

# BOTSWANA CHILDREN'S RIGHTS

---

## CHILDREN'S RIGHTS AT A GLANCE

The Children's Act<sup>1</sup> ("the Act") is the embodiment of children's bill of rights in Botswana. The Act lays the foundation for the protection of children's rights. Its purpose is to promote the well-being of children, protect children from harm and provide for the care of children where their parents have not provided such care.

## WHAT ARE SOME OF THE RIGHTS THAT CHILDREN HAVE?

- Right to a name from birth. The name should not be one that stigmatizes or demeans the child's dignity;
- Right to protection against sexual abuse and exploitation. Any parent, guardian, teacher or other person who, without reasonable excuse, fails to report a case of such abuse shall be liable to a fine between P 10,000.00 and P 30,000.00;
- Right to life;
- Right to education;
- Right to leisure, play and recreation;
- Right to know and be cared for by both parents: Any parent/guardian who denies a child access to the child's parent, with no reasonable excuse is guilty of an offence and can be fined an amount between P 2,000 and P5,000;
- Right to health;
- Right to clothing; and
- Right to protection against harmful labour practices.

<sup>1</sup> [CAP 28:04]

## WHAT TO DO IF A CHILD'S RIGHTS ARE VIOLATED?

- If you believe that a child is in need of protection, you can report to a social worker or a police officer;<sup>2</sup>
- The reports can be made anonymously;<sup>3</sup>
- If the report was made with a genuine belief that the child needed protection and investigations prove otherwise, no action will be taken against you; and<sup>4</sup>
- If you are threatened or harassed by the person you reported, let the police know! They must accord effective protection to any person who has reported a case of child negligence or abuse if such person is threatened or harassed by a person who has been reported.<sup>5</sup>

After a report has been made, a social worker or police officer shall immediately investigate the matter.

## WHAT TO REPORT?

Report if you notice:

- A child is in the custody of someone who has a previous conviction of a sexual offence against a child;
- A child being ill-treated, abandoned or neglected;
- That a parent or guardian has been imprisoned or displaced;
- That a child has no parents, relatives or guardians;
- The parent/guardian is unable to take care of the child as a result of physical or mental incapacity; and
- That a child is involved in work which is harmful to their well-being.

## REMEMBER ESENG MO NGWANENG – IT IS AN OFFENCE TO:

- Ill-treat or neglect a child;
- Corrupt a child: encouraging children to engage in prostitution or to seduce someone; encouraging sexual immorality; exposing a child to pornographic material;
- Expose a child to narcotics or intoxicating drugs and alcohol;
- Administer cruel punishment;
- Subject a child to harmful social, cultural and<sup>6</sup> religious: forced marriage, child betrothal (go baa letlhokwa), genital mutilation.

<sup>2</sup>Section 43 (1) of the Act    <sup>3</sup>Section 43 (10) of the Act    <sup>4</sup>Section 43 (11) of the Act

## WHAT HAPPENS TO A PARENT CONVICTED OF AN OFFENCE?

- The parent will not have access to the child unless it is in the child's best interest.<sup>7</sup>

## CHILDREN'S COURT

Every magistrate court shall be a children's court. The purpose of a children's court involves, the holding of an investigation in respect of a child alleged to be in need of protection, making a protection order, considering applications for foster care or adoption, handling matters relating to the neglect, ill-treatment, abuse or exploitation of a child, the hearing and determination of charges against children aged between 14 and 18 years and the removal or abduction of a child from Botswana. The High Court is the upper custodian of all children in Botswana.<sup>8</sup>

<sup>5</sup>Section 43 (12) of the Act

<sup>6</sup>Part XI of the Act

<sup>7</sup>Section 64 of the Act

<sup>8</sup>Part VII of the Act