



REPUBLIC OF BOTSWANA

CLOSING REMARKS

BY

**HON. DIKGAKGAMATSO N. SERETSE
MINISTER OF DEFENCE, JUSTICE AND SECURITY**

DURING ADOPTION OF BOTSWANA UPR REPORT

AT THE

**15TH SESSION OF THE UPR WORKING GROUP
OF THE HUMAN RIGHTS COUNCIL**

***21 January – 01 February 2013
Geneva, Switzerland***

Mr. President,

Excellencies and Distinguished Delegates,

1. My Delegation and I are indebted to you for your invaluable contribution to our review.

2. We received **174** recommendations, accepted **85**, deferred **51** for further consultations and unfortunately rejected 38. Feedback on the deferred recommendations will be provided not later than the 23rd Session of the Human Rights Council, in June 2013.

3. **Mr. President,** I wish to give clarification on some of the recommendations we have accepted, particularly those requiring alignment of our customary laws and procedures to principles that protect the balance of socio-economic rights of men and women as well as the rights of the child. Our acceptance is with the understanding that this will be done through public education, and not through prescription by law.

Mr. President,

4. It should be noted that we have rejected all recommendations that required or suggested codification of our customary laws and processes. For, it is a conceptual commonplace in international law that customary norms are not written. They are a reflection of consistent practice in a society that has come to recognise them as binding. The only time that a customary norm would be written is where such norm has been tried and tested in a common law court.

5. I also wish to emphasize that Botswana takes seriously issues of gender equality, and accepts recommendations to take comprehensive measures to achieve full equality for women. What we have rejected in some recommendations on this issue, are the methods that have been proposed towards achieving equality for women.

6. While we accept the spirit of some of the recommendations, we rejected them for want of contextualisation. For example, the use of the term "indigenous peoples".

7. We have also rejected all recommendations that are inconsistent with our constitution, for obvious reasons. These include death penalty and corporal punishment. It should be

noted that administration of corporal punishment is strictly regulated by law to ensure that it does not lead to torture and cruel, inhuman or degrading treatment.

8. In addition, we have rejected recommendations that we consider redundant or unreasonable. These include recommendations that require us to ensure that all violence against women and girls constitutes a criminal offence. We mentioned in our National Report that violence against women and girls constitutes a criminal offence in Botswana and that all perpetrators are prosecuted.

9. May I also reiterate, Mr. President, that Botswana has fully implemented the 2006 High Court ruling on the CKGR. In fact, the Government has gone an extra mile to provide water to people in the CKGR, which the Court did not require the Government to do. We have willingly taken full responsibility to ensure that people in the CKGR have drinking water.

10. Mr. President, I wish to assure you that Botswana takes all the recommendations made to her very seriously. We believe that this process is meant to improve the human rights standards of our people. We will therefore continue to

review our position on some of the recommendations we have rejected as we continue to engage our people at home and with continued assistance from the international community, as well as with change of perceptions across the country on various issues that remain obstacles to the full enjoyment of the human rights for all our people.

11. May I conclude, Mr. President, by expressing our sincere gratitude to the Members of the Troika, namely: Austria, Poland and Uganda for their facilitation and assistance in preparation of our report. Our special thanks go to the Secretariat, especially Mr. Sukan Naidoo and Ms. Thi Thuy Van Dinh, for their active support during the entire process of our review.

I thank you and God Bless You!