Original Research Article

Children's Bill of Rights in Botswana: The Location and Dilemma for Social Workers

Abstract

Using content analysis, literature review and face-to-face interviews with social workers, this paper argues that social workers are generally aware of children's socio-economic rights as they are contained in the Children's Act of 2009. The study was intended to look at the knowledge of social workers in terms of the children's Act 2009 and its implementation. The research questions was, what is the knowledge of social workers on the new children's Act and are they equipped enough to implement it. Social workers however lack the substantive knowledge and detail, culture and orientation to discharge their mandate in respect of the delivery of such rights for the best interest of children. The profession suffers from action paralysis that makes it difficult for it to employ its time tested methods to deliver aspects of children's socio-economic rights, The need to define process and intervention protocols for social work; putting in place human rights inspired social work education; the necessity of transcending narrow agency boundaries in favor of a comprehensive social work strategy and the need for social work to overcome paralysis and inaction by engaging critical stakeholders in implementing and delivering children's socio-economic rights are recommended if meaningful progress in the attainment of a good quality of life for children is to be achieved.

KEYWORDS, Children's rights, Bill of rights, social work and socio-economic rights

Introduction

The act, in its declared mandate to protect the rights and welfare of children assigns social workers varied and prominent responsibilities in its various provisions. This paper looks at the location of social work in relation to the Bill of Rights of the Children's Act of 2009. It asses the place of social work in actualizing the rights to health, shelter, clothing, education as well as the right to leisure, play and recreation as they appear in the current children's law. The paper also

looks at the dilemmas encountered by social workers in implementing the Children's Act of 2009. It is the contention of this paper that whilst social workers are aware of children's socio-economic rights as contained in the current act their knowledge lacks depth, substance and detail. Social workers interviewed did not have the human rights culture and orientation to meaningfully intervene in respect of children's Bill of Rights contained in the act. Social workers must be thoroughly orientated and sensitized to human rights if they are to intervene effectively on children's socio-economic rights. Clear implementation protocols and guidelines for social work must be evolved; Social work should also move beyond the current confusion and utilize its variety of skills, methods and techniques to deliver socio-economic rights for children. The profession must take the lead in building a synergy of stakeholder to deliver on their different but related roles as prescribed by the children's act.

Research Problems/Objectives

The introduction of a new law to protect children's rights and welfare is a welcome development. Thus law is particularly significant in that it bestows rights on children that did not exist in the past. The effective implementation of this piece of legislation is critical if children are to derive concrete benefits from it (1: 2012). It is at the point of implementation that problems, challenges and dilemmas emerge. The fact that the entrenchment of economic and social rights is a new phenomenon in Botswana presents the first critical challenge of implementation. There is no clear framework for operationalizing the rights as contained in the Children's Act. Uncertainty and role confusion of stakeholders is an inevitable occurrence as different actors seek to understand and carry out their mandate at the same time. Social work in particular is saddled with navigating the myriad responsibilities it has been assigned by the new law. The issues that this paper will address in respect of the Second Generation Rights as they relate to the Children's Act include: clarity of the provisions of the act; clarity of the process of accessing the said rights contained in the act; role clarity of stakeholders; efficacy of sanctions for violation and non-compliance; resource availability for implementation of the act and the interface between the act and other existing laws and policies in addressing economic and social rights. The objectives of the study revolve around canvassing information, data and literature on the issues herein raised. In traditional Botswana culture, children have not been viewed as right holders, and are expected

to be subservient to their parents and other adults.11 Children's rights are often misunderstood and perceived to be a threat to cultural and customary principles (2, 2011). Currently there are no new statistics of children in Botswana. There are a total of 800 000 children under the age of 17 in Botswana, representing 43.9 percent of the total population. 48 percent of children live in urban areas and 52 percent reside in rural areas (3, 2017). Economic development and globalisation have had both positive and negative consequences for many people in Botswana. The changing economic situation has affected their social, economic, spiritual, health, and psychological status. The population most at risk is children. Children face several challenges such as malnutrition, sexual and other forms of abuse, poverty, orphanhood, abduction and trafficking, and HIV and AIDS (4,2015). Botswana acceded to the Convention on the Rights of the Child (CRC) in 1995, with a reservation on Article 1, and acceded to the AU's African Charter on the Rights and Welfare on the Child (ACRWC) in 2001 (2, 2011). In 2009, a new children's law was enacted in Botswana. The legislation preceded the first Children's Act which was passed by Parliament in 1981. The new law became necessary after the ratification of the United Nations Convention on the Right of the Child in 1989 and Botswana's subsequent ascension to the said convention in 1995. Following these milestones and with insight gained from the Report on the United Nations Committee on the Convention on the Rights of the Child, review of the 1981 Children's Act commissioned by the Ministry of Local Government and feedback from stakeholders, a new comprehensive law for children was born.

The law which in many respects is aligned to the Convention on the Rights of the Child confers wide ranging rights on children which did not exist in the 1981 law. Botswana's 2009 Children's law bestows on children Economic and Social Rights that include among others the right to health, education, shelter and clothing. The conferment of Second Generation Rights on children has critical significance in that no law in Botswana including the Constitution has ever guaranteed such rights to the people of Botswana. The new law also prescribes additional roles and obligations for the different stakeholders.

According to 5 (2015), as the country's sociopolitical land scape progressed, the Children's Act 1981 became narrow in scope, restrictive and not child rights based. Moreover, the Implementation and enforcement of the Act was also inconsistent and few parents and guardians

were brought before a court for child neglect based on the Act (5, 2015). Due to these deficiencies in the Children's Act of 1981, it was reviewed and the revised Act was enacted in 2009 which was compatible to the African Chapter on Children's rights. It came effect in 2011 because Parliament believed it had more rights of children than responsibilities.

Content of Bill of Rights in the New Children's Law

Unlike the 1981 Children's law, the 2009 Children's Act devotes considerable attention to the Bill of Rights. Part II of the Act that is from section 9 to 26 cover what the law classifies as Children's Bill of Rights. Section 9 of the act specifically declares that the section on Children's Bill of Rights supplements Chapter ii of the Constitution of the Republic of Botswana that captures the protection of fundamental rights and freedoms of the individual. The Rights specifically spelt out in the Children's Bill of Rights include the right to life; the right to a name; right to a nationality; right; right to know and be cared for by parents; right to right to appropriate parental guidance; right to health; right to shelter; right to clothing; right to education; right to leisure, play and recreation; right to freedom of expression; right to freedom of religion; right to freedom of association; right to privacy; right to protection against harmful labor practices; right to protection against sexual abuse and exploitation and right of protection from involvement in armed conflict. These rights as contained in the Children's Act provide an additional layer of rights in addition to those provided in the constitution of the country. In this article, the right to health, shelter, clothing and education shall be singled out for discussion, interpretation and analysis.

Right to Health, Shelter, Clothing and Education: Content of the Law

In respect of the rights to health, shelter, clothing and education, the 2009 Children's laws have specific provisions relating to each of the rights. Such provisions are presented hereunder for ease of reference.

Right to Health

The right to health is provided for under section 15 of the Children's Act of 2009. Section 15 (1) states that 'every child has a right to the highest attainable standard of health and medical care'.

Section 15 (2) goes further to state that ‘where a parent, other relative or guardian of a child are unable due to financial constraints, physical disability, ill-health or other reasonable cause to ensure the child’s enjoyment of the right referred to in this section, the Minister shall cause to be taken such steps as are necessary to ensure the child’s enjoyment of those rights

Right to Shelter

The right to shelter is provided for in section 16 of the act and it is a one liner that states that ‘every child has a right to adequate and safe housing’.

Right to Clothing

The right to clothing is provided for in section 17 of the act and it states that ‘a parent shall ensure that his or her child is adequately clothed’.

Right to Education

Section 18 provides for children’s right to education Section 18 (1) declares that ‘every child has a right to free basic education’. Section 18 (2) further declares that ‘a parent, other relative or guardian who without reasonable excuse, denies the child the opportunity of going to school shall be guilty of an offence and shall be sentenced to a fine of not less than P5 000 but not more than P10 000

Right to Leisure, Play and Recreation

This right is covered under section 19 of the 2009 Children’s Act. The section 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

The content of the rights enunciated above and for purposes of this paper called socio-economic rights is generally brief and short on detail. The challenge that it presents to social workers is how to mobilize such rights and where to fit such rights in the normal course of their work. It is for this reason that detailed guideline could help in the implementation of these rights.

Literature Review: Relating Social Work to Human Rights

Social work and human rights are linked and related. Literature abounds that shows this consummate relationship between social work and human rights. There is however a dearth of relevant literature that link social work to children's economic, social and cultural rights. The literature tends to be general and for purposes of this paper such literature will be canvassed. Social work and human rights are naturally, historical and philosophically tied together by their common beliefs, values and principles. The inherent worth and dignity of all persons is the umbilical cord that connects them. The 6 (1994) attests to this relationship between social work and human rights. The 7 (2000) also refers to this relationship between social work and human rights further indicating that 'When the Universal Declaration of Human Rights was ratified, human rights concerns had been the bedrock of the social work profession in the United States for more than 50 years'.

The key instruments that have been found to have special relevance and appeal to social work include: 8 (1945); 9 (1948); 10 (1966); 11 (1965); 12 (1979); 13 (1984);15 (1989); and 16 (1990). There are many other relevant conventions and declarations of human rights including those found at Continental and Regional levels. For purposes of this paper attention shall be given to the content of the International Covenant on Economic, Social and Cultural Rights and the Convention on the Right of the Child as they have a special relationship to the subject matter of this paper. These two instruments also form the basis for the bulk of the content of the Bill of Rights of Children's Act of 2009.

The International Covenant on Economic, Social and Cultural Rights among others specifies the following rights as critical to improving the dignity of human beings which will obviously include children:

- The right to work and favorable conditions of work (article 6 and 7)
- The right to social security (article 9)
- The right to protection of the family, mothers and children (article 10)
- The right to an adequate standard of living include adequate food, clothing and housing (article 11)

- The right to the highest attainable standard of health and health care (article 12)
- The right to education (article 13)

The significance of the rights spelt out by the Covenant on Economic, Social and Cultural lies in the fact that rights spelt out go beyond the traditional civil and political rights. The Covenant on Economic, Social and Cultural Rights is thus a useful tool for expanding the parameters for improving the quality of life of all persons. It is useful to note here that the provisions of this Covenant are consistent with the provisions of Botswana's Children's Act of 2009.

The Convention on the Rights of the Child is yet another instrument that bears special significance to the subject matter of this paper. It is for this reason that aspects of the convention are outlined to show their fit to Botswana's Children Act of 2009.

Article 24 of the Convention states that **'**State parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. Subsection 2 of the same article further states that 'States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

- (f) To develop preventive health care, guidance for parents and family planning education and services.

Article 27 (1) of the CRC states that ‘States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. It goes on to state in subsection 2 that ‘the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. Article 27 (3) further elucidates that ‘States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 28 of the CRC covers education as a right. It states that **‘**States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Article 31 in relation to leisure, play and recreation indicate that **‘**States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts’. Article 31 (2) further elaborate that ‘States Parties shall respect and promote the right of the child to participate fully in

cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity'.

The Rights of Children as contained in the CRC are further elaborated in other documents of the United Nations that are produced in collaboration with special bodies of the same institution. Special documents exist for instance on the Right to Adequate Housing produced by Office of the UN Commission for Human Rights in collaboration with UN Habitat and yet another on the Right to Health produced in collaboration with the World Health Organization. It is clear from the literature that human rights are interdependent and interrelated. The violation of one right will have repercussions for other rights. Rights also relate and impact different population groups such as children, women, people living with disabilities and other vulnerable groups in profound but different ways. It is for this reason that special attention must be given to how the different rights impact on children specifically as this paper seeks to do. A clear appreciation of how the different rights and their violation affect children will help in developing interventions by stakeholders in general and social workers in particular

Social Work and the Advancement of Human Rights

Those who advocate for social work to use a human rights perspective in its interventions are imploring the profession to move away from a narrow conceptualization of need to a broader appreciation of the interrelatedness of individual problems and structural realities. They view human rights as an appropriate platform for expanding social work influence in addressing human need. The possibilities of achieving economic and social justice are greatly enhanced if social workers and other allies employ the human rights framework approach to interventions (17, 2007). 18 (2013) also advocates for a human rights anchor for social work in Africa given the magnitude and intensity of the social problems residing in the Continent. 18 (2013) further argues that a transformative and activist approach to social work anchored on human rights is the only way problems of poverty, inequality, deprivation and oppression can be meaningfully tackled in Africa

The 7 (2000) proposes ways through which social workers can intervene to advance human rights. NASW suggest that:

- Social workers must be especially vigilant about human rights violations related to children's rights and exploitation such as child labor, child prostitution, and other crimes of abuse and take leadership in developing public and professional awareness regarding these issues.
- When entitlements are nonexistent or inadequately implemented, social workers must work in collaboration with governmental and non-governmental organizations and other groups of people in the community and become a leading force for the health and welfare of all people, including the world's most vulnerable.
- Social workers must become partners with the United Nations in advancing human development and human rights, including economic human rights, and closing the economic gap

To buttress the necessity of social work's need to adopt a human rights perspective, the IFSW (2002) developed a Professional Training Manual for Social Workers to guide educators, students, and practitioners in their work the Convention on the Rights of the Child.

Methodology

The paper shall rely heavily on:

- Content analysis of the Act: The content of the Children's Act of 2009 was carefully studied in relation to the role of social workers and in relation to its provisions in guaranteeing socio-economic rights which for the purposes of this paper will include right to health, education, clothing, shelter as well as the right to leisure, play and recreation
- Secondary sources of data that include literature review on the subject of social work's relationship with human rights, Second Generation Rights, children's rights and social work as well as reports which could be available on the subject of socio-economic rights in Botswana
- Interview with social workers: Interviews were conducted with social workers using an interview guide. Social Workers interviewed were from Social and Community Development (S&CD), Princess Marina Hospital (PMH), Botswana Defence Force

(BDF) and SOS Children's Village. The interview guide specifically sought to find out the role of social workers in the realization of socio-economic rights, The guide also sought to identify challenges that confront social workers in their roles as pertains the practical implementation of the act in respect of socio-economic rights, twenty social workers were interviewed from S&CD, which is one of the major employers of social workers and one that has a direct mandate of working with children. Ten social workers were interviewed from the hospital so as to appreciate mainly social work's interaction with the health sector generally and with the right to health specifically. Two social workers were interviewed from the Botswana Defence Force, a military institution, that house families of soldiers and their children, two social worker was interviewed from SOS which accommodates children in need of care. Furthermore, a focus group was conducted with 10 mature social workers from the field who are currently doing their bachelor's degree at the University of Botswana. The students all have 17 years' experience of working at S&CD with a diploma qualification.

Sample selection process

The study used the purposeful sampling technique. A purposive sample is a non-probability sample that is selected based on characteristics of a population and the objective of the study. Purposive sampling is also known as judgmental, selective, or subjective sampling. The authors used their experience as lecturers and association members to select the participants organisations.

Data Analysis

Data analysis was done by way of juxtaposing the main themes as derived from the findings of the study with available literature. The emphasis in the analysis of the findings was to find the interface between the study findings and the role of social work in delivering socio-economic rights, Findings on the challenges of social workers in delivering socio-economic rights shall also inform and provide useful insights for analysis.

Findings of the Study

General Findings

At a general level, social workers who were interviewed understand their roles in the implementation of the Children's Act of 2009. They noted that their roles in respect of realizing

children's economic and social rights are education of communities including children about the rights; advocate for children to access and enjoy such rights and mobilizing remedies in cases of violation of such rights. Social workers particularly those in the Local Councils (S&CD) felt that they are competent in discharging their roles as educators for economic and social rights of children. Through community platforms such as *Kgotla* meetings and workshops, they are able to disseminate information on children's rights including economic and social rights. One such worker from S&CD noted that; 'We know our roles in relation to the Children's Act and even before the 2009 Act, we have always educated communities about children's rights. Socio-economic rights of children are just an addition to what already existed'. Yet another social worker from the same department opined that;

'Social workers perform the role of educating communities on socio-economic rights whenever they get the opportunity to do so'. She proceeded on to say that 'we educate communities on these rights though there are no consequences for violation and that is discouraging us',

Other social works' educative role is generally confined to their work spaces. The advocacy function is generally limited according to social workers who were interviewed. Advocacy, they assert, has political dimensions that they (social workers) prefer to stay clear of. As such social workers leave the advocacy roles to Non-Governmental Organizations. A social worker from the S&CD lamented that 'when you try to advocate for the socio-economic rights of children some interpret as an attack on parents yet others think it is politics'. The major challenge for social workers is in respect to mobilizing remedies in cases of violation of rights. Social workers generally plead ignorance of the processes for mobilizing remedies. Those that claim to know the process say that they lack the confidence to mobilize such a process. The processes that among others involve the court is intimidating and hostile to social work. Social worker who once appeared in court in relation to children's rights indicated that 'magistrates have no respect for social workers and rebuke them regularly for not following procedures. Social workers decry the absence of regulations as exacerbating the difficulty associated with mobilizing remedies in case of violation of rights. Most social workers indicated that inaction in the face of violation of economic and social rights is the norm rather than the exception. Those who act are only limited to encouraging stakeholders or affected parties to conform to the law. Specific issues and

difficulties were raised by social workers in respect of the different economic and social rights contained in the act. Below is a presentation of findings related to the different rights.

Social Work and the Right to Health

Social workers interviewed across the agencies, namely Department of Social and Community Development, the hospital, Botswana Defence Force and SOS children village indicated that they are aware of children rights to health as contained in the children's act of 2009.

Those at the social and community development department viewed their role on advancing children's rights as ensuring that children under their custody and care particularly orphans and vulnerable children as well as children of destitute persons receive material assistance as and when they need it. Such assistance particularly food packages, social workers claim enhance the health of children. For Children who are not under their care social workers under S&CD saw their role as encouraging parents to take their children for various immunisation packages. They also encourage parents to take their children to health facilities when they show signs of ill health. They considered themselves as having a very little role regarding parents who refuse to take their children for immunisation or treatment. They generally felt that parents who refuse to take their children for treatment could be best attended by the District Commissioner in consultation with senior health practitioners. A social worker retorted when asked about parents who refuse to take children for health treatment 'we have many things we are doing and that's not our responsibility. The police and the District Commissioner or nurses could help. We cannot do everything'. Social workers were not aware of the role of the minister of health in case of violation of children's rights especially in respect to caring for children whose illnesses cannot be attended in local health facilities. Social workers felt that the duty to involve the Minister falls outside their scope. Furthermore, the social workers from the focus group who have been at the field for almost two decades, indicated that, despite knowing their role as prescribe by the act, they are working under pressure to implement community development projects than concentrate on social welfare issues such as implementation of the act.

Social workers at the Botswana Defence force noted that they are aware of children's rights to health but indicated that health facilities in the BDF where not designed with children in mind

but rather soldiers. Children's health was thus secondary in the operation of health facilities in the BDF. The soldiers in the BDF were also not aware that the minister could play a role where a child's right to health was violated. Rather, they referred cases of that nature to senior military personnel.

Social workers at the hospital defined their responsibilities as limited and confined to the hospital parameters. They declared that their duty is to ensure that children confined under their jurisdiction receive proper care and attention. They also saw their role as the facilitation of positive relationships and support between children confined in the hospital and their parents or guardians. They also cared for children who were without parents or guardians.

On occasions they assisted in conjunction with social workers at the S&CD in finding adoptive parents for children or safety homes for children who were without parents or guardians. Social workers in the hospital indicated that where children needed specialised medical attention that would be considered expensive to attain, such children will normally be referred to senior management in the Ministry of Health.

At SOS children's village, social workers viewed their role in dealing with the right of children to health as localised to the confines of the children's village. They noticed that their duty is to monitor the psycho –social and health situation of children in the village and mobilize appropriate remedies which may include referrals to medical facilities.

The Right to Education

As with children's rights to health, social workers viewed education as a right for all children. Social workers with the S&CD indicated that occasionally they held seminars and workshops to sensitize communities on children's rights particularly the right to education. They however pointed out that this right is difficult to enforce, especially with truant children and children from broken families. Social workers in S&CD expressed frustration that though they are provisions for dealing with parents who neglect their children and deprive such children from receiving an education. Such provisions are hardly ever mobilized as most stakeholders do not appreciate their role in enforcing this right

Social workers in the Botswana Defence force emphasized that they were aware and respected children's rights to education. In recognition of this right, they assert that they provide transport to school for all children of the families of servicemen. They indicated that generally families in the BDF recognized children's right to education except for a few parents who overindulge in alcohol

Social workers in SOS also recognize children's rights to education, but expressed frustration at the lack of seriousness of children at SOS when it comes to attending school. They observe that though education is a right it may not yield intended outcomes especially when it is not taken seriously by its recipients. The social worker at SOS said that 'yes education is a right but these kids do not take their responsibilities of receiving such a right seriously'. The social worker noted that education as a right is critically important for children at SOS as it is the only vehicle that could rescue them from poverty and vulnerability yet the children do not have the self-discipline to receive this all important right. Efforts to sensitize SOS children to the importance of education do not seem to yield positive results according to the social worker

The Right to Shelter

The views of social works on children's rights to shelter are divided. Some social workers indicated that shelter is only a right on paper, yet others say shelter is a privilege accorded to very few people who need it the most. Some S&CD social workers indicated that government does not guarantee anyone shelter in as such people without shelter depend on the benevolence of donors through the presidential housing appeal. They noted that this appeal only assisted a small proportion of people who needed shelter.

Other social workers observed that though *The Policies on Destitute Persons* (2002) make reference to shelter as a benefit for destitute persons, the money allocated for destitute persons, to provide shelter is inadequate to provide for their shelter needs. The A social worker at the S&CD said 'the right to shelter is a pipe dream as there are no resources made available to realize this right. It is only a paper right'. At the BDF they indicated that shelter is not guaranteed for officers or their children. Many servicemen especially those of lower ranks, stay in tents

where they cannot accommodate their children. The inadequate of shelter for servicemen has meant that their children do not enjoy this right.

The Right to Clothing

Social workers are generally of the view that clothing should be a right but it is not seen as a right in Botswana. Social workers in S&CD noted that except for needy children (children of destitute persons) and orphan, many of the poor persons and their children are not guaranteed clothing as a right. Some Social Workers indicated that charity organizations which seek to advance the right to clothing are few and not adequately resourced to realize their objectives.

The Right to Recreation, Play and Leisure

Only a few social workers regarded recreation, play and leisure as a right. The few, who regarded recreation, play and leisure as a right noted that such activities are critical to the physical and emotional development of the child. They asserted that it is critical that government devote considerable attention and resources to the development of recreation, play and leisure facilities for children. They decried the absence of recreation, play and leisure facilities in communities and in schools. The absence of such facilities they argue leads to idleness in children which may in turn lead to delinquent behavior. A majority of social workers felt that recreation play and leisure cannot be categorized as rights rather they are activities to be encouraged and supported by government and communities where resources permit. The view of some social workers was that if this right passes, then everything could be a right. They argued that the basic needs could be regarded as rights but as for other needs they should be treated as important privileges that governments and communities should work together to deliver to children. One social worker's comment was revealing when he said that 'playing cannot be a right when there are important things like food, water, education and health. Playing is a luxury we can do without if we do not have resources'.

Discussion of Findings

Social Workers and their Appreciation of Socio-economic Rights

The interviews with social workers on socio-economic rights reveal only a superficial appreciation of socio-economic rights as they relate to children and not the substance of these

rights. Social workers interviewed affirmatively acknowledge that the right to health, education and shelter are contained in the Children's Act but they are found wanting when asked about the detail of each of the socio-economic rights. The acute deficiency of understanding and appreciation of these rights becomes glaringly clear when social workers from different agencies are engaged. Social Workers from Social and Community Development, The Hospital, Botswana Defence Force and SOS have different yet narrow interpretation of each of the rights. Social workers from Social and Community Development define socio-economic rights on the basis of the current programs that they administer. To that extent, their interpretation of socio-economic rights is limited to the assistance they render to needy and destitute children. As for the children who fall outside their mandate, they do not identify socio-economic rights with them. As for social workers in the Hospital, they see their mandate as that of delivering care and support to children who go through the hospital for attention and care. Social workers at the Botswana Defence Force interpret socio-economic rights particularly the right to education as evidenced by the transport support they give to children of service men and women to go to school. At SOS, like in other agencies, socio-economic rights are viewed within the narrow scope of the mandate of the agency.

Social workers interviewed clearly demonstrated limited understanding, poor appreciation and inadequate orientation of human rights. The culture of human rights is also acutely absent. The absence of understanding, orientation and culture of human rights has meant that in the past six years, no social workers interviewed ever arraigned anyone for transgressions of socio-economic right before the courts. In the past six years of the existence of the act. Social workers only express frustration at the lack of clarity of process of booking and prosecuting those who are violating socio-economic rights. Social workers also express doubt as to the veracity, viability and or enforceability of rights such as that of shelter, clothing and play, leisure and recreation. These doubts curtail enthusiastic and effective social work intervention in relation to socio-economic rights.

Social Workers, Socio-economic Rights and Resource Availability

The enactment of the Children's Act of 2009 has greatly expanded the scope of work with children in Botswana. The act has bestowed rights and privileges for children and as such the different stakeholders have broadened responsibilities and mandates. New institutions to help in

the implementation of the act have been created. The human and financial cost required to implement the new act have risen and yet the budget has not been concomitantly increased to address the new reality. The social workers interviewed indicated consistently that resources particularly for advancing the right to shelter and in some cases health are inadequate thus reflecting an imbalance between rights pronouncement and resource availability. The imbalance between pronouncement and resource availability as has been established in this research lead to poor implementation of the act and insufficient delivery of the mandate of social workers in respect of socio-economic rights, The resource constraints in advancing the realization of socio-economic rights by social workers have occasioned two undesirable scenarios namely that 1) where a particular socio-economic right receives less resources, it is relegated to a point of insignificance, for instance the right to shelter, clothing and play, leisure and recreation and 2) the definition socio-economic is only limited to aspect that attract resources. These scenarios distort and undermine the nature and scope of socio-economic rights with adverse consequence of eroding their legitimacy and importance in children's rights discourse and delivery.

Social Workers, Socio-economic Rights and Process Confusion

In order for social work to effectively deliver socio economic rights, it has to have clarity of issues, purpose and process of delivering such children's rights. The interview with social workers as indicted elsewhere in this paper reveals a profession that is unclear as to the process of delivering children's rights as contained in the Children's Act. The processes that are relevant in this regard include process to educate, mobilize, prosecute and enforce the realization of children's socio-economic rights. The process on the one hand involves the engagement of Government institutions such as the Kgotla, Ministries, District Commissioners and the judiciary at one level and at another level involves the engagement of communities, families, guardians or children themselves. Social workers interviewed were either uneasy with dealing with institutions such as the courts or they did not see it as their responsibility to engage such institution as is the case with the involvement and engagement of the Minister of Health where the right to health is trampled upon. Social work in agencies tended to compartmentalize their work and failed to realise the interrelatedness of their work with children with other stakeholders. Social workers obsession with the narrow confines of their mandate exclude from accessing socio-economic rights. The situation is further compounded by a lack of protocols and

regulations that could help social workers to take a comprehensive rather than a parochial view of intervention. In relation to the right to education, right to clothing and the right to recreation, play and leisure, families are to play an active part in the advancement of socio-economic right seemed clueless as to how they may intervene, This is despite the fact that working with individuals and families is the major domains of the profession of social work. The difficulty, it would seem arises from the thinking that where issues of human rights are involved, legal rather than social work pertains. This action paralysis occasioned by this skewed logic among social workers compromises effective delivery of children's socio-economic rights. In the same breadth, a social worker at SOS found it difficult to deal with children who are not able to take learning seriously, a matter which falls within the casework or group work intervention methods. Social work has a rich heritage of interventions at micro, mezzo and macro levels that it fails to utilize to advance the rights of children.

Recommendations

The implementation of the children's socio-economic rights as contained in the Bill of Rights of the Children's Act of 2009 is confronted with challenges. To address such challenges, the following recommendations are proposed:

- Guidelines and Regulations for the implementation of the Children's Act of 2009 must be developed urgently. Such guideless should define protocols and responsibilities of different stakeholders mandated to implement the act.
- Regular orientation sessions should be organized for social workers and other stakeholders to sensitize stakeholders on their specific roles in respect of the implementation of different parts of the act
- Resources available to social workers and other stakeholders charged with the responsibility of implementing the act should be increased consistent with the new demands of their work as occasioned by the new mandate, roles and responsibilities set out in the act.

- A concerted effort should be made at the level of social work education and practice to cultivate a culture of human rights in general and that of economic, social and cultural rights specifically.
- Social work should reach out to its repertoire of interventions to deliver socio-economic rights for children
- Social work should move from a state of paralysis to a state of action in the delivery of socio-economic rights for children,
- Social work should cooperate and coordinate with critical and appropriate stakeholders in the implementation of the act generally and the delivery of socio-economic rights for children specifically.

Conclusion

The award of Socio-economic rights to the children of Botswana is a notable development which requires continuous interrogation to ensure that children derive maximum benefit out of this piece of legislation. The value of any piece of law especially that which seeks to improve the quality of life of children lies in its implementation. It is for that reason that any challenges, obstacles and threats to the implementation of the law should be understood and addressed. This paper has brought to light not only the significance of Socio-economic rights as a special feature of Botswana's law on children but also possible challenges to implementing the act. The role of Social workers as critical stakeholders in the delivery of children's rights and welfare is also canvassed to assist practitioners to appreciate both the complexity and magnitude of their task in safeguarding the best interest of children in Botswana. The paper implores social work to move from the level of paralysis to the level of action by bringing to bear its intervention methods to deliver children's socio-economic rights, Social work, the paper further contends should progressive move towards human rights inspired practice if it is to deliver socio-economic rights for children,

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