



## STATEMENT

### UPR Pre-session on the Republic of Botswana

Geneva, April 2023

Delivered by: DITSHWANELO – The Botswana Centre for Human Rights

#### Presentation of the Organisation

This statement is delivered by DITSHWANELO – The Botswana Centre for Human Rights, a not-for-profit, independent, non-partisan, research and advocacy organization set up to advance and protect human rights in Botswana, on behalf of the UPR NGO Working Group. DITSHWANELO is a member and facilitator of the UPR NGO Working Group, comprising Botswana Council of Non-Governmental Organisations (BOCONGO); DITSHWANELO – The Botswana Centre for Human Rights; Letloa Trust; Lesbians, Gays and Bisexuals of Botswana (LeGaBiBo); Media Institute of Southern Africa (MISA) Botswana; and Rainbow Identity Association (RIA). The UPR NGO Working Group has participated in UPR processes at the national and international levels since 2012.

#### National consultations for the drafting of the national report

The UPR NGO Working group conducted CSO consultations for the 4<sup>th</sup> Cycle Stakeholder Report from 1 September to 23 September 2022. CSOs which participated in the thematic consultations were: Botswana Association of the Blind and Partially Sighted; Botswana Centre for Public Integrity (BCPI); Botswana Council of the Disabled; Botswana Gender Based Violence Prevention and Protection Centre (BGBVC); Childline Botswana; Chobe Arts Association; Community Media Foundation (COMEF); Disability Resources and Advocacy Centre; DITSHWANELO – The Botswana Centre for Human Rights; Emang Basadi; LeGaBiBo (Lesbians, Gays and Bisexuals of Botswana); Men and Boys for Gender Equality; Putting Women First Trust; SOS Children’s Villages, Botswana; Southern Africa Federation of the Disabled; Stepping Stones International; Women Against Rape; and Youth Empowered Botswana.

The Human Rights Unit housed under the Ministry of Justice led inter-ministerial consultations for the development of the State Report from 11 January – 20 January 2023. The consultations with civil society organisations (CSOs) were held from 23 January – 27 January 2023.

#### Outline

This statement addresses the following issues: (1) child rights; (2) ratification and domestication of international human rights conventions; and (3) human trafficking.



## Issues and recommendations

### 1. Child Rights

#### *i. Follow-up to the last review*

In 2018, Botswana received and accepted recommendations on the rights of the child. These recommendations encompassed human rights issues such as poverty, human trafficking, violence against children and promotion of children's rights. None of these recommendations have been fully implemented. These recommendations were made by Cuba, Slovenia, Singapore, Germany, Myanmar and Bhutan.

#### *ii. New developments since the last review*

- In 2018, the Government of Botswana partnered with UNICEF to launch the *E Seng Mo Ngwaneng* (Not on the Child) Campaign. The first phase was centered on raising awareness about the exploitation of children. The next phase aims to promote the reporting of cases of abuse to authorities and support services, change norms related to sexual exploitation and abuse, and strengthen the capacity of stakeholders to deal with victims of abuse. In 2021, the Botswana Police Service announced the launching of a Gender and Child Protection Unit for domestic violence and sexual abuse cases related to children. Child friendly police stations have been launched in Shakawe, Francistown, Lobatse, Gaborone and Ghanzi<sup>1</sup>.
- The 2019 Report on the Violence Against Children Survey conducted by the Ministry of Local Government and Rural Development called for the development of a National Action Plan to combat violence against children, implementation of child protection regulations and operationalization of the Children's Act (2009). There is no information available on the progress on the implementation of the findings.
- Botswana conducted a Situational Analysis of the National Plan of Action of Orphans and Vulnerable Children (OVCs) in 2019. However, it has not published any information on how identified areas of attention in the report have been translated into concrete action.

#### *iii. Recommendations*

- Provide information on the number of children who have been subject to abuse and rehabilitated, and socially reintegrated.
- Establish a special budget for supporting Child Protection Committees and strengthen their capacity to carry out their mandate.
- Review the Children's Act of 2009 within a specified timeframe.

<sup>1</sup> Tuduetso Kelapile. 16 December 2022. *Child friendly police station launched*. Ghanzi. Mmegi Online news. <https://www.pressreader.com/botswana/mmegi/20221216/281655374125435>. Accessed: 22 March 2023



- Make efforts to review the Children’s Act of 2009 within a specified timeframe.

## **2. Ratification of International Human Rights Instruments and their domestication**

### *i. Follow-up to the last review*

In 2018, it was recommended that Botswana ratify those international instruments which she had committed to ratify. These include the International Covenant on Economic, Social, and Cultural Rights; the International Convention on the Protection of the Rights of Migrant Workers and their Families; the International Convention on the Protection of all Persons from Enforced Disappearances; Convention on the Rights of Persons with Disabilities; Convention on the Prevention and Punishment of the Crime of Genocide; Optional Protocol to the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment; and Third Optional Protocol to the Convention on the Rights of the Child. There is no information on whether there has been any work done towards ratifying these conventions. These recommendations were made by Madagascar and Namibia.

### *ii. New developments since the last review*

Botswana ratified the Convention on the Rights of Persons with Disabilities on 12 July 2021. The Draft Disability Policy was approved in November 2021 but there has been no information available on the progress since its approval. Other Conventions and Covenants have not been ratified. Botswana has not domesticated the Convention on Elimination of All forms of Discrimination against Women.

### *iii. Recommendations*

Government of Botswana should:

- provide information on when the Conventions which have already been ratified will be domesticated, including provision of a timeframe.
- ratify and domesticate the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **c. Human Trafficking**

### *i. Follow-up to the last review*

In 2018 Botswana received 4 recommendations on human trafficking. The recommendations made have been partially implemented. According to the criteria of the Victims of Trafficking and Violence Act (TVPA)<sup>2</sup>, Botswana is currently ranked on Tier 2 because it does not fully meet the minimum standards for eliminating trafficking in key areas. There is also a significant lack of data about human trafficking in

<sup>2</sup> A law passed in 2000 by the United States government. This law outlined [the minimum requirements](#) necessary to end human trafficking worldwide and created an office in the State Department to measure the U.S. and other countries’ progress in fulfilling this goal. <https://borgenproject.org/human-trafficking-in-botswana/>. Accessed: 22 March 2023



Botswana. The recommendations were made by Syrian Arab Republic, Maldives, Republic of Korea and Philippines.

*ii. New developments since the last review*

On 4- 5 May 2022, the Anti-Human Trafficking Unit engaged civil society organisations at a workshop to consider the draft Anti-Human Trafficking (Amendment) Bill of 2022 under the theme, ‘Addressing legislative gaps to better protect victims of trafficking in persons and effectively punish perpetrators’. Approximately 32 cases have been registered since 2015. Five (5) cases have been completed. Government of Botswana has signed bilateral agreements with neighboring countries to coordinate efforts to tackle trafficking in persons (TIP).<sup>3</sup>

*Recommendations*

- Implement investigations and effective reporting mechanisms, together with victim support systems.
- Conduct education and awareness-raising campaigns for the public and for all stakeholders involved.
- Provide a date of commencement of the process and time-table for the adoption of the Anti-Human Trafficking (Amendment) Bill of 2022.

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<sup>3</sup> In 2021, the Botswana government collaborated with the governments of South Africa, Zimbabwe, Eswatini, and Tanzania on one trafficking conviction and five investigations. This is part of a broader regional effort coordinating by SADC to combat human trafficking.