

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Botswana - 2022

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfilment of Government's reporting obligations

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Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted [10.1]

a) The most representative employers organizations, b) The most representative workers organizations

92. To which employers organizations was the report sent? [12] Please provide the list

Business Botswana

93. To which workers organizations was the report sent? [13] Please provide the list

- Botswana Federation of Trade Unions; - Botswana Federation of Public, Parastatal and Private Sector Unions

94. Please describe the consultation process(es). [10.2]

The draft completed questionnaire was shared with the social partners to have their input for finalisation and a follow-up telephonically was made to the partners. BFTU indicated that they will request for the password from ILO so that they can submit their own report. Other Social Partners did not make any input.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
95. Did employers organizations comment on the report? [11a]	No

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
96. Did workers organizations comment on the report? [11b]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	The social partners did not make any input to the report this time around. More often, they prefer to submit their shadow reports directly to ILO. BFTU on behalf of the workers organisations had indicated that they were going to request the password from ILO so that they can submit their own report.

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	None. The country is still working on the holistic review of labour laws which is a huge project. It is anticipated that the review will be complete by August 2023.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

<p>63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]</p>	<p>Yes</p>
<p>65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]</p>	<p>Social partners are consulted at all levels in the formulation and implementation of national policies.</p>
<p>68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]</p>	<p>Yes</p>
<p>69. Please describe these measures. [1.5]</p>	<p>The Government has an Anti-Human Trafficking Act of 2014 which criminalizes sex trafficking and labour trafficking and defined trafficking broadly to include all child labour and forced labour activities. The law prescribes penalties of up to 25 years imprisonment, a fine of 500,000.00 pula(\$46, 300.00), or both, which were sufficiently stringent and deterrent.</p>
<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
<p>71. Please describe these data. [1.6.1]</p>	<p>- labour inspection reports - labour force survey - quarterly multi-topic surveys</p>

Measures taken or envisaged for systematic and coordinated action

<p>64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]</p>	<p>The measures taken include prevention, protection, enforcement and remedies.</p>
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Measures taken or envisaged to prevent forms of forced labour

<p>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</p>	<p>Yes</p>
<p>75. If so, please indicate the type of measures, [2.2]</p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,e) Addressing the</p>

	<p>root causes that perpetuate forced labour,f) Promotion of safe and regular migration,g) Education/vocational training,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations,j) Basic social security guarantees</p>
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Measures taken or envisaged to protect victims of forced labour

<p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p>	<p>Yes</p>
<p>77. If so, please indicate the type of measures [3.2]</p>	<p>a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,c) Material assistance for victims,d) Medical and psychological assistance for victims,e) Measures for the rehabilitation and social and professional reintegration of victims,f) Protection of privacy and identity,g) Appropriate accommodation,h) Specific measures for children,i) Specific measures for migrants</p>

Measures taken or envisaged to facilitate access to remedies

<p>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</p>	<p>Yes</p>
<p>79. If so, please indicate the type of measures, [4.2]</p>	<p>a) Information and counselling for victims regarding their rights,b) Free legal assistance,c) Cost-free proceedings,d) Development of forced labour indicators,e) Access to remedies and compensation,f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges,g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit,h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons</p>

Cooperation with other Member States, international / regional organizations or NGOs

<p>81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p>	<p>Yes</p>
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<p>82. Please briefly describe the modalities of this cooperation. [5.2]</p>	<p>- Bilateral Labour Migration Agreement; - Memorandum of Understanding</p>
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CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the Government and social partners

<p>86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]</p>	<p>a) Lack of awareness,b) Lack of information and data,c) Social values, cultural traditions,d) Social and economic circumstances,f) Shortcomings in the legislative framework,g) Lack of resources in the institutional framework,h) Challenges linked to the labour recruitment and placement process,i) Challenges linked to migration policies,j) Lack of social dialogue on the principle,k) Lack of resources in employers organizations,l) Lack of resources in workers organizations</p>
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TECHNICAL COOPERATION NEEDS

Request

<p>87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]</p>	<p>Yes</p>
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<p>88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]</p>	<p>b) Awareness-raising and mobilization activities => Most Important</p> <p>c) Collection and analysis of data and information => Most Important</p> <p>d) Guidance on the development of the national policy and plan of action => Most Important</p> <p>e) Strengthening the legal framework => Important</p> <p>f) Capacity building for the competent authorities => Most Important</p> <p>g) Inter-institutional coordination => Important</p> <p>h) Promotion of fair recruitment and placement practices => Most Important</p> <p>i) Promotion of fair migration policies => Most Important</p>
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	<p>j) Vocational training, job-creation and income-generation programmes for at-risk populations => Most Important</p> <p>k) Basic social security guarantees => Important</p> <p>l) Guidance on supporting due diligence => Most Important</p> <p>m) Capacity building for employers' and workers' organizations => Important</p> <p>n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Most Important</p> <p>o) Exchange of experiences between countries or regions; international cooperation => Most Important</p> <p>p) Other => Important</p>
<p>89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.</p>	<p>The country needs information on the extent of forced labour. This will guide the plan of action towards the elimination of forced labour.</p>