



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined seventeenth to twenty-second periodic
reports submitted by Botswana under article 9 of
the Convention, due since 2009***

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General Information

Replies to the list of issues prior to reporting CERD/C/BWA/QPR/17-22

Reply to paragraph 1 of the list of issues

1. In Botswana, the primary legislation that offers protection to human rights covered by the Convention is the Constitution. Section 3 of the Constitution accords fundamental rights and freedoms to every person on a non-discriminatory basis, including race. In addition, Section 15 of the Constitution specifically prohibits discrimination on the basis of, among others, race.

2. Since Botswana's last report, significant legislative developments which promote and protect human rights covered by this Convention have taken place. These include the enactment of the Local Government Act of 2008, Cybercrime and Computer Related Crimes Act of 2018 and the Children's Act of 2009. These laws incorporate the principle of non-discrimination on the basis of race in public procurement, transmission of electronic material and administration of the Children's Act, respectively.

3. In terms of institutional framework, the Government has established a Human Rights Unit within the Ministry of Presidential Affairs, Governance and Public Administration. The mandate of the Human Rights Unit among others is to coordinate state party reporting and implementation of human rights recommendations; domestication of ratified international Treaties and Conventions; facilitate the development of a comprehensive national human rights strategy; build and maintain relationships with human rights civil society organisations and to create awareness on Treaties and Conventions which the country has not yet ratified. The Government is also at an advanced stage in transforming the Office of the Ombudsman into a national human rights institution. The Ombudsman Amendment Bill is expected to be tabled in Parliament in the year 2020. The Inter-Ministerial Committee on Treaties, Conventions and Protocols was also established under the Ministry of International Affairs and Cooperation, to serve as a National Mechanism for Reporting and Follow up.

Reply to paragraph 2 of the list of issues

4. The Secretariat for the Inter Ministerial Committee on Treaties, Conventions and Protocols (IMC) is the Ministry of International Affairs and Cooperation. The day to day operations of the IMC are financed through the budget of the Secretariat. The Secretariat is responsible providing training and capacitation of its members. The Committee also receives support from the United Nations Development Programme (UNDP) in the form of technical expertise and financial resources. On the other hand, the Committee's human resources are pooled from Government Ministries and Departments.

Reply to paragraph 3 of the list of issues

5. Vision 2036 defines Botswana's development roadmap for the next twenty (20) years. The Vision aims at "Achieving Prosperity for All" through provision of an inclusive development path to be achieved through empowerment of all Batswana to meaningfully participate in the development of their country.

6. The Vision was developed through a highly consultative process led by a Presidential Task Team comprising representatives from both state and non-state actors. The Task Team undertook a countrywide consultative process to understand the aspirations of all Batswana irrespective of race, sex or religious affiliation.

7. Vision 2036's Pillar 4 on Governance, Peace and Security commits Botswana to have a constitution and human rights framework that will ensure human equality. Citizens

are expected to live in full enjoyment of their constitutionally guaranteed rights. The pillar indicates that no one will be disadvantaged on any basis.

8. The development and implementation of the National Development Plan is guided by four Thematic Working Groups (TWGs), namely: Economy and Employment; Social Upliftment; Sustainable Environment; and Governance, Safety and Security. The TWGs are aligned to the four Vision 2036 pillars. The Thematic Working Groups are constituted by Government, Civil Society Organisations (CSOs) as well as the private sector. The tripartite approach is meant to ensure inclusivity and representation of all in the decision making process. The TWG of Governance, Safety and Security directly deals with any issues related to racial discrimination. Some of the key elements of good governance and national security include: participation; consensus; accountability; transparency; responsiveness; effectiveness and efficiency; equitability; inclusiveness and respect for the rule of law.

9. Further, NDP 11 is underpinned by citizen participation which entails involving citizens in open discussions on the development or improvement of policies and strategies. It is an integral part of good governance since it facilitates ownership, participation and meaningful engagement in decision making. Citizen participation also builds informed and active citizens who understand how to voice their interests, act collectively, and hold public officers accountable, and conversely, be also accountable as citizens and as a nation. The theme for NDP 11 is “Inclusive Growth for the Realisation of Sustainable Employment Creation and Poverty Eradication”.

10. Currently, Government is developing a National Poverty Eradication Policy which is in line with the national priorities of prosperity for all and inclusive growth as espoused in Vision 2036 and National Development Plan (NDP) 11 respectively. The policy is also anchored on the United Nations’ “Leave No One Behind” principle to ensure that there is no exclusion in the fight against poverty in the country. The Government of Botswana is therefore focused on assisting those citizens living in poverty, without exception, as long as one meets the set assessment criteria.

11. The Vision’s Pillars 2 and 4 on Human and Social Development and Governance, Peace and Security both address different aspects of elimination and prevention of all forms of racial discrimination in that they promote inclusivity, equality and the observance of human rights in their diverse forms.

Reply to paragraph 4 of the list of issues

12. A case in which domestic courts referred to the Convention, is the *Sesana & Others vs The Attorney-General* 2006 (2) BLR 633 (HC), a matter in which the Court was called upon to determine whether the Applicants were: (i) in possession of the land which they lawfully occupied in their settlements in the Central Kalahari Game Reserve, and (ii) deprived of such possession by the Government forcibly or wrongly and without their consent. The Court held that the Applicants were deprived of such possession by the Government. Justice Dow noted that as State Party to the Convention, Botswana is under an obligation to heed the Committee’s opinions.

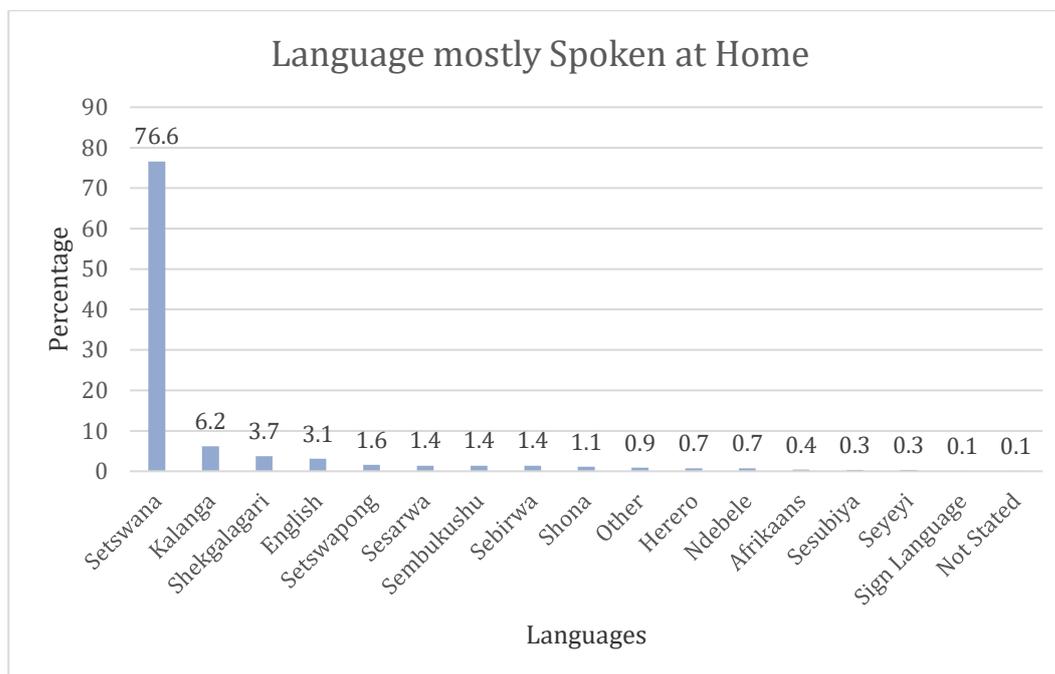
13. Measures taken to increase awareness of the Convention include incorporation of modules on human rights, including the rights protected under this Convention, into the curriculum of law enforcement officials. This is done during recruitment and in-service trainings. The training regularly provided to law enforcement officers at Botswana Police Service, Prison Service and the Botswana Defense Force in the field of Human Rights are as follows; Introduction to Human Rights; Human Rights myths; Human Rights and Policing; Definition and Concepts; History of the notion of Human Rights; Botswana Constitutional Framework; Characteristics of Human Rights; Sources of Human Rights; Specific Rights and Examples of Human Rights.

Reply to paragraph 5 of the list of issues

14. The Inter-Ministerial Committee on Treaties, Conventions and Protocols was established by Cabinet to ensure Botswana's compliance to international agreements, including reporting and follow-up on recommendations from treaty bodies. As indicated its Secretariat is the Ministry of International Affairs and Cooperation. In addition, the Human Rights Unit was established in August 2019 under the Ministry of Presidential Affairs, Governance and Public Administration, to coordinate State Party reporting and the implementation of human rights issues. The unit is currently working on a four year workplan (2019–2023) which will include the development of a comprehensive national human rights strategy and action plan. Preliminary consultations with civil society organisations (CSO's) on the development of the strategy were carried out in November 2018. The strategy is expected to expressly make provisions for the involvement of CSO's in the process of implementing and following up on accepted recommendations from Treaty Bodies. Furthermore, the ongoing amendment of the Ombudsman Act to confer human rights mandate on the Ombudsman require consultation with CSO's. The Human Rights Unit and the Office of the Ombudsman are also mandated to raise public awareness on human rights, including the Convention (ICERD).

Reply to paragraph 6 of the list of issues

15. In Botswana the population is identified by age, sex and place of birth. In this regard, our population is categorised according to districts, villages and wards, and not along ethnic lines. Non-citizens are identified by their nationalities. Botswana therefore, does not collect data on the basis of ethnicity. The graph below illustrates statistics on Language mostly spoken at home.



16. In Botswana, asylum seekers are interviewed by the Refugee Advisory Committee in a language of their choice. If the applicant does not speak English, an interpreter is engaged to assist the asylum seeker to communicate in a language they understand. After recognition as refugees, asylum seekers stay at Dukwi Refugee Camp where they continue to freely communicate with others in their own languages.

17. See Annexure 1 for the languages spoken by asylum seekers and refugees in Botswana.

Article 1

Reply to paragraph 7 of the list of issues

(a) Section 3 of the Constitution of Botswana has not been amended. However, Government, with the support of the UNDP country office, is currently setting up a law reform unit within the Attorney General's Chambers. Its mandate will be to advise Government on the review of laws, including the Constitution;

(b) Botswana's position is that her laws sufficiently cover the essence of article 1 of the Convention. For example, Section 15 (3) of the Constitution prohibits discrimination on the basis of race, tribe or place of origin. The provision defines 'discrimination' as referring to 'affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour, creed or sex...' Further, Section 92 of the Penal Code stipulates that a person who expresses '...hatred, ridicule or contempt for any person or group of persons wholly or mainly because of his or their race, tribe, place of origin, colour or creed is guilty of an offence...' Section 94 (2) of the Penal Code expounds on this by criminalising discrimination and defining it as 'For the purposes of this section a person discriminates against another if on the grounds of colour, race, nationality or creed when he treats such person less favourably or in a manner different to that in which he treats or would treat any other person'. Furthermore, the definition of "racist or xenophobic material" under the Cybercrime and Computer Related Crimes Act, where the following elements are referred to: "being, race, colour, descent, nationality, ethnic origin, tribe or religion." In addition to what is provided for in the Convention, the Constitution of Botswana prohibits discrimination on the basis of sex, creed and political opinion;

(c) Indirect discrimination is covered under *Section 15 (1) of the Constitution of Botswana* which provides that "...no law shall make any provision that is discriminatory either of itself or in its effect";

(d) The Constitution has not been revised. However, domestic laws integrate these exceptions within the boundaries of the Convention. For example, public procurement is conducted on a non-discrimination basis. However, and with the aim of promoting citizen economic empowerment, Sections 66, 67 and 71 of the Public Procurement and Asset Disposal Act make provision for preferential treatment to citizen contractors;

(e) Public policy design in Botswana is underpinned, amongst others, by the Constitution of Botswana, which guarantees the fundamental rights and freedoms of the individual. Section 15 (1) provides that "no law shall make any provision that is discriminatory either of itself or in its effect". Section 15 (3) further defines the expression "discriminatory" as affording different treatment to different persons, wholly or partially on the basis of race, tribe, place of origin, colour, creed, sex etc. Policy interventions such as ... (poverty eradication, preference reservation schemes provided for under both the Public Procurement and Asset Disposal Act and the Local Authorities Procurement Act, inclusive education policy of 2011) have been introduced to address inequalities between those living in rural areas and the rest of the country.

18. The Remote Area Development Programme (RADP), its Affirmative Action Framework for Remote Area Communities (RACs) as well as the 10-year implementation plan were introduced in 2014 specifically as one of the flagship programmes. The plan involves regular consultations with RACs and monitors implementation of identified projects for the benefit of the RACs. The Affirmative Action Framework for RACs is guided by the Revised National Policy for Rural Development, the National Strategy on Poverty Reduction, and the RADP document of 2009. The Affirmative Action is meant to ensure that the RACs benefit from national programmes across sectors, through close monitoring of implementation and fast-tracking of programmes in the remote area communities, for optimal benefit.

19. Specifically the affirmative action is intended to:

- Promote social inclusion of people living in recognised remote(delete) settlements, both individually and/or as a family in the development of the country;
- Provide development infrastructure in the recognised remote settlements for the RACs to be able to participate in the economic and social activities of the country;
- Enable RACs to build sustainable livelihoods, promote self-reliance and sustainable utilisation of natural resources;
- Enhance RAC's access to social services, poverty eradication initiatives and other national development programmes; and
- Facilitate community participation of RACs in community development initiatives; and (f) enhance collaboration with NGOs, CBOs, Faith Based Organisations (FBOs), Development Partners and Private Sector on the development of RACs.

20. Furthermore, Botswana is currently undergoing internal consultations with a view to acceding to the Convention on the Rights of Persons with Disabilities. The Coordinating Office for People with Disabilities is currently reviewing the National Policy on Care of People with Disabilities of 1996.

21. The Government continues to provide Social Safety Nets with the primary objective of reducing poverty, malnutrition and diseases. These include the disability cash transfer to cushion the vulnerability of people with severe and profound disabilities and a food basket on a monthly basis, the delivery of food packages to the needy, supplementary feeding programmes for vulnerable groups and primary school children, entitlement programmes, such as the old-age pension scheme and World War II veteran grants, provision of food, clothing, education, and protection to orphans as well as assisting the terminally ill through home-based care.

22. Government is in the process of enacting a policy on community based national resource management to ensure that local communities benefit economically from the natural resources within their localities.

23. See Annexure 2 on the impact of the measures taken by Government to reduce socio-cultural inequalities between those living in rural areas and the rest of the population and to ensure the access of all Batswana, including non-Tswana and the Basarwa, to development and a more equal distribution of wealth, including under the Botswana's Vision 2016 and 2036, the National Development Plan (NDP 11), the National Strategy for Poverty Reduction of 2009 and the Remote Area Development Programme (RADP).

Article 2

Reply to paragraph 8 of the list of issues

24. Government adheres to the principle of equality before the law for all its citizens. The case of *Kamanakao and Another v. Attorney General* 2002 (1) BLR 110 (HC) in which the Applicants challenged the legality of a) Sections 77 to 79, 15 (4) (d), 15 (9) of the Constitution; and b) Section 2 of the Chieftainship Act that were considered discriminatory against minority tribes. These provisions created the House of Chiefs (*Ntlo ya Dikgosi*) with only eight (8) tribal groupings represented, to the exclusion of others tribes in Botswana. The Court held that the Chieftainship Act was discriminatory and called for its amendment. The Chieftainship Act was subsequently repealed by the Bogosi Act in 2008 to fully recognise other tribes which were originally not included among the eight (8).

25. *Ntlo ya Dikgosi* is a constitutional structure/body which has undergone extensive reconstitution aimed at achieving equitable representation that reflects the tribal demographics in Botswana. In 2005 a nationwide consultation was embarked upon at the behest of the President to correct the then existing inequalities. As a result, the current Sections 77, 78 and 79 of the Constitution reflect a representation of all tribes and regions in the *Ntlo ya Dikgosi*. The Constitution stipulates the composition of *Ntlo ya Dikgosi* to ensure representation of all tribes. In particular, *Ntlo ya Dikgosi* comprises additional

members from 12 Districts, five (5) appointed at the President's discretion and twenty (20) elected by Regional Electoral Colleges, to afford other tribal groupings residing in all the eight (8) districts representation in the House.

26. It is important to emphasise that the Government does not regulate the installation of Dikgosi. It is incumbent upon a Kgosi of a particular area, in consultation with his/her people, to determine installation rites and procedures according to the culture of his or her tribe. Different tribes have therefore different cultures which dictate how they should install their Kgosi. In terms of the operating standing orders of the house, members, irrespective of tribe, are subject to the same conditions of employment and with the exception of the Chairperson, their Sitting Allowance at *Ntlo Ya Dikgosi* is the same/equal for all members. However, their monthly salaries, which is paid for their day to day duties at their tribal offices, depends on their levels of responsibility.

27. Dikgosi are consulted on matters affecting their people. The *NtloYa Dikgosi* serves as a forum for consultation of the Dikgosi on matters affecting their tribes as well as giving the tribes an opportunity to participate in public matters affecting them through the Dikgosi. In terms of the Constitution, in particular section 88, it is a requirement that any Bill which either alters the Constitution or affect the designation, powers, or administration of customary courts or customary law or tribal organization or tribal property shall not be debated upon by the National Assembly until it has been referred to *Ntlo Ya Dikgosi*.

28. Whilst Government acknowledges dissatisfaction among some Batswana with Constitutional provisions that entrench discrimination, it must be noted that plans are underway to conduct a comprehensive law reform where a determination may be made to review the Constitution.

Reply to paragraph 9 of the list of issues

29. Work towards the conferment of a Human Rights mandate on the Office of the Ombudsman is on-going. A National Human Rights Symposium was held from the 20th–21st November 2018 in partnership with the United Nations Development Programme. The symposium was geared towards sharing regional experiences and expertise with a view to refine the Ombudsman Amendment Bill. The symposium came up with recommendations which were shared with Cabinet and instructions issued to the Attorney General's Chambers to have the recommendations incorporated into the Bill. It is Government's intention to have the Bill tabled in Parliament in 2020.

Article 3

Reply to paragraph 10 of the list of issues

30. Botswana is cognizant of the fact that there are some segments of the population that deserve targeted attention as a result of residing in remote areas. The Government's aim is to reach out to these disadvantaged communities by putting in place a number of policies, programmes and initiatives to address concerns of affected communities and to allow them to actively participate and benefit in the country's economy. These include the National Poverty Eradication Policy, the Revised National Policy on the Care of People with Disability, Social Safety Nets for People with Disability, Orphans and Vulnerable Children, School Feeding Program, Pensioners, World War II Veterans, the indigent and the Community Home Based Care patients (Destitute Policy of 2002, currently under review). The Government has also adopted the Remote Area Development Programme and its Affirmative Action Framework for Remote Area Communities together with the 10 (ten) year implementation plan. Government is in the process of enacting a law on Community Based National Resource Management to ensure that local communities benefit economically from the natural resources within their localities. The effect of all these policies and programmes is the gradual upliftment of people from poverty, balancing of socio-economic inequalities between the urban and rural communities as well as the gradual social and geographic distribution of Botswana's wealth.

31. Botswana continues to implement court decisions giving beneficiaries their rights which are covered by this Convention. One such case is the case of Attorney General of Botswana v Rammoge and 19 Others CACGB-128-14. This was a case involving the Organisation of Lesbians, Gays and Bisexuals of Botswana (LEGABIBO). The matter was brought to court following the Government of Botswana's refusal to register LEGABIBO as a society. The Government argued that the Botswana's Constitution does not recognise lesbian, gay and bisexual individuals and that the objectives of LEGABIBO were incompatible with peace, welfare and good order in Botswana.

32. The activists filed an application with the High Court, arguing that the decision of the Government violated their constitutional rights. They argued, among other things, that the Government's refusal to register LEGABIBO denied them their right to freely assemble and associate with other like-minded individuals who share their interests and aspirations.

33. In November 2014, the High Court ruled in favour of LEGABIBO – finding that there had been a violation of the activists' rights to freedom of assembly and association, freedom of expression, and equal protection before the law. The Government then appealed the judgment to the Court of Appeal. The Court of Appeal upheld the High Court's decision in March 2016, in particular that the refusal to register LEGABIBO was not only unlawful, but also a violation of the right of LGBTI activists to freely associate. The Botswana Court of Appeal ordered the Registrar of Societies to register the Organisation of Lesbians, Gays and Bisexuals of Botswana (LEGABIBO). The Court of Appeal acknowledged that fundamental rights are interrelated, and a violation of the right to freedom of association could also implicate violations of other rights. In reviewing the Government's arguments, three important declarations were made by the Botswana Court of Appeal that will be useful in future litigation and advocacy:

- (i) Human rights are universal;
- (ii) It is not a crime to be homosexual; and,
- (iii) It is not a crime to advocate for law reform.

The Court stated that, "... A principal tenet of international human rights law is that all human beings are born free and equal in dignity and rights, and are entitled to all rights with no distinction given to their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status."

34. Relying heavily on this very Convention, the Botswana High Court as recently as June 2019, in the case of Letsweletse Motshediemang v Attorney General MAHGB – 000591 – 16, held that same sex relations are lawful thus striking out certain longstanding provisions in the penal statute which criminalised such acts. This is an indication that Botswana is a progressive country that relies on this Convention when the need to do so arises.

35. In the case of Tapela v Attorney General CACGB – 096 – 14, the Court of Appeal held that foreign inmates have the same medical entitlements as their citizen counterparts thereby removing another longstanding practice that denied foreign inmates certain medical services.

36. Regarding refugees and asylum seekers, it is worth noting that all refugees are required to stay in Dukwi refugee camp for their safety and protection, and not on the basis that the Government intends to discriminate against them or segregate them on the basis of nationality or other grounds. With regards to integration, there are measures in place to facilitate asylum seekers and refugees to return to their respective countries of origin when the conditions are conducive for their safe and dignified return. That notwithstanding, refugees are permitted to apply for citizenship and be integrated in the country. The Refugees (Recognition and Control) Act provides that the period that a refugee would have stayed in Botswana may be considered as ordinary residence to enable them to apply for citizenship. Currently, there are nineteen (19) refugees who are considered for citizenship by the Ministry of Nationality, Immigration and Gender Affairs. Botswana has commenced a process of reviewing the Refugees (Recognition and Control) Act of 1967 and this review process provides an opportunity to assess successes and challenges relating to the protection of refugees over the past years.

Article 4

Reply to paragraph 11 of the list of issues

(a) Sections 21 and 22 of the Cybercrime and Computer Related Crimes Act criminalise the production, distribution and transmission of racist or xenophobic material through a computer system and racially motivated insults communicated through a computer system. These offences carry a similar penalty of a fine not exceeding P40 000 or two (2) year imprisonment or both;

(b) The elements of “ethnic origin and descent” have not been incorporated in Section 94 (2) of the Penal Code. However, these have been incorporated in the definition of “racist or xenophobic material” under the Cybercrime and Computer Related Crimes Act, where the following elements are referred to: “race, colour, *descent*, nationality, *ethnic origin*, tribe or religion;”

(c) Botswana does not have laws which criminalise the financing of racist activities. The reason could be that the country has not experienced any cases involving financing of racist activities. It is acknowledged, however, that a law reform to this end is inevitable. While that is yet to be done, the Counter Terrorism Act and the Financial Intelligence Act have the capacity to intervene should a case involving the financing of racist activities arise. Section 2 of the Counter-Terrorism Act defines terrorism as ‘...any act or omission in or outside Botswana which is intended to advance a political, ideological or religious cause, or by its nature or context, may reasonably be regarded as being intended to intimidate or threaten the public.’ Section 5 of the Act prohibits the financing of terrorism and provides that any person who facilitates financial or economic support to another person, and knows or ought reasonably to have known, that such person commits an act of terrorism or such support is for the benefit of a terrorist group, commits an offence and is liable to a term of imprisonment for life.

37. Section 25 of the Financial Intelligence Act of 2019 obliges specified parties as defined under the Act (per Schedule I) to monitor complex, unusual and high risk transactions. A contravention of this section by such specified party constitutes an offence which attracts a fine not exceeding P1 500 000 (\$150 000).

38. Section 23 of the Financial Intelligence Act of 2019 prohibits specified parties from establishing or maintaining a business relationship with a terrorist or member of a terrorist group (as defined under Section 12 of the Counter-Terrorism Act). A specified party that contravenes this section commits an offence and is liable to a fine not exceeding P20 000 000, suspension or revocation of license or both penalties.

(a) Whereas there is no legislative provision for racial motive as an aggravating factor, the court would invariably consider racial motive as an aggravating factor in the determination of punishment or sentence.

Reply to paragraph 12 of the list of issues

39. There are no recent adjudicated cases regarding acts of racial discrimination in Botswana in the reporting period (2006–2019) except one case which was adjudicated in 1972 *State v Violet O’Connell* 1972 (1) BLR 29 (HC).

40. There is no data on complaints filed *inter alia* with the police, the Ombudsman, and on prosecutions launched and sentences handed down for acts prohibited under article 4 of the Convention and on the reparation provided to victims.

41. While there are allegations of racism, verbal abuse and discrimination purportedly rife in the tourism industry in Botswana, the Government’s position is that the accusation cannot be qualified because people do not come forth to report the cases to the police or to the Ombudsman, to enable investigations and where necessary, prosecutions and appropriate sentences to be handed down in the event of convictions. The Government and

the civil society continue to educate the public on their right against all forms of discrimination as well as on offences and penalties for such discriminatory acts.

42. Whereas there are no documented cases where reparations have been awarded by the courts post-conviction, Section 316 (1) of the Criminal Procedure and Evidence Act makes provision for reparations to be awarded in the event that it is sought. Additionally, individuals have the liberty to seek recourse through civil courts.

Reply to paragraph 13 of the list of issues

43. The promulgation of the Cybercrime and Computer Related Crimes Act (No. 18 of 2018) has gone a long way in criminalising racial discrimination perpetuated through the internet. The Act deems it an offence to use a computer or computer system to insult another person on the basis of race, colour, descent, nationality, ethnic origin, tribe or religion. Most notably the punishment prescribed by the Act is, by comparison, the most serious in our jurisdiction, with fines not exceeding \$4000.00 or imprisonment for a term not exceeding two (2) years or both.

Article 5

Reply to paragraph 14 of the list of issues

44. Botswana is not a signatory to the International Covenant on Economic, Social and Cultural Rights. However, The exercise of the rights enshrined in article 5 of the Convention by members of ethnic groups and by non-citizens, including refugees, asylum seekers and stateless persons, Sections 3, 4, 5, 6, 7, 8, 9, 10, 11 12, 13 of the Constitution provides for most of the fundamental rights and freedoms of the individual as contained in the Convention such as the right to freedom of movement, assembly and association, including belonging to trade unions or other associations of one's choice, freedom of expression, of thought, conscience and religion, protection from deprivation of property without adequate compensation, security of the person *etc.* The right to marriage and choice of spouse is subsumed under the right of freedom of association while the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks, the right of residence within the border of the State, and the right to leave any country, including one's own, and to return to one's country are implied under the right to freedom of movement.

45. With respect to refugees and asylum seekers' rights, when Botswana ratified the 1951 Nations Convention Relating to the Status of Refugees, certain reservations were made including reservation to Article 7 on exemption from reciprocity. This article provides that Contracting State (Botswana) shall accord to refugees the same treatment as is accorded to aliens generally and that Botswana must accord refugees rights and benefits that include acquisition of, and other contracts relating to movable and immovable property; the right for refugees in their own account to engage in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies, the right to housing and to rights and benefits for which the 1951 UN Convention does not provide. However, refugees have access to schools and clinics and these are located within the Dukwi Refugee Camp for ease of access.

46. Citizens can own land through the available land allocation policy which is governed by the Tribal Land Act and the State Land Act. Non-citizens cannot be allocated land. However, they may buy developed immovable property. The right to own property alone as well as in association with others is guaranteed for both citizens and non-citizens. The Acquisition of Property Act (Cap 32:01), read together with Sections 3, 8 and 9 of the Constitution provide for the privacy and the protection of a person's home and other property. It also prohibits deprivation of property without compensation. The right to inherit is interconnected with the right to own property. The government does not have any laws prohibiting the rightful heirs to inherit property whether testate or intestate. The courts

are always available to fairly adjudicate cases of deprivation of inheritance by people who are not the rightful heirs.

47. The national health care delivery system has six structural levels, namely National referral hospitals, District hospitals, Primary hospitals, Clinics, Health posts and Mobile stops. The growth of the health infrastructure has been extensive from a small and narrow hospital based service serving a minority at independence to a broad decentralised primary health care system where most of the population is now within km radius of the nearest health facility. The Ministry of Health and Wellness runs all health facilities in the country clustered into twenty-seven (27) health districts. There are three (3) national referral hospitals, twelve (12) district hospitals, seventeen (17) primary hospitals, one hundred and eight (108) clinics with beds, and one hundred and eighty-one (181) without beds, three hundred and thirty-seven (337) health posts with a nurse, thirteen (13) without a nurse, six hundred and seventy-four (674) health facilities and nine hundred (900) Mobile stops. To make medical services more effective and efficient, administration of clinics has now been transferred from the Ministry of Local Government and Rural Development to the Ministry of Health and Wellness for better management in line with the 2011 National Health Policy.

48. The Government is committed to providing quality preventative, promotive and curative health services and ensures the fulfilment of the right to public health and medical care through the provision of medical facilities, qualified and competent healthcare workers. Health services are provided to all including non-citizens, prisoners, asylum seekers, stateless persons and refugees. Medical facilities with skilled health care providers are available in prisons and in the Dukwi Refugee Camp. The Government of Botswana provides free HIV treatment to all citizens and to non-citizen prisoners. A decision was made in 2019 to provide free HIV treatment to non-citizens and the Government is working on a policy for the programme.

49. With regard to education, Botswana provides free universal ten (10) year basic education (Pre-school to BGCSE, which is equivalent to IGCSE).(write in full) However, following a comprehensive means test, a cost sharing tuition fee of five per cent (5%) is levied on parents at junior and senior secondary school levels. On the other hand, non-citizens pay paltry fees for education from pre-school to BGCSE. In order to achieve universal access to relevant and quality education, Botswana implements the inclusive education policy of 2011. The policy enables children to learn effectively, irrespective of their race, colour, or national or ethnic origin, tribe, gender, age, life circumstances, health, disability, stage of development, capacity to learn or socio-economic status. The Government also provides grants, partial and full sponsorships as well as loans are available for citizen undergraduates who wish to pursue tertiary education.

50. It is important to state that the Government does not hinder in any way, the exercise of cultural rights by various ethnic groups. It has, over the years, consistently promoted and continues to promote cultural expression through various means, such as, cultural dance competitions, regiments, radio, TV broadcasts, and newspapers. Among others, traditional dance is promoted in primary schools as an extra-curricular activity.

51. In addition, Botswana has a National Policy on Culture, 2001. The policy provides a platform through which everyone is able to participate in the development, promotion and preservation of their culture. The policy advocates for the free flourishing of all cultures of the different ethnic groups in presenting their rich and diverse cultural heritage. Most importantly, Botswana has various national programmes that are geared towards recognition and promotion of the diverse cultures of her people as well as encouraging them to take pride in the value of their culture, thereby indirectly enhancing creative talents and capacities. These programmes include the Annual President's Day Competitions, Constituency Art Competitions, National Culture Day, Constituency Sports Tournament, National Languages Day, Art and Craft Market Days and Fairs, *etc.* The school curriculum has a component on Moral and Religious education to promote and protect moral, traditional and societal values of the different ethnic groupings. Refugees in particular, regularly hold events to celebrate their culture. During the annual commemoration of World Refugee Day, they are accorded the same opportunity as other groups to showcase and celebrate their respective cultures. As a host country Botswana has enjoyed the cultural diversity of her people that they displayed during such days.

52. The security and liberty of persons safeguarded in the main by the Botswana Police Service whose mandate, among others, is to duly enforce all the written laws, protect life and property, prevent and detect crime, repress internal disturbances, apprehend offenders, bring offenders to justice, and generally maintain public tranquillity, peace and security. While the Police are responsible for law enforcement, they are not above the law. Any victim of unlawful arrest or detention has an enforceable right to compensation, which can be realised through legal action. By way of example, the plaintiff was awarded damages after successfully suing the Government for unlawful arrest and detention in the case of *Nkunga v Attorney General* 2010 (1) BLR 342 (HC).

53. Both citizens and non-citizens, which include prisoners, refugees, asylum seekers and stateless persons, have the right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by an individual group or institution. Commission or omission by any individual or state organ, occasioning violence or bodily harm is subject to the due process of the law. All people within Botswana borders have the right to equal treatment before the tribunals and other organs which are responsible for administering justice. In applying the law, the courts of Botswana have continued to ensure that the cardinal principle of independence of the judiciary is observed.

54. All Citizens, with the exception of prisoners have the right to participate in elections-to vote and to stand for elections on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service. To participate as a candidate in Elections, Section 62 of the Constitution of Botswana states that one must be a citizen of Botswana. For Local Government elections, one is also required to be a citizen of Botswana. All citizens are allowed to participation in public affairs of the country through kgotla meetings. The mode of communication at every kgotla meeting is the language which is spoken by the people in the locality. Translation services are voluntarily offered for those who do not understand English or Setswana, in the event that the person who is addressing the meeting is not conversant with the local language.

55. All Batswana are accorded the right to nationality. No one has been arbitrarily refused the right to Botswana nationality in the case of bona fide citizens. In addition, the Government has not denied any non-citizen born in Botswana the right to the nationality of his/her county.

56. The position of the Government is that all Batswana are indigenous and therefore are entitled to the provision of social security and social services on equal bases. Basarwa, by virtue of being Batswana are entitled to provision of social security and social services, including free basic education, health services and safe-drinking water. Challenges that may exist in the provision of social security and social services, include budgetary and other logistics, apply to all Batswana.

57. The results which continue to be achieved through the various strategies and programmes are: the gradual upliftment of people from poverty, balancing of socio-economic inequalities between the urban and rural communities as well as the gradual social and geographic distribution of Botswana's wealth.

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58. Botswana prides herself in the long standing tradition of unity, equality and prosperity for all (*Re Batswana pele* – our nationality as Batswana, supersedes our ethnicity even in terms of personal identification). On this note, data is captured and disaggregated according to locality, and not along ethnic or indigenous lines.

59. Regarding participation in political affairs, Botswana is a multi-party democracy and has continuously been applauded for holding successive elections every five (5) years since attaining independence in 1965. There are fifty-seven (57) Parliamentary Constituencies and four hundred and ninety (490) Council wards. In this regard, all citizens can stand for political office provided they satisfy the requirements which, for Parliamentarians, are set

out in Section 62 of the Constitution. Citizens are also at liberty to elect candidates of their choice. Members of Parliament are expected to widely consult their constituents to get their views on Bills that they would be debating in Parliament. They are again expected to give them feedback on the laws passed by Parliament.

60. At Local Government there are sixteen (16) Administrative Districts and 16 District Councils in which District, Town and City Councillors are regularly elected. Elections are organised by an Independent Electoral Commission which is mandated to ensure that elections are conducted in terms of the electoral laws, in a free and fair manner.

61. In the enactment of laws with a bearing on customary laws, tradition and the institution of Bogosi, the National Assembly is obliged to refer bills to *Ntlo ya Dikgosi* (House of Chiefs), which is an advisory body on matters affecting custom and tradition. The *Dikgosi* (Chiefs) who are members of the *Ntlo ya Dikgosi*, consult their tribes on matters that affect them through the *Kgotla*.

62. The *Kgotla* system which is a traditional governance structure in all parts of Botswana remains the primary forum where individuals have an equal opportunity to contribute to decision making which affect their livelihood. The openness of this system is manifested in the adage that “*mafoko a kgotla a mantle otlhe*” which means every citizen has freedom of expression without fear of reprisal. The language spoken by the people in the locality is the mode of communication. However, translation is offered to the person who is addressing the meeting if he or she is not conversant with the local language.

63. There are structures to facilitate equal participation of all Batswana at all levels in the development process. With respect to participation in public affairs, there are Ward and Village Development Committees at community level, District Development Committees at local level and Ministries that coordinate at national level.

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64. The land tenure system in Botswana is designed in such a way as to ensure that there is a proper governance structure for land in Botswana. It categorises land according to tribal, freehold and state land. The Tribal Land Act unequivocally denounces tribal claim to land in Section 10 (1) where it states that: “All the rights and title to land in each tribal area [is] for the benefit and advantage of the citizens of Botswana and for the purpose of promoting the economic and social development of all the peoples of Botswana.” The Tribal Land Act (amended) in 1993 replaced the word ‘tribesmen’ with ‘citizens of Botswana’ to ensure inclusivity, neutrality and gender sensitiveness in the allocation of tribal land (Republic of Botswana 1993). Since then, and, in principle, Batswana can acquire land ‘anywhere’ in the country whenever it exists. Before then, Batswana could only acquire land in their respective tribal territories. Batswana regardless of ethnicity are therefore encouraged to apply for land in the newly established settlements and villages both for residential, commercial and agricultural purposes.

65. The “Affirmative Action Framework for Remote Area Communities” (July 2014) stipulates that “Land allocation for Rural Area Communities should be made within a period of one month from date of application” In addition, livestock community farms/ranches are allocated to Remote Area Community Trusts and Livestock for such ranches bought by Government. Institutions such as land tribunals, land boards, and courts have been established to govern land allocations and adjudicate over land disputes.

66. Regarding the implementation of the ruling by the High Court in *Roy Sesana V The Attorney General*, the Government has complied with the Court decision in that the people that it had said were dispossessed of the CKGR have been allowed to return to the Reserve to settle there and currently they reside inside the CKGR. Further, the Government has taken note of the preliminary recommendations made relating to measures that ought to be taken with regard to the CKGR, namely: the statement made by Government detailing her position as who may enter the CKGR and the conditions of entry; that measures be taken to consult with communities; and access to water in the CKGR be facilitated.

67. Government has restored services for those residing within CKGR like water, mobile health services, destitute food rations, transporting children to schools outside the CKGR, returning them to their parents during school holidays and transporting parents to get cash allowances and to buy essentials etc. This is despite the Court's decision that Government was not obliged to restore service to the settlements inside the Reserve.

68. For the record, the Basarwa's traditional settlements of Molapo, Metsiamaonong, Gope, Mothomelo and Gugamma remain inhabited within the CKGR. Therefore, Botswana can categorically state that there is no dispossession of the lands whatsoever. As indicated, Government, through the Ghanzi District Council, continues to provide social services and social safety nets to these settlements. Government has drilled and equipped boreholes in Molapo and Mothomelo. By the 20th September 2019, Government had made thirty eight (38) trips to provide water, food rations and social safety nets to the settlements.

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69. Legal Aid Botswana was established in 2013 by an Act of Parliament to provide legal services to indigent litigants. Legal Aid Botswana currently has offices in Francistown, Maun, Kasane, Ghanzi and Tsabong, with its main office in Gaborone, to increase the indigent's accessibility to legal representation. Mobile Legal Aid services are also provided to reach the population in areas where there are no Legal Aid offices.

70. Considering that legal aid is currently limited to civil cases, consideration to extend the service to criminal matters is being made. In this regard, a feasibility study through the assistance of the UNDP is ongoing, with a benchmarking trip having been undertaken to neighbouring South Africa in September 2019. In addition to provision of access to justice through Legal Aid Botswana, Government continues to avail to persons accused of capital offences lawyers on a *pro deo* basis. Government pays these lawyers through the Administration of Justice.

71. In terms of the Constitution of Botswana everyone is guaranteed the right to protection of the law. Botswana has a dual legal system comprising the customary courts and the civil courts. Any aggrieved person has the right to seek legal recourse through the Courts of Botswana or specialized institutions such as the Office of the Ombudsman. Although the language of the modern courts is English, **Section 10 (1) (2) (b) Constitution** accords an accused person the right for litigants who do not understand English or Setswana. These services are available to their witnesses as well. Customary courts exist throughout the country and are accessible at community level without a fee. In addition, the proceedings are conducted in a more relaxed atmosphere and cases are heard in Setswana. Interpretation services are provided in any other language and financial resources for engagement of interpreters are borne by the Government.

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72. Botswana recognises the use of a child's mother tongue as a medium of instruction for early child learning. In this regard, the Government has deployed pre-school teachers and teacher aides in all public schools that provide pre-school education. It is important to state that Government recruits qualified teacher aides who understand the culture and speak the local language. Seventy-Nine percent (79%) of the Seven Hundred and Fifty-Five (755) public primary schools offer pre-primary education.

73. Cultural Studies was introduced as a subject in lower primary curriculum following the formulation of the Revised National Policy on Education in 1994. The teaching of Cultural Studies seeks to inculcate knowledge and understanding of culture and customs. The objective of learning the subject is for learners to develop knowledge, skills and values that would enable them to participate in the civic life of their communities. Furthermore, the Cultural Studies syllabus allows for the teaching and learning of the characteristics of each ethnic group, like dance, songs and values.

74. Social Studies is offered from upper primary to lower secondary school levels as a compulsory subject. Among the themes of Social Studies are heritage and origins of both Tswana groups and Non-Tswana groups, including Basarwa, Bayei, Basubiya, Mbukushu, Ovambo, Herero and Kalanga. Social Studies and History are offered at upper secondary education level as optional subjects. In the case of Social Studies, the origins and cultures of both Tswana and Non-Tswana groups are covered extensively. The history syllabus has given prominence to the social, economic and political structures of the Non-Tswana speaking people in the school curriculum.

75. The Government has approved the drafting of the National Arts Council Bill. In addition, Botswana has a National Policy on Culture, 2001 which provides a platform for the participation of all Batswana in the development, promotion and preservation of their culture. The policy advocates for the free flourishing of all cultures of the different ethnic groups in presenting their rich and diverse cultural heritage.

76. The Government continues to hold Dipitso / Forums as a way of getting feedback from the population on matters of culture and heritage. Pitso ya Ngwao (Cultural Forum) was held on the 12–13th September 2011. The forum came up with resolutions on key arts and culture issues relating to policy, advocacy and funding.

77. Further, Botswana has various national programmes that are geared towards recognition and promotion of the diverse cultures of Botswana as well as to encourage all Batswana to take pride in the value of their culture, and enhance creative talents and capacities. These include the National culture day, Languages day and community cultural celebrations. These play an important role in promoting social cohesion, strengthening community bonds and understanding of diverse cultures.

78. Annual Presidents' Day Competitions organised in partnership with Art Organisations continue to draw Batswana across the country together, to share their rich cultural heritage. Constituency Art Competitions provide an opportunity for interaction among communities and showcasing of various artistic talent. In an effort to broaden and deepen community engagement in arts and culture, the public continues to enjoy free entry to permanent exhibitions in the National Museums and Art Galleries. Craft Market Days and Fairs are held to create exposure for marketing of Botswana arts and culture. The school curriculum also has a component of Moral and Religious education to promote and protect moral, traditional and societal values of the different ethnic groups.

79. The Government promotes the culture of all the tribes in Botswana, including non-Tswana speaking tribes, through coverage of cultural events elaborated above, in both print and broadcast media. There exists a Press Council of Botswana, whose objective is to promote a free ethical, pluralistic and self-regulating news and information media, in the fields of print and broadcasting journalism. Through the Media Code of Ethics of Botswana, the Press Council obliges its members not to publish any material that is likely to cause hostility or hatred towards persons on the grounds of their race, ethnic origins, nationality, gender, physical disabilities, religion or political affiliation. The Editorial Rules of the Press Council require that Media Institutions must take utmost care to avoid contributing to the spread of ethnic hatred or dehumanising disadvantaged groups when reporting events.

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80. See Annexure 3 for data on trafficking in persons in Botswana disaggregated by age, sex, and type of exploitation.

Investigations, prosecutions and reparations

81. Since the enactment of the *Anti-Human Trafficking Act of 2014*, thirty three (33) cases have been detected and all were fully investigated. There have been four (4) completed cases and the accused were convicted and fined P10 000.00 (USD 1 000.00) each. One (1) was sentenced to imprisonment for a maximum term of twenty two (22) months.

82. There are currently two (2) cases being tried; six (6) cases being investigated; ten (10) cases pending trial; Botswana is currently providing assistance to thirty-one (31) victims of human trafficking.

83. Since the implementation of the Act, no reparations have been awarded to victims. The Anti-Human Trafficking Act of 2014 does make provision for restitution under Section 22 as follows:

Where a person is convicted of an offence under this Act, the court may, in addition to any other punishment prescribed under this Act, order the person to make restitution or compensate the victim for –

- (a) The costs of any medical or psychological treatment;
- (b) The costs of necessary transportation, accommodation and other living expenses; or
- (c) Any other relief that the court may consider just.

84. In order to ensure that sufficiently stringent sentences are handed down to traffickers in accordance with the Act, and to further strengthen the level of understanding of issues of Trafficking In Persons (TIPs), the Government facilitated three colloquia for Honourable Judges and Magistrates of the bench on the 9th–11th April 2017, 20th–22nd April 2017 and 9th–11th July 2019, respectively. These colloquia generated sixteen (16) resolutions which will be considered for implementation by the Human Trafficking (Prohibition) Committee.

Victim assistance

85. In accordance with the Act, the Ministry responsible for social welfare (Ministry of Local Government and Rural Development) provides comprehensive assistance to victims of human trafficking. This includes the provision of shelter, psycho-social support, access to health facilities, school and play for children and provision for recreation for adult victims. During the Financial Year 2018/19, Government spent Three Hundred and Sixty Eight Thousand U.S. Dollars (USD 368 000.00) on all human trafficking victim welfare assistance.

86. See Annexure 4 on data on human trafficking victims assisted by Government since inception of the human trafficking assistance programme.

Prevention and Awareness Raising

87. The Government has facilitated four (4) national commemorations of the World Day against Trafficking in Persons on 30th July since 2015, the latest being held in Ghanzi in 2018. These commemorations are in line with Botswana's support for the Global Plan of Action to Combat Trafficking in Persons. The 2018 national commemoration featured victim testimony which worked very well to catch the attention of the public and ensured that messages shared on the day were taken seriously. The Government is aware that the total number of cases detected in Botswana since enactment of the Act in 2014 may be perceived to be low. In order to ensure that cases detected are reflective of the true magnitude of the crime, the Government has since provided twenty-eight (28) capacity building workshops in the financial year 2017/18 and a further twelve (12) workshops in the year 2018/19. These workshops targeted frontline officers (i.e. police, immigration, investigators, civil society organisations, traditional leaders, social welfare, *etc.*) It is expected that these efforts will not only heighten awareness by law agents of the crime but also increase public knowledge.

88. In recognition of the critical role played by the media in raising awareness and reporting responsibly on issues of human trafficking, the Anti-Human Unit held a training for media practitioners from the 16th–17th April 2019. This training was attended by both private and public media practitioners on radio, television and print media in an endeavour to educate media practitioners so that they are able to continue raising awareness on of human trafficking as a crime. Furthermore, the Anti-Human Trafficking Unit continues to deliver presentations to various schools, child protection committees and religious

organisations across the country and also discuss issues of human trafficking on radio and television.

89. The Ministry of Defence, Justice and Security facilitated training of Trainers for Civil Society Organisations (CSOs) based in the north of the country from the 7th–8th October 2019. The purpose of the training was to educate CSOs on human trafficking so that they are better able to raise awareness through dissemination of information about the crime and the law in the communities in which they operate. The Training of Trainers for CSOs operating in the south will be held before March 2020. All these efforts are expected to result in increased human trafficking prevention and awareness throughout the country.

Implementation of the Anti-Human Trafficking National Action Plan and resource allocation

90. The Human Trafficking (Prohibition) Committee was established in 2015, in accordance with the Act. The Committee is under the general supervision of the Minister of Defence, Justice and Security and serves the following functions:

- (a) Determine policies for giving effect to the objects and purposes of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and this Act;
- (b) Make recommendations to the Minister concerning the policy on prevention and suppression of trafficking persons;
- (c) Make recommendations to the Minister on the effective implementation of this Act;
- (d) Lay down strategies and measures for the prevention and suppression of trafficking in persons;
- (e) Monitor the implementation of international obligations, including cooperating and coordinating with foreign bodies in relation to the prevention and suppression of trafficking in persons;
- (f) Direct and supervise the arrangements of study or research projects and the development of an integrated data base system for the benefit of prevention and suppression of trafficking in persons;
- (g) Issue rules relating to the assistance to non-governmental organisations to carry out activities with a view to prevention and suppression of trafficking in persons;
- (h) Manage, in consultation with the Permanent Secretary in the ministry responsible for finance, the receipt, payment, keeping, fund raising and the management of the Fund; and
- (i) Perform any other acts as directed by the Minister

91. During the reporting period, the Human Trafficking (Prohibition) Committee facilitated a desktop review of the Anti-Human Trafficking National Action Plan. This resulted in effective policy decisions such as ensuring that issues of TIPs are taken into account during the development of new Government policies and legislation. For instance, the Anti-Human Trafficking Unit actively participated in the on-going amendment of Botswana's Adoption of Children Act of 1952, which is spearheaded by the Ministry of Local Government & Rural Development (MLGRD).

92. In 2018 Government also disbursed One Million Pula (P1 000 000.00) or the equivalent of One Hundred Thousand U.S. Dollars (USD 100 000.00) to the Anti-Human Trafficking Unit to implement part of the Anti-Human Trafficking National Action Plan geared towards prevention activities (i.e. workshops and information campaigns).

93. The Anti-Human Trafficking Unit with the support from the United Nations Office on Drugs and Crime (UNODC) also held a multi-stakeholder workshop to develop implementing regulations of the Human Trafficking Act of 2014 from the 18th–19th June 2019. The workshop identified and agreed on areas necessary for regulation from the respective implementing Ministries/Departments. It is envisioned that an inter-ministerial

team will develop the zero draft of the regulations before the end of March 2020 with technical assistance from UNODC.

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94. Botswana is a party to the 1954 UN Convention on the status of stateless persons. There is no statistical data on stateless persons and internally displaced persons in Botswana. However, following the High Level Segment Meeting on Stateless Persons organised by the United Nations High Commissioner for Refugees (UNHCR) on the 7th October 2019, Government is considering undertaking the following measures:

- (i) A qualitative study and research by 2021 to better understand the situation of groups and individuals who are stateless or at risk of being stateless in Botswana with a view to find a solution to their situation.
- (ii) Reviewing the Immigration Act and Citizenship Act by 2024 to enable a conducive platform to address statelessness. This is done in line with the 10-year Global Action Plan to end Statelessness (2014–2024).

95. There are currently one thousand three hundred and forty-one (1341) refugees in Botswana. See Annexure 5 for the number of refugees in Botswana disaggregated by country of origin. See Annexure 6 for the number of asylum seekers in Botswana.

Education—three hundred and ninety-two (392) refugees attend school as follows;

Pre-School	80
Primary level	214
Junior Secondary level	80
Senior Secondary level	18

Police officers allegation of ill-treatment of refugees and asylum seekers.

96. The Botswana Constitution guarantees everyone without exception the right to protection of the law. Any person who is aggrieved either by another individual or the state or any of its organs such as the Police, has the right to seek legal recourse in the Courts or specialized institutions such as the Office of the Ombudsman.

97. The refugees have elected Welfare Committees that periodically engages government officials and civil society on matters that affect them.

98. Health – Refugees access health programmes in Dukwi Camp clinic, which is a 2-bed maternity clinic that has a resident Doctor and nurses. Currently, the clinic is being upgraded to a 4-bed maternity clinic and the project is expected to be completed in 2020. Refugees and Asylum seekers in Dukwi Camp benefit from Anti-Retroviral (ARV) Therapy Programme and the Prevention of the Mother-to-Child Transmission of HIV Programme (The PMTCT Programme). There are one hundred and twelve (112) and ten (10) beneficiaries of the ARV therapy and the PMTCT programme. All children born to refugees and asylum seekers in Botswana are registered and issued with birth certificates in the same way as citizens are. They are provided with all other services that citizens get such as being issued with marriage and death certificates. It is compulsory for all health facilities in Botswana to register births, including the clinic in Dukwi. Where the registration is done within the prescribed sixty (60) days, the birth certificate is issued for free. It is important to state that children born to stateless parents have a window of opportunity to acquire Botswana citizenship through naturalisation.

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Article 6

99. The Government of Botswana recognises the fundamental rights covered in Article 6 of the Convention as set out in the following legislative provisions:

The Constitution

100. *Section 3* provides fundamental rights and freedoms to individuals on a non-discriminatory basis. It states that ‘...every person in Botswana is entitled to fundamental rights and freedoms of the individual whatever his or her race, place of origin, political opinions, colour, creed or sex...’ Further, *Section 5* explicitly prohibits discrimination on the grounds of race. Furthermore, *Section 18 (1)* provides that any person within the jurisdiction whose rights have been, are being or are likely to be violated may approach the High Court for redress.

Penal Code

101. *Section 92* criminalises the utterance or publication of expressions of hatred on a person because of their race, tribe, place of origin, colour or creed. The offence carries a fine not exceeding P500.00/ \$50.00. In addition, *Section 94* makes it an offence to discriminate against any person on the grounds of race, colour, nationality or creed. The offence carries a fine not exceeding P500/ \$50.00 or six months imprisonment, or both penalties.

Public Service Act

102. *Section 1* of the Act sets out human resource management standards in the public service. It enjoins appointing or supervising authorities not to discriminate against employee(s) on grounds of sex, race, tribe, place of origin, national extraction, social origin, colour, creed, political opinion, marital status, health status, disability, pregnancy or any other ground, nor discriminate against person(s) seeking employment in the public service on any such ground.

103. *Section 37 (e)* of the Act classifies as ‘particular misconduct’, the appointment or promotion of any person to a post in the public service or sending of any person on a course or training on the basis of consanguinity, affinity, amity, amorous relationship, tribe, favouritism, or on any other consideration other than on merit based on fair and open competition. An employee who commits an act of misconduct is liable for disciplinary action.

Mutual Assistance in Criminal Matters Act

104. *Section 5 (1) (c)* of the Act provides for refusal of assistance to a foreign state where in the opinion of the Director of Public Prosecutions there are substantial grounds for believing that the request was made for the purpose of prosecuting, punishing or otherwise causing prejudice to a person on account of his race, sex, religion, nationality or political opinions.

Refugees (Recognition and Control) Act

105. *Section 9* of the Act restricts the removal of a recognised refugee from Botswana under the provisions of the Immigration Act except to a country approved by the Minister, being a country in which, in the opinion of the Minister, the life or freedom of the refugee will not be threatened on account of his race, religion, nationality or membership of a particular social group or political opinion.

Children's Act

106. Botswana has domesticated the Convention on the Rights of the Child which apart from dealing with child welfare issues generally, explicitly prohibits exposing children to discriminatory conduct of any kind, including race. See *Section 7*.

107. In so far as courts decisions are concerned, we wish to emphasize the point that this Convention as a whole, and article 6 in particular, has been repeatedly and authoritatively relied upon by the courts in deciding cases of national importance as more fully appears in the following cases:

Attorney General v Dow 1992 BLR 119 (Supra)

108. To underscore the centrality of Treaties and Conventions and jurisprudence of Botswana, Aguda JA (as he then was) said the following: "I am in agreement that Botswana is a member of the Committee of civilised states which has undertaken to abide by certain standards of conduct and, unless it is impossible to do otherwise, it would be wrong for its courts to interpret its legislation in a manner which conflicts with the international obligations Botswana has undertaken. This principle, used as an aid to construction is quite permissible under Section 24 of the Interpretation Act."

109. In the case of *Sesana & Others v The Attorney-General (Supra)*, the High Court was called upon to determine the issues whether the Basarwa were:

- (i) In possession of the land which they lawfully occupied in their settlements in the Central Kalahari Game Reserve,
- (ii) Deprived of such possession by the Government forcibly or wrongly and without their consent.

110. The Court held that the Applicants were deprived of such possession by the Government. Justice Dow noted that as State Party to the Convention, Botswana is under obligation to heed the Committee's opinions.

Moatswi and Another vs Fencing Centre (Pty) Ltd 2002 (1) BLR 262 (IC)

111. This is a labour dispute in which Applicants were dismissed from their respective employment on the ground that as women, they were not able to load or work late night shifts. They argued that their dismissal was discriminatory on the basis of their gender. The Industrial Court followed the international labour standards by applying the International Labour Organisation Equal Remuneration Convention No.100 of 1951 and the Discrimination (Employment and Occupation) Convention No.111 of 1958. These Conventions prohibit discrimination based on sex, race, creed etc. The Court held that the termination was substantively unfair and directed that the Applicants should be compensated for unlawful termination for their contracts of employment. Whilst this case is a gender discrimination case, it illustrates that Courts can be persuaded to rule in accordance with international conventions Botswana is a party to.

Epadile vs S and F Enterprises (Pty) Ltd t/a Choppies G/West 2010 (2) BLR 84 (IC)

112. In the case above, the Applicant challenged her summary dismissal for 'operation reasons' and her 'incompatibility' because she came from the Batawana tribe. The Court held that her dismissal at the request of her co-workers was unreasonable and unfair. The court found that she had been dismissed because of her place of origin and tribe, in contravention of Section 23 (d) of the Employment Act which prohibits termination of employment on the ground of an employee's race, tribe, place of origin or national extraction. She was awarded compensation for unfair dismissal. In 2010 the Employment Act was amended by including gender, sexual orientation, health status and disability as additional grounds for prohibited workplace discrimination.

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113. The Human Rights Unit was established under the Ministry of Presidential Affairs, Governance and Public Administration. Its mandate includes raising awareness on Human Rights Conventions. The Unit is currently working on a four (4) year (2019–2022) Work Plan in partnership with UNDP. The Plan includes public education, advocacy and social mobilisation.

114. Refugees have elected Welfare Committees that periodically engage Government officials and civil society on any matter that affects them, including acts of racial discrimination. They are at liberty to file complaints with the Settlement Commandant who is based in Dukwi Refugee Camp.

115. The Office of the Ombudsman runs a comprehensive public education programme which covers acts of racial discrimination and complaints procedures. The table below indicates the number of activities that the Ombudsman has undertaken since 2012.

116. *Section 5 (2) of the Ombudsman Act* provides access to justice for people who are in legal custody, or inmates or in psychiatric institutions. Their complaints are forwarded to the Ombudsman unopened, the reason being to provide protection to complainants against any form of reprisals.

117. Government Ministries, Departments, oversight institutions and civil society organisations are involved in raising awareness on acts of racial discrimination. They promote the filing of complaints through public and private radio, television programmes as well as in print media. A toll free line is available at the Office of the Ombudsman to promote the filing of complaints without any cost being incurred by the complainant.

118. See **Annexure 7** on the statistics on the public education campaigns carried out by the Office of the Ombudsman from 2012 to 2019.

Reply to paragraph 23 of the list of issues

119. The position of the law in Botswana currently is that there is no set tariff or prescribed types of reparations payable to victims of racial discrimination. However, *Section 316 (1) of the Criminal Procedure and Evidence Act* provides for an application for compensation by a victim in the event of a conviction having been secured. In terms of *Section 316 (2)* of the Act, the assessment of an amount payable as reparation could entail adducing further evidence or both the victim and the offender agreeing on a figure. In this regard the court is at liberty to refer to persuasive authorities from other jurisdictions.

120. In Botswana the standard of proof in civil proceedings requires the plaintiff to prove his or her case based on probabilities. Civil cases involving racial discrimination are subject to the same standard of proof as other cases.

Article 7

Reply to paragraph 24 of the list of issues

121. The Children's Act of 2009, which has been made child friendly, contains provisions geared towards teaching children their rights and responsibilities so as to minimise incidents of them being either victims of racial prejudice or, worse still, perpetrators of same. Most importantly, the Act establishes the National Children's Council to ensure effective implementation of the Act.

122. In so far as administrative measures are concerned, the Government, in collaboration with civil society organisations (for example, Childline Botswana), has been undertaking country-wide public education on human rights.

123. Di-palametse roadshows is an NAHPA initiative to enhance adolescents and young people's programmes through the engagement of the First Lady of the Republic of

Botswana, Mrs Neo Jane Masisi in her capacity as UNAIDS Special Ambassador for the Engagement and Empowerment of adolescents and young people (AYP). She plays an advocacy and leadership role. The objectives of this programme are to create awareness on the prevention of HIV, gender based violence and teenage pregnancy, promote parent-child communication on issues of sexual health and HIV and to harness innovative ideas on how AYP, district leadership and the public can collectively address and contribute to the upbringing of AYP as well as addressing issues that affect them. The thematic areas are teenage pregnancy, gender based violence, alcohol and drug abuse and decay in family values. The total number of AYP reached is 20769 people.

124. The First Lady has prioritised the empowerment of adolescent girls and young women particularly those in rural areas. Children are given the platform to participate in programmes which directly affect them. Mrs Masisi, in conjunction with the National Aids and Health Promotion Agency (NAHPA), completed a three (3) month pep talk/relatable talk with students on 15th October 2019. The programme was held under the theme “The last sprint towards eradicating HIV Aids by 2030”. The students were vocal on issues affecting their health, putting across the issues with confidence, including those that could never be discussed by students before, such as the use of contraceptives especially condoms.

125. Human rights education has been streamlined in the school curriculum at primary and secondary levels through social and cultural studies, guidance and counselling, development studies, history, geography and environmental science curricula. At the tertiary education level, human rights issues are covered in legal and administrative courses. The Ombudsman is in the process of developing a programme on ombudsmanship with a component on human rights education for public officers, the goal being to promote human rights consciousness among public officers.

126. The Children’s Act of 2009 establishes the Children’s Consultative Forum to provide a platform for children to influence policies that affect them. Children also actively participate and are included in several platforms/fora such as the student representative councils. They have also approached relevant institutions for redress when their rights were violated. For example, the Government has partnered with Childline Botswana to facilitate early detection of child related risks by funding a toll-free line which promotes and facilitates filing of complaints by children on human rights violations, including racial discrimination.

127. As a development partner, UNICEF Botswana also supports stakeholders in ensuring that they play a role in teaching children their basic human rights as well as protecting children’s rights. It has collaborated with Dikgosi, the society and parents, by encouraging them to know Children’s rights.

128. Measures taken to increase awareness about the Convention includes incorporating modules on human rights, including the rights protected under this Convention, into the curriculum of law enforcement officials. This is done during recruitment and in-service trainings. Botswana provides human rights training for the disciplined forces. The Botswana Defence Force provides human rights training under the law of armed conflict at the Junior Command and staff levels at the Defence Command and Staff College, while the Botswana Prison Service provides training through human rights modules infused in the initial Prison Officers’ Course Syllabus.

129. In addition, Botswana hosts the International Law Enforcement Academy (ILEA) which is at the Botswana Police College. It offers training on human rights and other law enforcement courses. The Academy is supported by the US Government and provides courses for law enforcement officers from Botswana, Southern African Development Community (SADC) region and the African continent.

Reply to paragraph 25 of the list of issues

130. The Media Practitioners Act of 2008 provides that media practitioners registered under the Act shall be subject to a code of ethics issued by the Media Council. A media

practitioner who contravenes any section of this Act shall be liable to appear before the Council.

131. The Press Council of Botswana Media Code of Ethics provides that media institutions must not publish material that is intended or is likely to cause hostility or hatred towards persons on the grounds of their race, ethnic origin, nationality, gender, physical disabilities, religion or political affiliation. In addition, the Media Code of Ethics provide that media institutions must take utmost care to avoid contributing to the spread of ethnic hatred or dehumanising disadvantaged groups when reporting events and statements of this nature.

Reply to paragraph 26 of the list of issues

132. Vision 2016 envisioned Botswana as society free of discrimination based on gender, age and disability with citizens who are law abiding, wrong in religious and spiritual values and who possess high ethical standards. It advocated for the preservation of traditional values and respect for differences. It highlighted the need to reinforce civic duty and self-reliance, while promoting both and tolerance towards minorities, identifying schools as key institutions for imparting these values.

133. The Government continues to promote and support cultural events such as Dithubaruba, Nama, Domboshaba Cultural Festival, Khawa Dune Festival, Kuru Festival, Annual President's Day Competitions, Constituency Art Copetitions, National Culture Day, Constituency Sports Tournaments, National Languages Day, Art and Craft Market Days and Fairs, in line with the National Policy on Culture of 2001. All of these events promote tolerance, understanding of cultural diversity and encourage Batswana to take pride in their various cultures, individually and as a collective.

134. With respect to the promotion of understanding and dialogue, Government promotes participation through continuous policy dialogue and consultations with communities and other stakeholders. The decentralisation of local authorities processes has been further taken down to the level of communities. The kgotla system provides a forum for effective participation of all groups of people during kgotla meetings irrespective of their ethnic group.

135. Prior to the last reporting period in 2006, the Government was working towards the attainment of the goals of Vision 2016 amongst which was a moral and tolerant nation, just and caring and a safe and secure nation. Upon the maturity of Vision 2016 in 2016, the nation is currently engaged in the quest to attain the ideals of a new vision: Vision 2036. To drive this vision, Government has established a Vision Council which reports to the Office of the President.

Annexure 1

Reply to paragraph 6 under General Information

The languages spoken by asylum seekers and refugees in Botswana

<i>Country of origin</i>	<i>Languages Spoken</i>	<i>No. Of Languages</i>
Algeria	Arabic & English	2
Angola	Portuguese, Ubundu, Kimbundu, Kikongo, Chokwe, Kwanyama, Ngangela & English	8
Burundi	Kirundu, French, English & Kiswahili,	4
Democratic Republic of Congo	French, Lingala, Swahili, Kituba, Tshiluba & English	5
Eritrea	Tigrinya, Tigre & English.	2
Ethiopia	Oromo, Amharic, Tigre & English.	3
Kenya	English, Swahili, Kikuyu, Luhya, & Luo.	5
Morocco	Arabic, Berber & English	2
Namibia	Khoisan, Lozi, Sobeya, Simbukushu & English	5
Sierra Leone	English & Krio.	2
Somalia	Arabic, English & Somali.	3
South Sudan	English, Dinka, Nuer, Bari, & Zande.	5
Uganda	Runyakitara, Luganda & Pokot & English.	4
Zimbabwe	Ndebele, Shona & English.	3
Rwanda	Kinyarwanda, Swahili, French & English	4

Annexure 2

Reply to paragraph 7 (e) under Article 1

Remote Area Development Programme (RADP)

<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
		Tertiary Education			
8	Figure 1	Students sponsored by Department of Tertiary Education Financing (Ministry of Tertiary Education, Research & Technology)	1167	1167	Change expected in the next circle, so far 174 applications have been submitted for sponsorship consideration.
9	Table 2	Students Sponsored by Districts Councils at Brigades and Technical Colleges.	496	473	Decrease due to graduation.
		Total Tertiary Education	1663	1640	
		Destitution			
11	Table 4	Beneficiaries assisted with food basket	3525	3249	Includes both permanent and temporary destitute persons.
		Total Beneficiaries Assisted	3518	3249	
		Housing			
13	Table 5.a	RADP houses (2017/18)	164	327	Allocation 352: 327 complete 25 at advanced stages of construction; 20 KWDC & 5 NWDC.
14	Table 5.b	RADP houses (2018/19)	0	0	Allocation: 352
15	Table 5.c	Other Housing Donations	62	62	Total Allocation 62: All houses complete.
16	Table 5.d	Self Help Housing Agency Scheme (SHHA)	100	89	89 units completed and 88 at different stages of construction.
		Total Housing Units Completed	326	483	
Page	Ref	Programme	Last Report	Current Report	Comments
17	Table 6.a	Total Projects	19	20	Allocation: 22 projects

<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
		Completed ESPI – 2016/17			and 20 complete 2 on going. Budget: P30,047,233.48
18	Table 6.b	Total Projects Completed – ESP II – 2017/18	0	2	2 projects complete 2 at tender and 17 at advanced stages, 1 re-evaluation. Budget: P65,314,202.31
19	Table 7	Total Projects Completed – Constituency Community Projects 2017/18	0	3	Allocation: 127 projects at a cost of P35,258,929.36 23 projects complete, 83 on-going and 21 at mobilisation stages.
22	Table 7.a	Total Projects Completed – Constituency Community Projects 2018/19	-	-	Allocation: 103 projects in 62 settlements at a cost of P37, 490,104.65. All projects at mobilisation/procurement stages.
		Employment			
24	Table 8	Formal Employment (Including cooperatives)	1 930	1 992	
		Temporary Employment:			
25	Table 9.a	Ipelegeng	19 770	39 967	2695 are under Cluster Policing, Game Scouts, Green Scorpions, and Refuse Collection.
27	Table 9.c	Solid Waste Management outsourced to settlements.	67	67	
28	Table 9.d	Employment Created by RADP Economic Empowerment Projects.	379	379	
		Total Temporary Employment	21 372	40 413	
		Total Formal and Temporary Employment	23 302	42 405	
<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
		Economic Empowerment Initiatives (number of beneficiaries)			
29	Table 10 Figure 2	Poverty Eradication (Beneficiaries)	2955	3009	

<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
		given packages)			
<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
33		LIMID	1384	1384	No change
33	Table 13	ISPAAD (2017/18 ploughing season)	2748	3687	
34	Table 14	Youth Development Fund	514	514	Waiting for updates
		Total Economic Empowerment Initiatives	4646	5585	
		RADP Community Economic Empowerment Projects			
28		Number of RADP Community Economic Empowerment Projects	160	160	
<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
		Communal Farms Livestock			
32	Table 12	Livestock at communal farms and monetary returns:	2012	1897	West Hanahai – sold 66 tollies and 2 died after castration; Grootlagte – sold 73 tollies and I died from snake bite; Chobokwane – sold 55 dry cows.
		Cattle			Grootlagte 85 tollies sold to BMC, Chobokwane Farm – 4 killed by wild dogs.
		Goats	139	262	Increase due to introduction of goats at Grootlaagte
		Donkeys	30	26	Reduction due to mortality
		Horses	41	43	
		Total Livestock	2 222	2 228	
		Sports, Competitions and Recreation			
35	Table 15	Number of RACS in Social Groups Sports Teams	488	488	Waiting for updates
36	Table 16	Participation of	7 088	7 158	Waiting for updates

<i>Page</i>	<i>Ref</i>	<i>Programme</i>	<i>Last Report</i>	<i>Current Report</i>	<i>Comments</i>
		RACs in Constituency Tournaments			

Ipelegeng Programme

The total number of beneficiaries engaged under the Ipelegeng Programme during this reporting period is **39 967 (23 022 females and 15 491)** as compared to the **19770 (11 598 females and 8172 males)** beneficiaries. This shows an increase of 11 527 beneficiaries.

Table 9 (a):

RACs Engaged Under the Ipelegeng Programme

<i>Districts</i>	<i>Allocated Slots</i>	<i>Previous Report: (PR) Oct – Dec 2017</i>			<i>Current Report (CR) Jan-July 2018</i>		
		<i>Total employed</i>	<i>Females</i>	<i>Males</i>	<i>Total Employed</i>	<i>Females</i>	<i>Males</i>
Ghanzi	5 253	3 773	2 139	1 634	7 474	4 297	2 932
Central	11 438	8 188	4 870	3 318	16 055	9 402	5 984
Southern	1 997	1 245	777	468	2 489	1 445	950
Kgatlang	339	234	145	89	456	271	185
Kgalagadi	3 949	2 747	1 596	1 151	5 483	3 121	2 119
Kweneng	2 095	1 114	674	440	3 060	1 822	1 238
North West	3 569	2 468	1 397	1 072	4 950	2 664	2 083
Totals	28 440	19 770	11 598	8 172	39 967	23 022	15 491

Cooperatives

The total number of cooperatives in remote area settlements during this reporting period is **38**. Out of this number a total of 27 cooperatives are operational and these have created employment opportunities for a total of 86 people. Table 11 refers. Annex 7 refers.

Table 11:

Cooperatives

<i>Districts</i>	<i>Number of Cooperatives</i>		<i>Number operational</i>		<i>Number not Operational</i>		<i>No of people employed</i>	
	<i>Prev.</i>	<i>Curr.</i>	<i>Prev.</i>	<i>Curr.</i>	<i>Prev.</i>	<i>Curr.</i>	<i>Prev.</i>	<i>Curr.</i>
Ghanzi	11	11	11	11	0	0	45	45
Central	9	9	2	2	7	7	3	3
Kgatlang	1	1	1	1	0	0	3	3
Kgalagadi	9	9	7	7	2	2	12	12
Kweneng	3	4	2	2	1	2	10	10
North West	4	4	3	4	1	0	13	13
Total	37	38	26	27	11	11	86	86

LIMID

The number of RACS who have benefited from the LIMID Programme remains at 1 384, during this reporting period. The total number of RACs who have benefited from ISPAAD

Programme has increased to 3 687 compared to 2 748, from previous report, as shown in Table 13.

Table 13:
ISPAAD Beneficiaries

<i>Districts</i>	<i>2016/17 ploughing season</i>			<i>2017/18 ploughing season</i>		
	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>
Central	2 066	618	977	1 444	618	977
Ghanzi	414	213	201	395	213	201
Kgalagadi	170	74	96	111	74	96
Kgatleng	0	0	0	25	9	0
Kweneng	169	65	104	247	65	104
North West	0	0	0	172	0	0
Southern	400	199	201	291	199	201
Total	2 748	1 169	1 579	3 687	1 169	1 579

Economic Empowerment Programmes

Poverty Eradication

Out of a cumulative total of 6 595 RACs who have been mobilised for the Poverty Eradication Initiative, a total of 3009 beneficiaries have been given alternative packages as compared to the 2 955 packages from the previous report. This indicates an increase of 54 beneficiaries as shown in figure 2 and Table 10 below.

Table 10:
Beneficiaries for the Poverty Eradication Initiative

<i>Districts</i>	<i>Number Mobilised</i>		<i>Number Given Packages (MLGRD + Other Ministries)</i>		<i>Number given Agric. Packages</i>		<i>Total number given Packages</i>	
	<i>Prev. Report</i>	<i>Curr. Report</i>	<i>Prev. Report</i>	<i>Curr. Report</i>	<i>Prev. Report</i>	<i>Curr. Report</i>	<i>Prev. Report</i>	<i>Curr. Report</i>
	<i>Oct- Dec 2017</i>	<i>Jan-Jul 2018</i>	<i>Oct – Dec 2017</i>	<i>Report Jan-Jul 2018</i>	<i>Jan-Jul 2018</i>	<i>Jan – Jul 2018</i>	<i>Dec 2017</i>	<i>Jan – Jul 2018</i>
Ghanzi	1 212	1 212	424	424	342	383	766	807
Kweneng	1 430	1 430	89	89	279	279	368	368
Southern	228	228	69	69	274	274	343	343
Central	2 223	2 223	196	196	527	527	723	723
Kgatleng	95	95	16	18	20	21	36	39
North West	589	589	148	151	193	200	341	351
Kgalagadi	1 025	1 025	100	100	278	278	378	378
Totals	6 595	6595	1 042	1 047	1 913	1 962	2 955	3 009

Communal Farms

<i>District</i>	<i>Farm</i>	<i>Status</i>	<i>Comments</i>
Central	Hima Ranch	Minor Development	Hima ranch is partly fenced and has a borehole with saline water. Funds amounting to P1, 000,000.00 have been disbursed for the drilling of boreholes and perimeter fencing; Construction for fencing completed (maintenance) and borehole cleaning on-going (rehabilitation). Engine for borehole has been procured at P99 880.00. 12 km trench will be duck in-house for pipeline. Engine installation will be done in house.
	Khwee	Minor Development	Application for water rights and borehole drilling in process. An application for lease has been tendered with Ngwato Land Board.
	Xere	Minor Development	The Farm has an unequipped borehole.
	Malatswae	Minor Development	The Malatswae Farm development is undergoing parameter fencing which is near completion (705) and it will need more funds for paddocking, borehole equipping and stocking. Currently a total of P843 684.00 has been utilised to procure materials and labour. The balance now is P156 316.00 as at the 8th June 2018. 20 temporary labourers have been engaged this month to clear the remaining fencing lines.
	Moralane	Undeveloped	The farm is currently undeveloped but has been allocated P1, 000,000.00 for parameter fencing, paddocking, surveying and borehole equipping and a drilling. Land lease for the ranch has applied for at the Ngwato Land Board. The Ranch has been registered under Register of Society has an interim committee to implement activities for the community farm. Survey for the borehole needs to be done to secure water for both livestock and human consumption.
Kgalagadi	Sehunou	Undeveloped	No funds for development
	KhawaSwakara	Minor Development	Tender for drilling and equipping awarded and contractor given site. Paddocking/Construction of kraals suspended until completion of water development.
	Maake	Undeveloped	No funds for development
	Ukhwi	Undeveloped	No funds for development

<i>District</i>	<i>Farm</i>	<i>Status</i>	<i>Comments</i>
Ghanzi	New Xade	Minor Development	1 million – 2017/18 for Fencing; 65% progress – 20 km covered, fence line debushed, gum poles delivered. For 2018/19 – P800, 000.00 budgeted for borehole drilled/equipping but still at procurement stage. (Surveying for water).
	East Hanahai	Undeveloped	No funds for development; 1m 2017/18 for fencing, 45% - 18 km out of 14 km left and P800, 000 for water development drilling & equipping at procurement stage.
	Qabo	Undeveloped	1 million – 2017/18 for fencing; 45% progress – clearing of lines complete and 8km for installation of poles covered; progress temporarily stopped pending discussion with one former and landboard claiming the Farm. 1.2m for drilling and equipping under 2018/19 budgeted.
	New Xanagas	Undeveloped	9.5 km done for fencing so far; 1,014,402.25 from council coffers and P500,000.000 for water development (surveying drilling and equipping), survey complete and two sides identified – drilling and equipping at procurement stage; 2018/19 – P800 000.00 budgeted for completion of farm infrastructure.
	CKGR Trust/Ranch	Awaiting Allocation	Application being processed by Ghanzi Land Board. Allocated P500, 000.00 for perimeter fencing for the financial year 2018/19.
Southern	Kanaku	Undeveloped	P500, 000.00 has been disbursed to the district for the development (fencing) of the farm. Consultations with the community are on-going, for finalisation of the Ranch Management Plans, and will be concluded by the 27 August 2018.
Kweneng	Loolagane	Undeveloped	No funds for development
North West	Somelo	Undeveloped	No funds for development
	Phuduhudu	Undeveloped	No funds for development

Annexure 3

Reply to paragraph 19 under Article 5

Data on trafficking in persons in Botswana disaggregated by age, sex, and type of exploitation

<i>No:</i>	<i>Sex</i>	<i>Age</i>	<i>Kind of exploitation</i>
1.	F	21	Labour
2.	M	21	Organ harvesting
3.	F	20	Harboured for commercial sex work
4.	F	19	Arranged marriage
5.	F	01	Child trafficking (Miracle baby)
6.	M	14	Non-family abduction
7.	M	13	Child trafficking(family abduction)
8.	M	28	Labour
9.	M	28	Labour
10.	M	23	Labour
11.	M	37	Labour
12.	M	21	Labour
13.	M	47	Labour
14.	M	44	Labour
15.	M	54	Labour
16.	M	44	labour
17.	M	08	Child trafficking(family abduction)
18.	F	15	Labour
19.	M	27	Labour
20.	M	28	Labour
21.	F	31	Labour
22.	F	19	labour

Annexure 4

Reply to paragraph 19 Under Article 5

Number of refugees in Botswana disaggregated by country of origin

<i>Country of Origin</i>	<i>Current Total</i>
Namibia	1
Zimbabwe	697
Somalia	311
DRC	193
Burundi	73
Uganda	18
Rwanda	18
Sudan	3
Eretria	5
South Sudan	3
Ethiopia	5
Kenya	3
Angola	8
Algeria	1
Sierra Leone	1
Morocco	1
Total	1 341

Annexure 5

Reply to paragraph 19 Under Article 5

The table below represents data on the number of asylum seekers in Botswana

<i>No</i>	<i>Sex</i>	<i>Age</i>	<i>Marital status</i>	<i>Accompanying dependents and age</i>
	M	30	Married	Nil
	F	15	Single	
	F	6	Single	Samiira Osman Ali female aged 6 years.
	F	14	Single	Nil
	M	26	Married	Nil
	M	26	Single	i. MungaGizela Blessing female aged 9 years. ii. ThotiGajamaRiguene male aged 8 years. iii. GizelaMatotaMardina female aged 7 years.
	M	18	Single	Nil
	M	32	Widow	Nil
	M	25	Married	i. Kiese Matotra; Male aged 16 years
	F	23	Married	ii. NoelaMatota; Female aged 5 years ii. Jeremie Matota; Male aged 3 years
	F	17	Single	Nil
	M	20	Single	Nil
	M	25	Married	Nil
	F	22	Married	Nil
	M	37	Married	Ndelo Manganza Huguette; Niece aged 15 years.
	F	33	Married	Canthiana Ndelo, Daughter aged 3 years.
	M	23	Single	Murhambo Claude Languisept. Brother aged 16 years Kelly Chikwanine. Sister aged 14 years
	M	16	Single	Nil
	F	14	Single	Nil

<i>No</i>	<i>Sex</i>	<i>Age</i>	<i>Marital status</i>	<i>Accompanying dependents and age</i>
	F	20	Single	LucieBozoko. Young sister aged 13 years
	M	16	Single	Nil
	M	27	Married	UwaevuCelin; daughter aged 19 years Umugwanzenaa Nadia; daughter aged 17 years UmugwanzenezaOvinne; daughter aged 15 years
	F	30	Single	Nil
	M	23	Single	Nil
	F	27	Widowed	Daniela Epanzola; Daughter aged 10 years MadoEpanzola Daughter aged 6 years EcdοEpanzola daughter aged 4 years.
	M	35	Married	Christine Juma, Daughter aged 7 years.
	F	30		

Annexure 6

Reply to paragraph 19 Under Article 5

Data on human trafficking victims assisted by Government 2015/16

<i>Age range</i>	<i>Gender</i>
0-5	0
6-10	0
11-15	0
16-20	2 F
21-25	0
26-30	1 M
<i>Number of victims assisted</i>	<i>Ethnicity</i>
1	Ethiopia
1	Tanzania
1	Zimbabwe
Total=3	

2016/17

<i>Age range</i>	<i>Gender</i>
0-5	F M
6-10	0
11-15	F
16-20	2 F
21-25	2 F
26-30	F
31-35	F
<i>Number of victims assisted</i>	<i>Ethnicity</i>
6	Malawi
2	Zambia
1	USA
Total=9	

2017/18

<i>Age range</i>	<i>Gender</i>
0-5	3 M
6-10	3 F
11-15	3 M 3F
16-20	F M
21-25	2 F
26-30	
31-35	1F

<i>Number of victims assisted</i>	<i>Ethnicity</i>
7	Zimbabwe
1	Nigeria
5	Ethiopia
4	Botswana
Total=17	

2018/19

<i>Age range</i>	<i>Gender</i>
0-5	3 M 2 F
6-10	7 M 4 F
11-15	3 M 3 F
16-20	2 M 6 F
21-25	1 F 3 M
26-30	2 M
31-35	3 M 1 F
36-40	0
41-45	1 M
46-50	0
51-55	1 M

<i>Number of victims assisted</i>	<i>Ethnicity</i>
18	Zimbabwe
2	Nigeria
4	Botswana
3	Kenya/Somalia
7	Pakistan
2	Bangladesh
4	Sierra Leone
2	Uganda
Total=42	

Annexure 7

Reply to paragraph 19 under Article 5

Statistics on the public education campaigns carried out by the Office of the Ombudsman from 2012 to 2019.

<i>Year</i>	<i>Kgotla meetings</i>	<i>Full council</i>	<i>School visits</i>	<i>Exhibitions</i>	<i>Best admin Seminar</i>	<i>Colabo with dcec</i>	<i>Mall campaign</i>	<i>Courtesy calls</i>	<i>Prison visits</i>
2012/13	13	5	6	4	17	3			3
2013/14	43	5	17	7	8	5	1		3
2015/16	11	3	7	5	10	2	1		1
2016/17		2	6	7	1		1		
2017/18	41	2	13	5	20	3	3	3	3
2018/19	23		7	12	15	3	4		
2019/20	1		5	2	1				10
Total	132	17	61	42	72	16	10	3	20