



**4TH AND 5TH COMBINED PERIODIC REPORT OF THE REPUBLIC OF
BOTSWANA ON THE IMPLEMENTATION OF THE AFRICAN
CHARTER ON HUMAN AND PEOPLES' RIGHTS**

**SEPTEMBER 2023
BANJUL, THE GAMBIA**

INTRODUCTION

1. Pursuant to article 62 of the African Charter on Human and Peoples Rights (ACHPR), Botswana is pleased to submit her 4th and 5th Combined Periodic report to the African Commission on Human and Peoples' Rights. This report covers the period from 2018 to 2023.
2. Subsequent to the consideration of Botswana's 2nd and 3rd report in November 2018 in Banjul The Gambia, the Commission issued recommendations and concluding observations. This report therefore presents the country's responses and progress updates on the issues, recommendations and observations made by the Commission.

METHODOLOGY AND CONSULTATION PROCESS

3. The compilation of this periodic report was coordinated by the Ministry of Justice. The concluding observations were circulated to the Government Ministries whose issues are covered in this report. Following receipt of responses, a draft report was compiled.
4. Consultative drafting meetings were convened from the 20th to the 22nd of September 2022 and from the 13th to 17th February 2023. The Drafting Committee comprised of representatives from the Ministry for State President, Ministry of Justice, Ministry of Defence and Security (Botswana Defence Force, Botswana Police Service and Botswana Prisons and Rehabilitation), Ministry of Foreign Affairs, Ministry of Local Government and Rural Development, Ministry of Labour and Home Affairs, Ministry of Health, Ministry of Education, Ministry of Youth, Gender, Sport and Culture, the National AIDS and Health Promotion Agency, Attorney General's Chambers and Botswana Communications Regulatory Authority.
5. At all the drafting meetings stated above, Civil Society Organisations (CSOs) were represented by members of the Botswana Council of Non-Governmental Organisations (BOCONGO) and the Non-Governmental Organisations Council (NGO Council). This enabled dialogue between Government and CSOs on issues covered in this report.

RESPONSES AND PROGRESS UPDATES ON RECOMMENDATIONS

REPORTING OBLIGATIONS AND COOPERATION WITH THE COMMISSION

Concluding Observation: Botswana must ensure that Periodic Reports to the Commission are submitted every two years in terms of Article 62 of the African Charter.

6. Botswana reiterates her commitment to the intent and spirit of the Charter. Whilst the country has not been consistent in its reporting obligations to the Commission, this should not in any way be construed as a lack of commitment to the Charter. Botswana has been experiencing institutional and technical capacity challenges with regard to ratification and reporting to human rights treaty bodies.
7. However, Botswana assures the Commission that she has strengthened her institutional capacity to ensure compliance with the human rights obligations which she has accrued, including those attained by virtue of being a member of the African Union. In April 2022, issues of justice were de-linked from the then Ministry of Defence, Justice and Security through the establishment of a dedicated Ministry of Justice, which is mandated to deliver on, amongst other things, the protection and promotion of human rights.
8. The Human Rights Unit which was established in August 2019 as a national human rights coordination office was transferred from the Ministry for State President to the Ministry of Justice. To foster a meaningful engagement between Government and Civil society, Government established the National Human Rights Coordinating Committee in June 2020. The Committee comprises of Government Ministries and Civil Society Organisations and is co-chaired by the Ministry of Justice and a representative of the Civil Society.
9. Botswana's 2020 Draft Comprehensive Human Rights Strategy and National Action Plan is a product of the cooperation of Government and Non-Governmental Organisations through the National Human Rights Coordinating Committee. The Committee also developed the Human Rights and Sustainable Development Goals E-Learning Course whose aim is to capacitate human rights stakeholders to appreciate their role in the implementation of treaty body recommendations and Sustainable

Development Goals. These projects were supported by the United Nations Development programme.

10. To assist Government in following up the implementation of recommendations as well as to enhance systematic reporting to human rights treaty bodies, the Human Rights Recommendations Tracking Database is in the process of being developed with the technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR).
11. Strengthening the country's human rights institutions as afore mentioned has resulted in Botswana meeting all her reporting obligations to the United Nations human rights treaty bodies. Efforts are being expended to update the country's reporting status at the African Union. To that end, Botswana submitted her initial report to the African Committee on the Rights and Welfare of the Child in June 2022. The report was presented before the Committee on 2nd May 2023 in Maseru, Lesotho.
12. With regard to the country's mandate to cooperate with Special Rapporteurs of the United Nations and the African Union, Botswana hosted the African Committee of Experts on the Rights and Welfare of the Child in June 2021, the United Nations Working Group on Arbitrary detention in July 2022 and the African Commission on Women, Youth and Gender Directorate in December 2022.

Concluding Observation: In the next Report, provide information on the specific issues which were deferred during consideration of the Periodic Report.

13. The information is annexed and labelled as “Annexure 1.”

RATIFICATION OF REGIONAL AND INTERNATIONAL INSTRUMENTS

Concluding Observation: Botswana should consider ratifying the regional and international human rights instruments which it is yet to ratify, including: The Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa; The Protocol to the African Charter on Human and Peoples' Rights Establishing the African Court on Human and Peoples' Rights; The African Youth Charter; The African Union Convention for the Protection and Assistance of

Internally Displaced Persons in Africa; The African Charter on Democracy, Elections and Governance; The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa; The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa; The Convention for the Protection of All Persons from Enforced Disappearance; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; The Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming for the Abolition of the Death Penalty; The International Covenant on Economic, Social and Cultural Rights and its Optional Protocol; The Convention on the Rights of Persons with Disabilities and its Optional Protocol.

14. The position of the Government of Botswana is that its national legal and institutional framework should ensure satisfactory realisation of the rights provided for in any given international instrument, before ratification can be done. To that end, Botswana continues to work on her legal and institutional infrastructure, to align them with the international instruments which she has committed to consider ratifying.
15. Following this principle, Parliament approved the Revised Disability Policy in 2021. This policy is aligned to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa. Following adoption of the revised policy, Botswana acceded to the United Nations Convention on the Rights of Persons with Disabilities in July 2021. The Disability Bill which seeks to domesticate the United Nations Convention on the Rights of People with Disabilities is still undergoing legislative process.
16. With regard to the instruments which are yet to be ratified, Botswana continues to build her capacity in the area of ratification. From the 29th to the 30th of August 2022, Government sent delegates to attend a workshop organized by the African Union titled "Signing and Ratification of Protocols on Human and Peoples' Rights."

17. In addition, on 13th September 2022, Government Ministries attended a Virtual Validation Meeting on the Assessment of Reasons for Slow Pace of Signing and Ratification of SADC Protocols and other legal Instruments in Botswana organized by the Ministry of Finance. These capacity building learnings are expected to ignite action on the part of Lead Ministries to initiate ratification processes for different human rights instruments.
18. In December 2022, the African Commission on Women, Youth and Gender Directorate visited Botswana to seek support and commitment from Government on Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The country is currently considering the ratification of the Protocol.

ADOPTION OF LEGISLATIVE OR OTHER MEASURES TO GIVE EFFECT TO THE AFRICAN CHARTER.

Concluding Observation: Botswana should expedite the revision and enactment of the following laws and policies to enhance enjoyment of human rights:

The Ombudsman Act, to confer a human rights mandate on the Office of the Ombudsman.

19. The legislative process of transforming the Ombudsman's Office into a National Human Rights Institution with functions specifically dedicated to the promotion and protection of human rights has been completed. The Ombudsman (Amendment) Act was passed into law in November 2021. Its objective is to confer the human rights mandate on the Office of the Ombudsman in accordance with the Paris Principles. The process to review the structure of the office to enable it to carry out its new mandate has been completed and the new Ombudsman Act was commenced in July 2023. The Ombudsman human rights mandate was launched on 5th July 2023.

The Prisons Act, relating to visitation rights.

20. The Prisons Act is currently undergoing a holistic review. The outcome of the review will determine whether provisions on visitation rights will be amended.

A law on the rights of persons with disability.

21. Following Botswana's accession to the Convention on the Rights of Persons with Disabilities in July 2021, the Disability Bill has been produced to domesticate the Convention. The Bill is still undergoing legislative process.

Bill on Declaration of Assets.

22. The Declaration of Assets and Liabilities Act commenced on the 22nd of October 2019.

Education and Training Bill.

23. The Education and Training Bill is still undergoing legislative process with a view of presenting it to Parliament for enactment into law.

CIVIL AND POLITICAL RIGHTS

EQUALITY

Concluding Observation: Botswana to take all appropriate legislative and other measures to ensure equal representation of women in decision making positions at all levels including the Government and Parliament.

24. Recognizing the critical importance of equal representation of women in decision making positions, the National Policy on Gender and Development prioritises adoption and application of affirmative measures by sectors as necessary to address identified gender gaps in line with their mandates.
25. During the reporting period, Government appointed four (4) women out of six (6) seats as Specially Elected Members of Parliament translating to 67% while at Local Authorities, the compliment of women nominated for positions of Councillors is at 36%.
26. Government has a good track record of appointing women to senior positions. As at January 2023, women represented 44% at executive level in Public Service. During the period under review, women were appointed to the following leadership positions: the first female Minister of Finance and

Economic Development; the first female Permanent Secretary to the President; female Deputy Permanent Secretary to the President; the first female Court of Appeal President of the Republic of Botswana; the first female Commissioner of Botswana Prisons Service; the first female Commissioner General Botswana Unified Revenue Service (BURS); female Chancellor of the University of Botswana; and female Chancellor of the Botswana Open University.

27. The Gender Affairs Department partners with CSOs and Development partners to advocate for equality of women, including women's inclusion in decision making positions. In 2019, the United Nations Development Programme (UNDP) provided financial support to the Gender Affairs Department to support the capacity of the National Gender Commission for policy oversight as well as financing Non-Governmental Organisations to support women candidates to effectively compete in the 2019 General Elections.
28. In the same year, the European Union in Botswana also offered a grant to Gender Links Botswana for a programme whose overall objective was to lobby for women's increased representation and participation in decision-making at all levels, especially in local Government, and to strengthen gender responsive governance. Further, a study was undertaken by a Non-Governmental Organisation (NGO) called Emang Basadi, titled "*Mme o kae*" to identify the obstacles to women's potential participation.
29. At the international level, Botswana is championing alongside a co-group of countries, a Resolution at the Human Rights Council on Equal Participation in Political and Public Affairs. The Resolution addresses issues such as access to information, participation, transparency and decision making and the role of civil society and journalists among others.

Concluding Observation: Botswana should take concrete measures to ensure the political representation of all indigenous populations/communities, including the Basarwa communities.

30. Botswana prides herself in the longstanding tradition of unity, equality, and prosperity for all. All Citizens of Botswana have the right to participate in elections, to vote and to stand for elections on the basis of universal and equal

suffrage. To participate as a candidate in Elections, *Section 62 of the Constitution* states that one must be a citizen of Botswana.

31. In addition, all citizens in Botswana are represented in local and central Government. There are twenty-two (22) Districts from which Parliamentary and Council representatives are elected by popular vote. Due to the legislative and policy provisions which allow citizens to settle anywhere in the country, all districts comprise of diverse of tribes which are found in Botswana. Members of Parliament and Councils therefore do not represent single tribes but they represent constituencies made up of diverse tribes. Also, due to the country's policy which promotes tolerance and national unity, statistics in Botswana classifies people according to nationalities as opposed to tribes.
32. Furthermore, there are structures which facilitate equal political participation and representation of all Batswana at all levels of the country's development process. There is the *kgotla* which is a public forum of consultation, and contrary to misconceptions, it is not perculiar to *tswana* speaking tribes. The *Kgotla* is a public consultation forum which contributes to the Parliamentary business and national development planning. It is where elected representatives at Council, Parliament, *Dikgosi* as well as Government officials engage citizens about envisaged laws, national development plans and projects.
33. The mode of communication at every *Kgotla* meeting is the language which is spoken by the people in the locality and translation services are offered where necessary. All tribes in Botswana are therefore able to participate and contribute to the laws, national development plans and projects which are discussed at the *Kgotla*.
34. In addition to the *Kgotla* system, there are other structures such as Ward and Village Development Committees at the local level where communities are at liberty of being included in development strategies and programmes.

DEATH PENALTY

Concluding Observation: Botswana should consider a moratorium on the use of the death penalty with a view to abolishing it, in conformity with the Commission's Resolutions ACHPR/Res.416 (LXIV) 2019, ACHPR/Res.42 (XXVI) 99 and ACHPR/Res.136 (XXXXIV) 08.

35. Botswana is currently not in a position to commit either to the moratorium or abolition of the death penalty. The Constitution of Botswana, in particular Section 4 (2), allows for derogation with respect to the protection of the right to life, which is allowed where the deprivation of life is as a result of the execution of the sentence of a court, in respect of an offence under a law in Botswana of which a person has been convicted. Section 10 of the Constitution spells out due process of the law to persons charged with a criminal offence in Botswana and it includes fair hearing within a reasonable time by an impartial court, presumption of innocence until proven guilty, the public hearing of the proceedings as well as every individual's right to legal representation.
36. Botswana's retention of the death penalty is also justified under international law. The death penalty is carried out in compliance with Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 7 of the ACHPR. The parameters set out in these international instruments are aligned to those set out in the Constitution of Botswana. These include meting out the penalty as punishment for grievous offences such as murder and treason, adjudication of these offences by competent courts, subjecting all death penalty verdicts to appeal.

Concluding Observation: Botswana should urgently consider commuting the verdicts of all prisoners sentenced to capital punishment to life imprisonment.

37. With regard to the recommendation on the commutation of all death sentences already handed down, it is important to note that rigorous legal processes are followed before a decision to impose the death penalty is taken as indicated in 3.1 above. All death penalty sentences are handed down by the High Court and the right to appeal applies to all convicts. In addition, in terms of Section 55 of the Constitution provides that where a person has been sentenced to death, the President shall cause a written report of the case from the initial judge together with such other information derived from the record of the case as he or she may require, to be considered at a meeting of

the Advisory Committee on the Prerogative of Mercy, and after obtaining the advice of the Committee, he or she shall decide whether to exercise his or her powers under Section 53 of the Constitution. Section 53 of the Constitution provides for the prerogative of mercy such as pardon, respite, substitution with a less severe punishment and remission. In this regard, death sentences are constitutional processes that can only be commuted under Section 53.

Concluding Observation: Botswana ensure compliance with minimum standards of fairness in the clemency procedure, as provided in the Commission’s General Comment on the African Charter on Human and People’s Rights: The Right to Life.

38. Section 53 to 55 of the Constitution of Botswana make provision for the exercise of the prerogative of mercy by the President. Section 54 of the Constitution establishes the Committee on the Prerogative of Mercy whose function is to advise the President on the exercise of the discretionary power of prerogative of mercy. Section 55 clearly states that the final decision rests with the President.
39. These provisions of the Constitution are compliant to Article 6 (4) of the ICCPR which states that “anyone sentenced to death shall have the right to seek pardon or commutation of sentence.” They are also compliant to General Comment No. 3 on the ACHPR: The Right to Life (Article 4) which provides that those sentenced to death have the right to seek for clemency, pardon or commutation through a transparent process with due process of the law.
40. In Communication No. 319/06, *Interights & Ditshwanelo v. Botswana* Merits Decision, 57th Ordinary Session (2015), involving capital punishment in which one of the issues determined was the fairness of clemency procedures in Botswana, the Commission found that Botswana’s clemency procedure was not arbitrary, concluding that clemency was a discretionary power exercised by the President and that a lack of judicial review did not violate the African Charter.

PROHIBITION OF TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT

Concluding Observation: Botswana should enact specific legislation that criminalises torture in accordance with the provisions of the Robben Island Guidelines.

41. Section 7 (1) of the Constitution of Botswana prohibits torture or inhumane or degrading punishment or other treatment. Torture has been criminalised in Section 66 of the Botswana Defence Force Act and in Section 61 of the Children's Act.
42. In these pieces of Legislation, Botswana has not adopted the definition of torture in accordance with the Robben Island Guidelines. Such adoption would contravene Section 7 (2) of the Constitution of Botswana.

Concluding Observation: Botswana should Repeal Section 25 of the Penal Code to end the practice of judicial corporal punishment.

43. Corporal punishment is constitutional in Botswana as per Section 7 (2) of the Constitution which provides that punishment executed under the authority of the law shall not be held to be inconsistent with the protection from inhumane treatment. Section 25 of the Penal Code lists corporal punishment as one of the penalties in Botswana. It is for that reason that Section 27 (3) (h) of the Children's Act provides for corporal punishment in institutions of learning.
44. Section 29 of the Education Act provides that corporal punishment must be administered as a punishment of last resort while the Education (Guidelines on Corporal Punishment) which provide for safeguards/guidelines/limitations to ensure that corporal punishment is not excessive. Section 28 of the Penal Code 1964 provides for the exceptions and the manner of administering corporal punishment, ie: females and males over 40 are exempt from infliction of corporal punishment.
45. Majority of submissions at the Constitutional Review Commission were in support of retaining corporal punishment as a penalty. The basis of the support was that the abolition of corporal punishment in institutions of learning is what leads to unruly behavior of the youth. Submissions were also that the Penal Code must be amended to allow corporal punishment to be administered on female convicted of criminal offences.

Concluding Observation: Botswana should Establish the Victims of Trafficking Fund as well as Centres for victims of Human Trafficking as outlined in the Anti-Human Trafficking Act of 2014.

46. Sections 16-19 of the Anti-Human Trafficking Act provide for the establishment and operationalization of the centres for Trafficking of Persons (TIP) victims by Government. Section 16 of the Act prescribes for the Minister responsible for social welfare, from monies appropriated by Parliament to establish and operate centres for victims; and accredit Non-Governmental Organisations as centres for victims. In this respect, the Ministry of Local Government and Rural Development in conjunction with Civil Society Organisations provide shelter and also offer professional counselling for all victims of human trafficking.

POLICE, PRISONS AND CONDITIONS OF DETENTION

Concluding Observation: Botswana should appoint an independent institution with the mandate to conduct unannounced visits to all places of detention.

47. Botswana is still considering accession to the Optional Protocol to the Conventions Against Torture (OPCAT), whose accession ordinarily leads to the establishment of an independent mechanism, which shall monitor conditions in places of detention and investigate allegations of torture. However, the following measures in place to address reports of allegations of torture:
- Section 135 of the Prisons Act provides for Prisons Visiting Committee;
 - Internal Affairs Branch established in accordance with Section 4 of the Police Act;
 - Section 12 (1) (i) of the Ombudsman Act empowers the Ombudsman to enter into and inspect any building or premises or any part thereof, and to make such inquiries therein or thereon, and put such questions to any person employed thereon or who finds himself or herself in that

building or premises in connection with the matter in question as the Ombudsman may deem necessary in connection with that investigation.

Concluding Observation: Botswana should Establish an independent police oversight body to investigate allegations of violations committed by the Police.

48. On the establishment of an independent Police oversight body to investigate allegations of violations committed by the Police, internal consultations are on-going.

Concluding Observation: Botswana should ensure that the prisons and detention centres are equipped with facilities to cater for prisoners with disabilities.

49. Botswana Prison Service is committed to providing services and support for prisoners with disabilities to meet their needs. Currently, construction of a special cell block to accommodate prisoners with disabilities at Boys Prison in Gaborone is ongoing. The same project including alterations and changes to physical features of existing facilities will be extended to other Prisons.

ACCESS TO AND ADMINISTRATION OF JUSTICE

Concluding Observation: Botswana should appoint an institution responsible for ensuring provision of training to all judges and judicial officers, in accordance with the Commission's Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa.

50. Botswana does not have specialized institutions for the training and education of judicial officers. However, in collaboration with specialized judicial institutions in other countries as well as regional and international judicial associations, continuous efforts are made to ensure that judicial officials receive appropriate education and training.
51. The following are some of the training attended by judicial officers during the reporting period:
- Southern African Chief Justices' Forum meeting in Maputo Mozambique in October 2022. The theme of the conference was

“Judicial accountability and the role of the judiciary in the fight against terrorism”;

- Also held at the same time in Mozambique was the Southern and Eastern African Judicial Administrators Association (SEAJAA) Meeting made up of Chief Registrars and Administrative heads of Judiciaries from the Southern and East African regions. Botswana representative was voted Vice Chairperson of the Association for a period of two years;
- Training programme on Technology and the Courts of the Future in July 2022;
- The Sixth Cairo High Level Meetings of the Chief Justices and Presidents of African Constitutional Courts and Supreme and Constitutional Councils in September 2022.
- Botswana hosted the Tenth Biennial Meeting of Commonwealth Judicial Educators which brought together Chief Justices, Judges and Leaders of Judicial Education from all the commonwealth nations, to Botswana to exchange information on matters relating to the rule of law, the future of technology in the judiciaries including the use of Artificial Intelligence and to share experiences of mutual concern. The Biennial Meeting was held in May 2023. The attendees were all members of the CJEI, which is the Commonwealth Judicial Education Institute which has its headquarters in Halifax, Nova Scotia, Canada.

FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION

Concluding Observation: Botswana should revise the Cybercrime and Related Crimes Act to ensure that the Law is in line with the Declaration of Principles on Freedom of Expression in Africa and does not impose restrictions on the freedom of expression.

52. The Cybercrime and Computer Related Crimes Act prohibits the unlawful or unauthorized access to information or data and use of that information or data in an unlawful manner or in a manner which infringes other people’s rights

and freedoms. The law is therefore sufficient and does not impose any restrictions on the expression of freedom.

Concluding Observation: Botswana should Repeal criminal defamation laws which impede freedom of speech in accordance with the Commission's Resolution ACHPR/Res.169(XLVIII) 10 on Repealing Criminal Defamation Laws in Africa.

53. Section 12 of the Constitution guarantees protection of freedom of expression but the right is not guaranteed in absolute. Where a law in Botswana limits the freedom for the purposes of protecting reputations, rights and freedoms of other persons, such a law shall not be regarded as infringing on the freedom of expression. Therefore, section 192 of the Penal Code criminalises defamation by providing that a person who by print, writing, painting effigy unlawfully publishes any defamatory matter concerning another person, with intent to defame another commits an offence. Criminal defamation ensures that even those without the means to institute civil suits can find recourse at the expense of the state by reporting the defamation to the police. These laws exist to balance the right to freedom of speech/expression with the rights of the injured party. In that regard, the aforementioned sections conform to the Commission's Resolution ACHPR/Res.169 (XLVIII) 10 and Declaration of Principles on Freedom of Expression in Africa.

Concluding Observation: Botswana should amend the Botswana Communication Regulatory Authority Act to explicitly allow the licensing and regulation of community broadcasters and produce policies to that effect as well as initiate public awareness of community broadcasting and its benefits.

54. In 2022, Government promulgated Communications Regulatory Authority Regulations which provide for issuance of commercial and non-commercial broadcasting licences, the latter of which encompasses community radio stations.

Concluding Observation: Botswana should amend the Botswana Communication Regulatory Authority (BOCRA) Act to provide for the

regulation of the state broadcaster and consider transforming the State broadcaster into a public service broadcaster.

55. There are no plans to transform the State broadcaster into a public service broadcaster. Parliament adopted the Media Practitioners' Association Bill (2022) which once passed into law, will regulate all journalists and media houses, including state owned broadcasters.

Concluding Observation: Botswana should enact a Freedom of Information Act which reflects international best practice.

56. While Botswana lacks a freedom of information Act, certain pieces of legislation promote transparency. For instance, Parliament passed the Income Tax (Amendment) Act of 2020, which is meant to improve transparency on tax matters. The Public Service Charter also contains guiding principles for public officers to abide by, in order to serve the public diligently. The principle which is related to provision of information to the public is the principle of transparency.
57. This principle dictates that members of the public are entitled to access non-confidential information on the activities and operations of the public service. It demands that authorized public officers should avail full information on matters of public interest to members of the public through the press. Finally, it is a requirement of the principle that members of the public should have free access to public officers at all levels.

FREEDOM OF ASSOCIATION AND ASSEMBLY

Concluding Observation: Botswana should initiate legislative and other measures to promote and protect the rights of Human Rights Defenders, in conformity with the African Charter, the UN Declaration on Human Rights Defenders, the Kigali and Grand Bay Declarations, in addition to other regional and international human rights instruments which guarantee the right to freedom of association and assembly.

58. Sections 12 of the Constitution of Botswana provides for freedom of expression while Section 13 of the Constitution provides for freedom of assembly and association. These rights extend to Human Rights defenders. Human Rights defenders must however comply with provisions of the Public

order Act, Public Service Act and the Trade Dispute Act on assembly when executing their functions.

59. Where any person (including human rights defenders) is of the view that his/her fundamental rights have been violated, they have the right to seek legal recourse through the Courts of Botswana or specialized institutions such as the Office of the Ombudsman.

THE RIGHT TO PARTICIPATE IN THE CONDUCT OF PUBLIC AFFAIRS

Concluding Observation: Botswana should enact equality legislation or policy and affirmative action programmes aimed at encouraging the political participation of women, persons with disabilities and ethnic minorities in efforts to increase their representation in various organs of Government, especially political bodies such as Parliament.

60. It has been established in paragraphs 32-36 above, that all citizens regardless of tribal origin and gender have the right to participate in elections-to vote and to stand for elections on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service. This extends to people with disabilities.
61. The forums of consultation for all citizens on matters affecting their lives are also available to people with disabilities. Challenges are however noted with regard to limited translation of materials into Braille, few translators of Sign language in all wards and villages where kgotla meetings are usually held. Botswana will continue to consider putting in place affirmative action measures to bridge inequalities which affect women and people with disabilities.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Concluding Observation: Botswana should enact enabling legislation for the promotion and protection of socio-economic rights, in order to ensure justiciability in accordance with the African Charter.

62. Botswana does not have unified legislation for the promotion and protection of socio-economic rights. The Country however ensures the realization of its citizens' socio-economic rights through various pieces of legislation and policies. Some aspects of socio-economic rights are found in Acts of Parliament such as the Children's Act, the Tribal Land Act, statutes concerning workplace relations in Botswana, the Public Health Act, the Public Service Act, the Prisons Act, and various Government Acts of Parliament concerning education, disability issues, social protection, HIV/AIDS and rural development among others.
63. Botswana has adopted Vision 2036 which is a transformational blueprint aimed at transforming her from an upper middle-income country to a high-income country by 2036. In line with Vision 2036, National Development Plan 11 (NDP 11) has introduced the following key reforms:
- a) The Botswana National Spatial Plan 2036, which presents a twenty (20) year framework and strategy to influence the economic growth and development through sustainable distribution of people for socio-economic activities. It guides decisions on spatial development, investment, natural resources protection, regional and transport linkages. It further directs planning, to align the interventions through a comprehensive geo-database;
 - b) The Revised National Land Policy (2019). The Policy shifts in land management, allow for mixed land uses of up to 50% in agricultural land, facilitates economic value addition to land, and yield of economic return from the diversification of land use. This change will certainly reduce dependency on Government and ultimately reduce poverty levels.
 - c) The Special Economic Zones Act which is premised on the need to diversify the economy and export base of Botswana beyond the diamond mining sector.
 - d) The Revised Citizen Entrepreneurial Development Agency (CEDA) Guidelines which bring the different citizen economic empowerment

- programmes (including other business development services and products, such as insurance) under one umbrella. It focuses efforts to deal with the real financial constraints affecting the development of citizen businesses and citizen participation in the economy, as a “One Stop Service Centre”.
- e) The Affirmative Action Framework for Remote Area Communities (RACS) (2015-2025) which aims to assist to minimise development gaps that exist between recognised remote area settlements and the rest of the country. The Framework ensures that Remote Area Communities evidently benefit from national programmes across sectors, promote self-reliance and enhance access to poverty eradication initiatives;
 - f) The Local Economic Development Framework (LED) 2040 which serves to build up the economic capacity of a local area in order to improve its economic future and the quality of life for all. The communities, public, business, and non-governmental sector partners work collectively to create better conditions for economic growth and employment creation;
 - g) The Local Procurement Scheme which reserves 20% of Government procurement for youth, women and people with disabilities as well as the enactment of the Economic Inclusion Act (2022) to enhance effective participation of citizens in the economy. This law is supported by the revised Public Procurement Act (2021);
 - h) A National Social Protection Framework (NSPF) has been adopted to guide all interventions geared towards improving social protection. Government is in the process of adopting the Proxy Means Testing tool. A Single Social Registry which is provided for under the NSPF intends to integrate information about the beneficiaries of the country’s social programmes.

THE RIGHT TO WORK

Concluding Observation: Botswana should intensify efforts to combat youth unemployment, and include information in the next report on the institutional measures developed to address the increased rate of youth unemployment.

64. The Government has policies, programmes and strategies aimed at enhancing employability of all learners including the youth. This includes among others,

transformation of education from provision of subsidised ten (10) years of basic education to twelve (12) subsidised years of basic education based on vocational and academic pathways. This ensures that learners acquire pre-requisite skills for self-employment and for further training.

65. To establish an effective sector-focused HRD base, the Human Resource Development Council (HRDC) was established by the HRDC Act No 17 of 2013. In a supervisory capacity and acting as Government's advisor on human resource development, the HRDC provides a platform for the Public Sector, Private Sector and Civil Society to act in concert to drive the National Human Resource Development Strategy (NHRDS).
66. Specifically, HRDC coordinates efforts by all parties to study Botswana's education and skills development mechanism, assesses its impact on national priorities, identifies barriers to effective delivery of the NHRDS and mutually agrees on targeted solutions that should be implemented in the short, medium and long term in alignment with the strategic intent (as pronounced in the NHRDS).
67. In April 2022, the Government established the Ministry of Entrepreneurship to cultivate the spirit of entrepreneurship. The school uniform import ban, bottled water import ban and the horticultural import ban are some of the initiatives which the Government has put in place in order to support local producers and manufacturers to venture into entrepreneurship. Additionally, in 2019, Botswana ratified the African Continental Free Trade Area (AfCFTA) agreement which allows the country and its businesses to access markets across the African continent. Accredited traders in Botswana also benefit from lower trade costs and quicker turn-around times for imports and exports, because of a Mutual Recognition Arrangement which Botswana signed in May 2023.
68. Furthermore, the Government is committed to alleviating out of school youth from poverty through the National Service Programme (Tirelo Sechaba), which empowers unemployed youth with skills and experience across various industries and business sectors. Youth enrolled in the program are given a monthly allowance to cover basic expenses. As at March 2019 to date, 14 054 out of a target of 15 000 youth were enrolled.

69. The National Internship program offers unemployed citizen graduates a chance to develop work skills and experience that will support them in the transition from academia to the working environment through attachments in various organisations in Botswana. Placement is done for a maximum period of two (2) years. Selection is done on a first come first serve basis by considering the available vacancy, qualification and place of service. Similarly, the National Internship program offers the graduates a monthly allowance for basic expenses. Since 2018 to date, 13 423 youth graduates have been enrolled in the programme.
70. Botswana continues to avail start-up capital through the Youth Development Fund (YDF) to economically empower the youth as means of including them in the mainstream economy. From 2009 to 2020, a total of 10 729 youth (6 383 males, 4 346 females) benefited from the YDF funding. Out of these, 73 were persons with disability while 460 were youth in remote areas (RADS).
71. The Poverty Eradication Programme provides economic opportunities to the most vulnerable populations, including remote-area communities. As at August 2022, 14 744 additional projects had been funded. In total, out of the 40 973 projects funded since inception, 29 564 are operational and have employed for 34 553 people contributing to improved livelihoods.

PROTECTION OF THE RIGHTS OF PERSONS LIVING WITH HIV/AIDS

Concluding Observation: Botswana should intensify efforts to address the existing HIV prevalence rate of 18.5%.

72. The HIV prevalence among adults (15-64 years) is estimated at 20.8% is from the fifth Botswana AIDS Impact Survey (BAIS V) of 2021. This compares to 18.5% recorded in BAIS IV of 2013. The slight increase is attributed to longer survival of People Living with HIV (PLHIV) due to the success of the MASA National Antiretroviral Treatment Program. The incidence rate in Botswana is steadily declining from 1.45 % in 2008; to 1.35% in 2013 and down to 1.2% in 2021.
73. Botswana has moved from an estimated 14 766 annual new infections in 2008 to 8 728 in 2020. AIDS related deaths have decreased from an estimated 8 346 in 2008 to 4 379 in 2020 Furthermore, Botswana has surpassed the 95-

95-95 Global AIDS targets and achieved the World Health Organisation Silver Tier award for the elimination of Mother to child transmission of HIV.

74. Botswana has also strengthened her programming to address key and vulnerable populations as identified in the Third National Strategic Framework for HIV and AIDS (NSF III) in order to provide targeted programming for these cohorts. In Botswana, key population programming is supported by two main donors, the United States Agency for International Development (USAID)/ the United States President's Emergency Plan For AIDS Relief (PEPFAR) and the Global Fund (GF). Civil Society Organisations carry out the scope of community programming and currently implement the key populations modules in five (5) districts: Francistown, Palapye, Tutume, Boteti and Ngamiland (Maun).
75. The USAID/PEPFAR supported Epic (Meeting Targets and Maintaining Epidemic Control) project is implemented by FHI360 and currently operating in five (5) sites; Greater Gaborone, Greater Francistown, Selebi-Phikwe, Ngamiland, and Chobe districts. From October 1st, 2020 (beginning of PEPFAR Fiscal Year 21 (FY21), the Epic project expanded its scope to cover five additional districts: Palapye, Serowe, Boteti, Kweneng East and South East. Both programs are implemented through Civil Society Organisations, with the aim of providing comprehensive services to key population across the cascade, from HIV prevention to linkage to care and treatment.
76. These activities are implemented to complement existing Government services. USAID is supporting Government with technical assistance in Key Populations (KP) programming. KPs (mainly female sex workers- FSW and Men who have sex with other Men-MSM), access a minimum service package including management and treatment of sexually transmitted infections (STI), condoms and lubricants, pre-exposure prophylaxis PrEP and anti-retroviral treatment (ART).
77. In 2021, Government conducted a hotspot mapping exercise to estimate KPs size in nine (9) high HIV incidents localities in the following districts. The goal of the exercise was to ensure KP data availability in these regions to ensure accurate KP programming. The Global Fund grant support for the 2022-2024 funding cycle and Government Matching Funds for Human Rights offers support for targeted programming for KPs comprehensive clinical services community mobilization and advocacy (HIV/TB) and removing human rights and gender related barriers to HIV and HIV/TB services.

78. Through social contracting Civil Society Organisations have been identified and contracted to provide services to KPs which include: awareness creation, HIV testing, and linkage to treatment initiation and adherence across the country. The Botswana Guidelines for HIV/STI Programmes for KPs was completed in 2020 with the support of United Nations Population Fund (UNFPA). The Guidelines support the delivery of tailored, targeted and effective services to populations that have been marginalised, hard to reach and at risk.
79. Through the assistance of UNFPA Government has developed the second National Condom Strategy (SBCC) 2020 – 2023 which is aligned to the National Strategic Framework III. The main highlights of the national strategy are to strengthen coordination and condom programming, expanding condom market beyond the public sector – (social and commercial markets for targeted population Segments).
80. 11 613 200 condoms were distributed in 2021 of which 36% were distributed by the different Non-Governmental Organisations funded by NAHPA. According to the 2020 report of the Global HIV Prevention, Botswana is ranked as one of the best countries in terms of the number of condoms distributed per person per year in sub-Saharan Africa between 2018 and 2019. Botswana has managed to narrow the gap about the preventive benefits of condom use between 15–49-year age group.
81. The Faith and Communities Initiative (FCI) - a PEPFAR supported program coordinated by the National AIDS and Health Promotion Agency (NAHPA) focuses on the Faith based and community leaders (including traditional leaders and traditional doctors) to disseminate correct information on HIV and NCDs and to build support for uptake and retention on services at the grass roots level. The program specifically targets men and has contributed to enhanced access by men to HIV & AIDS services where 66 269 men and boys were reached across the programs interventions.
82. Importantly, in 2023, the FCI programme has expanded its interventions to address stigma and non-adherence related to faith healing as well as harmful gender norms and practices which perpetuate the recently escalating gender-based violence cases. To eliminate stigma and discrimination, Government

adopted a Broad-based Stigma and Discrimination (S&D) Reduction approach. Initiatives include: Awareness to reduce gender inequality; Training and support of adolescents and young people (AYP) as well as faith-based organisations; Community mobilisation and dialogues with traditional leaders; Training of service providers and peer educators; Public education emphasizing on personal empowerment. Post exposure Prophylaxis (PEP) is provided to victims of Gender Based Violence (GBV) including rape.

Concluding Observation: Botswana should take urgent measures to address the gender disparity in HIV infections, with the view to increasing HIV prevention strategies for women.

83. Botswana has exceeded all 95-95-95 targets among adults (15 to 64 years) living with HIV. The country has surpassed the overall population-level target for 2030 with more than 97.9 % of all adults living with HIV achieving Viral Load Suppression (VLS). VLS for women was 98.6 % compared to 96.6% for males.
84. Botswana recognizes that over the years, the various Botswana AIDS Surveys have indicated unequal distribution of HIV infection between males and females. BAIS III of 2008 indicates 20.4 % for women and 14.2 % for men; (BAIS IV of 2013); 20.8% for females and 15.6% for males; BAIS V of 2021; 26.2% for women & 15, 2% for men).
85. Annual incidence of HIV among adults aged 15-64 years in Botswana was 0.2%, which corresponds to approximately 2,200 new cases of HIV per year among adults. HIV incidence was 0.4% among females and 0.0% among males. However, AIDS deaths are higher among males than females indicating differentiated utilization and retention on treatment and care services between the sexes.
86. Recognizing these disparities, Botswana currently implements programs targeted at addressing gender inequalities and vulnerabilities faced by females. For adolescents and young women (AGYW) Botswana implements the PEPFAR supported Determined, Resilient, Empowered, AIDS-free, Mentored, and Safe (DREAMS) which was introduced in 2017. The program seeks to achieve an AIDS-free future for AGYW aged 9 to 24 years by reaching the most at-risk AGYW with a comprehensive HIV prevention package, which includes adolescent-friendly sexual and reproductive health services, strengthening the family and community, and involving AGYW's male partners in HIV risk reduction.

87. DREAMS operates in eight (8) districts which have high HIV burden including Bobirwa, Gaborone, Kgatleng, Kweneng East, Mahalapye, North East, Serowe, and Southern. From 2020 to 2022, the program reached 87 782 adolescent girls and young women with HIV prevention messages. 40 946 AGYW were enrolled into safe spaces and received economic strengthening skills while 1 984 received post violence care and 3 845 received Pre-Exposure Prophylaxis (PrEP).
88. The Shuga Radio program, a mass multi-media behaviour change communication initiative targeting young people aged 10 – 24 years in partnership with UNICE reached 34 819 Adolescent and Young People (AYP) between 2020 and 2022. With the support of the Global Fund Matching Funds for Adolescent Girls and Young Women (AGYW) in the 2019-2021; 2022-2024 grant cycles, Botswana received USD 2 million to continue institutionalizing a range of information, skills and values to empower young people to exercise their sexual and reproductive rights, and to make healthier decisions about their health and sexuality by revising the national curriculum.
89. Further in 2021, the Ministry of Education developed the Life-skills Toolkit (which operationalizes the National Life-skills Framework) to provide guidance to implementers (Guidance and Counselling Teachers, Social Workers and health service providers) on delivering Comprehensive Sexuality Education (CSE) to young people at pre-school, primary and secondary school levels, as well as those out of school.
90. The Junior Secondary School Guidance and Counselling Curriculum Guidelines and the Living: Skills for Life, Botswana's Window of Hope complement the toolkit. The Ministry of Education is currently reviewing and updating the Life-skills Curriculum as well as developing a Parent –Child Communication Manual. Both documents are tools for educators, health care workers, parents and adolescents and young people to be able to address issues of sexuality and access to sexual reproductive health services for adolescents and young people.
91. For males, in the younger age cohorts (mainly for the 15 to 29-year olds), combination prevention is implemented together with Voluntary Medical Safe Male Circumcision (VMMC) including infant circumcision. The

interventions address challenges associated with biological, behavioural, social and structural drivers of the HIV epidemic that put or increases AGYW's HIV risk and vulnerability.

92. Through the Men's Sector of the National AIDS Council, Botswana drives male involvement programs through community mobilisation interventions targeting males to improve the uptake of HIV testing, voluntary medical male circumcision and condom use. This is a nationwide drive which is calculated to protect females by targeting males.

Concluding Observation: Botswana should urgently initiate measures to address the high prevalence rate of HIV among children, with the view to eradicating the deaths which occur as a result of pediatric HIV.

93. According to the Fifth Botswana AIDS Impact Survey -BAIS V (2021), the HIV prevalence rate for children below 14 years is 0.6% for girls and 1% for boys. The country's Spectrum file of 2022 projections shows that below 6 625 children aged between 0 and 14 are living with HIV and 70% of these children are enrolled on the ART program.
94. The Prevention of Mother to Child Transmission rate for Botswana is below 2%. Botswana has now adopted the at-birth testing together with the six to eight weeks testing and testing at 9 months. Over 80% of babies born to HIV positive mothers are tested and receive their results within eight weeks of birth. This is intended to improve the Early Infant Diagnosis (EID)

which is also meant to improve early treatment of babies vertically infected and to reduce pediatric (child) deaths.

95. Botswana was also recently awarded the Silver Tier of the path to elimination of Mother to Child Transmission of HIV (PTE-HIV), being the first high burden HIV country to achieve this. This meant that no children born to HIV positive mothers in the year had the virus. The "silver tier" certification is given to countries that have lowered the mother-to-child HIV transmission rate to under 5% and provided prenatal care and anti-retroviral treatment to more than 90% of pregnant women. This implies that an HIV free generation is possible.

96. Furthermore, Botswana has instituted teen clubs to improve child and teen adherence to ART as a way of reducing pediatric deaths. With the assistance UNICEF there are various virtual platforms used to improve access to information for children and adolescents on ART, also aimed at improving adherence and survival rate thus reducing mortality.

Concluding Observation: Botswana should take the necessary measures to extend the provision of the PMTCT program to foreign pregnant women.

97. Since December 2019, Botswana adopted an HIV Treat-All policy practice allowing free all HIV services to foreign nationals living in the country including the PMTCT services. In 2020 there were 56 612 pregnant women who registered for ANC (54 423 citizens and 2 189 non-citizens. Out of the 54 423 citizens who registered 98% took treatment for prevention of MTCT while 94% of non-citizens also took treatment for prevention of MTCT. In 2021 there were 51 236 pregnant women who registered for ANC (48 876 citizens and 2 360 non-citizens. Out of the 48 876 citizens who registered 99% of them took treatment for prevention of MTCT while 97% of non-citizen took treatment for prevention of MTCT.

THE RIGHT TO CULTURE

Concluding Observation: Botswana should develop and implement strategies for preserving minority languages, including through ensuring access to minority languages in the education and public services sector.

98. Government has developed a Botswana Languages Policy in Education to be implemented at public primary schools in 2023 with the aim of introducing the use of mother tongue as a medium of instruction at early childhood level (Pre- Primary up to Standard 2). The use of these languages in schools has commenced, starting with thirteen languages, sign language inclusive.
99. The remaining languages, which do not have orthography have been documented for future inclusion in the curriculum. Communities where these languages are dominant have been encouraged to form associations for better advocacy of their languages. All stakeholders, including Trade Unions and Non- Governmental Organisations (NGOs) have been consulted for effective implementation.

100. With regard to the use of minority languages in the public services sector, the health sector, in partnership with community-based organisations, is increasingly programming and disseminating health information in different local languages through community dialogues.

Concluding Observation: Botswana should expedite development of the Botswana Languages Council and ensure that it is as inclusive as possible.

101. Consideration will be given to the implementation of the recommendation in line with Botswana's national priorities.

PROTECTION OF THE RIGHTS OF WOMEN

Concluding Observation: Botswana should intensify efforts to address gender-based violence (GBV), including through increased advocacy programs to educate the public on GBV and its serious effects on women, in addition to expanding services to provide assistance to GBV victims, such as access to legal services and rehabilitation programs.

102. Government adopted the National Policy on Gender and Development which has amongst its five (5) priorities: Access to Justice; Protection of Human Rights and Freedom from Violence. The National Towards Ending Gender Based Violence (GBV) on the other hand provides concrete guidance on the National GBV Response. The Strategy is multi-sectoral and multi-pronged, and it mainly focuses on Prevention, Protection, Care and Support with clear actions for each development sector.
103. Following the third review cycle of the Universal Period Review mechanism in 2018, Government undertook the following to address GBV:
104. Government adopted the National Policy on Gender and Development which has amongst its five (5) priorities: Access to Justice; Protection of Human Rights and Freedom from Violence. The National Strategy Towards Ending Gender Based Violence (GBV) on the other hand provides concrete guidance on the National GBV Response. The Strategy is multi-sectoral and multi-pronged, and it mainly focuses on Prevention, Protection, Care and Support with clear actions for each development sector.

105. Government put in place the following to address GBV:

a) Legal Reforms

106. The Sexual Offenders Registry Act was adopted in 2021. This Act provides for amongst others stiffer penalties against offenders and prohibits sex offenders from directly working and interacting with children and other vulnerable groups. The Penal Code was also amended in 2021 to enhance and make stiffer penalties for sexual offences.

b) Institutional Reforms

107. Botswana has also established specialised Courts dedicated to gender-based violence cases, and set them up at all Magistrates Courts with a Chief Magistrate. The prosecution rate improved from 51% in 2021 to 68% in 2022. The Botswana Police Service (BPS) has deployed trained Gender and Child Protection Focal Persons to deal with Gender Based Violence matters in a gender sensitive manner. To date, a total of 2248 police officers have received training on GBV and human rights through the BPS in-service programmes. In addition, there are 6 child-friendly policing centres. To ensure professional response to GBV issues, the Government, through BPS also developed a set of guiding principles aimed at ensuring that officers are committed to gender mainstreaming into their work and adequately skilled to do so. The following have been carried out in that regard, Standard Operating Procedures (SOPs) were developed as a standard tool for dealing with GBV and child related cases, to ensure comprehensive, coordinated, and synchronised interventions.

108. The Botswana Police Service (BPS) continues to employ science and technology in strengthening its response and interventions to GBV and its emerging complexities, through the introduction of Standardised Forensic Evidence Collection Kits in Sexual Assaults, Use of DNA and DNA databases for cold cases, Use of Digital Forensics for online sexual exploitation cases.

109. Government established the Inter-Ministerial Committee on Gender Based Violence in 2020 to provide strategic direction and coordination of the national response to GBV. The committee comprises Ministers of Youth, Gender, Sport and Culture, Local Government and Rural Development, Defence, Health, Justice, Education and Skills Development, Labour and Home Affairs and

Minister for State President. The committee is supported by a multi-sectoral team of experts at technical level.

110. Gender Committees have been established at district level to guide District or Urban Development Committees (DDC/UDC) and other community structures on various interventions, events and activities geared towards the promotion of gender equality including prevention of GBV.
111. Civil Society Organisations such as Botswana Association of Local Authorities (BALA) in collaboration with Gender Links also continue to play a significant role in addressing gender and GBV issues through local government 'Centres of Excellence programme, which encompasses the appointment of Gender Focal Points in District Councils. For the reporting period, Government committed a total of **USD1.5** million to support the housing of GBV survivors.
112. The Botswana Prisons Service has also initiated the GBV Perpetrators programme in September 2021. This is a character moulding programme geared towards behaviour change of the offenders. It also raises awareness on the integration of offenders to curb them from being re-offenders. More integration and community engagements continue to be conducted across the country.

c) Strengthening Services

113. In 2021, the Botswana Police Service introduced a Toll-Free line for reporting GBV cases. Civil Society also established Toll-Free lines for reporting GBV as well as offering on-line counselling. In an effort to promote reporting, the Botswana Police Service undertakes continuous improvement of investigations to secure convictions and thereby win public trust. Furthermore, public awareness and outreach on GBV have been intensified. The community policing approach to promote participation of the public in identifying potential threats/ crime, and community dialogues on Gender Equality and GBV prevention continue to be implemented.
114. To reduce the rate of withdrawal of GBV cases, Botswana Police Service undertakes the following actions: bringing charges against any person who is obstructing the cause of justice either through intimidation or coercion; and conducting public awareness on consequences of GBV case withdrawals. In

order to ensure that gender-based violence cases are handled in a timely manner, with effect from 1st December 2020, all GBV cases are treated as urgent applications and given expedited management and disposal.

d) Enhancing Public Knowledge on GBV Through Community Dialogues and Conversations.

115. The First Lady of the Republic of Botswana prioritises the empowerment of women and adolescent girls especially those living in rural areas. To this end, the First Lady is working in close collaboration with the public and private sector, as well as civil society to raise awareness on GBV, sexual reproductive health and HIV/AIDS prevention.
116. As a member of the Organisation of African First Ladies for Development (OAFLAD), the First Lady in May 2021 was awarded a grant for a project aimed at promoting advocacy on GBV related issues. The First Lady's campaign is currently being carried out in six (6) Districts, where incidences of GBV are most prevalent. The intervention is meant to increase knowledge and skills on GBV prevention and to intensify the involvement of men in mitigation efforts. The project targets community leaders, including Dikgosi (Traditional Leaders), Bahumagadi (Spouses of Traditional Leaders), Religious Leaders, People with Disability, Orphans and Vulnerable Children, Women and Girls, Men and Boys as well as Civil Society Organisations.
117. There is continuous awareness raising on gender-based violence through community outreach through kgotla meetings. Including commemoration of the 16 Days of Activism Against Violence on Women and Children.

f) Shelters for GBV survivors

118. Government currently provides financial support to the two (2) shelters run by Non-Governmental Organisations. To strengthen support to GBV survivors, the shelters make referrals and provide transport to access services outside their facilities such as meetings with legal representatives and health care. Other support services include: family counselling and reconciliation to ensure sustainability and lifelong benefits for survivors, involvement of men in violence prevention initiatives; and engagement of Religious Leaders in counselling services as preferred by survivors. Legal Aid Botswana in collaboration with shelters provides legal assistance.

119. The Botswana Gender Based Violence Prevention and Support Centre in Gaborone provides clinical services particularly Post Exposure Prophylaxis (PEP) for prevention of HIV infection. The shelter also screens and tests for Sexually Transmitted Infections (STIs) and provides HIV Testing and Counselling. In addition, the shelter provides contraceptive mixed methods to prevent unplanned pregnancies. Furthermore, the shelter provides treatment for injured survivors. These services are provided through the support and guidance of the Ministry of Health.
120. In addition, the Cyber Crime and Computer Related Act 2018, also protect the exploitation of all citizens including persons with Disabilities from being exploited and/or abused through the use of technology.
121. Whilst Botswana has made significant progress in the GBV Response, it is important to acknowledge that more still needs to be done to ensure the effectiveness of GBV interventions to improve the situation of women and girls. Government on this note acknowledges the need to strengthen coordination and partnerships as well as mobilisation of resources.

Concluding Observation: Botswana should ensure that the Marriage Act is amended to govern marriages contracted under customary and religious marriages, to ensure the protection of women in these marriages.

122. The Marriage Act was amended in 2001 to, amongst other things, provide for the registration of Customary, Muslim, Hindu and other religious marriages. Registration of all marriages is important for national statistical purposes, to cater for development and for evidence of existence of marriage having been legally solemnized. The latter ensures protection of women in these marriages.

PROTECTION OF THE RIGHTS OF CHILDREN

Concluding Observation: Botswana should prohibit corporal punishment in schools, in advance of the adoption of the Education and Training Bill.

123. Consultation with all stakeholders are undergoing to determine whether prohibition of corporal punishment in schools can be adopted.

Concluding Observation: Botswana should prioritize conducting a study on child marriage, with the view to addressing the lack of reporting as a result of cultural sensitivity.

124. Although Botswana has not conducted a study on child marriage, the country, as a signatory to the Convention on the Rights of the Child, which sets a minimum age of marriage of 18, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obligates states to ensure free and full consent to marriage and the African Charter on the Rights and Welfare of the Child, which prohibits child marriage, has committed to eliminate child, early and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals.
125. In addition, Botswana co-sponsored the following Human Rights Council resolutions: 2013 resolution on child, early and forced marriage, the 2017 resolution on recognising the need to address child, early and forced marriage in humanitarian contexts, and the 2019 resolution on the consequences of child marriage. Botswana also signed a joint statement at the 2014 Human Rights Council calling for a resolution on child marriage
- and co-sponsored the 2018 UN General Assembly resolution on child, early and forced marriage.
126. The Government and Civil Society organisations continue to raise awareness through social media, radio and television, which cut across age groups to discourage early childhood marriages.

PROTECTION OF THE RIGHTS OF INDIGENOUS POPULATIONS/COMMUNITIES.

Concluding Observation: Botswana should prioritize the collection of data specific to the Basarwa people, in order to strengthen the provision of essential public services to this minority group.

127. In Botswana the population is identified by age, sex and place of birth. In this regard, our population is categorised according to districts, villages and wards, and not along ethnic lines. Non-citizens are identified by their nationalities. Botswana therefore, does not collect data on the basis of ethnicity.

Concluding Observation: Botswana should establish a legislative and regulatory framework for the promotion and protection of the rights of all indigenous populations/communities, including the Basarwa people, in addition to appointing a Government institution to monitor implementation of programs targeted for these minority groups.

128. The Government institution which coordinates the implementation of programmes targeted for communities in remote and remotest areas is the Ministry of Local Government and Rural Development. The Department of Community Development under the Ministry is mandated to enhance the quality of life for Botswana through the promotion of social justice, effective local structure governance, sustainable livelihoods strategies and economic empowerment initiatives.

129. There exists a Rural Development Policy, which was initiated to address the urban - rural imbalances. An Assistant Minister at the Ministry

of Local Government and Rural Development has been assigned to provide strategic direction and oversight to district structures responsible for the implementation of the Remote Area Development Programme. The Rural Development Council which has a fully staffed secretariat was established under the Ministry of Local Government. Ministries report to the Council on quarterly basis.

130. In accordance with the principle of leaving no one behind, Botswana implements various social developments that uplift the livelihoods of its citizens. These interventions target the vulnerable groups including: children, youth, women, persons with disabilities, the elderly and rural communities. To this end, a National Social Protection Framework (NSPF) has been adopted to guide all interventions geared towards improving social protection.
131. To enhance accessibility to services by all, the Government developed the Affirmative Action Framework for remote area communities, which provides

strategic direction and acceleration of development to these communities. To decentralise service delivery and ensure accessibility of all services, Government has upgraded twenty-two (22) Sub-Districts into fully fledged Districts. With regard to the *Central Kalahari Game Reserve (CKGR)*, the Government continues to provide social services to the residents of settlements in the *CKGR* through the Affirmative Action Framework for Remote Area Communities.

132. In recognition of the importance of measuring the impact of our targeted programmes, a Mid-Term Review of the Affirmative Action Framework was undertaken in 2021, to assess progress made towards programme indicators and to determine the level of development in remote area settlements.

PROTECTION OF THE RIGHTS OF LGBTQI+ PERSONS

Concluding Observation: Botswana should enact legislation and policies that will ensure the implementation of the Commission’s Resolution ACHPR/Res.275 (LV) 2014 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity.

133. The Constitution of Botswana is the legislation which guarantees equality and the right to protection of the law and the person.
134. In June 2019, the High Court of Botswana, in the case of *Letsweletse Motshediemang v. Attorney General MAHGB – 000591 – 16*, held that that Section 164 of the Penal Code which criminalised consensual same sex relations was unconstitutional. The matter underwent final determination by the Court of Appeal in November 2021 whereupon the High Court’s decision that Section 164 of the Penal Code should be repealed was upheld. Government has commenced the amendment of the Section 164 (a) and (c) of the Penal Code.

Concluding Observation: Botswana should make reference to the State Reporting Guidelines of the Commission on Extractive Industries to structure the sections in relation to Article 21 and 24 of the Charter for

the next reporting cycle, in particular in the areas identified under the concerns above.

135. There is need for capacity building to produce a national report on extractive industries.

*******END*******