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resolution 16/21**

Botswana

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1974)		ICESCR
	ICCPR (2000)		ICCPR-OP 2
	CEDAW (1996)		OP-CAT
	CAT (2000)		ICRMW
	CRC (1995)		CRPD
	OP-CRC-AC (2004)		CPED
	OP-CRC-SC (2003)		
<i>Reservations, declarations and/or understandings</i>	ICCPR (Reservations, arts. 7 and 13, para. 2, 2000)		
	CAT (Reservation, art. 1, 2000)		
	CRC (Reservation, art. 1, 1995)		
<i>Complaint procedures, inquiry and urgent action³</i>	OP-CEDAW, art. 8 (2007)		ICERD, art. 14 OP-ICESCR
	CAT, art. 20 (2000)		ICCPR, art. 41 ICCPR-OP 1 CAT, arts. 21 and 22 OP-CRC-IC ICRMW, OP-CRPD, CPED

1. In 2010, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Botswana to ratify ICESCR; ICRMW; CPED; and CRPD.⁴

2. In 2011, the Human Rights Committee (HR Committee) expressed its regret that Botswana had not taken measures with regard to the withdrawal of its reservations to articles 7 and 12 of ICCPR.⁵

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Rome Statute of the International Criminal Court Palermo Protocol ⁶ Conventions on refugees and stateless persons ⁷ Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁸ ILO fundamental conventions ⁹		Convention on the Prevention and Punishment of the Crime of Genocide ILO Conventions Nos. 169 and 189 ¹⁰ UNESCO Convention against Discrimination in Education

B. Constitutional and legislative framework

3. CEDAW expressed concern that Botswana had not incorporated the Convention into its domestic law.¹¹

4. CEDAW expressed concern that a definition of discrimination against women in accordance with article 1 of the Convention was not incorporated in Botswana's Constitution or in its legislation. It called on Botswana to incorporate this definition which encompassed direct and indirect discrimination.¹²

C. Institutional and human rights infrastructure and policy measures

5. CEDAW noted that although Botswana accepted the recommendation, made during its universal periodic review, to establish an independent national human rights institution, this institution was yet to be established. It recommended that Botswana establish an independent national human rights institution in accordance with the Paris Principles.¹³

6. CEDAW noted with concern that the Women's Affairs Department located within the Ministry of Labour and Home Affairs did not have the authority or capacity to effectively promote implementation of the Convention, as well as to support gender mainstreaming across all levels of Government. It also noted with concern that there was a lack of awareness about the importance of national machinery for the realization of equality between women and men, and a lack of political will to develop the institutional capacity of this national machinery. It called on Botswana to strengthen this national machinery, providing it with authority, decision-making power, and human and financial resources.¹⁴

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies¹⁵

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2006	–	–	Seventeenth and eighteenth reports overdue since 2009
HR Committee	March 2008	–	–	Second report overdue since March 2012
CEDAW	–	2008	Jan. 2010	Fourth report due in 2014
CAT	–	–	–	Initial report overdue since 2001
CRC	Oct. 2004	–	–	Second and third reports overdue since 2007. Initial OP-CRC-SC and OP-CRC-AC reports overdue since 2005 and 2006, respectively.

7. In 2006, the Committee on the Elimination of Racial Discrimination (CERD) expressed concern that residents of the Central Kalahari Game Reserve (CKGR) were forcefully removed through measures such as the termination of basic and essential services in the CKGR, the dismantling of existing infrastructures, the confiscation of livestock, the harassment and ill-treatment of some residents by police and wildlife officers, the prohibition of hunting and the restrictions on freedom of movement inside the CKGR. CERD recommended that Botswana pay particular attention to the close cultural ties that bound the San/Barsawa to their ancestral land; protect the economic activities of San/Barsawa; study all possible alternatives of their relocation; and seek prior, free and informed consent of the persons and groups concerned.¹⁶ In 2006, the High Court of Botswana ruled that the eviction of the San/Barsawa was unlawful, and unconstitutional.¹⁷

8. In 2010, CERD considered, under its early warning and urgent action procedure, the situation of San/Basarwa indigenous peoples reportedly forced out of their traditional lands in the CKGR. It expressed its concern in a letter to Botswana in relation to the alleged lack of implementation of the decision by the High Court of Botswana. It requested Botswana to submit comprehensive information on the situation of the San/Basarwa indigenous peoples; on the implementation of the decision of the High Court;¹⁸ and on measures taken to implement CERD's previous recommendations on the matter.¹⁹

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2007	Discriminatory character of the Chieftainship Act; lack of consultation with residents of the CKGR; education barriers for children from non-Tswana tribes; refugees and access to HIV therapies.	–
HR Committee	2009 2011	Precedence of constitutional law over customary law; death penalty; reservations to arts. 7 and 12; and prison overcrowding. Dialogue ongoing. ²⁰	2011
CEDAW	2012	Domestication of the Convention; and violations of women's rights.	–

9. In 2011, the HR Committee noted, within the framework of the follow-up to previous recommendations, that the information provided by Botswana²¹ was incomplete. It requested additional and more specific information on the measures with regard to informing the population on the precedence of constitutional law over customary laws and practices, the number of death sentences imposed by the courts, the criteria followed by the courts in extending the remand for a person charged with a criminal offence, the existing formal structures to ensure compliance with international standards on the treatment of prisoners, the number of charges against officers regarding ill-treatment of prisoners, and the measures taken to reduce the prison population.²²

B. Cooperation with special procedures²³

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Education - visit from 26 September to 4 October 2005	Indigenous peoples (19 to 27 March 2009)
<i>Visits agreed to in principle</i>		Water and sanitation
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, one communication was sent, to which the Government provided a reply.	

C. Cooperation with the Office of the High Commissioner for Human Rights

10. Botswana contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2011.²⁴

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

11. CEDAW expressed concern about the patriarchal attitudes and deep-rooted stereotypes with regard to the roles and responsibilities of women, which perpetuated their subordination within the family and society; and the entrenched harmful traditional and cultural norms and practices. It urged Botswana to modify or eliminate such negative cultural practices and stereotypes.²⁵

12. CEDAW expressed concern that section 15(4) of the Constitution exempted adoption, marriage, divorce, burial and devolution of property on death and other matters of personal law from the constitutional provision of non-discrimination. It urged Botswana to repeal this provision.²⁶

13. CEDAW noted Botswana's insufficient understanding of the purpose and need for special measures in accordance with article 4, paragraph 1, of the Convention. It recommended that Botswana use temporary special measures to achieve substantive equality for women.²⁷

14. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples recommended that in the design and execution of development programmes, the special needs of indigenous women and children be identified and given priority, and practices that discriminate against indigenous women be targeted and eliminated.²⁸

15. The Special Rapporteur also recommended that all Government programmes be reviewed and reformed, as needed, to ensure that they do not discriminate against particular groups, but rather accommodate and strengthen cultural diversity and adhere to the United Nations Declaration on the Rights of Indigenous Peoples.²⁹

B. Right to life, liberty and security of the person

16. In 2008, HR Committee regretted that Botswana remained committed to retaining the death penalty and noted with concern the practice of the secrecy of execution dates, and the fact that the body of the executed person was not returned to the family for burial.³⁰ In 2011, within the framework of the follow up procedure, the HR Committee expressed its regret that Botswana had not taken any measures regarding the return of bodies of executed persons to their respective families for private burial.³¹

17. In 2011, UNICEF stated that three out of every five women were subjected to gender-based violence. Battery, rape and murder continued to be serious problems with few signs of abating.³²

18. CEDAW expressed concern about violence against women and girls, including domestic violence³³ while noting the Domestic Violence Act (2008). It urged Botswana to enact specific legislation on domestic violence to ensure that violence against women and girls constituted a criminal offence, that victims have access to immediate means of redress and protection; and that alleged perpetrators were prosecuted. It recommended training, particularly for law enforcement personnel and health service providers; and provision of counselling services for victims.³⁴

19 CEDAW expressed alarm at the high number of girls suffering sexual abuse and harassment by teachers, as well as the high number of girls who suffered sexual harassment and violence on their way to school. It called on Botswana to provide safe transportation to and from school and a safe educational environment free from discrimination and violence. It also called on Botswana to strengthen awareness-raising and training of school officials and students, to ensure that alleged perpetrators of sexual abuse and harassment were prosecuted.³⁵

20. CEDAW expressed concern that corporal punishment was accepted in school and home settings, and recommended that Botswana explicitly prohibit corporal punishment in all settings.³⁶

21. CEDAW expressed concern with regard to the exploitation of prostitutes and the lack of information in relation to measures taken to address this issue. It was also concerned that women and girls were engaging in prostitution as a result of poverty. It urged Botswana to facilitate the reintegration of prostitutes into society and to provide them with rehabilitation and economic empowerment programmes.³⁷

22. In 2012, the Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) urged Botswana to strengthen its efforts to provide the necessary and appropriate direct assistance for the removal of child victims of commercial sexual exploitation and to ensure their rehabilitation and social integration, including through poverty reduction measures.³⁸

C. Administration of justice and the rule of law

23. CEDAW urged Botswana to raise awareness of the precedence of constitutional law over customary laws and practices, to bring the procedures of customary courts in line with those of statutory courts and to ensure that customary court decisions were appealable to statutory courts.³⁹

24. CEDAW expressed concern about the lack of awareness of the Convention and its Optional Protocol, particularly among the judiciary and other law enforcement officials.⁴⁰

25. CEDAW was concerned that women's ability to exercise their right to access to justice was limited,⁴¹ and that most women were subjected to the jurisdiction of traditional courts that apply customary law.⁴² It was also concerned that women were not aware of their rights and they lacked the capacity to claim their rights, and urged Botswana to put in place measures to ensure women's access to the civil courts.⁴³ CEDAW requested the removal of impediments women may face in gaining access to justice, the provision of legal aid services, and the dissemination of information on ways to utilize available legal remedies against discrimination.⁴⁴

D. Right to marriage and family life

26. CEDAW expressed concern at the unequal status of women in marriage and family owing to customary and traditional practices. It noted with concern that the Abolition of Marital Power Act (giving both partners in common-law marriage equal powers in the family), the amendment to the Deeds Registry Act (enabling women to register immovable property in their own names), the Matrimonial Causes Act Cap 29:6 (regulating matters pertaining to divorce, judicial separation and other incidental matters), and the Marriage Act Cap 29:01 (regulating the registration of marriage and setting 18 years as minimum age for both boys and girls to marry) did not apply to customary and religious marriages, in light of section 15 (4) of the Constitution.⁴⁵ CEDAW urged Botswana to extend the

aforementioned laws to customary and religious marriages so as to address entrenched customary laws which impair gender equality and lend to gender discrimination in the family.⁴⁶

E. Right to participate in public and political life

27. CEDAW was concerned about the underrepresentation of women in political and public life and encouraged Botswana to increase the number of women in decision-making positions. It recommended accelerating women's equal participation in public and political life at all levels, implementing awareness raising programmes, and highlighting the importance of women's full and equal participation.⁴⁷

28. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples noted that indigenous peoples or tribes that were ethnically distinct from the majority Tswana tribes were underrepresented in legislative and administrative institutions, and recommended that affirmative measures be further developed and implemented, in consultation with the affected peoples, to enhance representation by minority indigenous groups at all levels and in all institutions of Government.⁴⁸

F. Right to work and to just and favourable conditions of work

29. CEDAW expressed concern that the principle of equal remuneration for work of equal value was yet to be reflected in the Employment Act and that the non-discrimination clause applied only with respect to termination of employment. It also expressed concern at the fact that legal provisions governing maternity benefits in the public sector did not apply in the private sector and there were no laws to address sexual harassment. It called on Botswana to review its Employment Act with the view to including the principle of equal remuneration for work of equal value and to extend the prohibition of discrimination; to pay particular attention to the condition of women workers in the informal sector; to establish a monitoring and regulatory mechanism on employment issues and practices in the private sector; to ensure that the private sector apply legal provisions governing maternity benefits; and to adopt legislation on sexual harassment applicable in both the public and private sectors.⁴⁹

30. The ILO Committee of Experts reiterated its earlier call to Botswana to amend relevant labour legislation, in particular: section 48B(1) of the Trade Unions and Employers Organisations (Amendments), 2003 Act (TUEO Act) which granted certain facilities, including access to the employer's premises for the holding of meeting or representing workers, only to unions representing at least one third of the employees in an enterprise; section 10 of the TUEO Act, so as to afford organizations the opportunity to rectify the absence of some of the formal registration requirements stipulated in that section; and sections 9(1)(b), 13 and 14 of the Trade Disputes Act, which empower the Commissioner to refer a dispute in essential services to arbitration, or to the Industrial Court for determination.⁵⁰

31. The ILO Committee of Experts referred to article 4, paragraph 1 of ILO Convention No. 182 and urged Botswana to pursue its efforts to ensure the adoption, in the near future, of a list identifying those types of hazardous work prohibited to persons under the 18 years of age.⁵¹

G. Right to social security and to an adequate standard of living

32. UNICEF stated that poverty in Botswana remained persistently high for a country of upper middle income status. The dynamics of poverty were changing with its decline in

rural areas and increase in urban areas. Referring to Millennium Development Goal 1 on the eradication of extreme poverty and hunger, UNICEF indicated that Botswana was likely to meet the target to half the proportion of people whose income is less than a dollar day.⁵²

33. UNICEF stated that the 2009/2010 Botswana Core Welfare Indicator Survey revealed that unemployment was highest among those between the ages of 15 and 19 years at the rate of 41 per cent and those between the ages of 20 to 24 years at 34 per cent.⁵³

34. CEDAW was concerned that widespread poverty among women and poor socio-economic conditions were among the causes of discrimination against women and violation of women's human rights.⁵⁴

35. CEDAW was concerned about rural women and women-heads of households in view of their precarious living conditions. It regretted that Botswana's efforts to develop strategies for poverty reduction and promotion of income-generating activities did not focus on women. It urged Botswana to promote gender equality in its national development plans and policies, pay special attention to the needs of rural women and women heads of households, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities; and eliminate all forms of discrimination against women with respect to ownership and inheritance of land.⁵⁵

36. UNICEF stated that the vulnerability of orphans and other vulnerable children including children living in remote areas, child labourers, children on the street, children in child-headed households, children in conflict with the law, and children with disabilities, was exacerbated by a lack of opportunity, space and voice of participation in society that left them open to greater instances of neglect, violence, exploitation, exposure to HIV and sexual and other forms of abuse.⁵⁶

H. Right to health

37. UNICEF stated that Botswana's progress towards achieving those Millennium Development Goals that related to health remained limited and the country was unlikely to meet its targets on infant and under-five mortality.⁵⁷ It also stated that Diarrhoea, pneumonia, septicaemia, dehydration and HIV and AIDS were the top five causes of death of children under the age of five years,⁵⁸ and that together these diseases caused more than half of the deaths of children under the age of five.⁵⁹

38. UNICEF stated that progress towards the achievement of the target to reduce, by half, underweight prevalence among children under the age of five years by 2015 would not be met. There was a distinct need for more attention to be provided to children in the lowest quintiles, female headed households, and districts that consistently registered the poorest nutritional indicators. It also stated that with sub-optimal feeding practices for infant and young children, urgent attention was needed to improve infant and young child feeding interventions to mitigate poor nutritional status.⁶⁰

39. CEDAW was concerned that the maternal mortality rate remained high; and that no strategies for its reduction had been developed. It was also concerned at the lack of information about access to reproductive health-care services for vulnerable groups of women, particularly in rural areas, the extent and consequences of illegal and unsafe abortions, the rate of teenage pregnancy, and the services and counselling for women suffering from mental health problems. It called on Botswana to put in place a data collection system for effective policy development on women's health, with special attention to the prevention of sexually transmitted diseases and teenage pregnancy; and the effective implementation of the provisions on legal abortion.⁶¹

40. CEDAW was concerned that Botswana faced a serious HIV/AIDS epidemic, especially among young women, as well as by the number of child-headed households of orphans of the HIV/AIDS crisis. It recommended that Botswana address the impact of HIV/AIDS on women and girls, and that it include a gender perspective in its policies and programmes on HIV/AIDS.⁶²

I. Right to education

41. UNICEF referred to Millennium Development Goal 2 relating to the achievement of universal primary education and stated that Botswana was likely to meet the target of ensuring that by 2015, children, boys and girls alike, will be able to complete a full course of primary school education.⁶³

42. CEDAW was concerned at the low enrolment rate of girls in secondary and higher education and high dropout rates among girls and at the fact that traditional attitudes, early pregnancies and early marriages were among the causes of this phenomenon. It recommended that Botswana ensure de facto equal access of girls and young women to all levels of education; overcome traditional attitudes hampering women and girls in their full enjoyment of their right to education; retain girls in schools and strengthen the re-entry policies enabling young women to return to school after pregnancy; increase the enrolment of girls in secondary and higher education; and introduce temporary special measures.⁶⁴

J. Cultural rights

43. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples noted that Botswana had begun taking important steps to comply with the recommendation of the National Commission on Education to incorporate instruction in mother-tongue language into the education system. He stated that this effort should be further promoted and strengthened, including through the allocation of resources to recruit and train native language speakers to serve in remote communities.⁶⁵

44. The Special Rapporteur also stated that Botswana should, in consultation with the affected indigenous peoples, modify its educational curriculum to better reflect cultural diversity, including the history, culture, identity and current situation of non-dominant tribes throughout the country.⁶⁶

K. Indigenous peoples

45. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples indicated that marginalized indigenous peoples of Botswana continued to confront serious issues arising out of the historical loss of vast amounts of land and natural resources. The Special Rapporteur found that the failure to provide adequate redress for historical grievances had profoundly affected Botswana's indigenous peoples in the present, and land loss remained a significant contributing factor to many of the issues of these peoples. He considered that the depth of these issues was exemplified by the removal of indigenous peoples from the CKGR.⁶⁷

46. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples recommended that Botswana strengthen and adopt new affirmative measures, consistent with universal human rights standards, to protect the rights of non-dominant indigenous groups to retain and develop the various attributes of their distinctive cultural identities, particularly those related to land rights, approaches to development, and political and decision-making structures.⁶⁸

47. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples recommended that development programmes such as the Remote Area Development Programme, promote, in consultation with the affected communities, economic and other development activities that align with the culture of the targeted communities, including hunting and gathering activities.⁶⁹ He also recommended that Botswana seek to identify the lands traditionally used and occupied by these indigenous groups and incorporate in the land-board system a respect for and recognition of those groups' particular interests in such lands;⁷⁰ in consultation with its indigenous peoples, work to develop and implement a comprehensive policy and corresponding procedure directed specifically at facilitating consultations with local communities on all issues that affected their particular rights and interests,⁷¹ and further pursue the development of specific policies and programmes to provide redress for historical injustices, including those recommended in the 2003 review of the Remote Area Development Programme.⁷²

48. With regard to the CKGR, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples recommended that Botswana fully and faithfully implement the decision by the High Court of Botswana in the case of *Roy Sesana and Others v. The Attorney General* and take additional remedial action in accordance with international standards relating to the removal of indigenous peoples from their traditional lands. He also recommended that such remedial action include, at a minimum, facilitating the return of all those removed from the reserve who wished to do so, allowing them to engage in subsistence hunting and gathering in accordance with traditional practices, and providing them with the same government services available to people elsewhere in Botswana, including access to water.⁷³

L. Right to development and environmental issues

49. UNICEF stated that Botswana's graduation to upper middle class income status resulted in a decline in donor support. The country's continued dependence on diamond mining was its greatest source of vulnerability. Economic diversification was therefore of paramount importance if Botswana was to sustain its development. Botswana's priority partnership interest was therefore expanding outward trade, increasing foreign direct investment and accessing new technologies.⁷⁴

50. UNICEF referred to Millennium Development Goal 7 on ensuring environmental stability and stated that Botswana had achieved the target in relation to access to water with 91 percent of the population having access to safe drinking water. UNICEF also added that Botswana was on course and likely to meet the target on sanitation.⁷⁵

51. UNICEF stated that while legislation and programmes had been developed and implemented towards ensuring environmental stability, a number of challenges remained including the absence of legislation for coordinated environmental management planning, inadequate institutional capacity, the lack of capacity to develop natural resource accounts resulting in gaps in those accounts; and the absence of recycling of waste water and waste materials in urban areas.⁷⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Botswana from the previous cycle (A/HRC/WG.6/3/BWA/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to ICCPR
ICCPR-OP	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 3. Inquiry procedure. OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

⁴ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/BOT/CO/3), para. 48.

⁵ Letter dated 24 November 2011 from the Human Rights Committee to the Permanent Mission of the Republic of Botswana in Geneva, p. 2, available at <http://www2.ohchr.org/english/bodies/hrc/docs/followup/BotswanaFUNovember2011.pdf>.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons. Botswana did not ratify the 1961 Convention on the Reduction of Statelessness.

⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning

- Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ¹⁰ International Labour Organization Convention No.169, concerning Indigenous and Tribal Peoples in Independent Countries; International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.
- ¹¹ CEDAW/C/BOT/CO/3, paras. 9 and 10.
- ¹² Ibid.
- ¹³ Ibid., paras. 17 and 18.
- ¹⁴ Ibid., paras. 19 and 20.
- ¹⁵ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| HR Committee | Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture; |
| CRC | Committee on the Rights of the Child. |
- ¹⁶ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/BWA/CO/16), para. 12; Letter dated 12 March 2010 from CERD to the Permanent Mission of the Republic of Botswana in Geneva, available at http://www2.ohchr.org/english/bodies/cerd/docs/Botswana_12.03.2010.pdf.
- ¹⁷ Letter dated 12 March 2010 from CERD to the Permanent Mission of the Republic of Botswana in Geneva, available at http://www2.ohchr.org/english/bodies/cerd/docs/Botswana_12.03.2010.pdf. See also CERD, *Official Records of the General Assembly, Sixty-fifth session, Supplement No. 18 (A/65/18)*, paragraph 24.
- ¹⁸ A/65/18, para. 24. See also Letter dated 12 March 2010 from CERD to the Permanent Mission of the Republic of Botswana in Geneva, available at http://www2.ohchr.org/english/bodies/cerd/docs/Botswana_12.03.2010.pdf.
- ¹⁹ Letter dated 12 March 2010 from CERD to the Permanent Mission of the Republic of Botswana in Geneva, p. 1, available at http://www2.ohchr.org/english/bodies/cerd/docs/Botswana_12.03.2010.pdf.
- ²⁰ Letter dated 24 November 2011 from the HR Committee to the Permanent Mission of the Republic of Botswana in Geneva, available at <http://www2.ohchr.org/english/bodies/hrc/docs/followup/BotswanaFUNovember2011.pdf>.
- ²¹ CCPR/C/BWA/CO/1/Add.1.
- ²² Letter dated 24 November 2011 from HR Committee to the Permanent Mission of the Republic of Botswana in Geneva, available at <http://www2.ohchr.org/english/bodies/hrc/docs/followup/BotswanaFUNovember2011.pdf>. See also concluding observations of the Human Rights Committee (CCPR/C/BWA/CO/1), paragraph 26.
- ²³ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ²⁴ OHCHR Report 2011, p. 125.
- ²⁵ CEDAW/C/BOT/CO/3, paras. 23 and 24.
- ²⁶ Ibid., paras. 11 and 12.
- ²⁷ Ibid., para. 22.
- ²⁸ A/HRC/15/37/Add.2, para. 80.
- ²⁹ Ibid., para. 77.
- ³⁰ CCPR/C/BWA/CO/1, CO/1, para. 13.
- ³¹ Letter dated 24 November 2011 from HR Committee to the Permanent Mission of the Republic of Botswana in Geneva, p. 2, available at <http://www2.ohchr.org/english/bodies/hrc/docs/followup/BotswanaFUNovember2011.pdf>.
- ³² UNICEF Botswana, Annual Report 2011, p. 13.
- ³³ CEDAW/C/BOT/CO/3, paras. 25 and 26.

- ³⁴ Ibid.
- ³⁵ Ibid., paras. 31 and 32.
- ³⁶ Ibid.
- ³⁷ Ibid., paras. 27 and 28.
- ³⁸ ILO Committee of Experts on the Application of Conventions and Recommendations. Observation concerning the ILO Worst Forms of Child Labour, 1999 (No.182), adopted 2011, published 101st ILC session (2012), seventh paragraph, available from http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID:2700674.
- ³⁹ CEDAW/C/BOT/CO/3, para. 14.
- ⁴⁰ Ibid., paras. 15 and 16.
- ⁴¹ Ibid., paras. 17 and 18.
- ⁴² Ibid., para. 13.
- ⁴³ Ibid., paras. 15 and 16.
- ⁴⁴ Ibid., paras. 17 and 18.
- ⁴⁵ Ibid. para. 41.
- ⁴⁶ Ibid., paras. 41 and 42.
- ⁴⁷ Ibid. paras. 29 and 30.
- ⁴⁸ A/HRC/15/37/Add.2, para. 90.
- ⁴⁹ CEDAW/C/BOT/CO/3, paras. 33 and 34.
- ⁵⁰ ILO Committee of Experts on the Application of Conventions and Recommendations. Observation concerning the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No.87), adopted 2011, published 101st ILC session (2012), second paragraph, available from http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2698711.
- ⁵¹ ILO Committee of Experts on the Application of Conventions and Recommendations. Observation concerning the ILO Worst Forms of Child Labour, 1999 (No.182), adopted 2011, published 101st ILC session (2012), fifth paragraph, available from http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700674.
- ⁵² UNICEF Botswana, Annual Report 2011, pp. 6, 7 and 10.
- ⁵³ Ibid., p. 7.
- ⁵⁴ CEDAW/C/BOT/CO/3, para. 39.
- ⁵⁵ Ibid., paras. 39 and 40.
- ⁵⁶ UNICEF Botswana, Annual Report 2011, p. 8.
- ⁵⁷ Ibid., p. 14.
- ⁵⁸ Ibid.
- ⁵⁹ Ibid.
- ⁶⁰ Ibid., p. 12.
- ⁶¹ CEDAW/C/BOT/CO/3, paras. 35 and 36.
- ⁶² Ibid. paras. 37 and 38.
- ⁶³ UNICEF Botswana, Annual Report 2011, p. 12.
- ⁶⁴ CEDAW/C/BOT/CO/3, paras. 31 and 32.
- ⁶⁵ A/HRC/15/37/Add.2, para. 83.
- ⁶⁶ Ibid., para. 84.
- ⁶⁷ Ibid., p. 1.
- ⁶⁸ Ibid., para. 77.
- ⁶⁹ Ibid., para. 79.
- ⁷⁰ Ibid., para. 88.
- ⁷¹ Ibid., para. 92.
- ⁷² Ibid., para. 94.
- ⁷³ Ibid., para. 97.
- ⁷⁴ UNICEF Botswana, Annual Report 2011, p. 17.
- ⁷⁵ Ibid., p. 16.
- ⁷⁶ Ibid., pp. 16-17.