

Universal Periodic Review – Botswana
Adoption of UPR outcome on Botswana
June 06, 2013
Item 6

Mister President,

I make this statement on behalf of the Sexual Rights Initiative and Rainbow Identity Association-Botswana. Rainbow Identity advocates in Botswana for the human rights of transgender, gender non-conforming and intersex people.

Transgender persons are faced with problems of obtaining documents reflecting their actual gender identity. The current procedure for change of gender is ad hoc, unsystematic and unclear and involves great sacrifice and significant resources as part of a high court application process. The impact on the daily lives, health and wellbeing of transgender persons is negatively affected by this unnecessarily complex process and by the severe social and economic consequences of not having their gender correctly reflected on their identity documents.

When the sex of an intersex baby is assigned, the choice and option of this individual to identify and express their gender in keeping with their gender identity is removed. This removal of the right to bodily autonomy and integrity in Botswana must be addressed urgently to prevent the enormous impact on intersex children and adults of both the mutilation of the surgery itself as well as the psychosocial impacts on them.

We are deeply disappointed that the government of Botswana rejected the recommendation on sexual orientation and gender identity calling for adoption of measures necessary to combat discrimination of all kinds including those based on sexual orientation, gender, colour, religion and political opinion. The rejection of this recommendation is of deep concern, considering the ways that the human rights of individuals who are gender non-conforming or in same sex relations are violated in their communities, in the health system and in the workplaces.

We welcome the willingness of the Botswana government to engage in educational campaigns on gender identity and sexual orientation in the coming years.

We call on the government of Botswana to

1. Recognise the right to bodily autonomy for intersex persons by establishing policy that will end all sex assignment procedures on babies and children and enabling intersex persons to make these decisions for themselves as part of an evolving capacity for informed consent;
2. Put in place laws and policies that will enable the gender markers on identity documents to reflect the gender identity and expression of transgender persons through clear and efficient processes that respect the dignity of persons making these applications;
3. Create mechanisms for sustained dialogue between the government of Botswana and human rights defenders who defend human rights related to sexuality and gender, including gender identity and sexual orientation.

Thank you.