



PALAIS DES NATIONS – 1211, GENEVA 10, SWITZERLAND

19 January 2024

Sir,

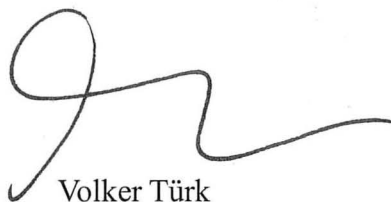
I have the honour to refer to the fourth cycle review of Botswana by the Universal Periodic Review (UPR) Working Group at its 43<sup>rd</sup> session in May 2023. The constructive engagement between your Government, my Office, and the UPR mechanism is warmly welcome. As the final outcome report on the review of Botswana was recently adopted by the Human Rights Council at its 54<sup>th</sup> session, I have also taken note of the efforts of your Government to implement specific recommendations since the previous review.

A matrix of thematically clustered recommendations, starting with those supported by your Government, is available at OHCHR's website (<https://www.ohchr.org/en/hr-bodies/upr/bw-index>) and should be considered as part of this letter. The matrix indicates the recommending State and links each recommendation to relevant Sustainable Development Goals (SDGs).

In annex, I have also attached my Office's observations in light of the outcome of the fourth cycle of the UPR. In line with previous practice, I will be sending similar observations to all Member States once their fourth cycle UPR outcome is adopted by the Human Rights Council, with a view to follow-up action in close cooperation with national entities and other stakeholders.

I take this opportunity to draw your attention to the support available through the Voluntary Fund for UPR Implementation, which may be activated at the request and with the consent of a concerned State, along with tools such as the "UPR practical guidance" and the "UN good practices" repository on how the UPR process supports sustainable development, available at <https://www.ohchr.org/en/hr-bodies/upr/upr-main>, with a view to facilitating efforts to implement UPR recommendations in line with the SDGs.

Please accept, Sir, the assurances of my highest consideration.



Volker Türk

His Excellency  
Mr. Lemogang Kwape  
Minister for Foreign Affairs  
of Botswana



### **Observations in light of the outcome of the fourth cycle of the Universal Periodic Review**

Positive note is taken in connection with Botswana's support for recommendations relating to the rights of LGBTIQ+ persons, particularly as in the third cycle review similar recommendations did not enjoy its support. Botswana is encouraged to implement these recommendations as soon as possible, including by repealing article 164 of the Penal Code and introducing a self-identification process for legal gender recognition.

Botswana may wish to consider enacting legislation to prohibit all forms of discrimination. This legislation may be implemented through strategies and policies that promote the equality of all people, including through combating patriarchal attitudes that lead to discrimination against women. Botswana is encouraged to ensure that the disability bill and the community-based natural resource management bill that were in the process of being drafted at the time of the review encompass a human rights-based approach.

It is noted that recommendations relating to the abolition of the death penalty and on the issuance of an official moratorium on the execution of the death penalty, as well as the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, did not enjoy the support of Botswana. Botswana is encouraged to reconsider its position on these recommendations.

Due note is taken of the enactment of the Ombudsman (Amendment) Act in November 2021. Botswana is encouraged to take the necessary measures to enable the Office of the Ombudsman to function in accordance with the Principles relating to the Status of National Human Rights Institutions (The Paris Principles).

It is noted that pursuant to relevant recommendations from the third cycle review, the drafting of the Comprehensive Human Rights Strategy and National Action Plan was completed in December 2021. Botswana is encouraged to complete the validation and adoption process as soon as possible and commence the implementation of the Comprehensive Human Rights Strategy and National Action Plan in the 2023-2024 financial year, as planned, in close consultation and cooperation with all stakeholders, in particular the National Assembly, the judiciary, local and regional governments, and civil society organizations. The matrix referred in the letter from the High Commissioner for Human Rights may be of use in the implementation of this strategy. The Government is encouraged to explicitly link each UPR recommendation to corresponding recommendations from other international and regional human rights mechanisms and to the relevant SDG and its targets. This will, in turn, facilitate the creation of synergies between UPR implementation and SDG-related actions and reporting within the context of the Voluntary National Review (VNR).



Noting that the Inter-Ministerial Committee on Treaties, Conventions and Protocols has the mandate to report to and follow-up on recommendations from international human rights mechanisms, including the use of the national recommendations tracking database (NRTD), Botswana may wish to consider ensuring that this Committee fulfils its mandate in line with the guidance provided by OHCHR following regional consultations and the High Commissioner's report to the Human Rights Council ([A/HRC/50/64](#)).

Further, an important measure that could positively contribute to follow-up action is voluntary mid-term UPR reporting. All Member States are encouraged to submit a voluntary mid-term UPR report some two years after the adoption of the UPR outcome. In this regard, the Government of Botswana may wish to consider submitting a mid-term report on follow-up to the fourth cycle UPR recommendations by 2025, detailing both implementation efforts as well as challenges to implementation, including the possible need for technical or capacity-building assistance.

OHCHR  
19 January 2024