



# **BOTSWANA'S FOLLOW-UP REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE HUMAN RIGHTS COMMITTEE ON THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

## **1.0 INTRODUCTION**

**1.1** Following submission of the Second Periodic Report on the implementation of the International Covenant on Civil and Political Rights (The Covenant) on 26<sup>th</sup> May 2020, Botswana was reviewed by the United Nations Human Rights Committee from 20<sup>th</sup> - 21<sup>st</sup> October 2021. Subsequent to the review, concluding observations were issued. Concluding observation No. 42 required Botswana to submit a follow up report by 5<sup>th</sup> November 2024 on the implementation of recommendations pertaining to liberty and security of persons (Concluding Observation No. 22); trafficking in persons and forced labour (Concluding Observation No. 26); treatment of refugees and asylum seekers and prevention of statelessness (Concluding Observation No. 30). The Government of Botswana therefore, submits this report in compliance with the stated concluding observation.

**1.2** In line with the Guidelines on Reporting to the United Nations Human Rights Treaty Bodies, the Ministry of Justice, which is responsible for coordinating the implementation of this Covenant facilitated the drafting of the report in collaboration with implementing Ministries and Departments.

**1.3** The draft report was shared with Civil Society Organisations (CSOs) and with the support of the Ministry, CSOs met and considered the draft report on 24<sup>th</sup> October 2024. An inter-ministerial drafting team was then convened on 25<sup>th</sup> October 2025 to validate the draft report. The draft report was ultimately cleared for submission to the Human Rights Committee by the Inter-Ministerial Committee on Treaties, Conventions and Protocols on 5<sup>th</sup> November 2025.

## **2.0 RESPONSE TO CONCLUDING OBSERVATION 22 (a):**

**Continue its efforts to ensure that conditions in places of detention are fully in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)**

**2.1** The Government of Botswana continues put measures in place to ensure that conditions in places of detention are in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules). A major milestone is the on-going amendment of the Prisons Act whose objective is to strengthen the protection of the human rights of prisoners.

**2.2** Issues which will be considered for amendment include the administration of corporal punishment (Sections 114 and 115) and reduced diet as a form of punishment (Sections 109 and 110). A moratorium was declared on the administration of corporal punishment to prisoners in 2022.

**2.3** To demonstrate commitment to enhancing the delivery of rehabilitation and reintegration programmes in accordance to the international standards on the treatment of prisoners, Government launched the Offender Reintegration Strategy in October 2021. The implementation of the strategy involves partnership with communities, on the reintegration of prisoners. It creates seamless coherence between offender in-care and after-care programmes.

**2.4** The strategy is anchored on the Case Management System which manages prisoners from their initial entry into prison to the time of their release. The system enables the performance needs and risk assessment, sentence planning and implementation of needs-based programmes. Programmes linked to the strategy include psychosocial support, character moulding, spiritual empowerment, and restorative justice or reconciliation.

**2.5** Community participation is enabled through the Community Based Reintegration Committees (CBRC) which are chaired by the village leadership (*Dikgosi*). Since the inception of the Offender Reintegration Strategy in 2021, the Community Based Reintegration Committees have received a total of one thousand, one hundred and seventeen (1117) offenders who have completed their prison terms. Only twenty-eight (28) re-offended and have been re-admitted to prison. This leads to a conclusion that the programme is effective.

**2.6** To reduce overcrowding in prisons and to reinforce prisoners' positive behaviour, Government implements various initiatives such as remission of one third of the prison term, extra mural and Presidential pardon. On 21<sup>st</sup> October 2024, the President of the Republic of Botswana, approved the release of one hundred and two (102) inmates from prison and fifty-six (56) offenders from extra mural labour. Extra mural labour is a non-custodial sentence where a prisoner serves his/her sentence by doing public work outside prison under the supervision of a public authority.

### **3.0 RESPONSE TO CONCLUDING OBSERVATION 22 (b):**

**Increase the use of non-custodial alternative measures, including bail, and ensure that pretrial detention is an exceptional, reasonable and necessary measure based on individual circumstances, that it is as short as possible, in line with the provisions of the Covenant, and that it is reviewed on a regular basis.**

**3.1** This Covenant provides that it shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial. As a committed signatory of the Covenant, the Government of Botswana continuously puts measures in place to ensure that it conforms to this article of the Covenant.

**3.2** At the invitation of Government, the Working Group on Arbitrary Detention (WGAD) visited Botswana from 4<sup>th</sup> to 15<sup>th</sup> July 2022. Noteworthy is that this was the first official visit of the WGAD to Botswana and the first visit to Southern Africa in over a decade.

**3.3** As indicated in their report, the WGAD enjoyed full and unimpeded access and visited eighteen (18) places of deprivation of liberty across the country. These included police custodial facilities, prisons, an intelligence and security facility, a military facility, an

immigration detention centre, a mental health hospital, rehabilitation facilities for children and the Dukwi refugee camp. The WGAD was able to confidentially interview over one hundred (100) persons deprived of their liberty as well as representatives of CSOs.

**3.4** With regard to pretrial detention, the WGAD commended Botswana for putting to practice, the alternatives to pretrial detention, such as bail, surety and recognisances, which are provided for in the Criminal Procedure and Evidence Act. The wide application of bail in practice was also commended and the WGAD strongly encouraged Government to continue the further application of these measures.

**3.5** Government will continue to improve conditions on liberty of persons awaiting trial as evidenced by the enactment of the Bail Act No. 4, 2024 which provides for bail proceedings; and for matters incidental or connected therewith

#### **4.0 RESPONSE TO CONCLUDING OBSERVATION 22 (c):**

**Review the legal and administrative processes for detainees who are declared unfit to plead at trial to ensure that they are not subjected to indefinite detention.**

**4.1** An administrative measure which has been put in place by Government to prevent indefinite detention of persons who are confined in terms of Section 158 of the Criminal Procedure and Evidence Act is to ensure that they are reviewed by treating Psychiatrists every three (3) months. Once they are declared fit to stand for trial, the report is submitted to the trial court for the resumption of trial under Section 161.

#### **5.0 RESPONSE TO CONCLUDING OBSERVATION 26 (a):**

**Intensify its efforts to effectively prevent and combat trafficking in persons, including through the enforcement and full implementation of the Anti-Human Trafficking Act (2014)**

**5.1** Since the last review, Botswana has made significant legislative progress in a bid to give effect to the United Nations Convention against Trans-National Organized Crime (UNTOC) and its Protocols. The Anti- Human Trafficking Act, 2014 was recently amended and commenced in February 2024.

**5.2** To ensure effective implementation of the Anti-Human Trafficking Act (2014), Government developed the Anti-Human Trafficking National Action Plan (NAP), (2023-2028) which is a strategic framework designed to guide Botswana's efforts in combating human trafficking. The NAP outlines key objectives, strategies, and actions for addressing human trafficking in a comprehensive and coordinated manner.

**5.3** In order to effectively coordinate the NAP, Government established an Anti-Human Trafficking Technical Committee to operationalise the functions of the Prohibition Committee. As indicated in Section 5 (a), (b), (e) and (i) of the Anti-Human Trafficking Act, 2014, the functions of this Committee are to determine policies for giving effect to the objects and purposes of the UN Protocol to prevent, suppress and punish trafficking in persons; lay down strategies and measures for the prevention and suppression of trafficking in persons; monitor the implementation of internal obligations, including cooperation and coordination with foreign bodies in relation to the prevention and suppression of trafficking in persons; and perform any other acts as directed by the Minister.

**5.4** To enhance Botswana's capacity to effectively address human trafficking and implement the Anti -Human trafficking Act (2014), Government partnered with International Organisation for Migration (IOM) to provide both technical and financial Support through the Countering Trafficking in Persons Project. It is through this collaboration that the Anti-Human Trafficking National Operation Frameworks being the Anti-Human Trafficking Standard Operation Procedures (SOPs), Communication Strategy and Trainers guide were developed. These key documents further strengthen capacity building in anti-human trafficking and improve the capability to identify, prevent and respond to human trafficking.

**5.5** Further, awareness raising campaigns for members of the public is done across the country. Capacity building workshops for law enforcement officers as well as training for targeted groups such as village leadership, political leadership and key populations is conducted throughout Botswana.

## **6.0 RESPONSE TO CONCLUDING OBSERVATION 26 (b):**

**Ensure that all cases of trafficking in person are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate penalties and that victims are provided with full reparation**

**6.1** Legislative and institutional frameworks which were introduced since the last reporting period, have enhanced the investigation and prosecution of human trafficking cases in Botswana. The amendment of the Anti-Human Trafficking Act, 2014 addresses key legislative deficiencies in the Act such as removal of fines in lieu of imprisonment and clarification of ambiguity on the definition of the offence of trafficking. The Act introduces new sections on severe forms of trafficking, corporate criminal liability and criminalises acts that solicit, incite or persuade another person to commit human trafficking.

**6.2** In addition, the burden of proving any fact which would be a defence to a charge of contravening the Act is placed on the charged person. Penalties in the Act have been amended to be commensurate with penalties for other forms of serious crimes such as rape and sex trafficking particularly where children and people with disabilities are involved.

**6.3** Further, the amendment addresses structural deficiencies by enhancing the membership of the Anti-Human Trafficking (Prohibition) Committee to include the academia, business sector, health personnel and professionals dealing with issues affecting children.

**6.4** The establishment of Anti-Human Trafficking Units at Botswana Police Service and at the Directorate of Public Prosecutions facilitate and fast track investigation and prosecution of human trafficking cases. Government provides support to victims of trafficking who assist in the investigation and prosecution of trafficking cases. Case workers and law enforcement officers always accompany victims to and from courts and keep their identities confidential.

**6.5** Victims who are called in at Courts are assisted with psychosocial support in form of preparations mentally to go to court, familiarisation with court procedures and processes, provision of transport and meals. During court proceedings, the victims are not supposed to be exposed to their perpetrators.

**6.6** Victims can provide testimony through video link where giving evidence in court proves challenging. Whenever an accused is released on bail, conditions are always imposed to ensure the protection of victims. Government also uses the International Criminal Police

Organisation (INTERPOL) to involve its law enforcement counterparts in on-going human-trafficking investigations.

**6.7** Additionally, Botswana cooperates with her counterparts to enhance its investigations and prosecution techniques. Bi-National Commissions and Joint Permanent Commissions are held with Republic of South Africa, Republic of Namibia, Republic of Zimbabwe and the Republic of Mozambique and the Republic of Zambia. The Commissions discuss cooperation matters on security, migration, policing and trafficking in persons. The impact of these forums can be evidenced in the invoking of the mutual legal assistance treaties signed with the Republic of South Africa and the Republic of Zimbabwe on two cases and one case respectively in 2023.

**6.8** With regard to reparations, the Government of Botswana amended the Penal Code (Amendment) Act in 2021 to make provisions for compensation of victims of sexual offences including sex trafficking.

#### **7.0 RESPONSE TO CONCLUDING OBSERVATION 26 (c):**

**Redouble its efforts to identify victims of trafficking and ensure that they are provided with protection and assistance, including access to shelters and to adequate legal, medical and psychological services**

**7.1** Part IV of the Anti-Human Trafficking Act, 2014 provides for effective identification of, and adequate provision of services to victims of human trafficking. In addition to the provisions of the Act, the Anti-Human Trafficking National Action Plan (2023-2028) provides a framework to guide, facilitate and enhance the national anti – human trafficking agenda with emphasis on the protection of victims of trafficking.

**7.2** There are two (2) shelters in the City of Gaborone designated for victims of trafficking. Government subventions Masiela Trust Fund to provide care for adult victims and accompanied minor victims. Unaccompanied minors are placed at licensed childcare centers.

**7.3** Currently, the Ministry of Local Government and Rural Development through the Department of Social Development, as mandated to care for unaccompanied minor victims, has signed a Memorandum of Understanding with Save our Souls Childrens’ Villages Botswana and Childline Trust Botswana to fulfil this mandate. In addition, victims are also trained and equipped with life skills to enhance their survival upon their repatriation to their respective countries of origin.

**7.4** At these centres, victims of trafficking are provided with psychosocial support services, shelter, food, and clothing, facilitation to access education and health, recreational activities, preparation for court appearances, facilitation with communication with their families, tracing and repatriation to their country of origin.

#### **8.0 RESPONSE TO CONCLUDING OBSERVATION 26 (d):**

**Provide adequate training, including on standards and procedure for the identification and referral of victims of trafficking to all relevant state officials, including judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities and to lawyers.**

**8.1** Government continues its efforts to train relevant officers on anti-human trafficking. Trafficking in Persons was introduced as one of the modules for the induction training for prosecutors. In the financial year 2023/24, training on Anti Human Trafficking was conducted in human trafficking hotspot areas in the North East, North West and South West of Botswana. This was done in collaboration with technical support from UNODC, the International Organisation for Migration (IOM) and SADC.

**8.2** Three hundred and fifty (350) officers were trained on Human Trafficking Investigation and Trafficking in Persons legislation. Officers trained include District and village leaders, Honorable Councillors, *Dikgosi*, Students, Sex workers, Business Communities, Immigration officers, Police Officers and law enforcement officers.

**8.3** To further enforce the prevention and fight of human trafficking through structured capacity building of stakeholders, on 23<sup>rd</sup> October 2024, the Government of Botswana launched the following Anti Human Trafficking tools with the support of IOM: Standard Operating Procedures (SOPs), the Referral Mechanism the Communication strategy and Training of Trainers manual.

**8.4** The Anti- Human Trafficking SOPs are a guide that provide systematic approach to stakeholders in identifying, protecting and assisting victims of human trafficking, as well as in investigating and prosecuting efforts. The communication strategy guides efforts in combating trafficking in persons by ensuring that messages are communicated clearly and effectively.

**8.5** The above-mentioned frameworks will enhance the efforts which are continuously expended by Government in providing adequate training for the identification and referral of victims of trafficking to all relevant state officials, including judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities and to lawyers.

## **9.0 RESPONSE TO CONCLUDING OBSERVATION 26 (e):**

### **Increase efforts to eliminate forced labour and all forms of child labour, particularly in the farming sector, including by increasing labour inspections.**

**9.1** Government is at an advanced stage of reviewing the employment and labour legislation with a view to strengthening provisions for punitive measures against employers who underpay or abuse migrant workers, those who breach labour standards, and in effect facilitate human trafficking. The tripartite partners (Government, Business and Trade Unions) have approved the Employment and Labour Relations Bill, 2024 which combines the Trade Dispute Act, Employment Act and Trade Union and Employers Organisation Act. The tripartite partners have also agreed on the Industrial Court Bill, 2024 and the Public Service Bill, 2024.

**9.2** In addition, Government has developed a Draft National Migration Policy, a draft National Migrant Labour Strategy and a Draft Policy on Ethical Recruitment. The main aim of these frameworks is to provide a roadmap for coordination and management of migration and labour issues. These initiatives are done in collaboration with Business Botswana, Labour Unions and with the support of development partners which include IOM and the International Labour Organisation (ILO).

**9.3** To promote safe and responsible labour recruitment, Botswana has a Bilateral Labour Migration Agreement with the Republic of South Africa and further annually holds Bi-National

Commissions and Joint Permanent Commissions with Namibia, Zimbabwe, Zambia, Kenya and Mozambique. Botswana also has a Memorandum of Understanding on labour recruitment with Seychelles, Mauritius, Cuba and India. Labour issues discussed at these forums include responsible recruitment to prohibit and prevent trafficking of persons.

**9.4** To strengthen national efforts on the elimination on the worst forms of child labour, Government has established the National Technical Committee on Child Labour. This is a multisectoral committee comprising of Government Ministries, Social Partners and Non-Governmental Organisations. The mandate of the Committee is to develop a National Action Plan on child labour activities in Botswana.

**9.5** For this reporting period Government reviewed labour inspection strategies and continued to conduct effective labour inspections and enforce penalties against employers who exploit migrants. Government continues to conduct joint labour inspections with other state agencies like Botswana Police Service, Local Authorities, Ministry of Justice and Correctional Services (Anti-Human Trafficking Unit) and Department of Immigration Services. These operations are aimed at enforcing laws and sharing information on combating forced labour, human trafficking and eliminating worst forms of child labour,

**9.6** The Ministry of Labour and Home Affairs established an account solely for the purpose of funding child labour activities in Botswana.

## **10. RESPONSE TO CONCLUDING OBSERVATION 30 (a):**

**Ensure that the Refugees (Recognition and Control) Bill is fully compliant with the Covenant and relevant international standards, including by continuing to cooperate and engage with the Office of the United Nations High Commissioner for Refugees during all stages of the drafting process;**

**10.1** Parliament passed the Refugees Recognition and Management Bill, 2024 which repeals the Refugees (Recognition and Control) Act, 1968. The new law is aimed at improving asylum management and is in compliance with applicable principles of international human rights, refugee and humanitarian standards. It domesticates the provisions of the United Nations Convention Relating to the Status of Refugees (1951), the 1967 Protocol and the 1969 Organisation of the African Union Convention Governing the Specific Aspects of Refugee Problems in Africa into the domestic laws of Botswana.

**10.2** The United Nations High Commissioner for Refugees (UNHCR) was involved in the drafting of the Refugees Recognition and Management Bill, 2024. UNHCR participated as a stakeholder in the formulation of the instructions to the Attorney General's Chambers which initiated the amendment of the Refugees (Recognition and Control) Act. The Bill was shared with the UNHCR on 19<sup>th</sup> October 2021 and comments were received on 16<sup>th</sup> March 2022. The publication of the Bill in the Government Gazette for thirty (30) days, gave all stakeholders, including the UNHCR an opportunity to consider the amendments and further proffer comments.

**10.3** The drafting of the Refugee (Recognition and Management) Regulations have been completed. They await presidential assent and commencement of the Refugees Recognition and Management Bill, 2024 in order to be operationalised.

## **11.0 RESPONSE TO CONCLUDING OBSERVATION 30 (b):**

**Establish fair and effective asylum procedures that are in conformity with international standards, that include an independent appeal mechanism with suspensive effect against negative decision on asylum and that provide for adequate safeguards against arbitrary detention, deportation and refoulement;**

**11.1** Asylum seekers in Botswana have access to effective asylum procedures, with all refugee status requests dealt with objectively and impartially by the Refugee Advisory Committee. While the process of status determination is in progress, their removal from the country is cannot be effected.

**11.2** The Refugees Recognition and Management Bill, 2024 has an Appeal and Review Process. In case of rejection, an asylum seeker who believes that he/she has a well-founded fear of persecution but whose claim has been rejected, may decide to appeal against the rejection decision of the Commissioner to the Refugee Appeal Board. During the appeals process an asylum seeker cannot be arbitrarily detained, deported and refouled.

**11.3** The envisaged Act allows for legal representation during refugee status determination.

## **12.0 RESPONSE TO CONCLUDING OBSERVATION 30 (c):**

**Ensure that asylum seekers are detained only as a measure of last resort and establish alternatives to the detention of children and families with children;**

**12.1** Since 2021, Government has improved reception conditions for asylum seekers. All asylum seekers are housed at Dukwi Refugee Settlement where they have access to, and benefit from the same services as recognised refugees such as health, security, education, social services, food and shelter.

**12.2** In order to protect unaccompanied and separated children, Government has abolished housing all asylum seekers at the Francistown Centre for Illegal Immigrants. The children are referred for placement at places of safety, where they access basic needs such as shelter, education, health services and psychosocial support. Unaccompanied asylum-seeking children are placed with foster parents/families within their nationalities at the Dukwi Refugee Settlement, which allows them to benefit from among others, common and or familiar language, culture and food. Asylum-seeking children also benefit from the services of a resident social worker, police and health personnel in the Settlement.

**12.3** With regard to the retention of families with children, Government has constructed houses for the purpose of accommodating families with children at the Francistown Centre for Illegal Immigrants.

## **13.0 RESPONSE TO CONCLUDING OBSERVATION 30 (d):**

**Issue and renew identification documents for asylum seekers in a timely manner in order to prevent their arbitrary detention and deportation;**

**13.1** Asylum seekers are issued with proof of registration and identity cards at the Refugee Reception Office as soon as they arrive in the country and apply for asylum. These documents facilitate them to access all services and assistance they need. The validity of the documents is

extended while the process of status determination is in progress. The holder of the documents is protected against deportation to his/her country of origin.

#### **14.0 RESPONSE TO CONCLUDING OBSERVATION 30 (e):**

**Take the necessary legislative measures to ensure that legislation on citizenship provides adequate safeguards for the prevention of statelessness, in compliance with international standards;**

**14.1** Botswana joined the international community to end statelessness by 2024 through the registration of four (4) pledges at the Global Refugee Forum in May 2021. Progress made since registration of pledges is outlined below:

##### **Accede to the 1961 UN Convention on the Reduction of Statelessness (Action 9)**

**14.2** A due diligence exercise to assess Botswana's readiness to accede to the 1961 UN Convention on the Reduction of Statelessness has been concluded. This exercise involved a survey of the existing legal and institutional framework as well as an assessment of whether the legal regime established by the Convention would be beneficial to Botswana. The due diligence report is undergoing consideration by the relevant structures within Government.

##### **Issue secure identification documents to all citizens and non-citizens in Botswana (Action 2, 7 & 8);**

**14.3** According to the National Vital Statistics Report, Birth registration rate in Botswana stood at 99% in 2020, rising from 73.1 in 2012 and 94.7% in 2017 ([www.statistics.org.bw](http://www.statistics.org.bw).)

**14.4** Efforts which Government continues to undertake to enhance the issuance of secure identification documents to all citizens and non-citizens in Botswana include the establishment of Satellite offices for onsite birth registrations. These have been increased from seventeen (17) to twenty (20) since the last reporting period. Additionally, the National Registration Amendment Bill, 2024 provides for digitisation of the national registration.

##### **Review relevant statutes to enable a conducive platform to address statelessness (Action 4);**

**14.5** Botswana has over the years granted citizenship to people who were stateless or at risk of being stateless in accordance with the provisions of section 21 of the Citizenship Act (Citizenship in case of doubt) and section 10 (b) (President's power to register citizens with special circumstances). Between 2007 and 2022, one thousand, one hundred and ninety six (1196) people were granted citizenship under Section 10 (b) and one thousand two hundred and thirty two (1232) people were granted citizenship under Section 21.

**14.6** In an effort to continue to put in place administrative measures that address statelessness, on 16<sup>th</sup> April 2021, Government issued a communication directing Ministries and Departments not to subject persons born in Botswana before the 30 December 1982, (who acquired Passport and National Identity Cards) to any Citizenship formalities with immediate effect. This measure removed an impediment which rendered some people stateless.

**14.7** Further, On 29th August 2024, Parliament approved the review of the following three (3) Bills which seek among other things, to address statelessness:

- i) Citizenship (Amendment) Bill, 2024. This law amends the Citizenship Act to, among others, confer foundlings with citizenship by virtue of birth and also allow for dual citizenship.
- ii) Births and Deaths Registration Bill, 2024 to re-enact the Births and Deaths Registration Act with amendments that allows for, among others, registration of births for Batswana citizens in a foreign country, where that country cannot provide a birth certificate.
- iii) National Registration (Amendment) Bill 2024. It is a consequence of the amendment of the Citizenship Act, and it seeks to provide for recognition of dual citizens and allow for issuance of national registration to persons with dual citizenship.

**Undertake qualitative study and research on the situation of Statelessness in Botswana (Action 10).**

**14.8** The process to undertake a qualitative study has commenced on 5<sup>th</sup> March 2024. A series of inception interviews were conducted between May and July 2024. The draft report is expected to be validated in November 2025.

**15.0 RESPONSE TO CONCLUDING OBSERVATION 30 (f):**

**Consider ratifying the 1961 Convention on the Reduction of Statelessness and withdrawing the reservation to the 1951 Convention relating to the Status of Refugees**

**15.1** The Government of Botswana has commenced the process of ratifying the 1961 Convention on the reduction of statelessness. In this regard, a due diligence exercise to assess Botswana's readiness to accede has been concluded. The exercise involved a survey of the existing legal and institutional frameworks, to determine measures which need to be undertaken to implement the convention. The due diligence report is undergoing consideration by the relevant structures in Government.