



# **Social Work and Child Justice: The Case of Botswana**

**Taolo Lucas<sup>1</sup> and Kgomotso Jongman<sup>1\*</sup>**

<sup>1</sup>*Department of Social Work, University of Botswana, Botswana.*

## **Author's contribution**

*The authors designed, analyzed and interpreted and prepared the manuscript.*

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## **ABSTRACT**

The Children's Act of 2009 has entrenched social work as an integral stakeholder in delivering child justice. Social work has been assigned roles ranging from community education, investigations, working as friends of the court, supervising protected children, processing foster care cases and working with children in conflict with the law. The challenges facing social work in the performance of their duties include inadequate knowledge of the act, resource constraints, stakeholder confusion, process ambiguities, and conservative community attitudes. A comprehensive resolution of the challenge will include community conscientization, stakeholder empowerment, role and process clarification, developing standards and quality control protocols and reviewing the act to include more alternative care options.

*Keywords: Children; justice; system; social work.*

## **1. INTRODUCTION**

Botswana's Children's Act of 2009 assigns social work myriad roles and responsibilities.

The roles of social workers as enunciated in the new children's act include; educating communities about children issues; working as friends of the Children's court; investigating

\*Corresponding author: E-mail: [kgomtsojomjongman@gmail.com](mailto:kgomtsojomjongman@gmail.com), [kgomotsojomjongman@gmail.com](mailto:kgomotsojomjongman@gmail.com);

cases involving children; reporting cases involving children to the police; writing social enquiry reports; application and implementation of child protection orders; working with protected children; arranging alternative care for children; facilitating foster care; working with children in conflict with the law; visitation and inspection of premises placing children; Other roles of social workers are not explicitly linked to social workers but are implied in the act. They include safeguarding children's rights as contained in the bill of rights; facilitating care arrangements and protection of different categories of vulnerable children. Social Work is no doubt a critical stakeholder in the implementation of the law on children. The work of social work in child justice is wrought with challenges. The challenges include social workers' limited understanding of the act; stakeholder confusion over social work roles; turf conflicts; resource constraints; process ambiguities; limited alternative care options; absence of standards of care and quality control mechanisms and conservative attitudes towards children's rights [1,2].

The challenges facing the implementation of the act are definitely an impediment to the attainment of the best interest in social work interventions as indicated by the Act. To address the challenges, social workers and stakeholders must be equipped with knowledge and skills of working within the child justice environment. Guidelines, regulations and standards for the implementation of the act must be evolved urgently. More resources (Material and Non-material) must be committed to the implementation of the act. Alternative care options as proposed by the Convention on the Rights of the Child and various child related instruments should be introduced in the law. An attitudes revolution on the rights of the child must be cultivated in communities.

## **2. BOTSWANA: THE CONTEXT**

Botswana is a Constitutional democracy. The Country has held election every five years since 1965. The country's institutions such as Parliament, the Judiciary, the Executive, the Civil Service, Local Authorities, and House of Chiefs are functional with glaring weaknesses of inefficiency, lack of accountability and insidious elite corruption. The country has achieved an upper Middle Income status as per the World Bank and the International Monetary

Fund standards. The economy is mono-cultural and is heavily dependent on mining which makes it vulnerable to external shocks. Botswana's growing economy is characterized by high unemployment (20%) [3]. poverty (19.3%), inequality (Gini-Coefficient of 0.56%) These characteristics of the economy have disproportionately affected children and women [4].

Botswana's population is small and the 2011 Census recorded it to be slightly over two (2) million. Thirty five (35) percent of the population is below 15 years and 12% is under five years [5]. Vulnerability of children has grown rapidly as HIV and AIDS raised its ugly head. The country has evolved programs to deal with economic vulnerability, poverty and economic deprivation of various forms. Legislation has also been enacted to protect the welfare of children [6]. In addition to the Constitution, Botswana has a plethora of laws that seek to protect the welfare of all citizens including children. The 1981 Children's law was the first piece of legislation that intended to protect children and safeguard their rights [7]. The law was followed by the Children's Act of 2009 [8]. which incorporated the provisions of the United Nations Charter on the Rights of Children (CRC) which Botswana accented to in 1985. Other laws that see to protect children in Botswana include the Adoption of children's Act (1956), Affiliation Proceedings Act (1999), Deserted Wives and Children's Act, Citizenship Act (1998), Births and Deaths Registration Act (1992), Education Act (1967), Law of Succession and Administration of Estates Act (1974) [9-11]. These laws seek to protect children and the extent to which they meet that objective is dependent on their mobilization by concerned stakeholders. It is concerning that in respect of the Children's Act of 1981 and 2009 knowledge levels of the law among the citizens is generally low which obstruct their value in the life and welfare of children.

## **3. METHODOLOGY**

This paper is derived from a combination of methods of inquiry and information sources as presented below:

1. The first method of inquiry that was employed was the systematic examination of the content of the Children's Act of 2009. Particular attention was paid to sections and instances where the term social worker

was used in the act. After the listing of such section and instances, they were categorized and the roles and responsibilities of social work were gleaned. The relationship of the roles of social worker with the other sections of the act was then established to ensure that implied or non-explicit roles of social work in the act could be captured.

2. The second method of inquiry was the literature searches on the Children's Act of 2009 and how it interacts with the profession of social work. There is a dearth of literature on the subject but some useful though limited information on the challenges of social workers was found.
3. The third source of information was derived from the experiences and work of the two authors on the subject of children's rights and welfare. The first author has had a long standing academic interest on children that saw him write on the subject and participate in a Ministerial Task Team that evaluated the work of the only School of Industry in Botswana. The second author has worked as a social worker and the area of children's rights and welfare was his major concentration. The second author has also worked as a friend of the court on children's issues during his tenure as a social worker with government. The combination of these experiences provided the motivation and insights into the writing of the paper.

### **3.1 Roles of Social Workers in the New Children's Law**

The Table 1 sums up the roles of social workers as spelt out in the act. In total the word social work or social worker is mentioned more than forty times in the act making social work an integral part of child justice delivery in Botswana. A critical assessment of the act also reveals that in addition to roles explicit awarded to social work by the act, there are implicit roles that social work is called upon to perform.

### **3.2 Educating Communities about Children's Rights and Welfare**

The 2009 Children's law bestows on social workers the responsibility to inform and educate communities on the rights, welfare and problems affecting children. Section 32 (3)

states that 'social workers shall in Kgotla\* or similar gatherings, bring to the attention of parents and community leaders, matters which are promoting or adversely affecting the well-being of children'. Section 32 (4) further assign the social worker the task of advising communities on matters that should be referred to the Village Child Committee (VCC). According to this law, the social worker is a member of the VCC which committee's functions include educating communities on the neglect, ill-treatment, exploitation and abuse of children as well as to monitor the welfare of children in their jurisdiction (First Schedule, Section 3, Article 1). Social workers are expected, individually or as members of Village Child Committees to empower communities with information that shall help safeguard the best interest of the child. The law assumes and expects social workers to have full knowledge of the laws related to children and to have a full appreciation of the problems and challenges facing children. Section 32 (6)) also expects service providers including social workers to be proactive in the discharge of their functions of community education and to periodically account to communities on their duties 'in the promotion of child survival, development, participation and protection'.

### **3.3 Social Workers as Friends of the Children's Court**

The 2009 children's law establishes a children's court. This court 'shall be held informally and shall sit in a room other than that in which any other court ordinarily sits.' Attendance to the court is restricted to a) officers and members of the court; b) the child concerned and his or her parents, other relatives or guardian; c) the social worker concerned in the case; d) such other person as the court may authorize to be present..'. The act locate social workers as critical in dealing with child related issues and views their participation as central to the resolution and adjudication of matters involving children. Section 36 (2) list issues that the children's court may deal with which would need the role or intervention of a social worker in one way or the other. Such issues include a) the handling of an investigation in respect of a child alleged to be in need of protection; b) an application for a protection order; c) an application for foster care or adoption; d) the neglect, ill-treatment, abuse or exploitation of a child. The specific roles of social workers in respect of the issues above will be clarified in

the course of the paper but what needs to be borne in mind is that the Children Court is incomplete without the social worker handling the child matter in question.

### 3.4 Social Workers Investigative Role on Child Related Matters

The Children's Act (2009) assigns social workers the role of investigating child related matters. The investigative role which social workers may refer to as assessment of the situation, condition, circumstances and status of the child may be commenced upon a report by any person who believes the rights of a child is infringed upon. The report could be made to the Commissioner of Social Welfare, social worker or police officer. The investigations by social workers could be directed by the Commissioner of Child Welfare. Social workers can commence the investigations or they could be referred to social workers by the police.

### 3.5 Investigating Cases of Neglect, ill-treatment and Exploitation of Children

Section 41 (3) empowers the commissioner of child welfare to receive a report from any person 'regarding the neglect, ill-treatment or exploitation of any child, including a child in foster care; Upon receipt of such report, section 41 (4) states that the Commissioner of Child Welfare 'shall cause a social worker to investigate the allegation which is the subject of the report'. After completing the investigations, the social worker submits a written report to the commissioner that includes his/her recommendations on the appropriate action to be taken' section 41 (5). The commissioner will then take the decision he/she deems appropriate under the circumstances. Section 41 (6). The range of offences and actions that constitute neglect, ill-treatment and exploitation are mentioned in the act. Section 56 (2) defines neglect. It states that 'a child

shall be deemed to have been neglected if the parent, other relative or guardian or any other person having the custody of the child:-

- a) Unreasonably fails to provide or pay for adequate food, clothing or housing for the child
- b) Unreasonably fails to make adequate provision for the proper health and care of the child
- c) Unreasonably leaves the child in the care of any person or institution without showing any further interest in the child or
- d) Exposes the child to conditions or circumstances which are likely to cause that child physical, mental or psychological distress or harm.

The social worker in making appropriate recommendation to the Commissioner of Child Welfare is expected to appreciate neglect as defined above. Social workers are also expected to investigate alleged offences in the areas of corruption of children; exposing children to pornography; cohabitation with children; exposing children to narcotics; cruel treatment and punishment and protection from harmful social, cultural and religious practices (Section 57-62). The spirit of this law is that such offences fall within the purview of social workers to investigate and make report to the commissioner.

### 3.6 Investigating Cases of Children in Need of Protection

Investigation of cases of children in need of protection by social workers resides in Part X of the Children's Act (2009) Section 43 spells the process of investigation as follows:

- (1) where any person has reasonable cause to believe that a child is in need of protection that person shall immediately make a report to a social worker or police officer in the district in which the child is resident.

**Table 1. Social Work Roles established by the Children's Act of 2009**

Provision in the Act	Roles of social workers
Section 32	Community education on children's rights and welfare
Section 38	Social Workers as Friends of the Children's Court
Sections 41-44	Social Work's Investigative Roles on child matters
Section 45	Social work and Protection Orders
Section 66-68	Social Work and Protected Children
Section 69-79	Process, monitor and review foster care placements
Section 91-96	Social Work and Children in Conflict with the law

- (2) A social worker or police officer to whom a report has been made under subsection (1) shall immediately investigate the allegation
- (3) For purposes of the investigation under sub-section (2), the social worker or police officer shall interview the person making the as well as the child concerned
- (4) The social worker of police officer shall first seek the permission of the child's parent, other relative or guardian before interviewing the child
- (5) If the social worker or police officer believes on reasonable ground that the investigation would be jeopardized or the child may be exposed to harm should the child's parent or guardian know about the investigation, the social worker or police officer shall interview the child without informing the child's parent, other relative or guardian
- (6) If the social worker is satisfied following an investigation under this section, that a child is a child in need of protection, the social worker will compile a report and submit it to the Children's Court
- (7) The social worker's report shall contain his or her recommendation on regarding the manner in which the child should be dealt with
- (8) Where the social worker has reasonable cause to believe that a criminal offence has been perpetrated against the child, , the social worker shall immediately report the case to the police
- (9) If on receipt of the report made under subsection (2) a police officer is satisfied that prima facie an offence has been committed, the police officer shall investigate the alleged offence and forward the docket to the Director of Public Prosecutions who shall take such steps as are appropriate in respect of the matter

### **3.7 Investigation and handling of Children Needing Immediate Attention**

During the investigations for children in need of protection, instances of children needing immediate attention may be discovered by social workers or police officers. These are situations where the police officer or social worker believes on reasonable ground that if the child is not immediately removed to a place of safety they shall suffer harm. Section 44 (1) state that where such a discovery is made during an

investigation, the social worker or police officer may a) enter the place where he or she believes the child to be; b) search the place to find the child; and c) immediately remove a child to a place of safety. In this instance, the application to court for a protection order is made in retrospect.

### **3.8 Social Work and Child Protection Orders**

Section 43 (6) requires the social worker to submit a written report to the Children's court once he or she has satisfied himself or herself that a child is a child in need of protection. Section 45 (1) further states that 'a child alleged to be a child in need of protection shall be brought before the children's court by a social worker or police officer by way of a written application to the children's court in the district in which the child resides.' The application shall specify the order sought; the grounds upon which it is made and any other information that the Minister may prescribe Section 45 (2). After the application has been filed, the social worker or police officer will serve the client's parents other relative or guardian with a copy of the application as well as inform the child about the application. Section 45 (4). If in its wisdom, the children's court is satisfied that the child is a child in need of protection, it will make a protection order in respect of the child.

The variety of child protection that may be issued by the children's court are specified under section 40 (1) which reads' a children's court may make the following child protection orders:- a) a care order being an order to care for the child or place the child under care b) an adoption order c) a supervision order being an order placing a child, a parent or guardian, or both a child and parent, other relatives under the supervision of a social worker or such other person as may be designated by the court d) an interim supervision order, being an order, being an order to protect a child pending the determination of the matter e) an interdict f)an order that the child remain in, be removed from, or be returned to the person designated by the court g) an order limiting access to a child, of such person as the court shall name or allowing access to a child, of such person as it may name h) an exclusion order, being an order to exclude a person from having contact with a child i) a writ of mandamus; and any other order that will protect the child from harm or advance his or her well-being.

If the order so issued by the children's court entails the intervention of a social worker, he or she is expected to report to the court that issued the order. The report shall appraise the court on the 'behavior, progress and the welfare of the child Section 48 (3). The court may on the basis of such report vary the order.

### **3.9 Social Workers Role with Protected Children**

Children who have been declared in need of protection and are placed in alternative or place of safety under the children's act of 2009 are called protected children Section 66 (1) Social workers are charged with specific responsibilities to ensure that these children's best interest are served. As per this act, 'a social worker shall from time to time, visit and inspect any protected child and the premises in which that child is kept in order to ensure the proper care and maintenance of the child.' (Section 68 (1) any change of residence or address by a person who keeps a protected child, will be notified in writing to the social worker. (Section 66 2). In case of the death of a protected child, the person in whose custody was will immediately notify the police or social worker. The social worker will in turn be required to make the necessary funeral arrangements (section 66 3) In cases where the commissioner receives information that a protected child lives in circumstances which are not in the best interest of the child, he shall cause an enquiry to be made presumably by the social worker (Section 67 (1). If the commissioner is satisfied by the enquiry that the protected child is not living in circumstances conducive to their best interest he or she will direct parents, guardian or other relative of the child to make provision for such a child. Failure by parents to provide as directed by the commissioner would lead to mobilization of section 43 of the act which deals with children in need of protection.

### **3.10 Social Work and Foster Care**

Section 69 (1) states that 'a child is in foster care if the child has been placed in the care of a person who is not the parent, other relative or guardian of the child by an order of the children's court.' No child shall be placed in foster care unless they have declared children in need of protection as per the processes laid down in section 42 and 43 of the same act (section 69 2).

The court can place a child in foster care only after the social worker has made a report in respect of the child. The social workers report as per section 71 (1) will include a) general conduct, home environment, cultural, religious and linguistic background, school records and medical history (if any) of the child; b) availability of a person with similar background to that of the child who is willing and able to foster care the child; and c) suitability of the person willing and able to foster the child, keeping in mind the necessity to ensure the safety and general well-being of the child.

The children; court shall not place a child in foster care with a person who has been found unfit to do so by the social worker. Sections 74 requires that the social worker visit the child in foster care as prescribed by the court order and such social worker is compelled by law to file such a report with the children's court. If at any point considers it in the best interest of the child to return to his/her biological parents, the court shall so order provided the process is facilitated by the social worker (section 75 (1). Upon an application made to it by the child, other interested parties or the social worker to the effect that the best interest of the child are not served by foster care the court shall order a review of the placement (section 75 (1) (2). The court's review of the placement shall rely on the report of the social worker (section 76 3). The children's court is empowered to terminate the foster placement and in doing so it shall consider the recommendations made by the social worker and the bond that may exist between the child and the biological parents if they wish to assume the responsibility of caring for the child (section 79 (3).

### **3.11 Social Work and Children in Conflict with the Law**

Part xiv of the Children's Act that deals with children in conflict with the law states that upon establishing that prima facie an offence has been committed by a child, such police officer shall cause a social worker to enquire in to and file a report to the children's court on the general conduct, home environment, school records and medical history (if any) of the child. Section 81 (3) goes on to state that the social worker shall in the report recommend the best way of dealing with the child. Children sentenced to probation in terms of section 85 (a) of the Children's Act, 2009 are expected to be supervised by probation

officer appointed by the Minister. Under the current practice, there are no probation officers. Government is using social workers employed under local authority as social welfare officers. The functions of the probation officer are spelt out in section 91 of the children's Act 2009, whether, social workers are performing the roles to the maximum is a question to be answered.

### **3.12 Challenges for Social Workers under the New Law**

As stated elsewhere in this paper, the new children's law in Botswana awards social workers numerous roles and responsibilities. In discharging such roles social workers are confronted with many challenges. Ironically some of the challenges facing the implementation of the current law on children obtained in respect of the old law of 1981. [12] had observed that the 1981 children's law was not fully implemented due to resource constraints and absence of requisite infrastructure envisaged to be essential for its implementation. A review of the literature and observations on the status of the current children's act reveals the challenges as follows:

### **3.13 Social Worker's Inadequate Understanding of the Law**

The Children's Act is a legal document that requires the intervention of social workers in delivering justice for children. Social workers thus require preparation and training to implement such a law. Though some social workers have been trained and orientated, many others have not received such training and orientation and as such are incompetent to discharge their roles and responsibilities as contained in the law. Many social workers still lack the knowledge, skills and confidence to mobilize the law to protect the rights and welfare of children. In a study by [13], some social workers confessed ignorance and incompetence in discharging their roles in respect to the Children's Act. Social workers pointed out that the court process is laden with intricate processes, procedures and protocols that are unknown and intimidating to social workers. Social workers expressed discomfiture with such court arrangements and they indicated that such dampen their enthusiasm for intervening on behalf of children. Under these circumstances, the delivery of justice for children is curtailed.

### **3.14 Stakeholder Confusion about Social Workers Roles**

The delivery of the children's law is dependent on a complex interaction of an array of stakeholders with varying backgrounds, experiences and expectations. They include ordinary members of the community, magistrates, the police, probation officers, Director of Public Prosecutions Personnel, District Commissioners and some such officers that the court may deem relevant on any given matter. It has been found that the different stakeholders that operate within the child justice process do not always have a common understanding of each other's roles and responsibilities as prescribed in the law [14]. The lack of common understanding by stakeholders of each other's roles breeds confusion and diversionary turf contests that ultimately derail delivery of justice for children [14]. Particular tensions have been found to exist between social workers and police officers [15]. [15]. whilst on the one hand, social workers favor rehabilitative and restorative approaches, the police tend to subscribe to punishment and retributive approaches [13,16]. Accusations and counter-accusations ensue out of these divergent approaches. The police accuse social workers of spoiling children while social workers brand police officers as being insensitive to the rights and welfare of children. Magistrates and social workers subscribe to different processes. Magistrates are generally stepped into the rigid rigmarole of adversarial justice and social workers are more inclined to the 'soft' interactive psychosocial approach. This variance often leads to magistrate dismissing social workers as weak and incompetent. Social workers are compelled by law to make recommendations to court on the best possible remedies for dispensing with child-related matters but this is sometimes misconstrued by magistrates as usurpation of their powers to pass judgment on matters before them [16,17]. (Conflicting laws also compound this stakeholder confusion. The police tend to use the Penal Code more than the Children's Act. When there is conflict in those two laws police always rely on the Penal Code while social workers rely on the children's Act. Section 144 of the Penal Code of Botswana for instance prohibits and criminalizes sex with young persons who are 16 years and below but the Children's Act prohibits sexual abuse and exploitation of children who are 18 years and below [8,18]. This is a clear contradiction which often pits the police against social workers.

#### **4. THE RESOURCES CHALLENGE**

The birth of the new children's act that assigned new and broader responsibilities to social workers has not been matched by a corresponding increase in the amount of resources made available to social work and their agencies. Social workers in Botswana, even before the introduction of the 2009 Children's Act had heavy workloads and it was imperative that with the awarding of more assignments to them, financial, human and other material resources ought to be increased. This was not the case and the impact of such was a strain on the available resources. Delivery on the new mandate by social workers has as such been compromised. The absence of an increased budget, personnel, office accommodation and transport to facilitate effective interventions by social workers as per the obtaining law led to non-implementation or a slowdown in the implementation of the same law [19].

#### **5. ROLE AND PROCESS AMBIGUITIES**

The 2009 Children's law in Botswana is an improvement to the 1981 law but still there are role and process ambiguities that impede effective intervention of social workers and critical players. The new act has a bill of rights that awards children among other things socio-economic and cultural rights such as the right to health (sec 15), education (sec 18) and shelter (sec 16). The law also guarantees rights to clothing (sec 17) and the right to leisure, play and recreation (sec 19). Conspicuous in this law however is the absence of clarity on how such rights and freedoms are to be mobilized and the sanctions thereof arising from violation of the same rights. Take the example of the right to shelter. The law in this respect state that 'every child has a right to adequate and safe housing (sec 16)'. In respect to clothing the law states that 'a parent shall ensure that his or her child is adequately clothed (sec 17). As for right to leisure, play and recreation, the law states that 'every child has a right to leisure, play and recreation which are appropriate to the age, maturity and level of development of the child (sec 19)'. Quite clearly the rights are guaranteed but there is very little beyond the guarantees that guide practitioners as to what are the parameters of such rights, what ought to be done in case there is an affront to the stated provisions [20].

The implementation of some aspects of the Children's Act of 2009 requires clear guidelines to be put in place and currently such guidelines are non-existent. Guidelines needed include those related to foster care, probation, community service, probation and school of industries among others. The absence of guidelines to aid these interventions renders obsolete the roles of social workers and other critical players that are key to the delivery of such interventions. After eight years of the enactment of the Act, it is safe to argue that aspects of the act that do not have the requisite guidelines have not been implemented. Social workers, who are central to the restorative, rehabilitative and alternative care aspects of the act, find themselves constrained to discharge their mandate, roles and responsibilities under the act as they are without the necessary protocols and guidelines. There is also a general absence of standards of care and quality control even within the few child welfare institutions that are in place like the Ikago School of Industries, Mpule Kwelagobe Centre for Children and SOS children's village [21]. The absence of standards and quality control protocols exposes children to harm of various sorts including physical, emotional and psychological harm [14,15].

#### **6. UNDERDEVELOPED ALTERNATIVE CARE AND RESTORATIVE OPTIONS**

The range of alternative care measures and facilities available to protect and safeguard the welfare of children is limited and where such exists, they are generally underdeveloped. The range of measures available to deal with children experiencing various challenges as contained in the 2009 Children's Act is limited. The Children's Act in sections Part XV makes reference to homes, schools and institutions for the reception of children but few of such are in place leaving stakeholders with limited options of dealing with children experiencing problems described in the act. If due regard is given to the variety of disposition measures that could be made available as they appear in instruments such as the United Nations Rules for Non-Custodial measures (Tokyo Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice [22], it is quite evident that Botswana's Children's Act is bereft of creative measures to deal with children experiencing problems. The Children Act of 2009 does not include such disposition measures as diversion, financial penalties, compensation,



restitution, verbal sanctions, expropriation orders, suspended nor deferred sentence, house arrest and referrals to education facilities in the case of juvenile offences [23]. The limited range of disposition measures and an absence of requisite child welfare institutions clearly restrict the Children's Court, social workers and presiding officers on measures to employ to deal with children experiencing various problems defined by the act [17,18,24].

## 7. CONSERVATIVE ATTITUDES COMMUNITY

Children's rights are a subject that has no universal acceptance in Botswana. Though Parliament representing the people of Botswana saw it fit to pass a law protecting the welfare and rights of children over three decades ago, conservative notions of children have always lingered. There are those who believe that children by such their age cannot have rights independent of their parents. Children's rights, they argue should be subsumed under those of their parents. There are also those who are of the view that bestowing children with rights breed indiscipline and usurps parental authority and responsibility. The conservative have generally supported the use of corporal punishment on children and it can be safely argued that it is this view that put pressure on the architects of the current children's law to include corporal punishment as a sentencing option. Instruments that seek to protect children's rights and welfare view corporal punishment as inhuman and degrading and its inclusion in Botswana's law on children is testimony that retrogressive pressures are at play. Conservative attitudes are also averse to the inclusion of rights such as that of participation and privacy for children. They view these as an affront to traditional mores and norms. Conservative views are often strong and they distract the objective of securing the best interest of children.

## 8. RECOMMENDATIONS

The critical issues to be pursued to optimize children's benefit from this act include:-

- Conscientization of communities on human rights, children's rights and the Children's Act of 2009
- Formulation of a family policy with a strong

human rights and children's right component

- Infuse child rights education in the curriculum from the early stages of children's learning
- Enroll Local Authorities, local communities and Non-Governmental Organizations in setting up institutions of child care
- Develop guidelines, standards and quality control protocols for the care of children
- Review the act to include alternative child care options
- Vote increased resources for the implementation of the act
- The University should have a course on children's justice system.
- Botswana should have council for social workers to regulate services for children and social workers.

The full implementation of the act will require concerted efforts, rededication and commitment from all stakeholders. It will require professionals such as social workers who have been assigned critical roles in the implementation of the act to mount strong advocacy campaigns for the realization of the objectives of the act. Power holders in society should also be sensitized to the need to fully implement the act for the benefit of children.

## 9. CONCLUSION

Social work is a critical player in the delivery of child justice in Botswana. The profession must rise up to the challenge if it is to deliver on its mandate as spelt out in the act. The magnitude of the roles assigned to social work in the act demands that the profession assume proactive roles in empowering communities, families, individuals, children and power-holders on human and children's rights. The social work profession must place human rights, children's rights and the children's act at the center of dialogue and intervention in their work. The successful implementation of the act will depend on social workers willingness to understand, appreciate and embrace their new roles as envisioned by the act. Such success will also depend on the enthusiasm and creativity of social workers in confronting the challenges to implementation of the act.

## COMPETING INTERESTS

Author has declared that no competing interests exist.

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