

Botswana

Universal Periodic Review (UPR)

Civil Society Mid-Term Review Stakeholder Report

Third UPR Cycle.

31 August 2020

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## Introduction

In January 2018, the Government of Botswana appeared before the UN Human Rights Council for its third cycle of Botswana's Universal Periodic Review (UPR) process. The Government of Botswana accepted 93 of the 207 recommendations made by other member states.<sup>1</sup> The Mid-Term Review Report for Botswana is due in 2020. Both the State and Stakeholders submit reports. This Stakeholder Report covers the period 2018-2020. This report is submitted by DITSHWANELO – The Botswana Centre for Human Rights, on behalf of the UPR NGO Working Group comprising: DITSHWANELO – The Botswana Centre for Human Rights, The Botswana Council of Non-Governmental Organisations (BOCONGO), MISA Botswana Chapter, Lesbians, Gays and Bisexuals of Botswana, Rainbow Identity Association, and the Kuru Family of Organisations. The UPR NGO Working Group submitted its Stakeholder Report in July 2017, for the January 2018 examination of Botswana by the Human Rights Council.

## Stakeholder Consultation Process

Virtual CSO consultations were held due to the COVID-19 Emergency Regulations which ranged from not permitting any in-person meetings (during the lockdown periods of 2 April – 10 May and July), to no meeting of more than two (2) persons, and to no gathering of more than fifty (50) persons. The CSO consultations were held to discuss the recommendations which the Government of Botswana had accepted during 2018 and to produce a Civil Society Mid-Term Review Stakeholder Report 2020 for the UN Human Rights Council. The participants examined and provided information about the implementation status of the recommendations, based on their knowledge and experiences of their CSOs. The consultations were held between 2 June to 28 August 2020.

CSOs who participated in the thematic consultations were: Ambrose Academy Trust; Autism Botswana; BBM; BOCONGO; Botswana Association of the Blind; Botswana Association of the Deaf; Botswana Centre for the Disabled; Botswana Gender Based Violence Prevention and Protection Centre; Botswana Little People; Botswana Network for Ethics, Law and HIV/AIDS; Botswana Society for the Deaf; Botswana Watch; Child Rights Network; Childline Botswana; Class Volunteers Foundation; Chobe Arts Association; Disability Dialogue; DITSHWANELO – The Botswana Centre for Human Rights; Gantsi Civil Society Network; Let Every Man Speak; Malebogo Max Foundation; Men, Sex & Aids; NCONGO; Putting Women First Trust; Stepping Stones International; Stereotypes Society; Success Capital; Thuso Rehabilitation Centre; Thuto Boswa Rehabilitation Centre; Touch a Life; Tshimologo Albinism Society; Window of Hope; and Young Love.

Additional participants included: Gaborone City Council; Motor Vehicle Accident Fund (Disability Committee); and Sparkle Accessibility Disability Consulting.

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<sup>1</sup> 'Noted' or rejected 114.

Description of the methodology and the broad consultation process followed for the preparation of information for the Mid-Term UPR Report

This Civil Society Mid-Term Stakeholder Review Report has been prepared by DITSHWANELO – The Botswana Centre for Human Rights, in its capacity as the Facilitator of the UPR NGO Working Group, comprising The Botswana Council of Non-Governmental Organisations (BOCONGO), DITSHWANELO – The Botswana Centre for Human Rights, Kuru Family of Organisations, Lesbians, Gays and Bisexuals of Botswana (LeGaBiBo), Media Institute of Southern Africa (MISA Botswana Chapter), and Rainbow Identity Association (RIA).

The first draft of the State Report was shared with DITSHWANELO on 3 July 2020, for the purpose of information-sharing about the areas of focus. For ease of comparison, the Stakeholder Report is organised in a manner which is largely similar but not identical to the draft State Report.<sup>2</sup> The chapters are as follows:

CSO Mid-Term Report:

1. *International Human Rights Framework and compliance with international standards*
2. *National Human Rights Institution*
3. *Criminal Justice and Access to Justice*
4. *Rights of the Child*
5. *Persons with Disabilities*
6. *Gender Equality*
7. *Youth*
8. *Economic, Social and Cultural Rights – poverty; rights to health, water and education*

1. **INTERNATIONAL HUMAN RIGHTS FRAMEWORK AND COMPLIANCE WITH INTERNATIONAL STANDARDS** - *national mechanism for reporting follow-up; cooperation and follow-up with treaty bodies; cooperation with special procedures; constitutional and legal framework; institutions and policies; and awareness-raising and dissemination.*

127.1 Ratify those international instruments that Botswana had committed to ratifying during the second cycle of the universal periodic review (Madagascar)
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**Partial Implementation**

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<sup>2</sup> Draft State Report (July 2020). Ratification of Treaties; Human Rights Promotion; Poverty Eradication; Combatting HIC/AIDS, Rights of the Child; Human Rights Education; Non-Discrimination; Human Rights Training; Gender Equality; Cooperation with Treaty Bodies; Death Penalty; Gender Based Violence; Right to Education; Right to Health; Access to Justice; Domestication of Treaties; Human Trafficking; and Water and Sanitation.

- At the time of the 3<sup>rd</sup> UPR cycle in 2018, Botswana had already signed the Revised SADC Protocol on Gender and Development on 11 May 2017 (116.19 Consider signing the SADC Protocol on Gender and Development (Norway); and had already domesticated the Rome Statute in September 2017 (as part of the process of 116.13 Complete the harmonization of domestic legislation with the provisions of the Rome Statute (Tunisia).

- Botswana accepted the recommendations to **consider ratifying** the *International Covenant on Economic, Social and Cultural Rights* - ICESCR: (116.3 (Namibia); 116.4 (Kenya); 116.5 (Cyprus); and 116.16 (Ecuador); (116.17 (France) and its Optional Protocol (116.7 (Costa Rica)).<sup>3</sup>

Botswana's response was that it 'takes seriously its commitments under international human rights instruments, and would consider ratification when it is in a position to implement the provisions of the Convention. Even though we have not yet ratified the Convention, the Government currently considers its programmes and policies effective in advancing the economic rights of its citizens'.<sup>4</sup>

- Botswana accepted the recommendations to **consider ratifying** the *International Convention on the Protection of the Rights of Migrant Workers and their Families* – ICRMW: (116.16 (Ecuador)); and (116.20 (Philippines)).<sup>5</sup>

Botswana's response was that 'Government does not consider its ratification an immediate priority, and will consider accession after it has completed thorough consultations with other stakeholders such as workers, employers and trade unions'.<sup>6</sup>

- Botswana accepted the recommendations to **consider ratifying** the *International Convention on the Protection of All Persons from Enforced Disappearances* – ICPPED: 116.7 (Costa Rica); 116.11 (Argentina); and 116.17 (France).<sup>7</sup>

Botswana's response was that 'the Government will consider accession when it is in a position to effectively implement the treaty provisions'.<sup>8</sup>

- Botswana accepted the recommendations to **consider ratifying** the *Convention on the Rights of Persons with Disabilities* – CRPD: (116.7 (Costa Rica); (116.16 (Ecuador); (116.7 (France); **speeding up the ratification process** (116.22 (Rwanda));<sup>9</sup>

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<sup>3</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

<sup>4</sup> 3. in Report of the Working Group on the Universal Periodic Review\* Botswana Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 23 May 2013. A/HRC/23/7/Add.1

<sup>5</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

<sup>6</sup> 20. in Report of the Working Group on the Universal Periodic Review\* Botswana Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 23 May 2013. A/HRC/23/7/Add.1

<sup>7</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

<sup>8</sup> 11. in Report of the Working Group on the Universal Periodic Review\* Botswana Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 23 May 2013. A/HRC/23/7/Add.1

<sup>9</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

Botswana's response was that 'the Government will consider ratification when it is in a position to effectively implement the treaty provision'.<sup>10</sup>

- Botswana accepted the recommendation to **consider ratifying** the **Convention on the Prevention and Punishment of the Crime of Genocide**: (116.12 Armenia).<sup>11</sup>

Botswana's response was that 'the Government will consider accession when it is in a position to effectively implement the treaty provisions'.<sup>12</sup>

- Botswana accepted the recommendation to **consider ratifying** the **Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – CAT**: (116.13 (Tunisia) and establish preventive mechanism accordingly (116.14 Czech Republic).<sup>13</sup>

Botswana's response was that 'The Government is also consulting the relevant stakeholders regarding the possibility of ratifying the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'.<sup>14</sup>

- Botswana accepted the recommendation to **consider ratifying** the **third Optional Protocol to the Convention on the Rights of the Child** on a communication procedure: (116.23 (Slovakia)).<sup>15</sup>

Botswana's response was that 'Botswana has demonstrated commitment by signing the first and second Optional Protocols'.

#### Key Issues:

- There has been no public information about when Botswana will be 'in a position to implement the of the **(ICESCR)** Convention' as it already considers its programmes as effectively implementing some of the provisions of the covenant.
- There has been no public information about the progress of consultations with workers, employers and trade unions' to enable serious consideration for accession or ratification of **ICRMW**. The COVID-19 pandemic dealt with under the State of Public Emergency and lockdown regulations, left migrants, particularly those within the informal sector, vulnerable to food and income insecurity. Unlike Botswana citizens, they were not eligible for the government food assistance or for the government wage subsidy. Civil society organisations provided some limited relief in response to calls to their help lines, for food support.
- There has been no public information about when Government will be 'in a position to effectively implement' the **ICPPED**.

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<sup>10</sup> 22. in Report of the Working Group on the Universal Periodic Review\* Botswana Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 23 May 2013. A/HRC/23/7/Add.1

<sup>11</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

<sup>12</sup> 12. in Report of the Working Group on the Universal Periodic Review\* Botswana Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 23 May 2013. A/HRC/23/7/Add.1

<sup>13</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

<sup>14</sup> 13. in Report of the Working Group on the Universal Periodic Review\* Botswana Addendum Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. 23 May 2013. A/HRC/23/7/Add.1

<sup>15</sup> Report of the Working Group on the Universal Periodic Review\* Botswana. 22 March 2013. A/HRC/23/7

- The process for the ratification of the **ICRPD** has been extremely slow, affected by the 2018 Cabinet decision that a National Disability Policy and a Disability Law precede accession to the ICRPD. There is a Draft National Framework (Draft Policy, Implementation Plan, Draft Strategy, and Draft Bill). There is urgent need for it to be ratified and domesticated as persons with disabilities face several challenges in exercising their basic rights; these challenges being (a) stigmatization, (b) infrastructural barriers, (c) transport barriers, and (d) information barriers. There is little awareness of disability rights among persons with disabilities (who are consequently unable to fully exercise their rights), caregivers, and the general public.<sup>16</sup>
- The **Convention on the Prevention and Punishment of the Crime of Genocide** (1948) was the first human rights treaty adopted by the General Assembly of the United Nations on 9 December 1948. It is a foundational document which Botswana should have signed several years ago to show its commitment to contribute to the prevention of acts of genocide.
- There has been no public information about who the stakeholders are and about progress in the consultation process concerning the possibility of ratifying the **Optional Protocol to CAT**.
- There has been no public information about any processes which indicate that a decision has been made and work begun to show Botswana's commitment by signing the **third Optional Protocol to the Convention on the Rights of the Child**.

#### Recommendation to Government

- Make public, information about the status of the progress towards the ratification process of the following international instruments and a time-table for actual ratification and domestication:
  - < **International Covenant on Economic, Social and Cultural Rights**
  - < **International Convention on the Protection of the Rights of Migrant Workers and their Families**
  - < **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**
  - < **Third Optional Protocol to the Convention on the Rights of the Child**

127.2 Cooperate fully with treaty bodies by meeting reporting obligations as a Member State (Republic of Korea)

#### **Partial Implementation**

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<sup>16</sup> Mukhopadhyay, S. and Emmanuel Moswela. (2019). *Disability Rights in Botswana: Perspectives of Individuals With Disabilities*. <https://journals.sagepub.com/doi/abs/10.1177/1044207319871745?journalCode=dpsa>

- **Convention Against Torture and Other Cruel or Degrading Treatment or Punishment (CAT)**  
Due Date: 7 October 2001. *No submission.*
- **International Covenant on Civil and Political Rights (ICCPR)**  
Due Date: 30 April 2019 (initially in 2012). *Submitted* 20 May 2020<sup>17</sup>
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**  
Reply to List of Issues.<sup>18</sup> *Submission* 15 January 2019.
- **Convention on the Elimination on All Forms of Racial Discrimination (CERD)**  
Due Date: 2009. *Submitted* 30 January 2020<sup>19</sup>
- **Convention on the Rights of the Child (CRC)**  
Reply to List of Issues.<sup>20</sup> *Submission* 1 May 2019

127.3 Continue to work on the implementation of its commitments to promote and protect human rights in the light of the recommendations already accepted (Sudan)

**Partial Implementation – see *Responses to all Recommendation***

127.4 Consider the creation of a national follow-up mechanism for recommendations on human rights issues, which would allow for the adequate follow-up of the obligations and recommendations made by regional and universal human rights systems (Paraguay)

**Partial Implementation**

- The Human Rights Unit (2019) in the Ministry of Presidential Affairs, Governance and Public Administration has the responsibility to coordinate State Party reporting and to follow-up on recommendations on human rights issues.

127.64 Continue efforts to implement Committee on the Elimination of Discrimination Against Women obligations and promote and protect the rights of women (Maldives)

**Partial Implementation**

<sup>17</sup> CCPR/C/BWA/2

<sup>18</sup> CEDAW/C/BWA/Q/4/Add. 1. Due Date for *Fourth Periodic State Report* 1 February 2014 – CEDAW/C/BWA/4. Submission Date 21 November 2017. List of Issues 31 July 2018.

<sup>19</sup> CERD/C/BWA/17-22. Combined seventeenth to twenty-second periodic reports. Due Date: 1 May 2019 – initially 2009. Submission Date 30 January 2020.

<sup>20</sup> CRC/C/BWA/Q/2-3/Add. 1. Due Date for State Report 15 April 2007. Submission Date 21 November 2017. List of Issues 12 October 2018.

128.26	Extend a standing invitation to the special procedures mandate holders (State of Palestine)
128.7	Extend a standing invitation to special procedures (Honduras)
128.28	Issue an open standing invitation to the Human Rights Council special procedures (Ukraine)
128.29	Issue an open standing invitation to the Human Rights Council special procedures (Portugal)
128.30	Issue an open standing invitation to special procedures (Montenegro)
128.31	Fully cooperate with the United Nations human rights mechanisms and, in particular, invite the special rapporteur on the situation of human rights defenders to conduct visits) and ensure that there are unhindered visits by human rights defenders (Chile)

### Partial Implementation

- On 2 May 2018, Botswana extended a standing invitation to mandate holders of Special Procedures.
- Special Rapporteur on Minority Issues: ***Mission Conducted and Report Submitted***: 12 -24 August 2018.
- Special Rapporteur on Contemporary Forms of Racism: *Request Submitted* on 9 July 2012. *Reminder Sent* on 7 February 2018 for mission in 2019. **No Response.**
- Independent Expert on International Solidarity: *Request Submitted* on 28 November 2018. **No Response.**
- Special Rapporteur on the Rights of Persons with Disabilities: *Request Submitted* on 17 January 2018 for mission in 2019; *Accepted* on 25 July 2018 for May 2019; *Decision to postpone* on 15 October 2010 to 23 March 2020 – 3 April 2020; ***Proposed new dates for mission*** during September – October 2020.
- Special Rapporteur on the Right to Food: *Request Submitted* on 25 January 2017. *Accepted* on 24 July 2017. **No Mission conducted.**
- Special Rapporteur on Right to Development: *Request Submitted* on 10 November 2017. **No Response.**
- Working Group on Discrimination against Women and Girls: *Request Submitted* on 7 February 2018 for mission in 2019. *Reminder sent* on 27 February 2019. **No Response.**
- Working Group on Arbitrary Detention: *Request Submitted* on 22 December 2016 for mission in 2017. *Reminder Submitted* on 19 February 2018 for mission in 2018. **No Response.**<sup>21</sup>

### ***Administration of Justice and Good Governance - equality and non-discrimination***

127.24 Take measures to improve efficiency, accountability and transparency in the public service of the country (Azerbaijan)
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<sup>21</sup> <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=BWA&Lang=en>

## Information unavailable

127.26	Take measures to prevent and combat all forms of discrimination, especially against women, persons with disabilities and other vulnerable groups;
127.67	Continue efforts to combat discrimination against women and achieve gender equality (Tunisia)

## Partial Implementation

See chapters on *GENDER* and *PERSONS WITH DISABILITIES*

128.23	Ratify the Convention on the <b>Prevention and Punishment of the Crime of Genocide</b> (Armenia)
128.24	Consider ratifying the Genocide Convention in view of the upcoming 70th anniversary of its adoption (Rwanda)

## No Implementation

128.37	Take necessary steps to incorporate into domestic law those international human rights conventions that Botswana has ratified (Slovakia);
128.38	Accelerate ongoing efforts to domesticate the provisions of the international human rights treaties it is a party (Zimbabwe)
128.43	Adopt laws to incorporate in its national legislation the international human rights instruments to which it is party (Niger)
128.44	Include provisions of international human rights treaties ratified by Botswana in national legislation in order to ensure its applicability in courts and administration organs (Russian Federation)

## No Implementation

- During the period 2018 – 2020, there has been no domestication of international human rights conventions which Botswana has ratified.

128.45	Further consolidate its social and human rights policies, particularly in the area of <b>economic, social and cultural rights</b> in order to improve the quality of life, particularly of the most vulnerable groups of its population (Bolivarian Republic of Venezuela)
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## Partial Implementation

See chapter on **SOCIO-ECONOMIC AND CULTURAL RIGHTS**

2. **NATIONAL HUMAN RIGHTS INSTITUTION** - *national human rights framework; national plan of action on human rights (strategy); human rights education; human rights training.*

- |        |   |
|--------|---|
| 127.6  | Continue efforts to ensure that the national human rights institution that will be established will be in compliance with the Paris Principles (Portugal) |
| 127.7  | Expedite the establishment of a national human rights institution in conformity with the Paris Principles (Sierra Leone)                                  |
| 127.8  | Intensify efforts aimed at establishing a national human rights institution in line with the Paris Principles (Ukraine)                                   |
| 127.9  | Prioritize the setting-up of a national human rights institution in accordance with the Paris Principles (South Africa)                                   |
| 127.10 | Step up the process of setting up a national human rights institution in conformity with the Paris Principles (Togo)                                      |
| 127.11 | Accelerate the establishment of a national human rights institution in line with the Paris Principles (Afghanistan);                                      |
| 127.12 | Establish, without further delay, a national human rights institution that will be in full compliance with the Paris Principles (Liechtenstein)           |
| 127.13 | Establish a national human rights institution in line with the Paris Principles (Morocco)   |
| 127.15 | Complete its efforts to establish a national human rights institution in line with the Paris Principles (Greece)  |
| 127.14 | Complete the legal procedures to establish the national human rights institution (Tunisia)  |
| 127.15 | Complete its efforts to establish a national human rights institution in line with the Paris Principles (Greece)  |

**No Implementation**

Key Issues

- there has been no further consultation with or briefing of CSOs concerning the establishment of the NHRI which should include plurality in membership – including civil society – for it to conform with the Paris Principles.
- The mandate of the Office of the Ombudsman is currently limited to ensuring administrative justice by investigating allegations of maladministration within the public sector. It recommends remedial action where the Ombudsman finds that the complainant has suffered injustice arising from the administrative conduct<sup>22</sup> and has no enforcement capacity.

<sup>22</sup> <https://www.gov.bw>. Accessed on 19 July 2020.

- To be credible, legitimate and effective, the Office of the Ombudsman has to comply with the Paris Principles<sup>23</sup> - these include *mandate and competence; autonomy from Government; independence guaranteed by statute of Constitution; pluralism in membership; adequate resources; and adequate powers of investigation.*
  - The *mandate* of the Office of the Ombudsman is limited to maladministration. The Ombudsman Amendment Bill aims to expand its mandate to include human rights.
  - The Office of the Ombudsman is *not autonomous from Government* or ‘from the executive and the public service ... (should) have a direct link to parliament not the executive’.<sup>24</sup>
  - Its *independence* is compromised. The staff of the office of the Ombudsman are hired by the Department of Public Service Management (DPSM). The Ombudsman is appointed by the President (and not by an independent body<sup>25</sup>) ‘in consultation with the leader of the Opposition in Parliament’ (LOO). The renewal of the contract of the Ombudsman was effected on 1 June 2020 following consultation by the President with the LOO, however ‘it is an academic exercise, even if I differed with the President, he was still going to forge ahead anyway’.<sup>26</sup>
  - Like the Office of the Ombudsman, other oversight bodies - – Independent Electoral Commission (IEC) and the Office of the Auditor General are housed under the Office of the President. This prevents them from being independent.

127.19 Take concrete steps towards the finalization of the bill on the transformation of the Office of the Ombudsman into a hybrid national human rights institution (Namibia)

- No public information available.

127.12 Establish, without further delay, a national human rights institution that will be in full compliance with the Paris Principles (Liechtenstein)

127.13 Establish a national human rights institution in line with the Paris Principles (Morocco)

127.15 Complete its efforts to establish a national human rights institution in line with the Paris Principles (Greece)

127.14 Complete the legal procedures to establish the national human rights institution (Tunisia)

<sup>23</sup> Six main criteria of the Paris Principles (1993) which NHRIs are required to meet: broad mandate and competence based on universal human right norms; autonomy from Government; independence guaranteed by statute of Constitution; pluralism in membership representative of ‘the social forces (of civilian society) involved in the protection and promotion of human rights; adequate resources; and adequate powers of investigation. <https://nhri.ohchr.org>. Accessed on 19 July 2020.

<sup>24</sup> Ombudsman, Augustine Makgonatsotlhe. Ombudsman: New contract, same mission. 16 June 2020. Weekend Post, page 3.

<sup>25</sup> This has been recommended repeatedly by the first Ombudsman, Lethebe Maine. Mpabanga, Dorothy. 2009. Promoting the effectiveness of democracy protection institutions in Southern Africa. Office of the Ombudsman. EISA Research Report, No. 44., page 39.

<sup>26</sup> Leader of the Opposition, Dumelang Saleshando. Ombudsman: New contract, same mission. Weekend Post, page 3.

- 127.15 Complete its efforts to establish a national human rights institution in line with the Paris Principles (Greece)
- 127.16 Establish a national human rights institution that is in line with the Paris Principles by finalizing and adopting the Ombudsman Amendment Bill that will confer a human rights mandate on the Office of the Ombudsman (Thailand)
- 127.17 Make every effort to ensure that its national human rights institution is in compliance with the Paris Principles (Timor-Leste)
- 127.18 Ensure the independence of the Office of the Ombudsman as a national human rights institution in line with the Paris Principles (Canada)
- 127.20 Ensure that the Office of the Ombudsman, as a national human rights institution, is independent and adequately financed in line with the Paris Principles (Germany)

### No Implementation

- The mandate of the Office of the Ombudsman is currently limited to ensuring administrative justice by investigating allegations of maladministration within the public sector. It recommends remedial action where the Ombudsman find that the complainant has suffered injustice arising from the administrative conduct.<sup>27</sup> It has not yet been transformed into a national human rights institution.
- The Ombudsman Amendment Bill has not yet been tabled before Parliament. It has been revised twice since 2016. Civil society organisations participated in an official symposium about the Human Rights Institution on 20 November 2018.<sup>28</sup> Since then CSOs, but have not participated in any of the recent consultations which led to revision instructions to the Attorney General in November 2019

### Key issues:

- To be credible, legitimate and effective, the Office of the Ombudsman has to comply with the Paris Principles<sup>29</sup> - these include *mandate and competence; autonomy from Government; independence guaranteed by statute of Constitution; pluralism in membership; adequate resources; and adequate powers of investigation.*

127.22 Finalize the work on a Comprehensive Human Rights Strategy and National Action Plan (Turkey);

### No Implementation

127.23 Finalize its plans to develop a National Human Rights Strategy and National Action Plan (Zimbabwe)

<sup>27</sup> <https://www.gov.bw>. Accessed on 19 July 2020.

<sup>28</sup> The UPR NGO Working Group had convened a CSO consultation on 13-14 November 2018.

<sup>29</sup> Six main criteria of the Paris Principles (1993) which NHRIs are required to meet: broad mandate and competence based on universal human right norms; autonomy from Government; independence guaranteed by statute of Constitution; pluralism in membership representative of 'the social forces (of civilian society) involved in the protection and promotion of human rights; adequate resources; and adequate powers of investigation. <https://nhri.ohchr.org>. Accessed on 19 July 2020.

## Partial Implementation

- Government commitment to the Comprehensive Human Rights Strategy and National Action Plan was stated in the October 2014 State of the Nation Address of H.E. former President Khama. He stated that the Government had committed itself to the production of the Comprehensive Human Rights Strategy and National Action Plan (CHRSNAP).<sup>30</sup> The Human Rights Unit, established in August 2019, is mandated with the production of CHRSNAP and held a consultation which included CSOs and government, in November 2019.
- The National Coordinating Committee (NCC) members were identified during the November 2019 consultation, comprising relevant Ministries and CSOs (including member of the UPR NGO Working Group)<sup>31</sup>. The Task Force comprises the Ministry for Presidential Affairs, Governance and Public Administration, Ministry of Defence, Justice and Security, Ministry of International Cooperation, UNDP and DITSHWANELO – The Botswana Centre for Human Rights. A key responsibility is the production of the CHRSNAP. Its Preparation Phase (Phase 1)<sup>32</sup> has begun with the advertisement for consultant to conduct the Baseline Study – based on contextual realities, taking into account values, cultures and the human rights situation in the country.

The NCC is co-chaired by the MOPAGPA and civil society. The current CSO co-chair is DITSHWANELO – The Botswana Centre for Human Rights.

127.63 Promote human rights education and awareness-raising for the public, including schools, through government ministries and other bodies (Ghana)

## Partial Implementation

- During 2020 there have been several public service announcements relating to the rights of survivors of gender-based violence and abuse. These encourage reporting to a police call line. On 27 November 2018, the First Lady, Mrs Neo Masisi launched the National Campaign on the Prevention of Sexual Exploitation and Abuse of Children in Botswana - #EsengMoNgwaneng.

127.2 Provide trainings on human rights principles and obligations for all law enforcement officers, as well as continue to investigate allegations of human rights violations, including violations committed by police officers, and hold accountable those who are responsible (Thailand)

## Partial Implementation

### Key Issues:

<sup>30</sup> UPR 2015 CSO UPR Mid-Term Report, pg 8.

<sup>31</sup> Established in 2012 and facilitated by DITSHWANELO – The Botswana Centre for Human Rights. Recommended adoption of a CHRSNAP in its 2012 Stakeholder Report and lobbied HRC Member States and the government of Botswana. The recommendation was accepted at 2013 UPR. CHRSNAP comprises the Preparation, Elaboration, Implementation, Monitoring; and Evaluation Phases.

<sup>32</sup> CHRSNAP comprises the Preparation, Elaboration, Implementation, Monitoring; and Evaluation Phases.

- There is no established human rights awareness-raising for the public through government ministries. CSOs engage with society through programmes supported by development partners, such as UNICEF and Save the Children for child-specific programmes.
- Training is conducted for the Botswana Defence Force through the Defence Command and Staff College; for the Botswana Prison Service through the Prison Officers' course syllabus; for the Botswana Police Service through the Botswana Police College and the International Law Enforcement Academy (ILEA) located at the Botswana Police College.

Key Issues:

- There has been no recent CSO involvement in the human rights training of security forces.

### 3. CRIMINAL JUSTICE AND ACCESS TO JUSTICE

127.28	Take active steps to ensure that public consultations on the abolition of the death penalty, including on its abolition, are held, and include information on the outcome of those consultations in its next universal periodic review report (Rwanda);
127.29	Renew the work towards holding a public national discussion on the death penalty (Ukraine)

**No Implementation<sup>33</sup>**

127.34	Strengthen its domestic criminal legal system in order to effectively investigate and prosecute crimes (India)
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**Partial Implementation**

- Penal Code Amendment Bill (April 2018) raised the age of consent for sex from 16 years to 18 years. It aims to address defilement and abuse of children, abduction, indecent assault, and kidnapping of children. The new law addresses various crimes, including defilement, abuse, abduction and indecent assault and kidnapping of children. It also introduced stricter penalties for murder, rape and manslaughter as well as minimum mandatory sentences. Concerns of activists led to the adoption of the following exceptions in order to avoid criminalising minors. These include: non-criminalisation of sexual acts between persons who are both under 18 of age; between a person who is not more than two years older than the other (for example – a 17 year old and a 19 year old); and removal of the discriminatory law which protected only boys to the exclusion of girls – a boy under 12 years of age is assumed to be incapable of engaging in sexual acts, the consequence of which was that he was deemed to be legally

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<sup>33</sup> Between 2007 and September 2019 seventeen (17) male prisoners were sentenced to death, while ten (12) male prisoners were executed. As at 30 April 2019, there were 5 male prisoners on death row. ICCPR submission – 26 May 2020. 2<sup>nd</sup> Periodic Report., pg 13.

incapable of rape. Girls of the same age, now enjoy the same protection – incapable of engaging in sexual acts.<sup>34</sup>

- Penal Code Amendment Bill 30 of 2018 (July 2018) to ensure that only those excluded by the Act are exempt from giving evidence.

127.37	Take the necessary measures, as a country of origin, transit and destination for human trafficking and sexual exploitation of children, to address and investigate such crimes (Syrian Arab Republic)
127.38	Continue to strengthen measures to combat human trafficking by providing training to service providers and stakeholders working with victims of human trafficking (Maldives)
127.39	Take concrete measures to prevent human trafficking and exploitation, especially of women and children (Republic of Korea)
127.40	Work closely with civil society and non-governmental organizations in addressing human trafficking issues (Philippines)
128.58	Take effective measures to prevent trafficking in human beings and to rehabilitate victims (Russian Federation)

### Partial Implementation

- The Anti Human Trafficking Act, 2014 (Act No. 32 of 2014) establishes an Human Trafficking (Prohibition) Committee which is to oversee the implementation of the Act. The only civil society organisation on the Committee is the Botswana Gender Based Violence and Prevention Centre (BGBVC) as it houses victims.
- By April 23 2019, it was reported that Botswana had registered 21 cases involving human trafficking, and among the 21 detected cases, its first ever case had been completed and prosecuted by the Directorate of Public Prosecutions (DPP) (the Patriot, April 23 2019)<sup>35</sup>.
- The Act prohibits human trafficking, establishes protective measures for the victims and survivors of human trafficking. This includes the establishing of specific centres for victims and survivors of Trafficking in Persons (TIP) and the creation of a human trafficking victim fund. These have not been established.
- In addition to children, the most vulnerable to being trafficked are unemployed women, the rural poor and farm workers. Often lured into a promise of a better life, one with education and employment – strategies need to address these vulnerable groups and address the underlying causes of trafficking.
- The Child Protection Unit in the Ministry of Local Government and Rural Development has a focal officer for child trafficking. This has assisted in expediting investigations for trafficking as

<sup>34</sup> Southern Africa Parliamentary Support Trust (2018). *Botswana raises age of consent to 18 years*. <https://www.sapst.org/botswana-raises-age-of-consent-to-18-years>.

<sup>35</sup> <https://www.thepatriot.co.bw/news/item/6896-human-trafficking-a-growing-scourge.html>

well as safeguarding children identified as having been potentially trafficked. This is done by placing them in protective custody prior to repatriation to their home countries.

- Children

**See chapter on *RIGHTS OF THE CHILD***

- Women

**See chapter on *GENDER EQUALITY***

Key Issues:

- Need to increase the number of CSOs on the Human Trafficking (Prohibition) Committee to ensure that a comprehensive approach is used to address the issue. Root causes need to be addressed to ensure effective strategies.
  - Specific shelters for human trafficking victims and survivors need to be established, which are also child-friendly. Currently the shelters being used are those which have been established by CSOs for survivors of GBV. During COVID-19, there was an exponential increase in the number of GBV cases, necessitating the establishment of temporary CSO shelters.
  - Statistics about human trafficking cases need to be both gender and age disaggregated to enable accurate analysis about the victims and survivors of human trafficking.
4. **RIGHTS OF THE CHILD** - *non-discrimination; best interests of the child; respect for the views of the child/participation) and the extent to which there is a basic 'infrastructure' for making and implementing child rights policy (in the form of enabling national legislation; mobilization of the 'best available' budget; health; collection and analysis of disaggregated data; and state-civil society cooperation for child rights*
- Since the recommendations in 2018 were made and accepted, the government has published important reports<sup>36</sup> or policy frameworks which provide valuable insight into the state of affairs and identify areas for attention. The government made commitments during the International Conference on Population and Development (ICPD25) in November 2019. These are important strides for which the government is commended. The next crucial step is that they are translated into concrete action, policies, programmes with specific budget allocations. There is little information published which shows that the government is working on that. A general recommendation is that the government make public, information about its intended response to the issues raised in the documents mentioned as well as their current activities.
  - The budgetary cuts announced in 2020 are of serious concern because these are being made in sectors which were already under pressure to effectively deliver services (social welfare and

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<sup>36</sup> Most importantly the second situational analysis of the National Plan of Action for Orphans and Vulnerable Children in Botswana (2019), the Violence Against Children Survey (VACS) and the Regional Strategy and Framework of Action for Addressing Gender Based Violence 2018 - 2030.

community development, social protection, and education), or in sectors about which recommendations were made but no action appears to have been taken.

127.37	Take the necessary measures, as a country of origin, transit and destination for human trafficking and sexual exploitation of children, to address and investigate such crimes (Syrian Arab Republic)
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#### **Partial Implementation.**

- The Anti Human Trafficking Act, 2014 (Act No. 32 of 2014) establishes an Human Trafficking (Prohibition) Committee which is intended to oversee the implementation of the Act. The only civil society organisation on the Committee is the Botswana Gender Based Violence and Prevention Centre (BGBVC) as it houses victims. The Act prohibits human trafficking, establishes protective measures for the victims and survivors of human trafficking. This includes the establishing of specific centres for victims and survivors of Trafficking in Persons (TIP) and the creation of a human trafficking victim fund. These have not been established. In addition to children, the most vulnerable to being trafficked are unemployed women, the rural poor and farm workers. Often lured into a promise of a better life, one with education and employment – strategies need to address these vulnerable groups and address the underlying causes of trafficking.
- The Child Protection Unit in the Ministry of Local Government and Rural Development has a focal officer for child trafficking. This has assisted in expediting investigations for trafficking as well as safeguarding children identified as having been potentially trafficked. This is done by placing them in protective custody prior to repatriation to their home countries.
- Botswana is classified as a source, transit and destination country by the United Nations. The government worked with local and international law enforcement departments as was seen in the international bodies to engage civil society organisations. The International Organisation for Migration (IOM) was present and facilitated a session.
- By April 23 2019, it was reported that Botswana had registered 21 cases involving human trafficking, and among the 21 detected cases, its first ever case had been completed and prosecuted by the Directorate of Public Prosecutions (DPP) (the Patriot, April 23 2019)<sup>37</sup>. The report does not specify how many cases involved children.
- According to the *2019 Trafficking in Persons Report – Botswana* by the Government of the United States of America, Botswana did not ‘fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so’. Botswana also updated its 2017 National Action Plan to Combat Trafficking, however its implementation efforts have not been reported.

#### Key issues:

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<sup>37</sup> <https://www.thepatriot.co.bw/news/item/6896-human-trafficking-a-growing-scourge.html>

- *multi-faceted nature of human trafficking* - it cuts across various government departments and progress is impeded by corruption. This makes it difficult for the responsible Ministry to effectively coordinate efforts.
- *lack of appropriate infrastructure* - to enable provision of the necessary services including shelter, medical care including counselling to fully assist victims. There are currently no shelters for children.
- *inadequate referral systems and mechanisms* - to facilitate victim identification and participation in investigations in ways in which their personal safety and social support are assured.
- *lack of guidelines and regulations for stakeholders* - to enable government, private sector and civil society to identify and assist victims.<sup>38</sup>
- *non-implementation of Anti Human Trafficking National Action Plan 2017* – upon its launch in 2017, it was to be implemented in April 2018.<sup>39</sup>

127.38	Continue to strengthen measures to combat human trafficking by providing training to service providers and stakeholders working with victims of human trafficking (Maldives);
127.40	Work closely with civil society and non-governmental organizations in addressing human trafficking issues (Philippines)

### Partial Implementation

- Effective collaboration requires awareness-raising of stakeholders.
- In July 2018 the Ministry of Defence, Justice and Security (MDJS) held a national commemoration of the World Day Against Trafficking in Persons. It raised awareness of the general public and civil society. It was attended by victims of trafficking.
- In 2018 MDJS held 11 anti-trafficking workshops for:
  - < social workers from 26 public hospitals
  - < Industrial Court staff
  - < members of parliament
  - < first responders and
  - < students
- In 2018, the Botswana Police Service held awareness raising consultations with secondary school students at various locations. The government continued to participate in the SADC regional data collection tool by uploading information about trafficking cases, victim and

<sup>38</sup> Mr. Paledi the Acting Permanent Secretary for Ministry of Defence, Justice and Security stated that there was also a need to develop guidelines to guide both the government and private sector on identifying and assisting victims. (Workshop to develop regulations for the anti-human Trafficking Act 18th June 2019). [https://www.facebook.com/search/top/?q=develop%20regulations%20for%20the%20anti-human%20trafficking%20act&epa=SEARCH\\_BOX](https://www.facebook.com/search/top/?q=develop%20regulations%20for%20the%20anti-human%20trafficking%20act&epa=SEARCH_BOX)

<sup>39</sup> Botswana adopted a multi-sectoral Anti-Human Trafficking National Action Plan set to be implemented April next year. Botswana Daily News (28 June 2018). [Tsiane launches Human Trafficking Booklet](#)

trafficker profiles, and sharing information with countries in the region. It also trains police officers on anti-trafficking law victim identification and investigation of human trafficking cases.

- In 2018, MDJS and the Department of Public Prosecutions trained:
  - < 36 officials from all six DPP offices on the Anti-Human Trafficking Act, victim identification, and trafficking indicators
  - < immigration officials, first responders, social workers, law enforcement officers, and local elected officials in the North Eastern District of Botswana on trafficking data collection.
- On 18 June 2019, the MDJS trained *civil society organisations* and engaged them in the joint development of regulations for the Anti-Human Trafficking Act

127.39 Take concrete measures to prevent human trafficking and exploitation, especially of women and children (Republic of Korea)
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#### Partial Implementation

- A nationwide campaign has been planned by MDJS with relevant officials to engage in harmonising regulations which support the Anti-Human Trafficking Act 2014. The regulations are not completed yet and meetings are still taking place. Consultations by BOCONGO (Botswana Council of NGOs) and MDJS, were held with schools, churches and students during 2018.

#### Key Issues:

- lack of established referral system to protective social services and ensure all victims receive option of fines instead of imprisonment
- the existing provision for suspended sentences for convicted traffickers.
- lack of guidelines for front-line officials to identify potential victims of trafficking, to be provided either directly or in partnership with NGOs

127.45 Continue working on poverty eradication initiatives with special focus on women and children (Bhutan)
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#### Partial Implementation

- In the State of the Nation Address (November 2018) President Masisi stated that the “Government has recognised the need to develop an overarching National Employment Policy (NEP) for Botswana with implementable solutions to address the unemployment problem facing the country. The goal of the NEP is to assist the country to achieve productive, gainful and decent employment for all, to contribute to the reduction of income inequality as well as to support Government’s poverty eradication efforts. To develop the NEP, Government obtained financial and technical support from the World Bank.” The **Draft National Employment Policy for Botswana** is reportedly in existence was expected to be delivered by

March, 2019, but was postponed to September 2019. To date (June 2020) it appears it has still not been delivered. Unfortunately it not possible to know whether it has a special focus on women and children.

- President Masisi also stated that “To ensure that “No One is Left Behind”, government will profile all the poor people in the country so that they are all assisted accordingly to improve their livelihoods. It seems there have been no additional activities carried out since the recommendations were made in 2018, besides what had already been initiated before that time: “Government poverty eradication initiatives are included in the nation’s long term strategy, Vision 2036 and other National Development Plans, which outlines poverty eradication as one of the key policy deliverables.” Poverty, Unemployment and Inequality have been identified as priorities in the National Vision 2036 and in the National Development Plan 11.

#### Key issues:

- *effective sustainable reach of Poverty Eradication Programme* - activities are limited to a few people who are largely dependent on handouts with little effort to effectively move them out of poverty
- *no gender or child-specificity* - there is no long-term poverty eradication strategy which is focussed on women or on children
- *delay in finalisation and dissemination of the National Employment Policy* – It was reportedly in draft form in July 2019, according to Minister of Finance and Development Planning.<sup>40</sup>

127.51	Take necessary measures to improve access to health, particularly for vulnerable groups, including children and women (Algeria)
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#### **Partial Implementation**

*See also recommendation 127.73*

- The 2020/21 budget speech highlights that guidelines for the standardisation and strengthening of the delivery of a minimum health care package are being developed to achieve health equity. There is no further information established beyond the announcement.
- The World Bank’s Human Capital Index (HCI)<sup>41</sup>, last updated April 13 2020, scores Botswana at 0.42 on a scale of 0-1, with 1 indicating that maximum potential is reached. The HCI aims at promoting attention and action to improving the level and quality of government investments in child health, nutrition, and education. This score suggests that a Botswana

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<sup>40</sup> Minister of Finance and Development Planning, Minister Matambo said they are working on the NEP with the assistance of the World Bank. “I am happy to say a draft policy has since been produced and consultations have been taking place with stakeholders through workshops, which were held at first on the 21st of March this year and the next on the 25th of June this year”. Ramadubu, Dikarabo. (18 July 2019). Cabinet to receive National Employment Policy in September. Botswana Guardian. <http://www.botswanaguardian.co.bw/news/item/4208-cabinet-to-receive-national-employment-policy-in-september.html>

<sup>41</sup> <https://www.worldbank.org/en/country/botswana/overview#1>

child born today will only be 42% as productive when she grows up as she could have been had she been able to enjoy adequate education and health opportunities.

Key issues:

- *the gap between programmes and policies, and poor outcomes in relation to health of children* – over half of the under-5 children die before their fifth birthday due to sepsis, severe malnutrition, diarrhoea and pneumonia. Stunting presents a serious challenge to childhood development. 1 in 3 children who are under-5 are stunted.<sup>42</sup> This challenge exists in spite of the fact that the Government of Botswana has nutrition policies aimed at improving access to health by women and children. These include the vulnerable group feeding programme, school feeding programmes and free infant formula for babies of HIV infected women.
- *implications of COVID-19* – on access to health, especially during the lock-down periods during which there were reports of a spike in numbers of gender-based violence and child abuse cases. It is not clear how the re-direction of the budget to COVID-19 programmes, will affect the health programmes for children and women.
- *Exclusion of non-citizen children from government COVID-19 food assistance* – CSOs provided an emergency complementary role to government. This included provision of counselling services and food parcels. This approach failed to ensure equitable access to resources of all persons living within Botswana. This is in contrast to the August 2019 policy decision that all foreign residents have access to free HIV treatment.<sup>43</sup>
- *Exclusion of vulnerable groups – indigenous Basarwa/San children* who are not born in hospitals lack birth certificates. Adult Basarwa/San persons often lack official identify cards. These are required to access free health care and other government services. Government has waived penalty fees for those Basarwa/San who fail to obtain an O Mang when they turn 16 years of age; *children with disabilities* who are left with caregivers are often not registered and are particularly vulnerable with constrained access to health services

127.63	Promote human rights education and awareness-raising for the public, including schools, through government ministries and other bodies (Ghana)
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**No Implementation.**

- The Botswana education curriculum does not contain a substantial component on human rights education. The education curriculum has a topic on 'knowing your rights' at junior and senior school level. Some civil society organisations provide Life Skills in guidance and counselling classes with topics on 'knowing your rights' and 'gender based violence'. These

<sup>42</sup> <https://www.unicef.org/botswana/health-and-nutrition>

<sup>43</sup>

[https://www.unaids.org/en/resources/presscentre/featurestories/2019/september/20190924\\_Botswana\\_treatment\\_non-nationals](https://www.unaids.org/en/resources/presscentre/featurestories/2019/september/20190924_Botswana_treatment_non-nationals)

include Childline, Stepping Stones International, Hope World Wide, Humana People to People and Childline. DITSHWANELO – The Botswana Centre for Human Rights established human rights clubs in some schools.

127.65	Continue to put emphasis on gender equality and ensuring the rights of women and girls, including better access for them to education, aside from committing greater budgetary resources to the Women’s Economic Empowerment Programme (Malaysia)
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**Partial Implementation.**

**See also recommendation 127.73**

- On 26 March 2019, Minister of Nationality, Immigration and Gender Affairs, Minister Ngaka Ngaka said the Ministry was ready to receive new applications for the Women’s Economic Empowerment Programme, following its suspension in February 2017 for the review of its guidelines. Review was due to be completed at the end of March 2019. In the 2019/20 budget the ministry allocated P54.8 million to the Department of Gender Affairs.<sup>44</sup>

Key issues:

- *poor coordination and management* - civil society organisations have implemented some women economic empowerment programmes such as Women Economic Empowerment Programme in North East with the District Economic Development Committee. Such programmes are not well-coordinated and scattered throughout the country. Some projects fail because of poor management and early disbursement of full funds at initial stages.<sup>45</sup>
- There has been a gradual reduction of pass rates at the lower levels of the education system. Girls have however, out-performed boys
- *Teenage pregnancies and retention of girls in the education system* – in spite of girls out-performing boys at school, they are often excluded from continuing their education beyond junior secondary school level due to pregnancy.<sup>46</sup> Domestic chores also lead to absenteeism, e.g. harvesting crops with the family
- *pass rates are not adequate for university entrance* - there is a bottleneck of students who are unable to enter university
- *reduced number of students pursuing STEM subjects, particularly girls* – serious implications for Botswana to be competitive at the global level. The founder and technical director of Spectrum Analytics-Tebogo Mogaleemang said that in order to move the country to the next level the employment trends need to be changed and students need critical thinking skills and problem solving. He stated that other countries are talking about the ‘4th industrial revolution’ while Botswana is still talking about a ‘knowledge-based’ economy. Women and girls need to be encouraged and provided with greater opportunities to access this type of education.

<sup>44</sup> <http://www.themidweeksun.co.bw/11594-women-empowerment-program-re-opens-applications/>

<sup>45</sup> Botswana Guardian. *Poor Management fails women’s empowerment projects*. August 28, 2020, pg 12.

<sup>46</sup> The female-male ratios are: primary school: 50-50; senior secondary: 43-47.

127.66	Take measures aimed at ending violence against women and girls and the discrimination suffered by them by influencing traditional practices that undermine gender equality and promoting greater participation of women in all sectors of society (Spain)
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- Tribal Admin and civil society are working on guidelines to handle the rising child sexual abuse cases that are reported. The Dikgosi (chiefs) will be trained in the Children’s Act and become part of an improved referral system.

127.70	Pursue the implementation of plans and strategies to promote the rights of the child (Cuba)
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### Partial Implementation

#### Key issues:

- *information not readily available for CSOs* – about whether and how the *Human Rights Unit* (2019) plans to promote the rights of the child as its Implementation Plan is not readily available to CSOs working in the various areas of human rights.
- *effect of budgetary cuts is not known* - the 2020/21 national budget has made a significant cut to the budget of the Ministry of Local Government and Rural Development in which the Department of Social Protection is housed. The Department is primarily responsible for the facilitation of the implementation of the Children’s Act 2009. As the system is already under pressure, and social workers who are mandated to provide critical care and support in cases of child abuse, they “have not been provided the skills they need to carry out this mandate, and in any case, these cadres are already overburdened and overwhelmed with other responsibilities.”<sup>47</sup>
- *inadequate implementation of Children’s Act* – due to:
  - < lack of shared information about, for example, the work of the National Children’s Council (NCC), it is not clear what is being done. It is not clear how the Human Rights Unit and the NCC relate to each other in terms of shared commitment to protection and promotion of children’s rights
  - < It is not clear how effective the established mechanisms including the Village Child Protection Committees, are in terms of protecting the rights of children, especially within cultural contexts which do not necessarily promote the concept that children have enforceable rights.
  - < The Children’s Act is like a ‘bulldog without teeth’ as it is difficult to monitor its implementation and effect on the protection of the rights of children. There is no specific child-friendly budget for its implementation
- *limited participation by children in promoting their own rights*

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<sup>47</sup><http://ovcsupport.org/wp-content/uploads/2019/10/OVC-Situation-Analysis-Report-Executive-Summary-BOOKLET-final-9-3-2019.pdf>

127.71	Continue conducting the situational analysis of the National Plan of Action for Orphans and Vulnerable Children (Slovenia)
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**Implemented**

- The Government of Botswana conducted its second National Situation Analysis on OVC in Botswana in 2019<sup>48</sup>, to provide an updated picture on the current situation of OVC, adolescents, and their caregivers. “The overarching aim is to examine the needs and vulnerabilities of OVC, assess the range and relevance of services provided, highlight successes and challenges in serving this population, and identify gaps which need to be addressed.”
- The report describes a number of areas for attention or the need for further research. “Despite the critical role played by social workers and their evident commitment to this role, they are faced with numerous challenges and frustrations. For example, their broad scope of responsibilities, as well as an emphasis on delivering social welfare packages, has resulted in many social workers focusing a majority of their time and efforts on provision of material support and administrative duties related to these programs and less on other core social work functions, such as addressing issues such as abuse, violence and exploitation of children. Many social workers perceive that their professional training is not being fully utilised.
- The government has not made announcements on how the findings, specifically the identified areas for attention, will be translated in policy or programme improvement, even though the National Plan of Action is in place.

Key issue:

- No public information shared on findings-based Programme or Policy Implementation Plan, including dealing with the areas identified for attention

127.72	Allocate dedicated funding to the National Plan of Action for Orphans and Vulnerable Children for more effective implementation (Singapore)
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**No Implementation.**

- The 2020/21 Budget fails to protect the budget lines which support investment in children. The Ministries with direct responsibility for children - Ministry of Basic Education, Ministry of Local Government and Rural Development, Ministry of Health and Wellness, and Ministry of Youth Sports and Culture - have all seen significant cuts in their development budgets between 2019/20 and 2020/21. These cuts extend to the specific programmes which provide for children within these Ministries. Taken together, these cuts suggest there will be less money for children in 2020/21 even though the magnitude of need will increase, not least because of population growth. The secondary education budget has gone down by 16.1%, primary education development services by 7.4%, social protection by 58%, and primary health care by 76.6%.

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<sup>48</sup> idem

- The specific department which caters for orphaned and vulnerable children has seen a cut of 107 million BWP in 2020/21 Budget from the 2019 Budget. This is of serious concern because the sector was already under pressure to carry out its role in providing services for vulnerable children.

Key issue:

- economy-based budget fails to be child-inclusive and child-friendly

127.73	Implement gender equality policies that foster girls' access to health and education and raise awareness among the population about sexual and gender-based violence (Mexico)
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**Partial perceived Implementation**

**Health**

- During the **International Conference on Population and Development (ICPD)** in Nairobi (ICPD25) in November 2019, Botswana made commitments to:
  - a) Strengthen access to family planning information and services, including access to quality, affordable and safe modern contraceptives through capacity building for health care workers on integration of family planning services at all service delivery points from 350 to 1000 by 2030.
  - b) Reduce maternal deaths attributable to abortion, post-partum haemorrhage, and hypertensive disorder in pregnancy from 143.2/100,000 births to less than 70/100,000 through capacity building and allocation of financial and human resources towards Maternal Health programme by 2030.
  - c) Reduction of Gender Based Violence from 37% to 20% for women and from 21% to 10% for men through effective implementation of the National Strategy Towards Ending GBV by 2030 (see below the comment on the Regional Strategy and Framework of Action).
  - d) Provision of quality, timely and disaggregated data by expanding population and housing census surveys, integrated statistical, monitoring and evaluation systems, civil registration and vital statistics program by 20% in 2030.

**Sexual and Gender-Based Violence**

- In July 2018 Botswana, as a SADC member, approved the Regional Strategy and Framework of Action for Addressing Gender Based Violence 2018 - 2030<sup>49</sup>. "In addition, the SADC Gender Policy explicitly suggests that SADC's approach of addressing GBV should go beyond just looking at the act of violence; but to also consider the need to develop evidence-based strategies that encompass education, prevention and victim assistance." The Strategy serves

<sup>49</sup>[https://www.unodc.org/documents/southernafrica/Stories/2019/SADC\\_Regional\\_Strategy\\_and\\_Framework\\_for\\_Action\\_on\\_GBV\\_-\\_FINAL\\_September\\_2018\\_-\\_ENGLISH\\_VERSION.pdf](https://www.unodc.org/documents/southernafrica/Stories/2019/SADC_Regional_Strategy_and_Framework_for_Action_on_GBV_-_FINAL_September_2018_-_ENGLISH_VERSION.pdf)

to identify priority areas of action based on these Articles and guided by the broader key programming areas on GBV. The Gender Protocol therefore provides a context within which the SADC community should strategically direct the development of their anti-GBV programmes.

- It is not clear to what extent the government has taken action to materialise their commitment.

### **Education**

- The situational analysis of the National Plan of Action for Orphans and Vulnerable Children (2019) underlines the problems in these areas:
  - a) “Attention should be addressed to the gaps in access by orphans and other vulnerable children to other critical support services. Rates of school enrolment (including early childhood development programs) among orphans and children in poverty-stricken homes is low, in spite of a range of educational support services. Very few adolescents report accessing adolescent-focused health services or support from social workers. Adolescent access to training opportunities is also limited, especially among those in rural villages, and vulnerable youth report finding it difficult to navigate the process for applying to the government fund established to create sustainable employment opportunities for young people, even though there is a stated focus on those who are out of school, unemployed, or otherwise marginalized.”

### Key issues:

- It is not clear how government intends to implement the health, sexual and gender-based violence and education recommendations made above.
- There is no specific comprehensive programme as issues related to children are scattered in different Ministries, for e.g. Ministry of Local Government and Rural Development (Department of Social Services) and Ministry of Nationality, Immigration and Gender Affairs.

128.67	Establish a comprehensive monitoring mechanism on the treatment of children with the aim of disclosing cases of sexual abuse, mistreatment and neglect, including by introducing the possibility of taking children out of an environment which is not conducive for their development (Germany).
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### **No Implementation**

- In spite of the establishment of the National Children’s Council (NCC, 2018) in accordance with the Children’s Act (2009) which has the duty to guide and monitor implementation of programmes for the benefit of children, there is no information accessible to CSOs working on children, about:

- < the Implementation Plan and Reports of the NCC since the National Action Plan 2016 and the National Children's Consultative Forum (NCCF) in Maun on December 2-6, 2019)<sup>50</sup>
  - < any NCC reports to the African Committee on the Rights and Welfare of the Child (African Union – 1990)<sup>51</sup>
  - < the monitored outcome, if any, of the Penal Code amendment (June 2018) which increased the age of sexual consent from 16 years to 18 years<sup>52</sup>
  - < any action being taken to address the contradiction in law concerning defilement of a child by another child as it is not considered a sexual offence.
- Monitoring of the safety of children is not explicitly done, but the law provides for taking children out of an environment which is not conducive for them. The Children's Act (2009) provides for short-term 'places of safety'. There are no permanently established shelters to accommodate children in need of care. Currently CSOs provide shelter - Childline Botswana has one (1) place of safety in Gaborone and SOS Children's Homes have three (3) places of safety in Francistown, Serowe and Tlokweng. However, they are not accessible to every child due to limited occupancy. They are financially supported by the Government, but these places of safety are overwhelmed by the numbers of children requiring support. The approach used is unsustainable as they are CSO projects and therefore subject to budget reductions and fundraising challenges faced by all CSOs.

Key issues:

- there is no government-run shelter for children in need of care
- delay in the implementation of a Sexual Offenders Register for repeat offenders who are to be barred from contact with minors (in accordance with the Children's Act, 2009).<sup>53</sup>
- delay in settlement of defilement cases – these can take up to two (2) years of more.<sup>54</sup>
- *Monitoring mechanisms on treatment of children* - The report of the Botswana Violence Against Children Survey (VACS) conducted in 2016 was finally published in December 2019. It measures the prevalence, nature and consequences of physical, emotional, and sexual violence against children. This has been a milestone for Botswana since it is the country's first national survey of violence against both female and male children and provides better insight in the country's situation. It is not clear whether this is a once-off event or whether there are plans to periodically conduct the survey in the future.

The report states that “data from the Botswana VACS are intended to inform programs and policies to end all forms of violence against children and, in so doing, serve as an example to

<sup>50</sup> The Patriot. 27 November 2019. <https://allafrica.com/stories/201911271130.html>

<sup>51</sup> Botswana ratified the African Charter on the Rights and Welfare of the Child in 2001 with a reservation on the definition of 'child' – article 2.

<sup>52</sup> Some had expressed concerns that said amendment may have “have adverse consequences on sexual reproductive health of adolescents and young people”. **Thatayaone Gabositwe – Southern African AIDS Trust, Country Director – Botswana. The Patriot. 16 October 2017. Too Young to Indulge.** <http://www.thepatriot.co.bw/news/item/4818-too-young-to-indulge%20.html>

<sup>53</sup> The Patriot. 22 May 2020. <https://allafrica.com/stories/202005220765.html>.

<sup>54</sup> The Patriot. 22 May 2020. <https://allafrica.com/stories/202005220765.html>.

other countries in leveraging high-quality data to drive action to prevent violence and provide services to its victims.”

This ambition is commendable, but it is unclear how the government is ensuring that this goal is realised.

- The Situational Analysis of the National Plan of Action for Orphans and Vulnerable Children (2019) notes that “psychosocial support services for children are another area requiring continued attention.”
- *Disclosure of abuse* - Detection of child abuse is difficult and perceived barriers to disclose and report abuse are still high. Under COVID-19 there have been some urgent measures taken in response to the rapid increase in cases of GBV and child abuse cases. A national phone number has been launched to which victims and survivors of violence and abuse may report. It is not clear if this line will remain up after the COVID-19 lockdown measures.

Key issues:

- There is no clarity concerning how the government is conducting additional activities to enhance disclosure of cases, such as realising child-friendliness of services.
- *Possibility of taking children out of an environment which is not conducive for their development* - The situation analysis of the National Plan of Action for Orphans and Vulnerable Children (2019) underscores the problems in these areas. “Children living outside family care present a particular challenge in the response to OVC in Botswana. [...] Significant gaps in programming for children living outside family care need urgent attention. A very important challenge facing RCFs relates to the length of time most children spend at the centre. This requires attention to addressing weak linkages between RCFs and the social workers who are legally responsible for child placement processes, and to working with the families to prepare children and their families for successful reintegration. The critical task of reintegrating children who have ended up in the streets or in conflict with the law back into their homes of origin or other appropriate family-based settings is also a neglected component of work with these populations. Alternative care options which could be further developed, promoted, and used includes short-term emergency care, independent living initiatives, fostering, and adoption, as well as appropriate family strengthening (i.e. prevention) services.”
- The government needs to invest in state owned places of safety for children and ensure a needs based funding to NGOs operating places of safety.
- During the COVID-19 lockdown, there was a steep increase in cases of GBV, leading to an overflow of the existing shelters and temporary spaces had to be created. This shows the urgent need for increased safety for both women and children. There is no safety shelter for children similar to the GBV shelters.

Key issue:

- There are no shelters for children – only places of safety provided by CSOs which are dependent on funding from development partners and from the government.

128.68	Take effective measures to end violence against children including sexual abuse and exploitation (Myanmar).
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### **No Implementation.**

- In 2018 the government of Botswana amended the Penal Code in order to align it with the Children’s Act (2009) and to prioritise the protection of children against child sexual abuse and raising the age of sexual consent from 16 to 18 years. The amendment also aimed to improve the protection of children against sexual abuse in all sex-related offences where the age of consent had been 16. The government of Botswana has announced it is entrusted with “the responsibility to initiate the process of drafting sexual predators and offenders’ registry”<sup>55</sup>. It organised consultation meetings with CSOs to engage about setting up a Sexual Offenders register to be finalised in 2020. The meeting took place on 5th June 2020 and the bill is expected to be tabled before parliament during the July parliamentary session.
- The Children’s Act (2009) is still not being fully implemented in relation to the reporting of child sexual abuse cases nor the handling of these cases in a child-friendly manner.
- The Violence Against Children (VAC) study was concluded and launched in 2019. While the INSPIRE model is being implemented, there has been no public information shared to indicate that the measures are *effective* in ending violence against children.

### Recommendations to the Government

- The legislative and policy framework – Children’s Act 2009 (Act no. 8 of 2009); Anti-Human Trafficking Act 2014 (Act No. 32 of 2014); Domestic Violence Act 2008 (Act no. 10 of 2008), the development of a National Policy on Orphans and Vulnerable Children 1999<sup>56</sup>, the promotion of the Division of Social Welfare to a Department of Social Services with better resources and coordination to address the needs of vulnerable members of society (including vulnerable children) (Republic of Botswana, 2015) – needs to be translated into measurable improvement in the lives and protection of children.
- Budget allocations need to accompany every policy and prioritise social welfare, community development, social protection and education.
- Special Courts to hear cases of defilement, without political interference in favour of public figures accused of defilement of minors, need to be established. This should decrease the current 24 month period during which such cases are heard and suspects are released on bail.

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<sup>55</sup> <https://www.mmegi.bw/index.php?aid=81519&dir=2019/june/24>

<sup>56</sup> Care of Orphans and Vulnerable children through institutional support: social workers, psychosocial support, material support, shelter and support visits. Psychosocial support include: counselling, following any social problem encountered as well as counselling during bereavement. All orphans are to be provided with a food basket and material assistance such as clothing, blankets, gas cylinders and gas stoves and are also entitled to good health.  
<http://interactions.eldis.org/programme/national-orphan-and-vulnerable-children-care-policy>

## 5. PERSONS WITH DISABILITIES

127.26	Take measures to prevent and combat all forms of discrimination, especially against women, persons with disabilities and other vulnerable groups (Italy)
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### No Implementation

- Persons With Disabilities are committed to the adage ‘nothing about us without us’ and ‘nothing for us without us’ due to their constant exclusion from meaningful consultation, participation, planning, implementation, monitoring and evaluation of programmes for intended for their benefit.
- There is no specific non-discrimination law. The Constitution of Botswana has provisions relating to non-discrimination and the right to equality enshrined in section 15(2).
- There is inadequate recognition of and provision for all the categories of PWD – including persons with physical and mental disability, dwarfism, autism, albinism, blind and deaf persons.
- Limited access to information about government services for PWD, including the assessment criteria for eligibility for grants

128.10	Consider acceding to the Convention on the Rights of Persons with Disabilities (Ethiopia)
128.13	Consider ratifying the Convention on the Rights of Persons with Disabilities (Mauritius)

### No Implementation

- In its 2015 report to the African Commission on Human and Peoples’ Rights submitted on the 13 November 2018, Botswana mentioned that it has enacted the Botswana National Policy on Disability in 2015, however, as was highlighted in the 2018 National Disability Consultative Conference, the Policy is still before the Botswana Cabinet and has yet to be ratified.<sup>57</sup> In 2019, the National Assembly adopted a motion that Botswana should accede to the CRPD. Cabinet subsequently resolved that a national disability policy, strategy and law ought to be in place before accession. UNDP is supporting the government in a this work in consultative and inclusive way, including consultations with people with disabilities, Disabled Persons

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<sup>57</sup> Republic of Botswana ‘Second and third reports to the African Commission on Human and Peoples’ Rights: Implementation of the African Charter on Human and Peoples’ Rights’ (2018) [http://www.achpr.org/files/sessions/63rd\\_os/state-reports/2nd-3rd-2011-2015/botswana\\_state\\_report\\_2nd\\_3rd\\_eng.pdf](http://www.achpr.org/files/sessions/63rd_os/state-reports/2nd-3rd-2011-2015/botswana_state_report_2nd_3rd_eng.pdf) in Ndzinge-Makhamisa, Tshepiso (2019). Revised Country Report: Botswana.

Organisations, Civil Society Organisations, academia, government ministries and parastatals at the national, district and village levels.<sup>58</sup>

#### Key issues:

- Different categories of PWD experience varied challenges of access:
  - < to many public buildings and transport systems, e.g. buildings with no lifts are not accessible to wheelchair-bound persons as there is no building regulation requirement for disability-sensitive approach to construction;
  - < to access health facilities and health literacy materials, thus create provisions for sign language interpreters in hospitals
  - < to cast votes and participate in the electoral process, as well as access information on elections.
  - < to application forms in formats appropriate to the various disability needs
  - < to meaningful employment and retain their employment status and
  - < to on the job training to retain employment<sup>59</sup>
  - < to justice – inaccessibility of court rooms; non-availability of sign language interpreters in court cases; compromised confidentiality in rape cases as sign language interpreters are appointed by the government.
- Without a Disability Audit, to determine the diversity (including gender diversity), and number of PWD, their experiences in both urban and rural areas, implementation of their rights and discrimination, there is a risk that the National Disability Framework comprising the Draft National Disability Policy, Implementation Plan, Draft National Strategy and Draft Disability law may fail to address the contextual realities of PWDs.

#### Recommendations to Government

- Provide a timeframe for the ratification of the Convention on the Rights of Persons with Disabilities
- Establish a Disability thematic working group to facilitate mainstreaming of all disability rights in all laws and policies, e.g. youth policy, gender, education, health, etc. It should work closely with the Coordination Office for Persons with Disabilities.
- Cooperate with relevant UN agencies to develop a Roadmap on Disability Rights.

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<sup>58</sup> UNDP.

[https://www.bw.undp.org/content/botswana/en/home/operations/projects/democratic\\_governance/convention-on-the-rights-of-persons-with-disabilities.html](https://www.bw.undp.org/content/botswana/en/home/operations/projects/democratic_governance/convention-on-the-rights-of-persons-with-disabilities.html). Accessed on 21 July 2020.

<sup>59</sup>Sourav Mukhopadhyay, PhD Project Consultant & Emmanuel Moswela, PhD Co-Consultant (2016). SITUATIONAL ANALYSIS – DISABILITY RIGHTS issues were confirmed during the CSO Disability Sector UPR Mid-Term Review Consultations on 22 June 2020.

- Awareness-raising of members of parliament to counter the lack of political will and the length of time which it is taking for ratification of the Convention on Rights of Persons with Disabilities.
- Disability programmes and projects should be specifically included in the national budget.
- Women with Disabilities are a special group which should be recognised and specifically planned for. They are particularly vulnerable to gender-based violence
- An Anti-Discrimination Disability Symposium will provide guidance for focus on concrete programmes and implementation plan for dealing with discrimination against PWD.

## 6. GENDER EQUALITY

Gender is a cross-cutting development variable which should be mainstreamed in all policy and programme areas.

127.5	Domesticate the Convention on the Elimination of All Forms of Discrimination against Women, in order to enhance the promotion and protection of women’s rights (Namibia)
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### No Implementation.

- Domestication process of CEDAW is slow due to lack of political will and inadequate understanding of the contribution of gender equality and the human rights of women as a positive value addition to overall development. This is in spite of the submission of Botswana’s fourth periodic report to the Committee on the Elimination of All Forms of Discrimination against Women ([CEDAW/C/BWA/4](#)) at its 1677th and 1678th meetings (see [CEDAW/C/SR.1677](#) and [CEDAW/C/SR.1678](#)), held on 1 March 2019.

127.21	Resource adequately the National Gender Commission established in 2016 to monitor implementation of the National Policy on Gender and Development to perform its functions effectively (Singapore)
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### No Implementation

- In spite of the National Gender Commission (established in 2016) being allocated an annual budget of USD 31 400.00 in 2019, which ‘will be used mainly for capacity building of the Commissioners, their sectors and development of a strategy for the National Gender Commission’,<sup>60</sup> it is not adequately resourced to undertake its monitoring and evaluation roles effectively. Further, it not effectively playing its role as it is not recognised by key stakeholders. It cannot adequately fulfill its responsibilities in its current form.

There is no information about the production and use of the comprehensive monitoring and evaluation system which was expected to have been finalised by March 2019.

<sup>60</sup> CEDAW/C/BWA/Q/4. List of issues in relation to the fourth periodic report of Botswana. 3 August 2018.

## Recommendations to Government

- the Gender Commission should be restructured and established as an independent entity which is recognised by all stakeholders to hold the different ministries, departments, Private sector, Local Authorities and Civil Society accountable in order for it to effectively implement the National Policy on Gender and Development.
- as the National Gender and Development Policy is not well implemented, it should be reviewed to define the role of the different stakeholders who should be recognised as key implementing partners. The implementation of the Policy is inadequate due to limited financial and human resources. Collaboration with key stakeholders is limited.

127.26 Take measures to prevent and combat all forms of discrimination, especially against women, persons with disabilities and other vulnerable groups
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## **Partial Implementation**

- In 2018, the National Operational Plan of the National Policy on Gender and Development (2015), was produced.

In August 2018, 125 traditional leaders (Dikgosi) resolved to establish Gender Committees within their communities to enable the implementation of the National Action Plan on Mainstreaming Gender and addressing gender-based violence (GBV). By 2019, two (2) such Committees had been established.<sup>61</sup>

- In June, 2018, over 10 faith-based organisations were engaged on gender concepts, gender and development at global, continental, regional and national level, existing laws on women empowerment and gender mainstreaming. In addition, they identified gender roles within their institutions. However, there is no information about the implementation or evaluation of implementation of strategies to combat forms of discrimination against women.<sup>62</sup>

## Key Issues

- Some legal and action strategies, such as the Economic Empowerment Programme and the GBV Action Strategy 2016 – 2020, have been adopted to combat and prevent all forms of discrimination against women, against people with disabilities and other vulnerable groups. Poor implementation is a major challenge due to inadequate resources and ineffective partnership/collaboration strategies.
- No clear policy relating to the private sector to ensure there is gender-sensitivity and gender equality in their policies for all women (not only those in decision-making positions)

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<sup>61</sup> C/BWA/Q/4/Add. 1. 16 January 2019. Botswana Report to CEDAW.

<sup>62</sup> C/BWA/Q/4/Add. 1. 16 January 2019. Botswana Report to CEDAW.

127.30	Criminalize domestic violence and continue the elaboration and implementation of public policies to prevent, address, punish and eradicate all forms of violence against women, including building help centres for women victims of violence (Paraguay)
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### No Implementation

127.31	Implement further measures to combat gender-based violence and take steps to strengthen legal protections for victims of gender-based violence (Australia)
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### No Implementation

- In spite of measures being put in place, implementation continues to be a challenge. Measures include:

- < UN Joint Gender Programme on Gender-Based Violence (2018-2020) signed on the July 2018<sup>63</sup>
- < There are challenges concerning the effective implementation of the National Strategy Towards Ending Gender-Based Violence in Botswana (2016-2020) which includes the GBV Online Referral System which enables online reporting of GBV cases
- < Although the Domestic Violence Act (No. 10 of 2008) criminalises forms of violence against women, under customary law and common rural practices, men are perceived to have the right to “chastise” their wives. It alludes thereto that marital rape is not criminalised. As a consequence post exposure prophylaxis (PEP) is not provided to married women who have been raped by their spouses. The Domestic Violence Act empowers police officers to remove survivors of domestic violence from their residences, but does not provide for the creation of shelters for victims of violence.<sup>64</sup>

The Domestic Violence Act is not aligned with other relevant legislation such as the Abolition of the Marital Power Act (34, 2004) which does not include religious and traditional marriages. Young girls are married off in terms of some customary practices of some ethnic groups.

It also does not criminalise domestic violence as it is a civil legal act thus addressed as a civil matter by the courts. In dealing with cases of rape within marriages, the police are forced to make a choice whether to use the Penal Code ( violence as a criminal act) or DVA (violence as assault and therefore a civil act). There are limited public policies and programmes to prevent, address, punish and eradicate all forms of violence against women. However, shelters, psycho-social support systems, access to justice and other support systems and structures are minimal.

### Recommendation to Government

- Measures relating to the gender machinery need to be implemented, through active inclusion of civil society organisations.

<sup>63</sup> <https://www.bw.undp.org/content/botswana/en/home/presscenter/pressreleases/2018/08/27/statement-by-united-nations-in-botswana-to-condemn-gender-based-violence-especially-violence-against-women-and-children.html>

<sup>64</sup> AFRICA FOR WOMEN’S RIGHTS. RATIFY & RESPECT. BOTSWANA. [www.africa4womensrights.org/public/Dossier-of-claims/BotswanaENG.pdf](http://www.africa4womensrights.org/public/Dossier-of-claims/BotswanaENG.pdf) in Nico, P. Swartz, Itumeleng, O., A. Danga, K. Tswene and K. Mothabatau. (2015). IS A HUSBAND CRIMINALLY LIABLE FOR RAPING HIS WIFE? A COMPARATIVE ANALYSIS. International Journal of Academic Research and Reflection Vol. 3, No. 3, 2015 ISSN 2309-0405

127.32	Train police officers and other stakeholders on the handling of reported cases of gender-based violence (Belgium)
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### Partial Implementation

- Training of Police officers and other stakeholders has been done but not adequately due to limited resources for CSOs and the National Gender structure or machinery. Police response to domestic violence cases is poor, domestic violence is given low priority and processing of cases is slow and ineffective.
- Lack of standardisation of the law. Rape by a stranger is a criminal act compared with rape by a spouse which is not a criminal act. The police do not record marital rape as rape, but relegate it to being ‘a domestic matter’, e.g. that the dowry has not been paid; that it is best not to ‘air dirty laundry in public’; that the matter can be settled by discussion with the elders at home, etc. A consequence is that few cases reach the courts.
- There is a police toll free call number to report GBV cases during the COVID-19 pandemic following the rapid increase in the number of cases – both reported and unreported. However, there is no clear process about what is to be done following the receipt of a report from someone requiring assistance as there is no government shelter. Instead there is a reliance on CSO shelters.

### Recommendation to Government

- Marital rape should be considered a criminal act.

127.33	Punish the authors responsible of sexual violence against women and girls (France)
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### No Implementation

- On 24 June 2020, it was reported that following nationwide public consultations, the Ministry of Defence, Justice and Security has been in the process of creating a mandatory Sexual Predators and Offenders Registry following the adoption of a December 2017 motion in Parliament requesting government to consider creating a register.<sup>65</sup> The registry will be available for inspection by members of the public to ensure that nobody in the register does not “ end up working in institutions dealing with children”. It will be kept by the Registrar of the High Court and available for potential employers and interested parties “ to conduct checks”.<sup>66</sup> Responsibility to establish that potential employees were not sexual offenders lies with the employers.
- The legal system and process to punish perpetrators is inadequate and poorly administered. Enforcement of the law is ineffective due to lukewarm commitment from the judicial and administrative officials. The Police and the Courts take very long to process cases thus creating an environment where the saying that ‘justice delayed is justice denied’ is a norm.

<sup>65</sup> The motion, tabled by Specially Elected MP Ms Bogolo Kenewendo, who was the then Minister of Investment, Trade and Industry also requested government to ban child sexual abuse offenders from working in institutions dealing with children

<sup>66</sup> D. Mogami in SEXUAL PREDATORS, OFFENDERS REGISTRY IN OFFING. 24 June 2019. BOPA. Directorate of Public Prosecutions, there were 172 rape cases, 23 of defilement and three of attempted rape.

<https://www.facebook.com/BotswanaGovernment/posts/sexual-predatorsoffenders-registry-in-offing-the-ministry-of-defence-justice-and/2283264035089575/>

127.35	Continue with efforts in the field of gender equality, especially by removing loopholes in national legislation and by encouraging participation of women in the economy and politics (Slovenia)
127.68	Continue efforts to achieve gender equality and the empowerment of women (Egypt)
127.69	Continue to strengthen programmes for the economic empowerment of women (Cuba)

### Partial Implementation

- Some efforts have been made in national legislation and policies to facilitate women participation in the economy in the SMME and informal sector in particular, such as the poverty and economic empowerment programs. Unfortunately these programmes are welfare-based and not focused on effective economic empowerment, as noted in 127.45.

#### Key issues:

- There is no comprehensive definition of discrimination against in the Constitution. This should cover all the already prohibited grounds of discrimination but be expanded to include direct and indirect discrimination in both the private and public spheres. This will strengthen the current narrowly construed concept of discrimination in the Constitution.
- Women’s Economic Empowerment Guidelines are still under review.<sup>67</sup>
- The existing programmes of the Gender Affairs Department (GeAD) within the Ministry of Nationality, Immigration and Gender Affairs aimed at women’s economic empowerment do not appear to have Guidelines, according to the Ministry website.

127.36	Continue to study the possibility of establishing the measures and mechanisms in order to improve the representation of women’s access to decision making positions in politics (Mauritania)
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### No Implementation

- Participation of women in political decision making is far below ( less than 20%) the expected 50% requirement by CEDAW, the AU Protocol on Women’s Rights and the SADC Gender and Development Protocol.

There are limited policy and legal measures to promote the participation of women in decision-making position in politics by all political parties. There is no Constitutional provision enabling this and the electoral system is also gender-insensitive compounded by sexual harassment, cultural beliefs and attitudes regards the traditional role of women in society.

<sup>67</sup> <https://www.gov.bw/civil-registration/womens-economic-empowerment-guidelines>

127.39	Take concrete measures to prevent human trafficking and exploitation, especially of women and children (Republic of Korea)
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### Implemented

- Measures include:
  - < Training of service providers: in 2019 for judges and magistrates (3 workshops); for traditional leaders, though it is not clear how many judges, magistrates and tradition leaders and from which districts in the country.
  - < Engagement with civil society organisations: in 2018 and 2019 Training of Trainers' training conducted for CSOs who are expected to report-back to the government on how many training sessions they have held, where and for how many people. This information is not available; in 2019 training conducted for the media workers.
  - < Developing implementation regulations for the Anti-Trafficking Act (2014) – including CSO engagement
  - < Public Consultations: in 2018 Public Campaign for children
  - < Research support: in 2018 MDJS supported research by University of Botswana students
  - < Commemoration of World Day against Trafficking in Persons: in 2018 and 2019.

#### Key issues:

- Immigration officials have not been adequately trained
- There is no information about trafficking cases for the period 2018/2019

127.45	Continue working on poverty eradication initiatives with special focus on women and children (Bhutan)
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### No Implementation (with a special focus on women and children)

- Welfare-based poverty eradication<sup>68</sup> policies and programmes are in place, focusing on women, however they are not substantially economically empowering.<sup>69</sup> This, in spite of the recognition that the various manifestations of poverty (income poverty, financial exclusion, social exclusion economic exclusion political exclusion, vulnerability to climate-related shocks and exclusion from access to natural resources) can be addressed through participation and inclusion of the poor and marginalized ... to ensure .. "programmes and policies are responsive to need and that development is inclusive, leaving no one behind"<sup>70</sup>.

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<sup>68</sup> The characteristics of structural poverty in Botswana include the country's narrow economic base, which limits opportunities for gainful employment; a poor endowment of agro resources; small and sparsely distributed population 2 million in 2011, and as a result of the population size, distribution, small and fragmented internal market Millennium Development Goals in 2004 (MDGR, 2004) International Journal of Development and Sustainability Vol. 7 No. 4 (2018): 1317-1324 1320 ISDS [www.isdsnet.com](http://www.isdsnet.com) in Jongman, Kgomo (2018). Sustainable Livelihood and Poverty Eradication in Botswana. International Journal of Development and Sustainability ISSN: 2186-8662 – [www.isdsnet.com/ijds](http://www.isdsnet.com/ijds) Volume 7 Number 4 (2018): Pages 1317-1324.

<sup>69</sup> Botswana Multi-Topic Household Survey 2015/16 Poverty Stats Brief ( 2018). At district levels, the highest poverty levels are in Kweneng West with 50.6% followed by Ngwaketse West with 40.3% and Kgalagadi South with 39.5%. The lowest poverty incidence was recorded in Sowa Town at 5.0%. However, the inclusion of Government Aid is shown to have reduced poverty incidence by eight (8) percentage points from 24.3 to 16.3 percent overall through food meals and government aid. <http://www.statsbots.org/bw/poverty>.

<sup>70</sup> Jacinta Barrins, UNDP Resident Representative in Botswana. (2018) speaking at "Leaving No One Behind: The Fight Against Poverty, Exclusion and Inequality" conference May 2018.

### Recommendations to Government

- Make policy-making and implementation, people-centred, including the nutrition programme for women and children,<sup>71</sup> to ensure that the poor benefit
- Introduce a guaranteed universal Basic Income Grant
- Review poverty eradication strategies to include families, not only individuals, to enable effective results-oriented implementation

127.51	Take necessary measures to improve access to health, particularly for vulnerable groups, including children and women (Algeria)
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### **Partial Implementation**

- Mental health programmes are heteronormative and consequently fail to be accessible to youth who are not heteronormative – LGBTIQ youth.
- Persons with Disabilities do not have unhindered access to health
- There is access to basic but not specialised services, e.g. mental health services, in the rural areas; in schools; for youth. Individuals rely on family and social networks for support.

### Recommendation to Government

- More than 80% of the population have access to basic health services, however, access to specialised services is limited in most rural communities, such as, oncology, obstetric, sexual and reproductive health and maternal and child services. The Maternal and child mortality rates are concerns which should be addressed holistically.

127.52	Broaden access to emergency obstetric care, improve midwifery training for medical personnel and consider increasing resources assigned to maternal health (Russian Federation)
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### **Partial Implementation**

- There are still challenges in the maternal health services, including expansion of both services and infrastructure, into the rural areas, as noted in 127.51. Investment and allocation of resources in these services is critical.

127.53	Work at improving health-care infrastructure, access to emergency obstetric care, midwife training and resources devoted to maternal health (Holy See); 127.54 Further improve the health-care infrastructure in Botswana and pay special attention to awareness-raising programmes among women and adolescent girls in rural areas for addressing the challenge of HIV/AIDS (India)
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<https://www.bw.undp.org/content/botswana/en/home/presscenter/pressreleases/2018/03/22/in-botswana-stakeholders-say-poverty-eradication-is-an-attainable-goal.html>

<sup>71</sup> Malnutrition persists in spite of feeding programmes (school feeding programs, Vulnerable Groups) including for children to address malnutrition and stunting of children. <https://www.unicef.org/botswana/health-and-nutrition>

## Partial Implementation

- The quality of health infrastructure and services needs to be improved in both urban and rural public health facilities. Investment in health infrastructure to improve quality health services is critical.

## GENDER-BASED VIOLENCE

127.60	Strengthen targeted interventions on vulnerability to HIV and gender-based violence (Ethiopia)
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## No Implementation

- There is a lack of targeted interventions by government. For example, during the COVID-19 April/May 2020 lockdown in accordance with the COVID-19 regulations, the CSOs dealt with 32 GBV cases. Women tend to not go to the police as they do not trust that they will deal with their cases fairly. The COVID-19 strategy of the government was primarily a health strategy with often unanticipated and unplanned socio-economic and cultural consequences. CSOs provided a stop-gap measure by seeking donations and delivering food to vulnerable households, mostly in the informal sector (including migrants in the informal sector).

## Recommendations to Government

- There is need to ensure that the 'no bail' for rape accused principle contained in the Penal Code is implemented<sup>72</sup> as in a number of cases, alleged rapists have been granted bail.<sup>73</sup> For GBV survivors, this has led to a loss of faith in the legal system. One of the factors (identified at the Bail Pitso in August 2019) contributing to leniency towards rape suspects is that 'cases committed to trial on takes an average of three years before they are heard and concluded and that it is not in the interest of justice for suspects to be kept in remand for so long'.<sup>74</sup>
- The Directorate of Public Prosecutions should protect minors from potential intimidation and pressure to withdraw cases, by opposing bail. Cases relating to the defilement of girls do not regularly reach the courts and if they do, they are not heard *in camera*. The current defilement case of ruling party (Botswana Democratic Party) member of parliament, Polson Majaga led to his 60 day suspension as a member of the ruling party.<sup>75</sup> This followed CSO outcry at his alleged defilement of a 16 year old girl, which act had subsequently resulted in her pregnancy. The Directorate of Public Prosecutions did not oppose bail.<sup>76</sup>

<sup>72</sup> In contrast with section 5(3)(b) of the Constitution, "Any person who is charged with the offence of rape shall not be entitled to be granted bail." Penal Code (Amendment) Bill No. 7 of 1998 which introduced the section under challenge here. It is published in the Botswana Government Extraordinary Gazette of 17 February 1998.

<sup>73</sup> "It has also not been shown in this court, for example, that such treatment will halt the scourge of rape or that such persons as are accused of rape are likely to commit the offence again if granted bail, or why at all this restriction has been imposed. I am, therefore, led to the conclusion that such restriction on the freedom of the individual accused of rape is not reasonably justifiable in a democratic society and is contrary to, the spirit of the Constitution. Paragraph (i) of subsection (1) of section 142 of the Penal Code is accordingly struck down as ultra vires the Constitution of Botswana. The applicant may apply for bail to the magistrate if he is not already tried or released. - Judge Mosojane in **MARAPO v. THE STATE 2001 (2) BLR 632 (HC)**.

<sup>74</sup> Mishingo Jeremiah - Law Society of Botswana (2019) in Sunday Standard. 11 August 2019.

<https://www.sundaystandard.info/bail-act-how-much-will-the-bail-act-achieve/>

<sup>75</sup> Following the suspension, he is an independent member of parliament and continues to appear in public on official business. Nicholas Mokwena (2020). BDP at wit's end on how to deal with Majaga. Botswana Guardian. July 31, 2020, pg 5.

<sup>76</sup> Mosikare, Lemogang (2020). Kefilwe Jeremiah of the Directorate of Public Prosecutions (DPP) told the court that the prosecution did not oppose the accused being granted bail. BDO MP Majaga granted bail in defilement case. 11 May 2020.

- The President should use a gender-sensitive lens when appointing Ministers to show that Botswana is committed, beyond policies and programmes, to fighting gender-based violence:
  - < In 2018, gender activists opposed the appointment of then-Minister Ngaka Ngaka of the Ministry of Nationality, Immigration and Gender Affairs.<sup>77</sup> The official response of the Permanent Secretary to the President and Secretary to the Cabinet, called for the people not to “... try a man twice over a closed saga. The truth is we all falter or have faltered at one point in life and that should never follow us to our graves,” he said further adding that we all deserve a second chance’.<sup>78</sup>
  - < Minister Fidelis Molao was appointed as Minister of Basic Education (MoBE). He had been allegedly implicated in the case which led to the “I Shall Not Forget” movement. He “colluded with the then council member for Sebina, Kemmonyne Amon to conceal a case in which a minor was allegedly impregnated by the Councillor’ – both men are members of the ruling party.<sup>79</sup> The case was reported to the police in January 2016, In spite of the docket being referred to the Directorate of Public Prosecutions (DPP) in May 2016, following police investigations, by April 2020, the DPP’ had not concluded its assessment of the case’.<sup>80</sup>

127.64	Continue efforts to implement Committee on the Elimination of Discrimination Against Women obligations and promote and protect the rights of women (Maldives);
127.65	Continue to put emphasis on gender equality and ensuring the rights of women and girls, including better access for them to education, aside from committing greater budgetary resources to the Women’s Economic Empowerment Programme (Malaysia)

### Partial Implementation

Mmegi. The case is currently before the Magistrate’s Court in Nata. Civil society continues to call for the extended suspension of Majaga. It argues that he brings the reputation of parliament into disrepute.  
<https://www.mmegi.bw/index.php?aid=85477&dir=2020/may/11#:~:text=FRANCISTOWN%3A%20The%20Botswana%20emocratic%20Party,defilement%20charge%20he%20is%20facing>.

<sup>77</sup> Prior to his appointment, his wife, Ms Dineo Ngaka ‘was quoted in The Voice Newspaper of February 2014 as having registered a case of assault with the Molepolole Police Station known and confirmed by Station Commander Mr Tawana Tawana. Regrettably, Mrs Ngaka also complained of what she deemed preferential treatment for Mr Ngaka Ngaka by the police’. Remove wife bashing minister – Gender activists petition President Masisi. 18 December 2018.  
<https://www.thepatriot.co.bw/analysis-opinions/item/6501-remove-wife-bashing-minister-%E2%80%93-gender-activists-petition-president-masisi.html>

<sup>78</sup> CARTER MORUPISI OPPOSES NGAKA NGAKA REMOVAL PETITION DECEMBER 20, 2018.  
<https://www.thegazette.news/news/carter-morupisi-opposes-ngaka-ngaka-removal-petition/25204/#.Xyk3oigzY2w>

<sup>79</sup> The appointment of Molao in November 2019, to the MoBE - despite one of his messages to Amon, in which he suggests that Amon “should find other means to get rid of her [the then young girl impregnated by the council member]”, to save himself and the political party – is a clear lack of regard for the children over whom the ministry has oversight”. Lesego Nchunga (2019). *The President – A Man of Many Silences*. November 11, 2019. Mmegi.  
<https://www.mmegi.bw/index.php?aid=83434&dir=2019/november/11>

<sup>80</sup> ICCPR submission - 26 May 2020. Second Periodic Report – 30 April 2020., pg 11.

- Domestication of CEDAW will address the concerns stated in these sections. CSOs should advocate and lobby for the holistic implementation of CEDAW to drastically strengthen and improve the human rights of women and girls to achieve the National, SADC GAD Protocol and SDG goal 5 of gender equality and the empowerment of women.
- Wide distribution of the Sustainable Development Goals Country Report<sup>81</sup> and its 2019 analytical report<sup>82</sup> has not been done.

#### Recommendations to Government

- to achieve and implement gender equality and the empowerment of women and girls policies and strategies will be holistically realised if the governments develops partnerships and put in place effective collaboration with civil society, women’s rights organisations in particular, and the parastatal and private sector as stated in the SDGs.
- Effective partnerships and allocation of adequate resources (embracing a gender budget approach) will enhance and strengthen implementation of SDG Goal 5.
- Implement policies to effect social behavioural change to ensure that programmes benefit all vulnerable groups
- Produce in local languages, the Recommendations from the Concluding observations on the fourth periodic report of Botswana 2019 by the Committee of on the Elimination of Discrimination against Women (CEDAW) in order to increase the ability of citizens to hold government accountable and to implementing recommendations
- Re-shape the gender narrative by reviewing curriculum material used in schools at both local and national levels
- Review traditional social, cultural and political practices, using a gender lens.

127.66	Take measures aimed at ending violence against women and girls and the discrimination suffered by them by influencing traditional practices that undermine gender equality and promoting greater participation of women in all sectors of society (Spain)
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#### **Partial Implementation**

127.67	Continue efforts to combat discrimination against women and achieve gender equality (Tunisia);
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#### **Partial Implementation**

#### Recommendations to Government

<sup>81</sup> Botswana Domesticated Sustainable Development Goals Indicators Baseline Stats Brief 2018  
[http://www.statsbots.org.bw/sites/default/files/special\\_documents/Botswana%20Domesticated%20Sustainable%20Development%20Goals%20Indicators%20%20Baseline%20Stats%20Brief\\_0.pdf](http://www.statsbots.org.bw/sites/default/files/special_documents/Botswana%20Domesticated%20Sustainable%20Development%20Goals%20Indicators%20%20Baseline%20Stats%20Brief_0.pdf)

<sup>82</sup> Botswana Domesticated SDGs Indicators (2019).  
[http://www.statsbots.org.bw/sites/default/files/special\\_documents/Botswana%20Domesticated%20SDG%27s.pdf](http://www.statsbots.org.bw/sites/default/files/special_documents/Botswana%20Domesticated%20SDG%27s.pdf)

- Address harmful cultural and societal norms
- Analyse data, using a framework which is sensitive to gender norms

127.73 Implement gender equality policies that foster girls' access to health and education and raise awareness among the population about sexual and gender-based violence (Mexico)

#### **Partial Implementation**

- Policies to facilitate girls' access to education and healthcare are in place, however, there are factors which need to be addressed, such as teenage pregnancies, access to sexual and reproductive health service, socio-cultural/traditional barriers, such as early marriage practices etc., which make it difficult to access education and health facilities in remote and small rural communities.
- There is a reported increase in the number of teenage pregnancies by adult men. The focus is on the teenage mothers with little consequence for the adult men who impregnate them. In the North-East district, for example, in 1 school, there were 7 school push-outs due to pregnancies by adult men. The men enter into negotiations with the girls' families and pay for 'damages' to the girls' virginity through payment of cattle or money. There is no focus on the need for the girls to continue their education.

#### Key Issues

- Retention of girls in the education system as they are 'pushed out' due to teenage pregnancies, sexual abuse at home, etc. STEM is geared towards the boy child who is well-placed for work in the technical field. A key consequence of this exclusion of girls, is their future unemployment, lack of economic independence increased their vulnerability to being in abusive relationships and increased incidents of gender-based violence.
- Readmission Policy is an administrative policy, not responsive to the lived realities of the girl child, in particular. There are no guidelines for their readmission into the education system, e.g. a counselling component; and no guidelines for academic support for those who have been out of the education system due to pregnancy (unlike for those who have left due to non-pregnancy-related reasons). The underlying reason appears to be to 'punish' the teenage mothers to discourage others to become pregnant. Such an approach fails to address the root causes, including the abuse of teenagers by adult men. They are often put under pressure by the adult males, to have repeat pregnancies.

#### Recommendation to Government

- Capacitate schools to implement the Readmission Policy, with clear guidelines.

127.73 Implement gender equality policies that foster girls' access to health and education and raise awareness among the population about sexual and gender-based violence (Mexico)

#### **Partial Implementation**

- Botswana is committed to implementing its 4 commitments of the 1994 International Conference on Population and Development (ICPD25). These are as follows:

- < Strengthening access to family planning information and services, including access to quality, affordable and safe modern contraceptives through capacity building for health care workers on integration of family planning services at all service delivery points from 350 to 1000 by 2030.
- < Reduction of maternal deaths attributable to abortion, post-partum haemorrhage, hypertensive disorder in pregnancy from 143.2/100 000 births to less than 70/100,000 through; capacity building and allocation of financial & human resources towards Maternal Health programme by 2030.
- < Reduction of Gender Based Violence from 37% to 20% for women and from 21% to 10% for men through effective implementation of the National Strategy Towards Ending GBV by 2030.
- < Provision of quality, timely and disaggregated data by expanding population and housing census and inter-censal surveys, integrated statistical, monitoring and evaluation systems, civil registration and vital statistics program by 20% in 2030.
- The overarching National Policy on Gender and Development 2015 (NPGAD) policy seeks to contribute to the creation an enabling and supportive environment for an effective national gender response. Besides this there is also the NPGAD Operational Plan 2016 – 2020 and the National Strategy towards Ending GBV in Botswana 2016 – 2020. Despite this good policy framework, 37 % of women in Botswana have experienced GBV in their lifetime.
- Botswana also needs to do more to promote women in the informal sector especially those based in the rural hard to reach areas.
- There is a need to enhance women’s participation on the Political spheres especially in the Legislature.

## 7. YOUTH

127.44 Adopt a specific policy with affirmative action measures to lift young people out of exclusion and poverty, particularly those living in rural areas (Honduras).

### **No Implementation.**

127.53 Work at improving health-care infrastructure, access to emergency obstetric care, midwife training and resources devoted to maternal health (Holy See); 127.54 Further improve the health-care infrastructure in Botswana and pay special attention to awareness-raising programmes among women and adolescent girls in rural areas for addressing the challenge of HIV/AIDS (India)

### **Partial Implementation**

127.54 Further improve the health-care infrastructure in Botswana and pay special attention to awareness-raising programmes among women and adolescent girls in rural areas for addressing the challenge of HIV/AIDS (India)

### **Partial Implementation**

127.55 Further strengthen its national programme to reduce HIV prevalence, especially among young people (Indonesia)

### **Partial Implementation**

#### Contextual Situation of Youth in Botswana

According to the National Youth Policy, youth in Botswana is defined as a person aged from 12 to 35 years (Republic of Botswana, 2010). The policy though, does recognize the fact that there are some young people who do not fall in this category but might need some support so it does not restrict itself to only those between the specified ages. The real definition of youth should not have fixed age limits. The period between childhood and adulthood is called youth, but what this period covers varies from society to society depending on the diversity of roles, social change, and the complexity of the society in question (Mufune, 2001). This is a phase of life in its own right with experiences that are a product of society's culture that a person goes through. The phase is necessary for personal formation and societal placement and it is at this stage that the youth face particular challenges such as poverty, unemployment and lack of access to education and health (Mcllwane and Datta, 2004). The youth require social, economic and political support to realise their full potential.

The Youth Consultation acknowledged various government schemes for youth, such as the Youth Empowerment Scheme (YES); the Youth Development Fund (focuses on entrepreneurship development and employment creation and accessible to Botswana citizens aged 18-35 years old); the National Youth Policy; the Citizens Entrepreneurial Development Agency (CEDA); Young Farmers Fund, and the Kick Start Programme which has been established to address the rising youth unemployment.<sup>83</sup> There is also special dispensation provided for youth when they apply for land and licenses to operate their businesses. In terms of creating engagement platforms for youth, the Government in collaboration with development partners continues to implement targeted programmes and services including social media education programmes such as Wise-Up, teen clubs, youth friendly services.<sup>84</sup> In 2019, the First Lady of Botswana, Ms Neo Masisi, was appointed by UNAIDS as Special Ambassador for the Empowerment and Engagement of Young People in Botswana.

#### Key issues:

- the high rate of unemployment (the unemployment rate amongst the youth is higher than the national unemployment rate)<sup>85</sup> and underemployment
- poverty , inadequacy of social protection schemes and lack of social, economic and political support
- the definition of who constitutes the "youth". The definition of youth in the National Youth Policy 2010, fails to effectively differentiate needs of young people at different points in their lives. It recognises youth as persons aged between 12 to 35 years of age.

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<sup>83</sup> Lesetedi, Gwen. High Youth Unemployment in Botswana: A Case of Policy Failure or Poor Research? Mosenodi Journal 2018, 21 (1) 2018: 127 – 136.

<sup>84</sup> Human Rights Council Working Group on the Universal Periodic Review Twenty-ninth session 15–26 January 2018 National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\* Botswana

<sup>85</sup> Lesetedi, 2018.

- lack of access to opportunities and mechanisms to participate in decision-making processes and decisions about their lives
- Key consequences of the challenges experienced by the youth include:
  - < psycho-social: hopelessness and despair; engagement in crime; use of drugs and exposure to high health and social risks. During the COVID-19 lockdown, there was an increase in youth experiencing mental health challenges. There was no official psycho-social counselling plan for youth. This reportedly led to an increase in the use of drugs as youth battled with depression.
  - < implementation of government programmes and policies: efforts to implement the policies designed for youth are encumbered by the bureaucratic red-tape and limited access to literate youth. Challenges identified including the lack of skills to produce the requisite business plan for financial support, financial literacy and management of finances. Youth-led businesses often fail within a few years of commencement. Existing policies lack an affirmative action component. Where there are government programmes for youth (such as the Adolescent and Young People Framework and Social and Behaviour Change Communication Strategy, Communities Acting Together to Control HIV (CATCH), School Health Programme), they are perceived as having been conceptualised and designed for youth but without specific youth involvement.
  - < marginalised or excluded youth: some youth experience or face additional constraints in both accessing and benefitting from the implementation of programmes and policies because programmes and policies fail to recognise the diversity of the youth population. It includes *youth in the rural areas; youth with disabilities* – for example, youth-oriented messaging by the Ministry of Health and Wellness, the Ministry of Local Government and Rural Development (Department of Social Services) as well as Ministry of Basic Education is not provided in braille; *LGBTQ youth; youth in need of services, particularly health services* - the *Treat All Strategy* (2016) did not specifically target youth, even though the HIV youth prevalence rate is high.<sup>86</sup> A consequence is that fewer youth are reached than could be had the campaigns and strategies been youth-tailored. In 2018, almost one in four new HIV infections in Botswana occurred among young women and adolescent girls aged 15-24 years old. Less than half of young women and adolescent girls say they have comprehensive knowledge about HIV.<sup>87</sup> There are shortages of adequately trained staff in schools for the effective delivery of comprehensive Life Skills education; *youth engaging in transactional relationships, intergenerational relationships and teenage motherhood*. The enabling factor is the unequal power relationship between youth (mostly female) and those who finance the relationships.
  - < lack of ‘youth-friendly’ services provided by the government, particularly in the health sector, e.g. clinics; there is no specific programme focussed on mental health prevention and promotion interventions within schools. to support youth struggling with addictions to alcohol and/or other drugs. The leads to a lack of awareness of the

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<sup>86</sup> UNAIDS (September 2019). Botswana has the third highest HIV prevalence in the world, with more than one in five of the adult population aged 15–49 years living with the virus. \_Adolescent girls and young women are particularly at risk of HIV infection as well as other sexually transmitted infections and unintended pregnancy. <https://www.unaids.org/en/keywords/botswana>

<sup>87</sup> UNAIDS (September 2019). <https://www.unaids.org/en/keywords/botswana>

link between drug-addiction, sexual behaviour and increased risks of contracting HIV and AIDS. Related risk factors facing youth include social vulnerability, poor peer modelling.<sup>88</sup>

- Few Youth-friendly convening spaces, other than places of entertainment. The Botswana National Youth Centre was closed in Maun. It had provided an important space for youth to gather and for civil society organisations, such as the Chobe Arts, to implement youth-focused programmes. Government support is not readily available. Promises of financial support have been made in the past through, for example, DMSAC, but civil society organisations and youth have not been able to receive the funds.

### Recommendations to the Government

- Include youth in the planning, programming and evaluation of youth-focused programmes. This is necessary to move from programmes being imposed upon youth at the implementation stage. This will lead to youth-specific and relevant programmes instead of youth being subsumed under either 'children' or 'adults' categories, as the age-range of youth is generally considered to be 15-35 years.
- Youth-inclusive planning will ensure the relevance of programmes which take note of the multi-faceted nature of the issue being addressed. For example, drugs and alcohol use can be triggered by various factors, including peer pressure, fragile family structure and environment, unemployment. A comprehensive approach will bring sustainable results.
- Youth in schools should be supported by youth-friendly structures and environment, through the creation of, for example, School Ambassadors and peer education support groups.
- The government should enforce the Drugs and Related Substances Act, 1992 in order to penalise both suppliers and users of habit-forming drugs.
- The government should ensure urgent implementation of its commitment made by President Masisi in his 2019 State of the Nation Address about the establishment of the first National Substance Use Treatment Centre to rehabilitate people with alcohol and other substance use disorders. It is to be established at the old Serowe Institute of Health Sciences (IHS).<sup>89</sup>

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<sup>88</sup> Alcohol and drug use is also associated with an increase in other risky behaviors such as early sexual debut, unprotected sex, drunk driving, violence and truancy. Riva, Katherine, Lynne Allen-Taylor, Will D. Schupmann, Seipone Mphole, Neo Moshashane and Elizabeth D. Lowenthal. (December 2018) Open Access. [Prevalence and predictors of alcohol and drug use among secondary school students in Botswana: a cross-sectional study](https://bmcpublichealth.biomedcentral.com/track/pdf/10.1186/s12889-018-6263-2). BMC Public Health (2018) 18:1396. <https://bmcpublichealth.biomedcentral.com/track/pdf/10.1186/s12889-018-6263-2>

<sup>89</sup> Rorisang Mogojwe. (19 November 2019). *Botswana to finally have its first Rehabilitation Center*. Gabz FM online. <https://www.gabzfm.com/index.php/gabzfm-news-details/id/1243/botswana-to-finally-have-its-first-rehabilitation-center/>

- The government should enable the various structures mandated with the responsibility for youth, to establish effective dialogue and engagement platforms to enable the inclusion of youth in programmes and government youth interventions.

8. **ECONOMIC, SOCIAL AND CULTURAL RIGHTS** - *poverty; right to social security, water, health and education*

**ECONOMIC**

127.27 Continue with reforms, which include introducing measures to diversify the economy and accelerate economic growth aimed at increased productivity, poverty reduction and the attainment of equitable social development (Indonesia)

**Partial Implementation**

- Botswana’s economic growth since independence has depended largely on diamonds. Botswana has avoided the so-called “Dutch disease” or “resource curse” suffered by so many other mineral-rich economies, owing largely to its expenditure strategy and reserve policy.

Key issues:

- Botswana needs to diversify into agriculture, tourism and services. Measures have included:
  - a) for agriculture (2.3% of the GDP), the National Master Plan for Arable Agriculture and Dairy Development and the Integrated Support for Arable Agricultural Development (NAMPAAD) within the framework of the Agricultural Development Policy (ADP). There is little irrigation and industrialisation to reduce dependency on rain-fed farming.
  - b) for rain-fed agriculture: the Accelerated Rain-fed Programme, Arable Lands Development Programme aimed at providing inputs to households on rain-fed arable land (Ministry of Agriculture, [2015](#)) and the Integrated Support Programme for Arable Agriculture Development Programme (ISPAAD) is aimed at improving agriculture productivity through the use of technology.
  - c) tourism which can contribute up 10% of GDP but there are challenges of diversification of the product base, as well as increasing meaningful citizen participation in the sector.
- Structural transformation of the economy has not been effected, ‘from one dominated by (unearned) mineral rents, with non-mining activity focused on supplying the domestic market in general and government in particular, with little focus on costs and competitiveness, to one driven by exports of goods and services to the regional and global economies, which requires competitiveness, productivity and efficiency’.<sup>90</sup>
- Minister of Finance and Economic Development stated that “2020/2021 Budget ... provides the first major step by Government towards economic transformation anchored on private sector export-led growth. The main objective is to transform the economy and lay the

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<sup>90</sup> Jeffris, Keith. *The Botswana Development Model since 1966: Evaluation of Diversification Efforts. What worked? What Didn't?*

<http://econsult.co.bw/tempex/file/Publication%20Reports/The%20Botswana%20Development%20Model%20Since%201966%20-%20Evaluation%20of%20Diversification%20Efforts%20What%20Worked%20and%20What%20Didn't.pdf>

foundation for a knowledge and technology based economy and graduate from an upper middle income to a high-income country”.<sup>91</sup>

## POVERTY

128.61	Strengthen further its efforts in the area of poverty eradication, including by strengthening and addressing short-comings highlighted in the poverty eradication programmes (Malaysia); 127.42 Strengthen the economic resources of the most vulnerable so that they can live in dignity (Libya); 127.43 Continue taking further measures to eradicate poverty (Azerbaijan); 127.45 Continue working on poverty eradication initiatives with special focus on women and children (Bhutan); 127.46 Further strengthen policies aimed at poverty eradication (Georgia); 128.45 Further consolidate its social and human rights policies, particularly in the area of economic, social and cultural rights in order to improve the quality of life, particularly of the most vulnerable groups of its population (Bolivarian Republic of Venezuela); 128.61 Strengthen further its efforts in the area of poverty eradication, including by strengthening and addressing short-comings highlighted in the poverty eradication programmes (Malaysia)
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### Partial Implementation

- Botswana is the fourth most unequal country globally according to the Gini Index.<sup>92</sup> This is evidenced by an increase in inequality of household disposable incomes from 0.645 to 0.666 between 2009/10 and 2015/16. As for disposable cash income, the GINI coefficient stood at 0.715 in 2009/10 and remained unchanged in 2015/16. The consumption GINI coefficient for 2002/03 was 0.571 and it was 0.522 in 2015/16.<sup>93</sup> (Statistics Botswana, 2018, p 81).
- All poverty reduction programmes are guided by the National Strategy for Poverty Reduction (NSPR) of 2003. For rural hard to reach areas, the government developed a National Rural Development Programme (NRDP) aimed at improving the quality of life of Citizen Residents in remote areas by providing various poverty alleviation programmes to those who are disadvantaged. These efforts are to promote resilient family units in communities. 69 communities across the country can access social services including skills development to enable rural based people acquire skills for economic gains. This was created in 1973, revised in 1978 and updated in 2003. The RDP programmes draw inspiration from National Development Plans (now NDP 11) which inform how poverty across the country could be reduced.
- The three-pronged strategy used to address poverty, since independence in 1966, has

<sup>91</sup> Honourable Dr. Thapelo Matsheka. (2020). 2020 BUDGET SPEECH. 3 February 2020. [https://www.cabri-sbo.org/uploads/bia/Botswana\\_2020\\_Approval\\_External\\_BudgetSpeech\\_MinEcosFin\\_SADC\\_English.pdf](https://www.cabri-sbo.org/uploads/bia/Botswana_2020_Approval_External_BudgetSpeech_MinEcosFin_SADC_English.pdf)

<sup>92</sup> Botswana is fourth after Haiti, Namibia and South Africa. Molefhe, Wame. (2018) *Botswana: Losing its sparkle?* New Internationalist. 20 August 2018. <https://newint.org/columns/country/2018-07-01/country-profile-botswana>

<sup>93</sup> Statistics Botswana. 2018, p 81.

comprised: increasing incomes and livelihoods; provision of social safety nets; and infrastructure development for provision of basic services including health and education.<sup>94</sup> The Government is developing (and so has not yet implemented) a Poverty Eradication Policy and Strategy 'to advance the poverty eradication agenda. This Strategy will incorporate graduation guidelines to ensure efficient and effective implementation of poverty eradication programmes'.<sup>95</sup>

- In order to address the short-coming of "double dipping" by beneficiaries, 'the Single Social Registry system developed with the World Bank in 2015 aimed at assisting in the harmonisation and consolidation of social protection programmes' is to 'be implemented during the 2019/2020 financial year'.<sup>96</sup>

#### Key issues:

- The COVID-19 pandemic revealed the extent of the fragility of the economy. During the first lockdown under the State of Public Emergency Regulations, government had to distribute food assistance to the population in both the urban and rural areas, as many citizens are engaged in the informal sector with its increased vulnerability to shocks. Policies exist which are aimed at eradicating poverty<sup>97</sup>, but they fail to achieve their goal. They do not adequately address the relationship between poverty, inequality and unemployment, on one hand, and good governance on the other, within the context of Botswana.
- NRDP programmes need to be contextualised to suit specific areas and needs of groups across the country, as opposed to a one-size- fits all policy. This, because the process of national development has not benefitted all the citizens equally.
- Policies exist which are aimed at eradicating poverty<sup>98</sup>, but they fail to achieve their goal. They do not adequately address the relationship between poverty, inequality and unemployment, on one hand, and good governance on the other, within the context of Botswana.
- social assistance is provided by the state through policy guidelines, frameworks<sup>99</sup> and legislation, but not as a right protected by the constitution. The lack of a rights-based approach risks programmes having unexpected outcomes which fail to eradicate poverty.

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<sup>94</sup> Magombeyi, M.T. & Nicholas M. Odhiambo (2017). *Poverty dynamics in Botswana: Policies, trends and challenges*. Cogent Social Sciences. <https://www.tandfonline.com/doi/pdf/10.1080/23311886.2017.1329246>. Accessed on 12 August 2020.

<sup>95</sup> Mathambo, O. Minister of Finance and Economic Development (2019). Budget Speech, p 11.

<sup>96</sup> Mathambo, O. Minister of Finance and Economic Development (2019). Budget Speech, p 11.

<sup>97</sup> The three pronged poverty strategy and programmes comprise: (a) policies which increase income and livelihoods for the poor (b) policies which support infrastructure development especially in basic service provision like health and education (c) policies which focus on short term relief—targeting the poor and the vulnerable through social welfare programmes.

<sup>98</sup> The three pronged poverty strategy and programmes comprise: (a) policies which increase income and livelihoods for the poor (b) policies which support infrastructure development especially in basic service provision like health and education (c) policies which focus on short term relief—targeting the poor and the vulnerable through social welfare programmes.

<sup>99</sup> Draft National Social Protection Framework (2018) intended to intended to serve as an overarching policy document to guide the transition from a fragmented approach to a systems approach to social protection. UNICEF. <https://www.unicef.org/botswana/media/301/file/Social-Protection-Budget-Brief-2018.pdf>

### Recommendations to Government:

- ensure a minimum living wage for the poor. The current minimum wage, at Botswana Pula 1000.00 (approximately US\$ 85)<sup>100</sup> is not a living wage.
- Basic Income Grant for all poor and for those who are unemployed. Wages should not be below the level of the basic income grant.

### **SOCIAL PROTECTION**

127.41 Enhance its social protection programme in areas such as targeting mechanisms, implementation procedures and coordination (State of Palestine)
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#### **Partial Implementation**

- Draft National Social Protection Framework (NSPF) - 2018
- The National Social Protection Recovery Plan (NSPRP) 2020 is aimed at addressing the impacts of COVID-19 on the beneficiaries of the existing Social Protection Programme. During the first national lockdown in April/May 2020, the government established the national COVID-19 Food Relief programme to counter the negative social impacts of COVID-19 itself and of the measures necessary to contain it. The implementation of the Food Relief Programme was supplemented by CSO engagement due to the slow delivery of food assistance packages to beneficiaries. The separate assessment and delivery processes undertaken by numerically under-capacitated teams, led to several urgent requests to CSOs for independent food support. However, ultimately the government 'provided food baskets to some two-thirds of all households nationally'.<sup>101</sup>

#### Key Issues:

- The Constitution does not protect socio-economic rights. This leads to increased vulnerability of the poor, who are dependent upon government largesse instead of government promoting and protecting their right to a dignified life.
- Under the current COVID-19 pandemic, the Social Protection Recovery Plan is largely based on existing Social Protection programmes which do not take into account the current COVID-19 context and its severe impact on the poor. There is no inclusion of mental health support for the psychological well-being of the population.

### **WATER AND SANITATION**

127.47	Adopt measures to improve the quality of water (Timor-Leste)
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<sup>100</sup> As at 14 August 2020.

<sup>101</sup> In the Botswana National Social Protection Recovery Plan. 7 July 2020. Ministry of Local Government and Rural Development (MLGRD), viii.

[file:///C:/Users/User/Downloads/Botswana%20National%20Social%20Protection%20Recovery%20Plan%20Part%201%20Final\(1\).pdf](file:///C:/Users/User/Downloads/Botswana%20National%20Social%20Protection%20Recovery%20Plan%20Part%201%20Final(1).pdf)

127.50	Adopt policies aimed at improving the quality of water and introduce a systematic monitoring system for water treatment (Holy See)
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### Partial Implementation

- Botswana has a Water Policy (2012), approved by Parliament in 2012, which aims to improve facilitation of water access to suitable quality standards. An already implemented aspect of the Water Policy is the review of water-related legislation.<sup>102</sup> Approximately 95% of the population has access to clean drinking water. About 60 % has access to safe sanitation facilities.<sup>103</sup>
- Botswana implements water quality procedures to safeguard the quality of drinking water, e.g. Botswana Drinking Water Quality Standard (BOS 32:2015).

### Key Issues:

- Botswana has plans, frameworks and strategies – the challenge is in effective implementation. For example, the Integrated Water Resources Management & Water Efficiency Plan (2013) to augment the Botswana Water Act (1967) which was no longer as effective. The Aim of the Integrated Water Resources Management & Water Efficiency Plan is to ensure that all people and the environment have adequate access to sufficient water of adequate quality and economic production and growth is not curtailed by water shortages. Its goal is to improve people's livelihoods and welfare, as well as contribute to sustained economic growth, economic diversification, social justice and poverty eradication through efficient, equitable and sustainable water resources development and management.
- There is need for a 30 year strategy to ensure adequate planning for the future water demands and usage. This can only be achieved if Botswana balances its water resources stewardship and water demand management rather than capital development works.

127.48	Continue efforts to ensure the right to safe drinking water and sanitation by adopting, in this regard, a national water supply policy that includes a strategy for its sustainable management and measures to improve its treatment (Spain)
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### Partial Implementation

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<sup>102</sup> Motswamai, Mmoniemang. Botswana Daily News. *Water regulatory authority in offing*. 10 October 2018. <http://www.dailynews.gov.bw/news-details.php?nid=45865>

<sup>103</sup> Government of Botswana and FAO (2018). *National gender profile of agriculture and rural livelihoods*. <http://www.fao.org/3/i8704en/i8704EN.pdf>

- National Sanitation Roadmap 2020-2022( (2019) produced to enable sanitation management and address challenges, including the inaccessibility of 49% of rural-dwellers to basic sanitation. It was to be approved by the Cabinet during 2020.<sup>104</sup>
- Through implementation of the Water Policy (2012) and the Botswana Integrated Water Resources Management & Water Efficiency Plan (2013), access to drinking water in urban areas is around 99.5% and rural areas at 84.1%.

Key Issues:

- the citizenry does not participate in water resource management strategy development processes
- projects which target water and sanitation tend to not reach the broader populations which are in need, particularly in rural areas. There are no long-term measures with a broader coverage, such as special tariffs and subsidies, in order to protect the human rights to water and sanitation for these individuals and groups.<sup>105</sup>
- there is no mechanism to operate a subsidisation system for pit latrine services and to constantly review this mechanism to ensure it is able to adequately ensure affordability for those on low-incomes.<sup>106</sup>
- the implementation of the (2015-2025) Affirmative Action Framework for Remote Area Communities (2015-2025) which includes the goal of ensuring access to social and basic services, provision of potable water and improved access to adequate sanitation services. This is intended to be implemented through the provision of water for drinking and for livestock needs in remote areas; the provision of adequate sanitation amenities; and to provide services for the management of sanitation and wastewater.<sup>107</sup> However, only those remote area dwellers in recognised settlements (with a population of 250 people or more) are provided with government services.
- Botswana has not signed, ratified or domesticated the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol. By doing so, the government would be guaranteeing the the human rights to water and sanitation and would be committing itself to prioritise water supply for personal and domestic uses in national legislation.<sup>108</sup>

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<sup>104</sup> Mogojwe, Rorisang. (2019) *GOVT TO LAUNCH NATIONAL SANITATION ROADMAP 2020-2022*. Gabz FM. 2 December 2019.

<https://www.gabzfm.com/index.php/gabzfm-news-details/id/1300/govt-to-launch-national-sanitation-roadmap-2020-2022/>

<sup>105</sup> UN (2019). *Follow-Up Report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation*. 30 August 2019. A/HRC/42/47/Add.5

<sup>106</sup> UN (2019). *Follow-Up Report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation*. 30 August 2019. A/HRC/42/47/Add.5

<sup>107</sup> UN (2019). *Follow-Up Report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation*. 30 August 2019. A/HRC/42/47/Add.5

<sup>108</sup> *Follow-Up Report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation*. 30 August 2019. A/HRC/42/47/Add.5

127.49	Adopt a national water policy, elaborating a long-term strategy to manage this resource in a sustainable manner (Senegal)
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**No Implementation**

- there is no independent regulatory body for water provision, in spite of it having been decided by Presidential Directive in 2017. Government has committed to the “promulgation of legislation of the establishment of an Independent Water Regulator”. It will be responsible for regulating the sector of water supply and other activities which include wastewater disposal and treatment plants<sup>109</sup>

**HEALTH**

127.51	Take necessary measures to improve access to health, particularly for vulnerable groups, including children and women (Algeria)
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**Partial Implementation**

- The Revised National Health Policy 2010 of Botswana ensures that all Batswana have equal access to health care (accessibility to health facilities is guaranteed, at there is a health facility with a radius of 5 to 10 km)s however a major constraint of the Botswana public health system is efficiency.

Key Issues:

- citizens regularly experience compromised quality of services and shortage of human resources.
- public health sector has a shortage of experienced staff, uses inadequate planning methods, and poorly deployed and underutilized management of human resource.

Recommendations to Government:

- ensure access to health by vulnerable groups and all people through the effective implementation of the Reproductive Maternal, New-born, Child and Adolescent Health (RMNCAH) services.
- create a broad range of policy levers by inducing properly managed and organised delivery system of quality health services with maximum usage of resources.

127.52	Broaden access to emergency obstetric care, improve midwifery training for medical personnel and consider increasing resources assigned to maternal health (Russian Federation)
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<sup>109</sup> Motswamai, Mmoniemang. Botswana Daily News. *Water regulatory authority in offing*. 10 October 2018.

<http://www.dailynews.gov.bw/news-details.php?nid=45865>; UN (2019). *Follow-Up Report of the UN Special Rapporteur on the human rights to safe drinking water and sanitation*. 30 August 2019. A/HRC/42/47/Add.5

## **Partial Implementation**

- Implementation of RMNCAH services through establishing the RMNCAH as a part of the pre-existing provision of health services

### Key Issues:

- Statistics Botswana estimates that 189 women die due to pregnancy-related causes for every 100,000 live births caused by excessive bleeding, obstructed labour, uterine rupture and hypertensive disorders. 97.5% of these occur in health facilities. These causes could have been effectively managed at these facilities had they been well-resourced, financially and with human resources. Emergency treatment or pregnancy and delivery complications and if the centres were well resourced as well. Emergency obstetric care – i.e. treatment for pregnancy and delivery complications – is not provided at its full potential in most health centres in the country.
- There is need for greater commitment, better management and more at:
  - < health facilities at district levels,
  - < the Ministry of Health and Wellness and the Ministry of Finance and Development Planning.
- Parliamentary Committees responsible for health and the coordination of the Sustainable Development Goal (to reduce maternal mortality by half by 2030) need to improve the availability and practice of emergency obstetric care.
- There is a need for ongoing training of hospital staff in modern technologies to reduce maternal deaths.

## ***HIV and AIDS***

127.56 Strengthen the policies to combat HIV/AIDS (Senegal); 127.57 Maintain the Government's programmes on combating HIV/AIDS with the support of the World Health Organization and other international partners (Ukraine); 127.58 Take further steps to ensure the right to health, particularly by combating the scourge of HIV/AIDS (Azerbaijan); 127.59 Continue to take action to promote awareness-raising programmes for the prevention of HIV/AIDS (Myanmar); 127.60 Strengthen targeted interventions on vulnerability to HIV and gender-based violence (Ethiopia)

## **Implemented**

- New National Strategic Framework on HIV and AIDS III 2018-2023 put in place.
- The Botswana Multi-Sectoral Strategy for the Prevention and Control of Non-Communicable Diseases strategy 2018-2023 is in place.

## ***EDUCATION***

127.61 Continue efforts to promote comprehensive education policies, particularly by implementing the national strategic education plan (2015–2020) (Brazil)

127.62 Improve the quality of education (Iraq)

127.65 Continue to put emphasis on gender equality and ensuring the rights of women and girls, including better access for them to education, aside from committing greater budgetary resources to the Women's Economic Empowerment Programme (Malaysia)

### **Partial Implementation**

- The Botswana Education and Training Sector Strategic Plan (ETSSP 2015-2020) has been developed as the converging strategy to meet education needs and education financing as well as development of prerequisite skills at all levels to cater for students at each stage of learning. The ETSSP also ensures continued education for those who go off the learning path for various reasons.
- The Revised National Policy on Education (1994) and Inclusive Education Policy (MoESD, 2008) provide equal opportunities for boys and girls to access quality education services. Botswana also has used the fiscal benefits that mining development generated to effectively lay the foundation for sustained economic development including the rapid expansion of the education system. However, there is need to generate more resources to meet extra education needs for such groups as those living with disabilities and early childhood development.

127.73 Implement gender equality policies that foster girls' access to health and education and raise awareness among the population about sexual and gender-based violence (Mexico)

### **Partial Implementation**

- Botswana is committed to implementing its 4 commitments of the 1994 International Conference on Population and Development (ICPD25). These are as follows:
- Strengthening access to family planning information and services, including access to quality, affordable and safe modern contraceptives through capacity building for health care workers on integration of family planning services at all service delivery points from 350 to 1000 by 2030.
- Reduction of maternal deaths attributable to abortion, post-partum haemorrhage, and hypertensive disorder in pregnancy from 143.2/100 000 births to less than 70/100,000 through; capacity building and allocation of financial & human resources towards Maternal Health programme by 2030.
- Reduction of Gender Based Violence from 37% to 20% for women and from 21% to 10% for men through effective implementation of the National Strategy Towards Ending GBV by 2030.
- Provision of quality, timely and disaggregated data by expanding population and housing census and inter-censal surveys, integrated statistical, monitoring and evaluation systems, civil registration and vital statistics programme by 20% in 2030.
- The overarching National Policy on Gender and Development 2015 (NPGAD) policy seeks to contribute to the creation of an enabling and supportive environment for an effective national gender response. Besides this there is also the NPGAD Operational Plan 2016 – 2020 and the National Strategy towards Ending GBV in Botswana 2016 – 2020. Despite this good policy

framework, 37 % of women in Botswana have experienced GBV in their lifetime. Botswana also needs to do more to promote women in the informal sector more especially those based in the rural hard to reach areas. There is also need to enhance women participation on the Political spheres especially in the Legislature.

128.45	Further consolidate its social and human rights policies, particularly in the area of economic, social and cultural rights in order to improve the quality of life, particularly of the most vulnerable groups of its population (Bolivarian Republic of Venezuela)
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### **Partial Implementation**

- All poverty reduction programmes are guided by the National Strategy for Poverty Reduction (NSPR) of 2003. For rural hard to reach areas, the government developed a National Rural Development Programme (NRDP) aimed at improving the quality of life of Citizen Residents in remote areas by providing various poverty alleviation programmes to those who are disadvantaged. These efforts are to promote resilient family units in communities. 69 communities across the country can access social services including skills development to enable rural based people acquire skills for economic gains. This was created in 1973, revised in 1978 and updated in 2003. The RDP programmes draw inspiration from National Development Plans (now NDP 11) which inform how poverty across the country could be reduced.

### Key Issue:

- NRDP programmes need to be contextualised to suit specific areas and needs of groups across the country, as opposed to a one-size- fits all policy. This, because the process of national development has not benefitted all the citizens equally.<sup>110</sup>

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<sup>110</sup> In terms of equality, Botswana is one of the most unequal societies in Africa and the world as evidenced by an increase of inequality of household disposable incomes from 0.645 to 0.666 between 2009/10 and 2015/16. As for disposable cash income, the GINI coefficient stood at 0.715 in 2009/10 and remained unchanged in 2015/16. The consumption GINI coefficient for 2002/03 was 0.571 and it was 0.522 in 2015/16 (Statistics Botswana, 2018, p 81).