla Bolokang Matshelo (BBM)

Bana Ba Letsatsi

Bana Ba Metsi

Baylor Children's Centre of Excellence

BOCAIP

BOFWA

BONASO

BONELA

Botswana Coalition on Education for All (BOCEFA)

Botswana Council for Disabled (BCD)

Botswana Counselling Association (BCA)

Botswana Retired Nurses Society

Botswana Scouts

Botswana Society for Human Development

Child Line

CRNSA

Daily News

GabzFM

HGM Children's Home

House of Hope Trust

Humana People to People (HPP)

I Shall Not Forget Movement

International Working Group on Women and Sport (IWG)

Kagisano Society Women's Shelter

Kazungula Children's Ark

Love Botswana Outreach Mission

Marang Child Care Network

Men and Boys for Gender Equality

Mothers' Union

NCONGO

Project Concern International (PCI)

Smile Foundation

SOS Children's Villages Botswana

Southern African AIDS Trust Botswana

Southern African Parliamentary Support trust (SAPST)
Stepping Stones International
Sunday Standard
Statistics Botswana
THC Foundation
UNICEF
University of Botswana, Social Work Department
Windows of Hope
Young 1love

Invited Non-attendees

Bobonong Home Based Care Community Trust
BOCONGO
Bokamoso Trust
Botswana Council of Churches
Botswana Federation of Disabled People (BOFOD)
Botswana Guardian
Botswana Institute for Development Policy Analysis (BIDPA)
Botswana National Association of Social Workers
Botswana Paediatric Association
Botswana Press Agency (BOPA)
Botswana Society for The Deaf
Botswana Teachers Union
Btv
Cheshire Foundation
Ditshwanelo
Duma FM
Gazette
Kuru Family of Organizations Community Health
Law Society of Botswana (LSB)
Masiela Trust
Mmegi
Mpule Kwelagobe Children's Village
Office of the Ombudsman (OMB)
Putting Women First Trust
Sekolo
Sentebale
Southern Africa Federation of the Disabled (SAFOD)
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Women Against Rape
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