



REPUBLIC OF BOTSWANA

**STATEMENT**

**BY**

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MINISTER OF DEFENCE, JUSTICE AND SECURITY**

**DURING THE 15<sup>TH</sup> SESSION**

**OF THE**

**UPR WORKING GROUP OF THE HUMAN RIGHTS COUNCIL**

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**Mr. President,**  
**Madam High Commissioner for Human Rights,**  
**Excellencies,**  
**Distinguished Delegates,**

1. It is an honour for me to address this 15<sup>th</sup> Session of the UPR Working Group of the Human Rights Council, on the occasion of the review of our country's human rights situation.
2. My Delegation and I bring warm felicitations from the Government and the people of Botswana.
3. It has been four years, since December 2008, **Mr. President**, that I was here representing my country, at the third Session of the first cycle of the UPR.
4. We have witnessed for ourselves the evolution of this mechanism, as a fully cooperative platform that covered all the countries.
5. Indeed, we are equally happy to see that the UPR has retained its form, following the review of the work and functioning of the Human Rights Council, a couple of years ago.

**Mr. President,**

6. The successful completion of the first cycle of the UPR epitomises the achievement of the Human Rights Council in discharging its mandate, as an effective global human rights body, able to undertake independent review of the situation of human rights of all Member States of the United Nations.

7. As a Member of the Human Rights Council, we approach the review of our human rights situation under the UPR mechanism, with a high sense of responsibility, pride and fulfilment.

8. Let me also add that the value of this mechanism depends on the acceptance by Member States that the promotion and protection of human rights can no longer be a side issue in the global discourse of human development.

**Mr. President,**

9. In introducing our National Report, I wish to highlight that it is a product of broad consultations and inclusive participatory process involving government, civil society and nongovernmental organisations.

10. The Report provides an overview of the human rights situation in Botswana.

11. Parts IV and V of the Report provide a detailed account of the implementation measures undertaken by the Government for all the recommendations that Botswana accepted in 2008, and the achievements and challenges during the reporting period.

12. It is my hope, **Mr. President**, that the Report I put before this august body will offer responses to issues that the different Delegations would have wished to raise, and would further stimulate discussion during the Interactive-Dialogue, this morning.

**Mr. President,**

13. Botswana continues to live up to her obligations as a democracy. In this regard, we observe the rule of law, fundamental freedoms, good governance characterised by consultations and inclusiveness, as well as regard for the will of the people.

14. The Government places a high premium in resourcing the institutions that deal with the promotion and protection of human rights. These include the Office of the Ombudsman, the Directorate of Public Prosecutions, the Police Service, the Prisons Service, and the Directorate on Corruption and Economic Crime.

15. In order to protect and safeguard the interests of all the people from possible police misconduct, such as torture, corruption and other forms of malpractice, Parliament adopted a motion in 2011 towards the creation of the Independent Police Complaints Commission. The Government is currently implementing the motion.

**Mr. President,**

16. To signify our resolve in the promotion of women's participation in leadership positions, for the first time in the history of Botswana, in 2009, a woman was elected head of the Legislature, one of the three organs of Government.

17. The election was an addition to key appointments of women to positions of leadership including that of the Governor of the Central Bank of Botswana, the Attorney General, and the Ombudsman. In the Public Service, female leadership stands at over forty percent (40%).

18. Regarding access to justice, more *Specialised Courts* have been established in different parts of the country in order to hasten the wheels of justice. This effort was further augmented by the extension of the Judicial Case Management System from the High Court to lower Courts with a view to improving case management and facilitate speedy resolution.

19. For example, we have the Small Claims Court, Stock Theft Court, Anti-Corruption Courts, Traffic Courts, and Juvenile and Maintenance Courts, with a view to addressing delays in the administration of justice, as well as enabling those without the capacity of engaging legal services to access justice with relative ease.

20. In addition, the Government introduced a pilot project on Legal Aid in 2011, to promote greater access to justice and to enhance and extend utilisation of legal services by needy citizens.

21. The report on the implementation of this Programme indicates a high uptake, thus confirming its value. A Legal Aid Bill will be considered by Parliament in its July Session, later this year.

**Mr. President,**

22. The Government continues to pay particular attention to human rights issues which directly impact on women, children and the youth.

23. The Government has adopted public education and awareness initiatives, including gender sensitisation, in order to educate the public on women's rights with specific focus on HIV/AIDS and gender-based violence, particularly in the domestic setting.

24. Regarding the plight of children, in 2009, the Government domesticated the Convention on the Rights of the Child through the enactment of the new Children's Act, incorporating the Bill of Child Rights.

25. A comprehensive six-year (2010-2016) National Action Plan for Orphans and Vulnerable Children has been adopted. This is to facilitate and advocate targeted programmes and interventions for the welfare and protection of vulnerable children.

**Mr. President,**

26. The Government has made these strides, despite its small and vulnerable economy that did not escape the effects of the global financial and economic crisis.

27. I therefore wish to humbly underscore Botswana's need for assistance and support to enable us to remain fully engaged on the implementation of our human rights obligations.

28. Most urgently, we need support towards the development of a comprehensive strategy and action plan on human rights. In this regard, we are willing to engage with local and international partners.

**Mr. President,**

29. I will now respond to questions received in advance from some Delegations.



30. The United Kingdom asked about transparency of clemency proceedings, regarding implementation of the death penalty.

**Mr. President,**

**31. The Government has not made any changes to the clemency procedure since 2008. We consider the procedure sufficiently transparent not to warrant any review, at least for now.**

32. The United Kingdom also asked about measures taken to address deficiencies in existing legislation on marital rape, and to disseminate information on laws and programmes intended to address the high levels of domestic violence.

**Mr. President,**

**33. I admit that there is presently no legislation specifically addressing marital rape. This is a sensitive matter that hinges on established cultural beliefs. Wide consultations with the public and legislators are ongoing.**

**34. The Government has put in place a comprehensive public education and awareness programme that has seen several workshops and *Kgotla* Meetings held to disseminate information on the Domestic Violence Act. We are currently at an advanced stage of developing Regulations to the Domestic Violence Act to improve implementation.**

35. The United Kingdom and the Netherlands have asked about measures to address gender-based violence.

**Mr. President,**

**36. In addition to the education and awareness programs, a number of initiatives are being developed. These include the establishment of the Gender Based Violence Referral System, which primarily aims at promoting closer collaboration among key service providers for survivors and perpetrators.**

**37. The Government is currently validating the 2012 Gender Based Violence Indicators Study due for completion in September 2013.**

**38. Furthermore, the National Gender Machinery continues to work with the Botswana Police Service to train Police Officers on gender-based violence issues. This is to facilitate effective response as well as mainstreaming of gender into the work of the Police Service. There is also active engagement of faith based organisations.**

**39. The Government continues to support civil society organisations providing gender-based violence related services, mostly to women and children, through subventions to carryout operations, as well as to fund specific activities.**

**40. By June 2013, the Government, in collaboration with other stakeholders, will implement a 365–Day National Action Plan to end gender-based violence.**

**41. An inter-ministerial initiative is in place to address gender-based violence from a criminal justice perspective, to augment all other existing initiatives and programmes.**

42. The United Kingdom has submitted that the 2010 Employment Act prohibits discrimination on the basis of sexual orientation. They asked us to outline any other progress which has been made since 2008 regarding the eradication of discrimination of individuals on the basis of their sexual orientation and whether there are any further plans to reduce discrimination of this kind.

**Mr. President,**

**43. The Government has not taken any additional measures subsequent to the 2010 Employment Act amendment.**

**44. The clarification that I wish to make, though, is that the Penal Code still proscribes unnatural acts involving persons who have canal knowledge of others against the order of nature.**

45. The United Kingdom has enquired on progress towards a sustainable solution to the issue of the settlement, within the Central Kalahari Game Reserve, of indigenous San (Bushmen) communities.

**Mr. President,**

**46. The Government continues to engage the Basarwa through established structures, with a view to ensuring a sustainable solution to the matter.**

**47. Several programmes are being implemented. These include poverty eradication, affirmative action, education for all, community-based natural resource management planning, and effective utilisation of wildlife management areas.**

**48. The Government is working with the CKGR NGO Coalition that is undertaking a mapping exercise. This is aimed at producing a community based land use management plan within the CKGR. The plan will address government policies for the conservation of the CKGR biodiversity and wildlife resources. The outcome document will be shared with Government for the continuation of constructive engagement on the CKGR matter.**

49. The Czech Republic inquired on measures taken or being considered with the aim to speed up the responses by Government departments to the requests of the Office of the Ombudsman enabling thus the Ombudsman to contribute more efficiently to the promotion and protection of human rights?

**Mr. President,**

**50. All Departments have been urged to respond promptly to enquiries by the Office of the Ombudsman. Non-compliance in this regard may affect the grading of a given Ministry or Department during periodic Ministerial Reviews and could result in severe consequences.**

51. The Czech Republic has asked what steps have been taken to ensure equal access for women to education and to justice including the removal of impediments women may face in gaining access to the civil courts.

**Mr. President,**

**52. It should be noted that there are no institutionalized impediments to education for women.**

**53. Regarding access to justice, all persons within the territory of Botswana have access to national courts of civil and criminal jurisdiction.**

**54. The Abolition of the Marital Power Act of 2005 changed the initial position prohibiting women from bringing an action in the courts without their husband's assistance.**

**55. The Act provides that a spouse married in community of property may perform any juristic act without the consent of the other spouse, save for a few exceptions where a spouse will require the other's consent (written or otherwise).**

**56. The Rules of the High Court recognize women's unlimited access to the High Court and that a spouse can sue and be sued without the assistance of the other.**

57. Slovenia wants to know steps taken to ensure compliance with international standards on the treatment of prisoners and to reduce prison overcrowding.

**Mr. President,**

**58. The Government continues to comply with international standards in the treatment of prisoners.**

**59. Regarding overcrowding in prisons, the Government has embarked on a study with the assistance of the Commonwealth Secretariat to develop alternatives to imprisonment. This is in addition to a number of measures already being implemented such as remission and extramural provisions, already contained in the legislation.**

60. Mexico wanted to know measures taken to protect the rights of non-dominant indigenous groups to retain and develop the various attributes of their distinctive cultural identities, following the recommendations made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.



**Mr. President,**

**61. The Government does not recognize any specific group as more indigenous than others. All groups are considered to be indigene to the land.**

**62. However, we do recognize that not all groups are at the same level of development for various reasons. We have introduced preferential strategies to absorb such communities into the mainstream of the country's economy, including through employment and education.**

**63. Furthermore, the Government is actively pursuing affirmative action measures for remote area communities in order to promote social inclusion and equal opportunities for meaningful participation in the development process.**

**64. In this regard, special dispensation is given for the employment of members of these communities in the police and defence forces, and in the civil service in general.**

65. Slovenia has asked about the special needs of indigenous women and children and measures to eliminate discrimination against indigenous women.

**Mr. President,**

**66. As I have noted earlier, all Batswana are indigenous to their country, with the exception of those who have naturalised, including their descendants.**

**67. However, Botswana is committed to the promotion of national ownership of development processes and outcomes. This is demonstrated through the adoption of a bottom-up approach to development planning, where strong emphasis is placed on the involvement and participation of women and men in rural and remote areas.**

**68. Furthermore, the Economic Diversification Drive Policy adopted in 2010 facilitates enterprise and entrepreneurship development. This is aimed at improving livelihoods and food security at household level, especially in rural and remote areas.**

**69. Additionally, the Livestock Management and Infrastructure Development programme has been specifically designed to improve the economic status of Batswana in rural areas. This includes women, who enjoy preferential treatment over their male counterparts.**

70. Slovenia wishes to know about equal access of girls and young women to all levels of education.

**Mr. President,**

**71. The Government continues to discourage practices that are detrimental to women's rights. Gender continues to be mainstreamed into various sectors of the economy.**

**72. In education, a number of policies and strategies have been put in place to ensure that women and the girl-child are not discriminated against. Student girls who fall pregnant are no longer required to discontinue from school.**

73. Mexico has asked what obstacles have been identified by the Coordinating Office for People with Disabilities to coordinate and implement the policies and programmes aimed at empowering persons with disabilities.

**Mr. President,**

**74. Since its establishment in 2010, the Coordinating Office for People with Disabilities has recorded major achievements. These include designating disability coordinating structures in all government Ministries and Departments at national and district levels. The Office has also undertaken a continuing review of the laws for adequate provision for people with disabilities, and the development of a disability strategy.**

**75. Several obstacles have been identified that hinder provision of services to persons with disabilities. These include lack of resources to modify the environment to accommodate people with disabilities, lack of skilled personnel in the area of disabilities, and lack of appropriate training facilities for students with disabilities.**

76. Mexico wants to know what measures have been adopted in order to discourage practices that are detrimental to women's rights.

**Mr. President,**

**77. Several measures have been adopted, including undertaking public awareness and educational campaigns, legislative reform promoting gender equality, particularly in relation to equal right to inheritance by women and men.**

**78. The Government has also taken a deliberate decision to cascade the campaign to traditional leaders (*Dikgosi*), with a view to eliminate negative traditional and cultural practices.**

79. The Netherlands wants to know how the Government will ensure a safer environment in prisons and reduction of health risks, given the prohibition of same sex activities.

**Mr. President,**

**80. The Government has introduced human rights education in the curriculum of training for prison staff. The training is being cascaded to staff who did not receive formal training during their time, through in-service training.**

**81. Furthermore, training to staff at prison facilities is provided by health education officers in District Health Management Teams to ensure continuous health education including on HIV/AIDS to prison population.**

**82. Health education officers also provide education on other public health interventions including hygiene. These measures are designed to ensure a safer environment in prisons and reduction of health risks.**

**Mr. President,**

83. I wish to end my Presentation by thanking the Delegations that had sent Advance Written Questions, and also express the readiness of my Delegation to engage constructively in the Interactive Dialogue with the rest of the Delegations during this Session of the review of my country.

**Thank you.**

**May God Bless You!**