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Policy Analysis

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TABLE OF CONTENTS

ABSTRACT	iv
1. INTRODUCTION	1
1.1. CHILD SEXUAL ABUSE IN BOTSWANA.....	2
1.2. DEFINITION OF TERMS	4
2. OVERVIEW OF ADOPTED CONVENTIONS AND LAWS FOR THE PREVENTION OF CSA IN BOTSWANA	5
3. METHODS.....	7
3.1. RESEARCH DESIGN.....	7
3.2. SETTING	7
3.3. SAMPLING TECHNIQUE.....	7
3.4. PARTICIPANTS.....	7
3.5. DATA SOURCES.....	8
3.6. METHODS OF ANALYSIS	8
3.7. ETHICS	9
4. FINDINGS	10
4.1. CURRENT INSTITUTIONAL ARRANGEMENT FOR CHILD PROTECTION	10
4.1.1. THE MINISTRY OF LOCAL GOVERNMENT & RURAL DEVELOPMENT (MLGRD); DEPARTMENT OF SOCIAL PROTECTION.....	10
4.1.2. DEPARTMENT OF SOCIAL & COMMUNITY DEVELOPMENT (S&CD)	11
4.1.3. NATIONAL CHILDREN'S COUNCIL (NCC)	11
4.1.4. VILLAGE CHILD COMMITTEE (VCC).....	12
4.1.5. MINISTRY OF YOUTH, GENDER, SPORT AND CULTURE; DEPARTMENT OF GENDER AFFAIRS	12
4.1.6. DEPARTMENT OF GENDER AFFAIRS	12
4.1.7. THE BOTSWANA POLICE SERVICE (BPS)	13
4.1.8. MAGISTRATE COURTS	13
4.1.9. NON-STATE ACTORS (NSA).....	14
4.1.10. CHILDLINE	14
4.1.11. UNITED NATIONS CHILDREN'S FUND (UNICEF)	14
4.2. CHALLENGES FACING CHILD PROTECTION INSTITUTIONS	15
4.2.1. THE ABSENCE OF A NATIONAL CHILD STRATEGY	15
4.2.2. POOR COORDINATION OF CHILD PROTECTION INSTITUTIONS	15
4.2.3. WEAK CHILD LEGISLATION FRAMEWORK.....	16
4.2.4. LACK OF CAPACITY TO DELIVER EFFECTIVE CHILD PROTECTION SERVICES	17
4.2.5. INADEQUATELY FINANCED CHILD PROTECTION SYSTEM	18
4.2.6. LACK OF SYSTEMATIC DATA COLLECTION.....	19
4.2.7. LACK OF EVIDENCE-BASED RESEARCH.....	20
4.2.8. DECLINE OF THE FAMILY STRUCTURE.....	20
4.2.9. LACK OF PUBLIC AWARENESS.....	21
5. LIMITATIONS	22
6. CONCLUSIONS	23
7. RECOMMENDATIONS.....	24
8. REFERENCES.....	28

ABSTRACT

Child Sexual Abuse (CSA) in Botswana is a big social problem with proven lifelong effects on the victims. Botswana has established various child protection institutions (CPI) and amended children's protection laws to ensure that children are safe from all harm. However, despite this development, Botswana CSA cases are still rising. This study provides the first attempt to evaluate the effectiveness of child protection institutions in Botswana. A case study method was used in Old Naledi and Letlhakeng through an in-depth interview with twenty-two (22) participants. The findings of the study revealed that there is; (i) the absence of a national child strategy, (ii) poor coordination of child protection institutions, (iii) weak child legislation framework, (iv) lack of capacity, (v) inadequately financed child protection, (vi) lack of systematic data collection, (vii) lack of evidence-based research, (viii) Decline of family structure and (iv) lack of public awareness. All these combined hinder the effectiveness of child protection institutions in Botswana. The study recommends as follows: reviewing the Children's Act of 2009, developing a national child protection strategy, strengthening coordination of CPI, increasing resource allocation, creating a centralised database on CSA and strengthening evidence-based research on CSA in Botswana.

Keywords: Child Sexual Abuse, Institutional Effectiveness, Botswana

1. INTRODUCTION

Child sexual abuse (CSA) is increasingly becoming an issue of concern in most societies across the globe, affecting children across all socio-economic and ethnocultural strata. WHO (2020) has estimated that up to 1 billion children aged 2 to 17 years have experienced physical, sexual, or emotional violence or neglect in 2019. CSA is one of the most inhumane offences. Child sexual abuse may take various forms, from physical contact to non-physical contact sexual abuse, including; sexual harassment, touching, incest, rape or exploitation in prostitution or pornography, exposure to pornographic materials and exposure to one's private parts (Selengia, Thuy, & Mushi, 2020). The abuse of children can happen in various settings and locations, including in homes, schools, on the road, fields, care and justice institutions and public open spaces. It is also evident that CSA occurs in all ages and all social-economic classes (Singh et al., 2014).

According to Chitireka (2012), in Africa and many other developing countries, child sexual abuse is a serious problem that is on the rise. An estimated 95 million children experience abuse annually, with the highest rates reported in the World Health Organization (WHO) African region. Nonetheless, the magnitude of child sexual abuse (CSA) in Sub-Saharan Africa remains unknown because the majority of cases are not known by official agencies. In the past decade, CSA has become a focus of increasing public concern and outcry (Badoe, 2017). For instance, there has been an increasing public concern and outcry regarding the escalating wave of sexual abuse among young girls in countries such as Malawi, Zimbabwe and Botswana.

Since the start of the COVID-19 pandemic, there has been an increase in child marriages in Malawi (GIIP, 2020). Malawi has one of the highest rates of child marriage globally, with 50% of girls married by 18 years old and 12% married by 15 years old (UNICEF, 2015). The introduction of lockdown measures because of COVID-19 brought economic stress and confined living conditions of lockdown, which has increased violence against children, especially girls. The GIIP (2020) report stated that close relations mostly perpetrate sexual violence. About 45% of girls aged 15-19 in Malawi have experienced physical or sexual violence (DHS Program, 2016). According to Lema (1997), young girls aged between two (2) and seven (7) years are sexually abused by adult males aged between 20 and 70 years. These are older men robbing young girls of their innocence and leaving them with psychological scars.

In Zimbabwe, the government has ratified local, regional, and international conventions that purport to protect children. However, child sexual abuse is still rampant in the country (Chitireka, 2010) despite the laws and legislation to protect children against sexual abuse. In 2019 Childline Zimbabwe recorded 4,239 cases of children who were sexually abused, the majority by trusted close relatives and family members. In 2011, Zimbabwe's national prevalence data collection on violence against children stated that

32.5% of females and 8.9% of males reported experiencing sexual violence before age 18 (Rumble et al., 2015).

In Africa, several factors, including the culture, social norms and patriarchal system, have been identified as contributing factors to the rise of child sexual abuse in the region (Gage, 2005). CSA in SSA is characterised by the social, economic and political crises that have affected this part of the world for several decades. Save the child & World Vision (2012) suggests that the main causes of CSA in Botswana include rapid social change, poverty, HIV/AIDS, male-dominated social structures, cultural practices, transactional sex and weakening family structures. The findings of Save the Child (2012) resonate with literature from Zimbabwe that traditional, cultural and religious beliefs in patriarchy are some of the main drivers behind child sexual abuse in Zimbabwe and other African countries (UNICEF, 2016). Many children in SSA live against a backdrop of violence, be it within their own families, communities within which they live, or areas of armed conflict. Several writers have established the link between living in a home where domestic violence is perpetuated and vulnerability to CSA (Gage, 2005).

Despite the soaring CSA cases in the Sub-Saharan region, African governments are putting in efforts to combat CSA. According to The Global Partnership (2019), Zimbabwe has a coordination for a Victim Friendly System (VFS). This is where there are discussions on sexual violence, which brings social and justice sectors together as well as a coordination body around justice called Justice Law and Order Sector (JLOS). In South Africa, child sexual abuse victims are removed from the crowds at the police station to a more victim-friendly environment before being transported by ambulance to a One-Stop Care Centre at the hospital where the medical examination is given. This process ensures that service providers are available to CSA survivors in a single location, and the victims do not have to be shuttled around the various elements of the criminal justice system (UNICEF 2008).

1.1. CHILD SEXUAL ABUSE IN BOTSWANA

Botswana is known for its economic status and good governance. However, the same cannot be said about the safety of children and women. In 2020 Botswana was rated second after South Africa out of the top ten countries with the highest rates of rape in the world (World Population Review, 2020). In 2021 Botswana ranked top of all countries on the rape statistics in the world at 92.93 per 100,000 people. However, this figure does not consider rape incidents that go unreported to the police (World Population Review rape statistics, 2021). Botswana Police (BP) stated that, on average, they register six cases of rape per day, an estimated 2000 cases per annum (Botswana Police Report, 2020). Child sexual abuse has always existed in Botswana but is hidden, as only a few cases were reported. Statistics shown in figure 1 depict a yearly increase in CSA offences. In 2015, Botswana adopted the United Nations Sustainable Development Goal (SDG), also known as the 2030 Agenda for Sustainable Development. According to Badoe

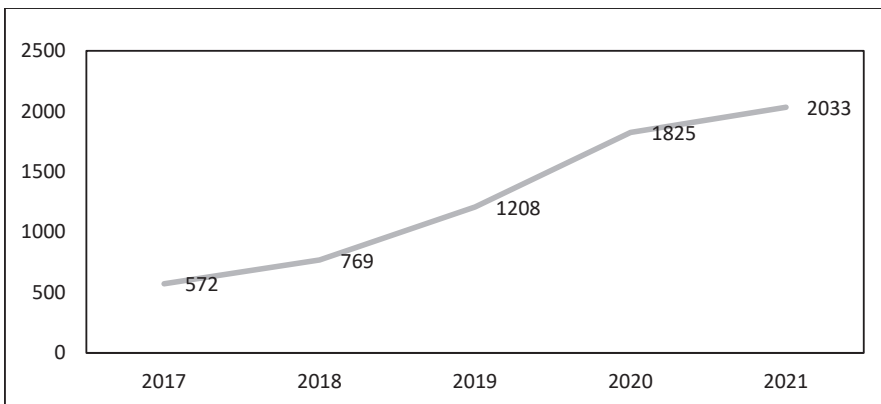
(2017) persistence of domestic violence, such as CSA, is a threat to basic human rights and to achieving the Sustainable Development Goals (SDGs).

In Botswana, the term “child sexual abuse” is undoubtedly heard frequently in Setswana culture. According to Mmana (2021), cases of child marriage still exist in Botswana, with those involved rarely prosecuted because perpetrators are ‘hiding behind culture’ to sleep with underage girls, who are forced into marriage at a young age. These are undocumented but are taking place all over the country, albeit very common in areas with high poverty rates. Nonetheless, the media in Botswana has been abuzz on issues of CSA, with the plight of things being the year 2020 during the COVID-19 pandemic, when there was an increase in CSA cases.

Child Sexual Abuse (CSA) is a ubiquitous social problem causing public concern in Botswana. Over the years, there has been a rise in the number of CSA cases reported by Botswana Police, the media and other Child Protection Institutions (CPI). Given the nature of this offence, one can assume that there are other unreported CSA cases. Like the rest of the world, Botswana is grappling with the COVID-19 pandemic. As such, the Government of Botswana (GoB) applied strict measures such as lockdowns and extreme social distancing to control the disease. However, a disturbing pattern unfolded as Child Sexual Abuse (CSA) cases spiked in Botswana. For instance, during the first quarter of 2020, police recorded 132 CSA cases nationwide.

Figure 1 shows trends in the number of CSA for the period 2017-2021. This figure shows a steep rise in CSA cases from 572 cases in 2017 to 2033 cases in 2021. However, it is unknown why there is a rapid increase in CSA cases. It is of paramount importance to note that in 2018 the age of consent was increased from 16 years to 18 years. Additionally, the Ministry of Basic Education (MOBE) stated that, during the country’s first lockdown, 58 school girls came back pregnant (<http://theparrotonline.co.bw/>).

Figure 1: Number of reported CSA cases in Botswana



Source: authors compilation

Notwithstanding, the Government of Botswana (GoB) has made several attempts to combat CSA, as shown by the development of the Children's Act of 1981, which was the first piece of legislation intended to protect children and safeguard their rights and be a signatory to the international Convention on children. This was later followed by the Children's Act of 2009, which paved the way for establishing key institutions such as the National Children's Council (NCC) and the Village Child Committee (VCC). The amendment of section 147 of the Penal code increased the age of sexual consent from sixteen (16) to eighteen (18). Despite these efforts, there is still an increase in cases of child sexual abuse perpetrated by adults in Botswana.

The study aimed to assess child-protection institutions' effectiveness in addressing child sexual abuse in some selected villages. The following objectives guided the study;

1. To describe the current institutional arrangement for child protection.
2. To explain the challenges facing child protection institutions.
3. To make recommendations on what can be done to improve the effectiveness of child protection institutions.

1.2. DEFINITION OF TERMS

This sub-section defines terms as they have been used in the study.

Child means any person below the age of 18 years (Children's Act, 2009).

Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, and is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society (WHO, 1999).

Childhood sexual abuse (CSA) is considered an activity aimed at providing sexual pleasure, stimulation, or sexual gratification to an adult who uses a minor for this purpose, taking advantage of the situation of superiority (Castro et al., 2019).

North (1990) defines institutions as the formal and informal rules that organise social, political and economic relations.

The study is structured as follows; section 2 presents an Overview of Adopted Conventions and Laws for the Prevention of CSA in Botswana, section 3 presents the methodology, section 4 presents and discusses findings, and section 5 presents limitations. Last sections 6 and 7, present conclusions and recommendations, respectively.

2. OVERVIEW OF ADOPTED CONVENTIONS AND LAWS FOR THE PREVENTION OF CSA IN BOTSWANA

Given the extent and severity of child sexual abuse, Botswana has amended laws to protect the welfare of children. The following are some of the conventions and laws that the government has adopted.

- In 1981 Botswana put into place the first piece of legislation that intended to protect children and safeguard their rights (Children's Act, 1981). Section 13 of the then Children's Act 1981 stated that a child under 12 years is presumed incapable of having sexual intercourse with a male adult; such a relationship is considered sexual abuse because the child is too young to understand what is going on in such a relationship. This implied that such a relationship was a crime under the laws of Botswana.
- In 1985 Botswana accented to United Nations Charter on the Rights of Children (UNCRC). The Convention has 54 articles covering all aspects of a child's life and set out the civil, political, economic, social and cultural rights all children everywhere are entitled to. Article 19 addresses violence against children. It emphasises that State Parties must have proper laws to prohibit violence, but it also requires States to implement administrative, social and educational measures to protect children. All forms of violence, both physical and mental, fall under article 19.
- In 1995, Botswana ratified the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of Children in 2001. Articles 34 and 35 of the Convention say governments should protect children from all forms of sexual exploitation and abuse and take all possible measures to ensure children are not abducted, sold or trafficked.
- In 2009, Botswana enacted the new Children's Act of 2009. This Act incorporates the provisions of the United Nations Charter on the Rights of Children (UNCRC). Part iii of the Act talks about the right to protection against sexual abuse and exploitation.
- CRC is legally binding on countries that have ratified it, including Botswana. In 2015, Botswana became a signatory to Agenda 2030. The rights enshrined by the CRC run through the sustainable development goals (SDGs) (Wernham, 2018). The inclusion of a specific target (SDG 16.2) in the 2030 Agenda for Sustainable Development to end all forms of violence against children gives renewed impetus towards the realisation of the right of every child to live free from fear, neglect, abuse and exploitation (UN, 2015).

- In 2018 government amended consent of sex from the age of 16 to 18 years. The amendment of the age of consent is in line with the Children's Act of 2009 and the Penal code of Botswana.
- In 2020 government endorsed the Sexual offender's registry bill after over a decade since the introduction of the Children's Act. The bill is meant to safeguard children from perpetrators.

3. METHODS

This section describes the research process. This includes research methodology, study area, techniques for gathering data, data analysis and ethical considerations.

3.1. RESEARCH DESIGN

This study utilised a qualitative case study methodology. Qualitative case study methodology provides tools for researchers to study complex phenomena within their contexts. If used correctly, it can be a valuable method for social science research to evaluate programs and develop interventions (Baxter & Jack, 2004). According to Yin (2003), a qualitative case study is an approach to research that facilitates the exploration of a phenomenon within its context using various data sources. This ensures that the issue is not explored through one lens but rather a variety of lenses, allowing for multiple facets of the phenomenon to be revealed and understood.

3.2. SETTING

The study adopted a case study method and selected two places to evaluate the effectiveness of child protection institutions dealing with child sexual abuse, namely Old Naledi in Gaborone and Letlhakeng in Kweneng West district. A case study approach has particular utility in addressing the “how” and “why” of contemporary phenomena within real-life contexts (Yin, 2003). Furthermore, this approach allowed for an in-depth examination of issues affecting the effectiveness of child protection institutions on-site and the resulting elucidation of complex phenomena.

3.3. SAMPLING TECHNIQUE

Purposive sampling was used to select participants in child protection institutions. Purposive sampling is a strategy in which settings, persons or events are selected deliberately to provide important information that cannot be obtained from other choices (Maxwell, 1996). The researcher includes cases or participants in the sample because they believe they warrant inclusion because of their knowledge, expertise, and experience.

3.4. PARTICIPANTS

The sample for the present study consists of professionals. Professionals are defined as experts in and with training, knowledge, and practical experience in dealing with cases of CSA. The study participants were professionals who have been or are currently involved in CSA cases. As shown in Table 1 below, a total of 21 professionals from various child protection institutions such as the Department of Child Protection, National Children’s Council (NCC), Village Child Committee (VCC), Social & Community Development

(S&CD), Botswana Police, Magistrate Courts and civil societies were interviewed. As such, professional experience and responses can only be ascertained through the investigation of all involved actors. Such a broad investigation was necessary. Child protection institutions handle cases of CSA.

Table 1: Characteristics of the Sample

	Female	Males	Total
Social worker	3	1	4
Psychologist	1	0	1
Police Officer	2	2	4
Lawyer	1	0	1
Magistrate	1	0	1
Pastor	0	2	2
VCC member	1	3	4
Child Activist	2	1	3
Kgosi	1	0	1
NCC member	1	0	1
Total	13	9	22

3.5. DATA SOURCES

Data for this study were collected by conducting in-depth interviews with participants and through document reviews. Interviews were conducted with key informants from all child protection institutions listed in the above paragraph. Document analysis was done by thoroughly exploring relevant peer-reviewed and grey literature.

3.6. METHODS OF ANALYSIS

Data from the study were analysed using thematic analysis. Braun and Clarke (2006) define thematic analysis as a method of identifying, analysing and reporting patterns within the data. Thematic analysis is a commonly used method of analysis in qualitative research. After interviewing 21 professionals, the researcher felt that no newer data were being generated, so a saturation level had been reached. A thematic analysis approach was used to analyse the data. The first step in the analysis was to read and reread the transcripts to familiarise ourselves with the data. Transcripts were coded independently and identified commonly emerging themes.

3.7. ETHICS

Research ethics are an important element of research. Ethical considerations were observed during data collection and analysis. At the beginning of the study, the objective was shared with child protection institutions, and this facilitated approval as it was clear the study had no ulterior motives. The voluntary nature of participation was outlined to participants, and participants' anonymity was guaranteed.

4. FINDINGS

This section presents a brief description of the study sample followed by a summary of the main themes that emerged from the analysis of research questions.

Twenty-two (22) key informants participated in the study. These included social workers, police officers, magistrates, psychologists, and community leaders from various child protection institutions such as the Department of Child Protection, National Children’s Council (NCC), Village Child Committee (VCC), Social & Community Development (S&CD), and civil societies.

4.1. CURRENT INSTITUTIONAL ARRANGEMENT FOR CHILD PROTECTION

This section reports the current institutional arrangement for child protection in Botswana.

4.1.1. THE MINISTRY OF LOCAL GOVERNMENT & RURAL DEVELOPMENT (MLGRD); DEPARTMENT OF SOCIAL PROTECTION.

The mandate for child welfare and children’s rights falls under the Ministry of Local Government and Rural Development (MLGRD) through the Department of Child Protection (DCP). The Ministry formulates, coordinates, implements and reviews social policies, laws and programmes for the nation, emphasising the vulnerable groups of society, including children, women and the poor.

In 2009 government introduced a new Children’s Act aligned to international standards that a child’s life matters, children have rights, and they ought to be protected. Section 55 (1) of the Children’s Act of 2009 “states the Director shall open and maintain a register of service providers and other persons who have been convicted of any offence under the part, and any service provider or a person whose name appears in the register shall not be employed by any person who has children in their care, in the case of the institution, the institution shall be revoked.”

After 11 years of adopting the 2009 Children’s Act, the government of Botswana finally drafted the Sexual Offenders Registry Bill 2020 (Bill No. 22 of 2020). This Act makes provision for the establishment of a sexual offenders’ register and a Sexual Offenders Inter-Sectoral Council and matters connected therewith.

4.1.2. DEPARTMENT OF SOCIAL & COMMUNITY DEVELOPMENT (S&CD)

The Department of Social and Community Development is under local authorities/councils in Botswana. S& CD is geared towards improving the socio-economic well-being of individuals, groups, families and communities through the provision of psychosocial support and capacity building to enhance the quality of life. Psychosocial Support (PSS) is a holistic process of meeting an individual's social, mental, emotional and physical needs (Maundeni, 2009). This service is provided by social workers in government institutions as well as those in civil societies such as Child Line Botswana and Stepping-Stone International etc. When there is a case, social workers accompany children to court, and they also conduct assessments to see if children are safe, in the event that the perpetrator stays with the child, the child is removed to a place of safety. Children's Act of 2009 has assigned social workers several roles; for instance, 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 assigns the social worker the task of advising communities on matters that should be referred to the Village Child Committee (VCC) Jongman and Lucas (2017).

4.1.3. NATIONAL CHILDREN'S COUNCIL (NCC)

Botswana National Children's Council is under the Ministry of Local Government and Rural Development. Section 35 (9) states; The Ministry responsible for children shall act as the council Secretariat. NCC was established by Section 35 of the Children's Act of 2009 to coordinate and support children's activities and provide oversight at a national level. NCC was established after realising that there is a need to coordinate children's issues in a sensitive manner. As such, NCC seeks to facilitate inter-sectoral partnerships towards realising children's rights. The formation of NCC, as stipulated by the Children's Act of 2009, was in response to a report by UNCRC. UNCRC report stated that Botswana did not have a body with overall responsibility for coordinating policies relating to children or monitoring the implementation of the children's rights and welfare issues. To achieve its mandate, NCC must liaise with stakeholders across the country; for that to happen, there is a need to have enough resources. NCC does not substantively deliver on its assigned mandate of coordinating and providing oversight at the national level because of the following;

Since its inception in 2009, NCC has been struggling with finances; however, in April 2019, they received financial resources to execute part of their mandate even though it was not enough. As an oversight body, NCC has a right to charge child protection institutions for failing to abide by the Children's Act. However, NCC hasn't been able to exercise this right because they haven't fully trained child protection actors. NCC encounters coordination challenges emanating from sectoral

ministries operating in silos, ignoring that a child protection system is interdependent and should be looked at in a holistic approach. The lack of technical capacity and financial resources is a major threat to the functioning of this institution.

4.1.4. VILLAGE CHILD COMMITTEE (VCC)

Village Child Committee (VCC) is a referral committee. The mandate of VCC is to educate the community about the neglect, ill-treatment, exploitation or any other abuse of children and to promote such education amongst members of such a committee; and monitor the welfare of children in their respective communities. As a referral committee, whenever there are incidences of CSA, the committee reports to the police and sometimes to the social workers. VCC, as stipulated in the Children's Act of 2009, is an important committee at the community level. However, a lack of financial resources and capacity continues to threaten its mandate. The committee does not have a budget provision to enable it to function as required.

Village Child Committee consists of a village chief (*Kgosi*), a social worker and other members elected at the traditional gathering place (*kgotla*). Meanwhile, Section 4 (a) of the Children's Act says, "a person who has been convicted of causing any harm to a child or other person under this or any Act, who has been certified as being mentally disordered, or who has been convicted of an offence involving moral turpitude shall not be appointed as a member of a Village Child Committee". This means until the sexual offender registry is implemented, the above section 4 (a) will remain a challenge for any institution that deals with children as it implies that anyone, including perpetrators, can assume a position in the Village Child Committee and other institutions. As a result, failure to implement the registry will continue to put the lives of children in danger.

4.1.5. MINISTRY OF YOUTH, GENDER, SPORT AND CULTURE; DEPARTMENT OF GENDER AFFAIRS

The mandate for the promotion of gender equity and coordination and facilitation in various aspects of gender policy development falls under the Ministry of Youth, Gender, Sport and Culture through the Department of Gender Affairs (DGA).

4.1.6. DEPARTMENT OF GENDER AFFAIRS

Through the Department of Gender Affairs, the government of Botswana has committed to addressing gender-based violence (GBV) by advocating national policies and laws and supporting programmatic efforts targeting both prevention and responses. Cases of Gender-Based Violence (GBV) are on the rise in Botswana, with women and children more vulnerable as most abuse occurs in their homes.

The department has a strategy for curbing GBV while promoting dialogue on the issue in the public domain. In some districts with a high number of GBV cases, the department has already started having dialogues with chiefs (*Dikgosi*) in those areas on issues of GBV.

4.1.7. THE BOTSWANA POLICE SERVICE (BPS)

The mandate of the Botswana Police Service is to prevent and detect crime, repress internal disturbances, maintain security and public tranquillity, apprehend offenders, bring offenders to justice, duly enforce all written laws with which it is directly charged and generally maintain peace. BPS keeps a record of criminal offences statistics in Botswana. As such, CSA records ought to be found at the police stations. The police use the Penal Code and Criminal Procedure and Evidence Act of 1997 to execute their mandate concerning CSA. The government of Botswana amended Section 147 of the Penal code to incorporate the age at which sexual intercourse can take place from 16 years to 18 years for both males and females. The amendment ensures that the police and other child protection institutions across all sectors, locally and internationally, comply with the United Nations Charter on the Rights of Children (UNCRC).

Meanwhile, within police stations, there are dedicated desks with officers who handle CSA cases. However, the reality is that these are not specialised units. Specialised units require certain infrastructure to accord victims and witnesses the privacy and dignity they deserve. Furthermore, BPS is in the process of establishing Gender and Child Protection Units, which will deal with, among others, domestic violence and sexual offences relating to children. In December 2020, the nation witnessed a historic moment when Botswana Police opened the first child-friendly centre in Gaborone since independence in 1966.

4.1.8. MAGISTRATE COURTS

Magistrates Courts in Botswana are created by statute, the Magistrates Courts Act of 2011, as subordinate courts. They are subordinate to the High Court. Unlike the High Court, Magistrates Courts are not created by the Constitution. The High Courts supervise Magistrate Courts through reviews and appeals (GoB, 2016).

The Botswana Magistracy plays a pivotal role in this country's judiciary. The Magistrates try the bulk of the offences committed in this country. They handle the bulk of issues that affect children, such as restraining orders in domestic violence cases and criminal cases such as rape. Magistrate courts seek to protect child victims by ensuring that they get justice. In addition, the courts apply the principle of the child's best interest by not making children's cases open to the public. Children's Act of 2009 states that all magistrate's courts shall be children's courts; as such, they have to be child-friendly.

Unfortunately, the structures are not yet child friendly. There are many cases of GBV; most victims are women and children. To avoid a backlog which often denies children justice, the courts now treat all GBV cases as urgent applications; as such, with effect from the 1st of December 2020, all GBV cases are prioritised.

4.1.9. NON-STATE ACTORS (NSA)

Non-State Actors include Faith-based organisations (FBO), Children’s organisations and the development partners of the United Nations (UN) family. Faith-based organisations (FBO) are civic organisations with different religious backgrounds from various groups like Hindu, Muslim, Christian, etc. FBOs have social objectives concerned about societal welfare and want to make a difference in the lives of the communities they operate in. FBOs provide spiritual counselling and work with families to instil a sense of morality, hence the behavioural change. FBOs view the family as the first institution that socialises a child in society. Some FBOs sometimes work with the police by offering counselling. However, there is no proper structure that links FBOs with other child protection institutions.

Civil Society Organisations involved in the care of children seek to advocate for children’s rights and welfare by being involved in implementing government-funded programmes. On the other hand, they form a countervailing force necessary for providing checks and balances to public sector agencies. There is Child Line Botswana, Stepping-Stones, and development partners, such as the United Nations Children’s Fund (UNICEF). They work with the Government of Botswana collaboratively and cooperatively to guide the development of policy issues affecting children, to mention a few, among the civil societies.

4.1.10. CHIDLINELINE

Childline Botswana’s mandate is to help abused children. In carrying out its mandate, Childline Botswana strives to adhere to the principle of the “best interest” of the child in all its undertakings and fairness in resolving cases. Childline Botswana also seeks to address other related child welfare issues through nurturing and intervention strategies like education, counselling, casework and alternative care programmes.

4.1.11. UNITED NATIONS CHILDREN’S FUND (UNICEF)

UNICEF is critical in implementing policies and strengthening the workforce to ensure effective monitoring and evaluation of policies and programmes. UNICEF plays a key role in preventing and responding to sexual violence worldwide, both in emergency and non-emergency contexts, through programmes, partnerships and advocacy. According to Kayawe (2016), UNICEF worked with the Botswana Police Service on the issue of child sex abuse, and they have developed a Training

of Trainers Manual on juvenile justice and child-friendly processes and procedures. This training is critical as it spells out the role of police officers in implementing the Children's Act. The program's effectiveness is limited because the training was only extended to a few police officers. UNICEF is currently working with GoB to do public education through a campaign called "*Eseng Mo Ngwaneng*", led by the first lady, Mrs Neo Masisi. UNICEF supports community-based stakeholders to promote educational campaigns against child sexual abuse.

4.2. CHALLENGES FACING CHILD PROTECTION INSTITUTIONS

When asked to explain challenges facing child protection institutions, key informants reported the following: The absence of a national child strategy, poor coordination of child protection institutions, weak child legislation framework, lack of capacity to deliver effective child protection services, inadequately financed child protection system, lack of systematic data collection, a decline of the family structure. These issues are discussed in the following section.

4.2.1. THE ABSENCE OF A NATIONAL CHILD STRATEGY

In-depth interviews with most social workers revealed that the national child strategy is currently non-existent in Botswana. In addition, social workers and child activists stated that the absence of a child strategy had affected the functioning of NCC. As such, child protection institutions are uncoordinated. The strategy maps out better ways for institutions to work together for and with children. It achieves this by having a coordinating framework for action, the purpose of which is to guide all future efforts in terms of how to plan and manage the delivery of services to children and their families (UBS Optimus foundation, 2016).

4.2.2. POOR COORDINATION OF CHILD PROTECTION INSTITUTIONS

Social workers and child activists from civil societies were of the view that the current institutional arrangement shows limited activation and effectiveness of most institutions, especially the National Children's Council (NCC) and Village Child Committee (VCC). Generally, participants noted that religious leaders of FBOs are not properly utilised in child protection. Rather, they are only involved sometimes, depending on who values their services. There is no proper structure that links FBOs with other child protection institutions. One respondent indicated that;

"FBOs are not funded, and there seems to be a lukewarm appreciation by the government for the contributions made by FBOs. Respondent stated that contributions made by FBOs are viewed as not binding, more of a gentleman's agreement, as they tend not to carry much weight."

At a community level, FBOs are known for strengthening families and behavioural change through counselling. Churches are among the first contact institutions with which families interact, yet we are hardly involved in child protection matters. We are only called when the situation has escalated” (pastor in Letlhakeng).

During in-depth interviews, social workers from Letlhakeng and Old Naledi were of the view that uncoordinated structures have led to the fragmentation of the entire child protection system, hence, putting the lives of children at risk and denying many justice. Furthermore, social workers decried high concentration of civil society organisations in urban areas like Gaborone compared to other areas such as Letlhakeng. They were of the view that the high concentration of civil societies in urban areas implies that the likelihood of CSA cases not receiving the same attention is high.

The above findings concur with WHO (2017) that poor coordination among CPI has led to a fragmented service provision, small scale, and tends to be delivered to only pockets of the population, focusing on urban and easily accessible communities. Recognisably, coordination among CPI in Botswana is a formidable challenge. Child protection institutions are not integrated. As such, they work in silos, which has created weak relations among them. Building and strengthening child protection institutions (CPI) can lead to a holistic, inclusive, sustainable, and well-coordinated way of ensuring children are protected in all settings.

4.2.3. WEAK CHILD LEGISLATION FRAMEWORK

The majority of the key informants believed that there is a weak child legislative framework safeguarding children’s rights. Key informants mentioned that enforcement of the laws is weak due to poor governance, which includes: non-existent child-friendly institutions such as children’s courts and services, lack of accountability and monitoring mechanisms, and limited financial resources. One magistrate made this remark concerning the child justice system:

“The public seems to have lost confidence in the child justice system. Court trials are known to take long, and in the process, some children get past a child age, as stated by the Children’s Act. As a result, some cases are no longer of priority, but that doesn’t rule out the fact that justice delayed is justice denied. However, after ten(10) years of having an Act which was silent on some things, there have been significant changes in favour of children as their cases are now prioritised and have time frames. For a long time, there have been debates among policymakers, researchers and the media that the justice system is failing the children”.

In 2020, during State of Nation Address (SONA), the Government of Botswana (GoB) announced an amendment to the Children’s Act of 2009 that all GBV cases

shall be treated as urgent applications and be given expedited management, set down and disposal. Such cases shall be prioritised and removed from the normal track of other cases upon registry, effective from the 1st of December 2020 (GoB, 2020).

Interviews with social workers revealed that court proceedings could be traumatic for children as sometimes they can be in the same room with the alleged perpetrator. Social workers said such inconveniences are because of a lack of infrastructure for children's courts and a disjoint among local laws, which could be attributable to a silo mentality among child protection institutions. While the Children's Act of 2009 stipulates that children have a right to be protected during court proceedings, section 6 (b) of the Criminal Procedure & Evidence Act of 1997 states that (b) parties to the case before the court, their legal representatives, and witnesses and other persons directly concerned in the case, parties to the case before court shall be present, which essentially means both the victim and the alleged perpetrator will be in the same room.

"In this situation, we advise each other as child protection actors. We had seen in the past when some magistrates were confused, and we had to advise that a child has to be protected; therefore, they cannot be in the same room as the perpetrator. Often, this happened as a result of a lack of knowledge of the Children's Act" (Social worker).

4.2.4. LACK OF CAPACITY TO DELIVER EFFECTIVE CHILD PROTECTION SERVICES

The ability of institutions to execute their mandate effectively and efficiently depends on the capacity of service providers and other delivery mechanisms. The findings of this study indicate that child protection institutions face considerable barriers, such as a lack of capacity. Below is a summary of the interviews.

During interviews, civil society organisations and social workers agreed that child protection institutions in Botswana are limited in knowledge; therefore, they can't effectively perform their duties. For instance, most social workers believe that the police lack the case management and interviewing skills necessary for handling CSA cases. As such, a lack of these skills can negatively affect the case. The above findings substantiate (Hritz, Royer, Helm, Burd, Ojeda and Ceci, 2015) that a lack of interview skills may decrease the accuracy of the information elicited and cross-examined in court, eventually leading to case distortion.

"CSA present some other unique issues. First, the victim is always a child; some are very young. The officer's ability to communicate with children depends upon their understanding of children's cognitive and language development" (A psychologist).

When interviewed, social workers from Old Naledi and Letlhakeng highlighted that their job, together with that of magistrates, is stressful as they don't specialise. *Our job frustrations are the same as those magistrates who attend to all cases". In Letlhakeng, social workers expressed their displeasure saying, "we do everything in our communities. For instance, when there is a troublesome child in the family or when siblings or couples fight, we are engaged in offering psychosocial support and administering food baskets. Government is in the process of separating the roles of community development officers and social workers so that those trained in case management are better placed to handle cases of children. Furthermore, as members of the VCC, we are expected to educate VCC and the community about issues affecting children. Unfortunately, our understanding of the interpretation of the Children's Act of 2009 is limited.*

Job specialisation promotes in-depth knowledge within a subject area. CSA require specialised skills, which are not found in many child protection institutions in Botswana. Although it is generally agreed that child investigative interviewing is a complex skill (Powell et al. 2016), specialised training in this area is not currently available for police investigators in Botswana.

Findings from the study revealed that NSAs such as UNICEF and Stepping Stone International sometimes offer training to the police and VCC on children's issues. For instance, UNICEF has trained some police officers. However, the effectiveness of the program has so far not been felt. Police still encounter challenges in executing their role. Lack of capabilities among NSAs is reported to possibly do more harm to children, especially where contradictory measures are adopted. Such instances are likely to occur because of a limited oversight mechanism to oversee service provision and ensure that NSA adheres to child protection standards. Even though VCC in Old Naledi works closely with NSAs such as Childline and Stepping Stone International, the same can't be said for those in Letlhakeng, as services tend to be skewed towards urban areas, and there is a concentration of NSAs.

4.2.5. INADEQUATELY FINANCED CHILD PROTECTION SYSTEM

Participants from National Children's Committee (NCC) and Village Child Committee (VCC) stated that although the two committees have been prescribed by the Children's Act of 2009, the committees are not fully functional due to a lack of funding, as cited below by the respondents:

"we are doing this out of love for children; VCC operates in the spirit of volunteerism; that is, the committee is working out of a good heart as we are not paid". We don't have funds to implement programs that could benefit children" (VCC member Old Naledi).

“For the first time in 2019, the NCC received a budget. However, it can be concluded that NCC funding is nowhere near its desired mark. Inadequate funds limit the creativity of child protection institutions from coming up with response and prevention programs that could promote education and awareness on CSA” (NCC member).

Funding or subsidies for some of these organisations have been informed by the Government’s policy guidelines for financial support to non-governmental organisations (GoB, 2017). Although Botswana’s resource allocation to basic social services is in line with international standards (UNICEF, 2013), there is a need to prioritise child protection. The Children’s Act of 2009 alludes to the need for child-sensitive budgeting. Meanwhile, the law does not provide child-sensitive budgeting (UNICEF, 2013). It is over a decade since the implementation of the Children’s Act of 2009, but there is only one police station in Botswana with a child-friendly facility. Child preventative programs, research on child protection, public education, and provision of technical expertise are all expensive and require operational funds. It is evident that limited funds limit the creativity of child protection institutions.

4.2.6. LACK OF SYSTEMATIC DATA COLLECTION

Respondents from Botswana police stated that there are no formal systems in Botswana for collecting comprehensive statistics and data on child sexual abuse. As such, there is no centralised database system. One respondent from Botswana police expressed their challenges:

“People assume that there are consolidated records of CSA at police stations. Unfortunately, that is not the case. CSA data currently lies with different child protection institutions, and it is not surprising that their numbers don’t tally. We don’t have a systematic data collection of child sexual abuse cases, nor are we vulnerable to other abuse, neglect, violence, or exploitation. Over the years, all rape cases were combined with those of adults, disaggregation is still a challenge, but we are working on it. We are unaware of child protection indicators that could be used during data collection. However, we recognise CSA is rampant in Botswana, and we are working with communities”.

Currently, holding the government accountable for its responsibility to protect children is difficult because there is limited data on CSA. The absence of CSA data makes it even more difficult to document. Without nationally representative data, the government have no sense of the scale of the problem. Without reliable data to inform the planning and monitoring of national action plans, it is not possible for the government to systematically assess the success or failure of their efforts (UBS Optimus Foundation, 2016).

4.2.7. LACK OF EVIDENCE-BASED RESEARCH

Civil societies believe there is a critical need for sound research with evidence to inform specialist responses on CSA. They stated that, at present, evidence-based research is lacking, particularly on the prevalence of cost associated with CSA. Data on CSA in Botswana is exiguous (Ramabu, 2020), and there hasn't been much research to generate literature on Child Sexual Abuse. It is not surprising that prevention and intervention research has lagged. The little data that lies with the police is insufficient because Botswana police databases are created for administrative rather than research purposes.

4.2.8. DECLINE OF THE FAMILY STRUCTURE

The findings of this study highlight the significance of the family as an institution in a child's upbringing. In most cases, cruel things that happen to children start in the family. The first training of a child starts with the family. Family socialises children and provides emotional and practical support for its members. Over the years, there has been a change in the family structure in Botswana. Several factors could be attributable to this change. For instance, pre-independence colonial policies led to international migration to neighbouring countries. Then after independence, there was internal labour migration due to the discovery of mines in Botswana and the HIV/AIDS pandemic, which left many children as orphans. The nation is battling COVID-19 spillover effects on the family and children.

“Children are mostly abused by people close to them such as friends, neighbours’ family members such as uncles and step-parents, especially stepfathers. Many people are cohabiting, which has made girls and boys vulnerable in their own homes as their step-parents are sexually abusing them, and some cases are not reported.” (Old Naledi VCC member).

“In cases where children lose parents, children suffer a lot, but mostly girls are hard hit as they often drop from school to look after their siblings. In Letlhakeng, we still collect firewood and often hear stories of children sexually abused in the bushes. Some of these cases are never reported to us” (a police officer in Letlhakeng).

According to Gerrard (2016), the Women's Refugee Commission alerted the humanitarian community and the world that the common but necessary chore of firewood collection was exposing women and children to constant sexual violence. Child protection services are often not relevant to the needs of vulnerable populations. Services tend to focus on responding to child protection violations rather than prevention, emphasising short-term results, and addressing the symptoms rather than the root causes of child protection violations, which tend to occur in a family setting. Family structure and parental behaviour matter a lot in the upbringing of a

child (UNICEF, 2018). Many ill behaviours result from children’s past experiences, which tend to be a cycle as they grow up. All these factors combined weakened family ties, hence leaving children vulnerable.

4.2.9. LACK OF PUBLIC AWARENESS

The findings of the study revealed that there are knowledge gaps and misperceptions about CSA in communities. Yet, awareness of CSA and its multiple dimensions is essential for prevention, recognition and action required at the individual, institutional and societal levels. One Police officer said:

“CSA cases are often complicated because legal cases often hinge solely on the testimony of a child victim, and sometimes these are minors who can’t express themselves; our nature of work requires evidence to work on CSA cases, but in most cases, there is no physical evidence of sexual abuse because victims and their guardians destroy the evidence unknowingly. Some parents/ caretakers report after a long time when a child can’t recall the events properly while others bathe kids before coming to report.”

Social workers both in Letlhakeng and Old Naledi stated:

“CSA is a challenge that has befallen Botswana. There are concerns that some parents conceal CSA cases from relevant authorities and decide to settle the matter at home. Furthermore, some parents withdraw these cases and even go as far as relocating children from one place to the other”. A girl child is treated like a “meal ticket” for the family, that is why some parents don’t report cases because they want financial benefit from the perpetrators who sometimes are prominent people in the society”.

It is of paramount importance to state that concealing child sexual abuse is punishable by law as it contravenes section 25 of the Children’s Act of 2009. While it is common knowledge that many girls are sexually abused, social workers said:

“boys do experience sexual abuse. Unfortunately, boys’ cases are hardly brought to relevant authorities, probably because of stigma and societal perceptions emanating from the patriarchy that boys are strong; therefore, reporting makes them look weak. Growing up, we saw boys and girls separated at school, especially when discussing reproduction and other family matters. For a long time, education was given to girls and boys were left out. I can say culture and the education...system tend to make boys vulnerable to abuse”.

According to Devine (2000), societal forces, including gender constructions and power relations between adults and children, contribute to additional challenges.

5. LIMITATIONS

Although this study significantly contributes to the theoretical and practical knowledge, it also has limitations. The sample of this study is limited to respondents from Gaborone and Letlhakeng only. Unfortunately, using a case study limits the generalisation of the results. The study also got limited by financial constraints. The other limitation is that CSA statistics are not readily available. As such, the study couldn't perform a quantitative analysis nor undertake a mixed-method approach.

6. CONCLUSIONS

Inevitably, child protection institutions in Botswana encounter implementation challenges that should be considered for the institutions to be effective against CSA. Effective Child Protection Institutions (CPI) require a strategic road map, i.e., national child strategy, an interdependent structure filled with adequate human, financial and physical resources. Currently, the funds availed to child protection institutions by the government are limited, and Botswana's budget is not child-responsive nor child-friendly. CPI doesn't have capacitated staff who can handle CSA cases accordingly. Furthermore, in terms of infrastructure (buildings), the police and courts are not child-friendly. In addition, the weak coordination mechanism between institutions has contributed immensely to limited data on CSA in Botswana. The above issues combined have the potential to threaten the effectiveness of child protection institutions if not attended to. This paper evaluated the effectiveness of child protection institutions in Botswana, using a case study of Old Naledi and Letlhakeng.

Recommendations put forth were based on the findings of the study. The study recognises the need to adopt new ways of doing things to better prevent and respond to CSA in Botswana. Nonetheless, the Government of Botswana has done several positive developments but still needs to improve the effectiveness of the child protection institutions to curb child sexual abuse in Botswana.

7. RECOMMENDATIONS

Review the Children's Act of 2009

There is a need to review policies in the areas of child protection. The Children's Act of 2009 needs to be amended to cater for the welfare of children in the progressively evolving world.

Develop a national children's strategy

The importance of having a national children's strategy should not be overlooked. A national children's strategy to stop violence against children must be developed and monitored. The plan must include realistic and time-bound targets and a budgeted implementation plan. A national children's strategy should consider strategies within child protection institutions that impact the protection of children and support efforts by formal and informal actors at different levels. As a coordinating agency, NCC should implement the national children's strategy.

Strengthen the political will on children's issues

There is a need to demonstrate strong political leadership to drive child protection issues and make them of national priority. With a firm voice, leadership should put children's rights first. A clear opportunity exists for "Eseng Mo Ngwaneng" campaign to make substantial progress in developing awareness across Botswana. A multidisciplinary approach is required to provide early intervention and educate children and parents against all forms of abuse. Furthermore, a critical instrument, the sex offender register, should be implemented urgently, and the government should avail the necessary resources to enable the register to function as expected. Through the Ministry of Local Government and Rural Development (MLGRD), the government should provide a dedicated annual budget to effectively implement the Children's Act of 2009 to curb CSA.

Effective coordination of Child protection institutions

Effective coordination of child protection institutions is critical for promoting good governance and ensuring that institutions live to execute their mandate efficiently, hence, good service delivery to the children. There is a need to strengthen the National Children's Council (NCC) as the coordinating agency. Resources should be availed to NCC in order for it to execute its coordination role. Furthermore, there is a need to identify appropriate mechanisms to adopt because greater coordination efforts are needed within and between service providers, government ministries, state and non-state actors, and formal and informal structures to deliver services.

Promote collaboration among child protection institutions

A child protection system is interdependent; institutions continuously need to work together to give services to children. Various child protection institutions should be assisted in defining how they will cooperate with each other and should be supported in

the initial stages of their cooperation. Because of the complexity of child sexual abuse, specialist interdisciplinary knowledge must underpin efforts to inculcate awareness in various groups of society, using optimal pedagogical methods adapted to the audience.

Faith-Based Organisations (FBOs) should collaborate with other child protection institutions to identify how they can add value to society by ensuring that religious institutions end child sexual abuse. Under coordinated structures, religious leaders should play a role in engaging perpetrators for behavioural change.

Strengthen the role of a family in the society

The institution of family is important in a society as it builds children's character and socialises them in society. The upbringing of a child is important for the well-being of society. Therefore, there is a need to create a platform where young parents are taught about parenting and love and given moral support. There is a need to build family strengths and enhance self-esteem. The government should establish a working relationship with traditional leaders (*Dikgosi*) and religious leaders from various FBOs to strengthen the family institution. *Dikgosi* and religious leaders are essential in instigating and embedding new acceptable societal norms and broader structural responses to gender inequality and patriarchy.

Avail human resources to deliver child protection services

Capacity development is key to child protection services. There is a need to train people and engage experts with good technical capabilities on children's issues. Institutions like Botswana Police and UNICEF should work together to ensure that a program such as the Training of Trainers Manual on juvenile justice and child-friendly processes and procedures are included as modules for police officers while they are still in training. This will help the police be familiar with issues affecting children and render better services to the children. Furthermore, the government should invest in the right skills for running the sexual offender registry and the proposed Gender and Child Protection Unit.

Resource allocation to child protection institutions

The Government of Botswana (GoB) needs to be clear on resource allocation because, without knowledge of how much is being invested, it is difficult to track progress on child protection issues or ensure accountability for reducing sexual violence against children. However, there is a need to increase and prioritise funding to support capacity building, prevention strategies and research to evaluate promising prevention practices. A key institution like National Children's Council (NCC) has a broader oversight mandate; therefore, they must be capacitated to enhance their role. It is important to avail funds for research in targeted cultural messaging and outreach to at-risk populations; this will promote education and awareness in communities. For effective legislation on child protection, it is important to avail funds to develop physical structures such as children's

courts. Additionally, it would be of more benefit if the private sector, through corporate social responsibility, could assist with funds.

Strengthen the legislation framework

Critical to the functioning of the legislative framework on children is system integration. More consideration needs to be given to integrating and rationalising the child protection system as a whole. There is a need to coordinate certain aspects of the justice system, for instance, by conducting joint investigations or developing multidisciplinary teams for sharing information and decision-making. This will help minimise trauma to child victims.

Develop a centralised database system

Develop a centralised database system based on reliable and quality information. Such a system will allow an effective exchange of data between child protection institutions and the use of information throughout the national territory. An effective database system will require a solid partnership between institutions of child protection in the public and private sectors. As such, it is ideal to have the database under the management of an authority recognised by the various child protection institutions. Most probably, an ideal institution to manage the database will be Botswana Police in order to guarantee impartial findings.

Develop effective monitoring and evaluation plan for child protection institutions

Monitoring and evaluation methods are essential for good governance and need to be adequately resourced and implemented. A monitoring and evaluation plan will assist in how much resources need to be allocated to institutions and programmes the government wants to implement. Programmes such as “*Eseng Mo Ngwaneng*” after a certain period should be evaluated to generate evidence to show exactly what works and what doesn’t. Furthermore, it is important that when government implements the sex offender registry, there should be an M&E plan. Lastly, Botswana is a signatory to the Agenda 2030 for Sustainable Development; therefore, monitoring & evaluation plan will come handy in ensuring that target 16. 2 of the SDGs is achieved.

Develop child protection indicators

NCC, the Department of Child Protection, UNICEF, NGOs and the Police should collaborate and develop child protection indicators that could be included in the monitoring and evaluation plan. For instance, gender and birth registration numbers are indicators that can be useful for tracking confidential identification and referral of child protection violations picked during contact points.

Strengthen Evidence-Based Research

Critical to child protection is evidence-based research. It is important to strengthen evidence-based research on child sexual abuse to support future advocacy and inform those developing programmes on violence against children. Furthermore, research is needed to provide strong evidence on the cost of child sexual abuse in order to inform policies and budgets for the government and private sector or non-state actors.

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