

Universal Periodical Review

Forth Cycle
43rd Working Group

BOTSWANA



Right to Life
Right to peace
Related Human Rights Issues

October 11th, 2022

“From the politics of taking life to the politics of affirming it”

**We understand the right to life
as being the full enjoyment of life,
as being the right not to be killed,
as being everyone's responsibility not to kill or let others die.**

The Center for Global Nonkilling has a unique mission,
inspirational for individuals and transformative for societies:
*"To promote change toward the measurable goal of a killing-free world,
by means open to infinite human creativity in reverence for life"*.

With our sincere wishes for the good life, for peace, progress and celebration!
Wishes for life stand without doubts or explanations: enjoy life!
Wishes for Peace because peace is the first tool in the survival kit: the most long-term one.
*Wishes for Progress because there is plenty of space left for
more individual and universal well-being,
when our dedication occurs and if short- and long-term well-being concur.*
Wishes of Celebration because nothing stands below the Celebration of Life.

The Center for Global Nonkilling (CGNK) was founded by Glenn Paige (1929-2017), Professor of political science, author of the book "Nonkilling Political Science"¹. CGNK is a worldwide congregation of persons, scholars and others, working at creating societies that do not kill and enabling all individuals not to kill. We are all nonkilling centres and we are all global. Valuing and protecting life in all its dimensions are fulfilling missions for everyone².

We use the Universal Periodic Review cycles to highlight and follow through time all aspects of the fulfillment, the progress and the respect of the right to life, individually as universally. So far unable to monitor all aspects of life in all countries and situations, we make three types of UPR submissions:

- *Country portraits*, as comprehensive as possible stating all domains where the State and the people can progress towards fulfilling the right to life, celebrating life and preventing accidents and injuries, and building sustainable societies through the right to peace.
- A universal call for the urgent *ratification of the Genocide Convention* to all countries that haven't yet done so.
- A universal call for the urgent *decriminalization of suicide* to all countries that haven't yet done so.

To any of these submissions, we may add reflections and demands regarding the Life and Peace constitutions, rights and situations. These improvements to the legal status of life and regarding the establishment of comprehensive peace policies are developed in annexes to our UPR submissions.

Summary

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This is our second submission for Botswana.

Our first one in 2017, joint with Conscience and Peace Tax International (CPTI), was largely comprehensive, covering most aspects of the rights to life and peace³.

We here and now call for greater institutional and individual respect of life in Botswana and therefore reiterate our call for the ratification of the Genocide Convention, for the abolition of the death penalty and for more prevention of homicides. We note with concern that homicide data is not clearly available. We overview some constitutional issues, as well as prevention of suicides and traffic casualties and fatalities. We give some elements regarding the progress of peace, more on peace policies is found in annex 1.

Genocide prevention

Ratifying the Convention on the prevention and the punishment of the crime of genocide is a commitment to the universality of our present species (and a total rejection of racism). It is also a duty of honor showing a peoples and institutional capacity to peacefully respect individuals of all creeds and walks of life, whatever their social groups may be, and without waiting for any reciprocity.

No recommendation were made to Botswana regarding the ratification of the Genocide Convention in the first cycle of the UPR (December 2008). During the Second cycle, in January 2013 Armenia asked to Botswana to “consider” this ratification (116.12). The recommendation was accepted. In the third cycle, January 2018, Rwanda asked of Botswana to “consider” this ratification (128.24), while Armenia simply asked for it to be done (“Ratify the Convention ...”, 128.23). Botswana accepted both recommendations^{4,5}.

Ratifying the Convention requires a ratification decision, a change in the criminal code (article V of the Convention)⁶ and a notification to the Secretary General of the United Nations.

With sufficient determination, this can quickly be done. When the working group will meet, ten years will have passed since the first demand to make this ratification was issued, five since the firm commitment to ratify the convention was made. May we ask for persistency and consistency?

We strongly recommend to the Authorities of Botswana the swift ratification of the Convention on the Prevention and the Punishment of the Crime of Genocide.

Thank you.

Constitutional process: civic participation, minimum standards of living and death penalty

It is with delight that we acknowledge an ongoing process aimed at the revision of the 1966 Botswanan constitution⁷.

We recall the importance of full civic participation in such a process, thus giving worth and value to the people and the citizenry⁸.

Such valuation of the person – as such as an active participant of society – can also be reflected in the abolition of the death penalty. As much as everyone is recognized and empowered by and through the democratic process, so every person and every life valued, whatever the quality of its actions, when the right to life suffers no exceptions. Moreover, we recall that the duty of exemplarity regarding human rights and the protection of life, without exceptions, lies on the State and its authorities.

We encourage the constitutional commission to propose enhancing civic and participation rights⁹, to consider and prepare the abolition of the death penalty and to suggest a universal basic income¹⁰.

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Prevention of homicides

Honestly, it is with some dismay that we discover that homicide data has (to our humble knowledge) not been made public or made sufficiently clear in Botswana since 2015¹¹. This makes it impossible to assert and monitor progresses regarding the fulfillment of SDG goal 16.1, namely: “significantly reduce all forms of violence and related death rates everywhere”¹². It also makes it very difficult to acquire a fair overview and proper follow up of the situation of life and its protection in the country and to righteously estimate how the country fulfills and progresses with its obligations regarding the right to life¹³.

We kindly ask to, and urge the Government of Botswana to produce comprehensive and simple to decipher homicide data – the number of victims over the last five years – at all times, at the best during the upcoming working group and at least before the final approval of tis 4th cycle UPR.

Presenting a policy program to reduce violence and related deaths will be highly appreciated as well.

Prevention of road traffic casualties

We note with satisfaction that transport casualties and fatalities are on the decline, and that the data is easily accessible and clear¹⁴.

Prevention of suicides

We note with delight that, according to data, suicides rates are sharply declining in Botswana¹⁵.

The international peace constitution

We congratulate Botswana for ratifying the arms trade treaty and the treaty on the prohibition of nuclear weapons, the later before its entry into force. The following arms control treaties would also benefit from ratification : the third protocol of the Geneva conventions, the Convention on the prohibition of military or any other hostile use of environmental modification techniques (enmod), the convention on conventional weapons and its protocols.

*Wishing an ever-improving good life to all the people of Botswana,
Fair and participative processes and progresses to its institutions,
Calling on each and all to attain a nonkilling world
where life can be happily sustained for all on Earth,
we welcome the delegation of Botswana
to Geneva, a City of Peace,
and wish to the delegation
as to all the people of the Botswana,
a life enhancing, constructive and fulfilling
Universal Periodic Review.*

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¹ <http://nonkilling.org/center/publications-media/books-translations>

² <http://nonkilling.org/center/how-to-help>

³ Available here, JS1: <https://www.ohchr.org/en/hr-bodies/upr/upr-botswana-stakeholders-info-s29> as in annex. We also did an oral statement at the Human Rights Council during the approval of the third UPR Cycle of Botswana, available as well in annex.

⁴ At this 43rd session of the UPR working group, Botswana is the only country that has not yet ratified the convention.

This is, as of today, the full list of other countries which should still do this ratification: Angola, Bhutan, [Botswana], Brunei Darussalam, Cameroon, Central African Republic, Chad, Cook Islands, Democratic Republic of Congo, Djibouti, Dominican Republic, Equatorial Guinea, Eritrea, Eswatini, Grenada, Guyana, Holy see, Indonesia, Japan, Kenya, Kiribati, Kosovo, Madagascar, Marshall Islands, Mauritania, Micronesia Federated States of, Nauru, Niger, Niue, Oman, Palau, Qatar, Saint Kitts & Nevis, Saint Lucia, Samoa, Sierra Leone, Solomon Islands, Somalia, South Sudan, Suriname, Thailand, Timor Leste, Tuvalu, Vanuatu.

⁵ Ratifying the convention was also our primal recommendation to Botswana in our 2017 submission. It is as well the recommendation that started our campaign to all States concerned, through the UPR, asking for the Ratification of the Genocide Convention. But now, unless this ratification is done before the meeting of the working group or the approval by the Council, this will be the first time we have to make a recommendation twice. This one included, we made 42 Genocide convention ratification submissions. There will be less in the future, thanks to the countries that did this ratification.

⁶ While the penal code is changed, corporal punishments (article 28) and death penalty should also be withdrawn.

⁷ Declaration of the Minister of Justice, Machana Ronald Shamukuni to the Committee of the Convention against Torture. <https://www.un Geneva.org/en/news-media/meeting-summary/2022/07/examen-du-botswana-par-le-cat-la-definition-de-la-torture-et>.

⁸ The Constitutional reform has raised concerns of various sorts, some of them contesting the procedure.

We also note that the report of the constitutional commission was due for September 2022, and that at the time of writing in October 2022, we are not yet aware of its publication.

<https://www.change.org/p/the-government-of-botswana-constitutional-review-process-botswana>

<https://news.thevoicebw.com/all-eyes-on-constitutional-review-team/>

<https://thepatriot.co.bw/kgafela-ii-trashes-constitutional-review/>

<https://yaronafm.co.bw/2022/04/08/presidential-constitutional-review-commission-set-skip-some-villages/>

<https://genderlinks.org.za/news/bots-women-make-the-case-for-constitutional-review/>

<https://www.idea.int/news-media/news/botswana-women-politicians-pushed-constitutional-review>

<https://www.sundaystandard.info/lgbtq-say-constitutional-review-committee-sidelines-them/>

<https://freedomhouse.org/country/botswana/freedom-world/2022>

⁹ This database gives a good overview of the status of democracy and participative rights, and thus gives ideas for improvements:

<https://www.idea.int/advanced-search>

¹⁰ The special rapporteur on extreme poverty has produced its 2017 yearly report on extreme poverty ([A/HRC/35/26](#)),

<https://www.ohchr.org/en/special-procedures/sr-poverty/annual-reports> or <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session35/list-reports> (n° 26).

¹¹ A) Statistics Botswana does publish a yearly report, i. e. : “Crime Statistics report 2019”, but it relates as much to legal proceedings as to offences committed, or more than not to the number of victims, thus making it very difficult to know, at least rapidly: “there has been N murders in year N”.

The said reports: <https://www.statsbots.org.bw/crime>

The data base (not updated) <https://botswana.opendataforafrica.org/CROB2015/crimes-of-botswana-2015-2018>

B) This is reflected by total absence of Botswanan data in all the world major databases.

UNODC, last entry 2010 (15.25/100,000 – Victims/inhabitants). <https://dataunodc.un.org/dp-intentional-homicide-victims>

World bank (same source): <https://data.worldbank.org/indicator/VC.IHR.PSRC.P5?locations=BW>

C) There is one exception, the World Health Organization violence prevention page, dated 2019, but we have doubts about the accuracy of the page, first because this webpage/database is not updated anymore and then because the fillings (stars on criteria) are all similar, which is statistically most unprobable.

<https://apps.who.int/violence-info/country/BW/>

D) The press does not have much more information, do what it does say does raise concern:

<https://www.thegazette.news/news/300-murders-in-three-months/#.Y0WHrv2-iN0>

<https://data.worldbank.org/indicator/VC.IHR.PSRC.P5?locations=BW>

¹² None of Botswana’s VNR reports (2017 and 2021) mention the issue. <https://hlpf.un.org/countries/botswana/documents-reports>

¹³ Botswana has ratified CCPR in 2000 and just underwent its second review in October 2021.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BWA&Lang=EN

¹⁴ <https://www.statsbots.org.bw/publication-by-sector/transport-statistics>, «Transport and Infrastructure

Statistics Report 2020 », p. 18.

¹⁵ <https://data.worldbank.org/indicator/SH.STA.SUIC.P5?locations=BW>