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**Human Rights Committee****Report on follow-up to the concluding observations of the Human Rights Committee\*****Addendum****Evaluation of the information on follow-up to the concluding observations on Botswana***Concluding observations (133rd session):* CCPR/C/BWA/CO/2, 1 November 2021*Follow-up paragraphs:* 22, 26 and 30*Information received from State Party:* CCPR/C/BWA/FCO/2, 20 March 2025*Information received from stakeholders:* Advocates for Human Rights and DITSHWANELO,<sup>1</sup> 1 December 2025*Committee's evaluation:* 22 [B], 26 [B] and 30 [B]**Paragraph 22: Liberty and security of persons**

**In light of and bearing in mind the Committee's previous recommendation, the State Party should:**

(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 Nelson Mandela Rules);**

(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;**

(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.**

**Summary of the information received from the State Party**

(a) Measures are in place to align detention conditions with the Nelson Mandela Rules. The Prisons Act is being amended to strengthen prisoners' rights, including

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\* Adopted by the Committee at its 145th session (2–19 March 2026).

<sup>1</sup> Submission available at [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGS%2FBWA%2F67748&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FNGS%2FBWA%2F67748&Lang=en).

eliminating corporal punishment and reduced diets as penalties. A moratorium on corporal punishment has been in effect since 2022. The Offender Reintegration Strategy, introduced in October 2021, promotes community partnerships for reintegration and is anchored in the case management system, which manages prisoners from entry to release through risk assessment, sentence planning and needs-based programmes such as psychosocial support, character development, spiritual empowerment and restorative justice. Since 2021, community-based reintegration committees, led by village leaders, have reintegrated 1,117 ex-prisoners, with only 28 reoffending, indicating the Strategy's effectiveness. To reduce overcrowding and encourage positive behaviour, initiatives include remission of one third of prison terms, extramural labour and presidential pardons. On 21 October 2024, the President approved the release of 102 inmates and excused 56 offenders from extramural labour.

(b) The Working Group on Arbitrary Detention visited Botswana from 4 to 15 July 2022, inspecting 19 detention facilities, including prisons and an immigration detention centre, and interviewing over 100 detainees and civil society representatives.<sup>2</sup> It commended Botswana for its use of bail and other alternatives to pretrial detention. To further improve conditions for those awaiting trial, the Bail Act 2024 was enacted.

(c) An administrative measure was implemented requiring that individuals held in indefinite detention under section 158 of the Criminal Procedure and Evidence Act, due to mental health conditions preventing them from standing trial, be reviewed by a psychiatrist every three months.

#### **Summary of the information received from stakeholders**

(a) Public information is lacking on whether corporal punishment has been abolished in prisons or whether the Prisons Act has been amended, despite prior announcements that reforms were forthcoming. The introduction in 2021 of the Offender Reintegration Strategy represented progress toward compliance with rule 4 of the Nelson Mandela Rules, featuring a case management system, needs-based programmes and community reintegration committees chaired by village leaders. However, detention conditions remain poor. After its visit in 2022, the Working Group on Arbitrary Detention reported on the inadequate bedding, water, sanitation, food and access to medical care, especially for foreign nationals. In addition, prisoners were locked up between around 4.30 p.m. until the next morning, without any purposeful activity, many had limited contact with their families and renovation work had been outstanding for years, violating many of the Nelson Mandela Rules. Despite the release of 102 inmates in October 2024 to ease overcrowding, in May 2025 prisons continued to exceed their holding capacity.

(b) Section 104 of the Criminal Procedure and Evidence Act provides for bail for all offences except treason and murder, although magistrates may grant bail for minors charged with murder. While noting that, in practice, murder suspects could apply for bail, the Working Group on Arbitrary Detention raised concern at the mandatory nature of pretrial detention for murder and treason, stressing the need for individualized decisions. There is no public information on whether Parliament has amended section 104 of the Act to repeal mandatory pretrial detention for persons charged with murder and treason. The Working Group also reported that village leaders (*Dikgosi*), who presided over customary courts, often made decisions regarding pretrial detention, contrary to article 9 (3) and (4) of the Covenant.

The Working Group further noted that bail was applied inconsistently for foreign nationals. Botswana has not addressed the Working Group's concern at the lengthy remand periods, averaging 2 and a half years, but sometimes exceeding six.

(c) While the State Party reports that it is implementing measures to review every three months the detention of individuals declared unfit for trial, there is no publicly available information on any guidelines used to assess fitness to stand trial. Botswana has not provided any data on the average length of detention of individuals declared unfit to stand trial. The Working Group on Arbitrary Detention expressed concern that it averaged 14.7 years, but

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<sup>2</sup> See [A/HRC/54/51/Add.1](#).

had exceeded 20 years, which in some cases was longer than the maximum sentence for the relevant offence.

### **Committee's evaluation**

[B]

The Committee welcomes the measures taken by the State Party to bring detention conditions into compliance with the Nelson Mandela Rules. It notes with appreciation the reported effect of the Offender Reintegration Strategy and the efforts to reduce overcrowding, including through the use of bail and other alternatives to pretrial detention. However, the Committee regrets that there is insufficient publicly available information on whether the Prisons Act has been amended and whether corporal punishment has been abolished in prisons. It remains concerned that, despite the measures taken, detention conditions continue to be poor and that prison populations still exceed prison holding capacity. The Committee is further concerned that lengthy pretrial detention persists, particularly as it remains mandatory for murder and treason, and that foreign nationals and persons declared unfit to stand trial continue to experience prolonged remand periods, with some reportedly held for more than 20 years. The Committee reiterates its previous recommendations and urges the State Party to ensure that all information regarding legislative amendments affecting the rights of persons deprived of liberty is made publicly accessible.

### **Paragraph 26: Trafficking in persons and forced labour**

**In light of and bearing in mind the Committee's previous recommendation, the State Party should:**

- (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);**
- (b) Ensure that all cases of trafficking in persons are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate penalties and that victims are provided with full reparation;**
- (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;**
- (d) Provide adequate training, including on standards and procedures 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;**
- (e) Increase its efforts to eliminate forced labour and all forms of child labour, particularly in the farming sector, including by increasing labour inspections.**

### **Summary of the information received from the State Party**

(a) To ensure implementation of the amended Anti-Human Trafficking Act, the Anti-Human Trafficking National Action Plan was adopted, outlining key objectives, strategies and actions. A technical committee was created to coordinate policy, strategy and oversight of the legislation to combat trafficking in persons. Moreover, national operation frameworks were created in collaboration with the International Organization for Migration, comprising the anti-human trafficking standard operating procedures, communication strategy and training guide. Awareness-raising campaigns for members of the public are organized across the country, as are capacity-building workshops for law enforcement officers and training for specific groups such as village leaders.

(b) Amendments to the Anti-Human Trafficking Act, which came into force in 2024, include: (a) the removal of fines in lieu of imprisonment; (b) clarification of the definition of the offence of trafficking; (c) new sections on severe forms of trafficking; (d) the inclusion of corporate criminal liability; (e) the criminalization of the acts of soliciting,

inciting or persuading people to participate in trafficking; (f) the shifting of the burden of proof to the accused; (g) the updating of penalties to match serious crimes such as rape and sex trafficking; and (h) the expansion of the Human Trafficking (Prohibition) Committee to include different stakeholders. Anti-human trafficking units were established within the police service and the Directorate of Public Prosecutions to fast-track investigations. Several mutual legal assistance treaties were signed with South Africa and Zimbabwe to enhance investigation and prosecution and cooperation was ongoing with other African States. The Penal Code was also amended to provide for compensation for victims of sexual offences, including sex trafficking.

(c) Victims in court proceedings are accompanied by case workers and law enforcement officials, their identities remain confidential and they receive psychosocial support for mental preparation, are shielded from the perpetrators and may testify through a video link. The Anti-Human Trafficking Act provides for effective victim identification and service provision, while the National Action Plan (2023–2028) prioritizes protection. Gaborone has two shelters for adult and accompanied minors; unaccompanied minors are placed in licensed childcare centres. Victims receive psychosocial support, shelter, food, clothing, education, healthcare, recreation, court preparation, family communication and repatriation assistance.

(d) In 2023 and 2024, anti-human trafficking training was conducted in trafficking hotspots, reaching 350 officers, including police, village leaders and sex workers. Key tools, including the standard operating procedures, the referral mechanism, the communication strategy and the training of trainers manual, support efforts to strengthen identification and referral of trafficking victims by relevant State officials.

(e) Employment and labour legislation has been reviewed to strengthen punitive measures against employers who underpay or abuse migrant workers, breach labour standards and facilitate trafficking in persons. In 2024, the Employment and Labour Relations Bill, the Industrial Court Bill and the Public Service Bill were approved by the tripartite partners. Together with the International Labour Organization, the National Migrant Labour Strategy and a draft policy on ethical recruitment were developed to coordinate migration and labour issues. The National Technical Committee on Child Labour was created to eliminate the worst forms of child labour and to develop a national action plan. Collaboration with other States promotes safe and responsible labour recruitment. Labour inspections are ongoing, and a fund was created to combat child labour activities.

### **Summary of the information received from stakeholders**

(a) Botswana has taken steps to implement the Anti-Human Trafficking Act. In April 2024, the authorities launched awareness-raising sessions across the country to educate people who are particularly vulnerable to trafficking in persons, including migrants, women and children. By October 2024, 14 such sessions had been held. Botswana has also implemented regulations under the Act for judges and prosecutors.

(b) Botswana still lags behind in investigating trafficking in persons and holding perpetrators accountable. Despite advances and arrests, prosecutions and convictions remain relatively rare: reports indicate that the authorities have not obtained convictions for trafficking in persons and have identified few victims and that there have been delays of years in prosecuting trafficking cases, hindered in part by limited capacity. In one recent case, the authorities secured guilty pleas from five men caught in Botswana trafficking 10 Ethiopian nationals who had been attempting to emigrate illegally to South Africa and a court sentenced them to two-year jail terms. The Ethiopian nationals were remanded in custody.

(c) The Employment and Labour Relations Bill passed into law in July 2025. The law prohibits the employment of children under the age of 15, subject to criminal penalties for violations, but allows children aged 15 and older to perform light work appropriate for a child of that age, so long as the work does not risk the child's well-being, education, physical or mental health, or spiritual, moral or social development. The authorities do not collect or publish data on child labour.

**Committee's evaluation**

[B]

The Committee welcomes the State Party's efforts to prevent and combat trafficking in persons, particularly the measures taken to implement the Anti-Human Trafficking Act. It notes with appreciation the awareness-raising campaigns conducted and the capacity-building workshops for law enforcement officers, as well as training provided for specific groups such as village leaders. However, the Committee remains concerned that, despite those advances, further efforts are required to strengthen investigations and ensure accountability, as convictions reportedly remain rare. Furthermore, while welcoming the adoption of the Employment and Labour Relations Bill in July 2025, the Committee regrets that data on child labour is reportedly not publicly available. It also regrets the lack of information on access to shelters and to adequate legal, medical and psychological services. The Committee reiterates its recommendations and urges the State Party to continue its efforts to prevent and combat trafficking in persons, including forced labour, including by reinforcing measures to thoroughly investigate all cases and ensure that perpetrators are held accountable.

**Paragraph 30: Treatment of refugees and asylum-seekers and prevention of statelessness****The State Party should:**

- (a) **Ensure that the Refugee (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;**
- (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 decisions on asylum and that provide for adequate safeguards against arbitrary detention, deportation and refoulement;**
- (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;**
- (d) **Issue and renew identification documents for asylum-seekers in a timely manner in order to prevent their arbitrary detention and deportation;**
- (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;**
- (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.**

**Summary of the information received from the State Party**

(a) The Refugees (Recognition and Management) Act, 2024, repealed the Refugees (Recognition and Control) Act of 1968. It aims to improve asylum management in compliance with the relevant international human rights, refugee and humanitarian standards. The Office of the United Nations High Commissioner for Refugees was involved in several steps of the drafting process. The Refugees (Recognition and Management) Regulations have been drafted and are awaiting presidential assent and the entry into force of the Refugees (Recognition and Management) Act.

(b) The Refugees (Recognition and Management) Act, 2024, introduces an appeal and review process, allowing asylum-seekers to appeal against a decision rejecting their application before the Refugee Appeals Board. During the process, an asylum-seeker cannot be arbitrarily detained, deported or subjected to refoulement.

(c) The reception conditions for asylum-seekers have improved since 2021. All asylum-seekers are housed at Dukwi Refugee Settlement, where they have access to the same services as refugees, such as food, health, education and social services. Unaccompanied asylum-seeking minors are placed with foster families of their own nationality within the Settlement. The practice of housing all asylum-seekers at the Francistown Centre for Illegal Immigrants has been abolished. Instead, families with children are now accommodated at the Centre in newly built houses.

(d) Asylum-seekers are issued with proof of registration and identity cards at the Refugee Reception Office as soon as they arrive in Botswana and apply for asylum. They are protected against deportation.

(e) and (f) At the Global Refugee Forum in May 2021, Botswana made four pledges to end statelessness. Progress to date is as follows:

(i) The process of ratification of the Convention on the Reduction of Statelessness has begun. Currently, a due diligence review of legal and institutional readiness has been completed and is under examination;

(ii) In order to issue secure identification documents to all citizens and non-citizens, the number of satellite offices for on-site birth registration was increased from 17 to 20. The National Registration (Amendment) Bill, 2024, provides for the digitalization of national registration. The birth registration rate rose from 73.1% in 2012 to 94.7% in 2017 and 99% in 2020;

(iii) Between 2007 and 2022, 1,196 people gained citizenship under section 10 (b) of the Citizenship Act and 1,232 under section 21. On 16 April 2021, the authorities decided not to subject to citizenship formalities persons born in Botswana before 30 December 1982 who had passports and identity documents. Furthermore, in order to pursue its efforts to address statelessness, on 29 August 2024, Parliament approved reviews of: (a) the Citizenship (Amendment) Bill, which provides for citizenship to be granted to foundlings at birth and permits dual citizenship; (b) the Births and Deaths Registration Bill, which provides for the registration of births abroad when foreign birth certificates are unavailable; and (c) the National Registration (Amendment) Bill, which provides for recognition of dual citizens and for their national registration;

(iv) The authorities initiated a qualitative study on statelessness on 5 March 2024; they expect to produce a draft report in November 2025.

### **Summary of the information received from stakeholders**

(a) Botswana has adopted key legislation governing refugee recognition and management, but it has not yet entered into force. The Refugees (Recognition and Management) Act, 2024, will only take effect on a date to be determined by the Minister of Justice and Correctional Services through a published order. As at 1 December 2025, the Act is still indicated as being “on notice”.

(b) Botswana has not fully implemented fair and effective asylum procedures. The Refugees (Recognition and Management) Act, 2024, provides for the establishment of the Botswana Refugees Committee to consider applications for refugee status and a three-member Botswana Refugees Appeals Board to hear appeals. The Act (which has yet to enter into force) prohibits the authorities from removing applicants from the country while their refugee status is being determined.

(c) Botswana still detains asylum-seekers but has taken some steps to improve their detention conditions. Although steps have been taken to improve conditions at the Dukwi Refugee Settlement, and rejected asylum-seekers have been transferred there from the Francistown Centre of Illegal Immigrants, the information available suggests that the authorities continue to detain most refugees and asylum-seekers.

(d) The Refugees (Recognition and Management) Act, 2024 (which has yet to enter into force), provides for the issuance of identification documents to refugees.

(e) In October 2025, the authorities participated in a three-day consultation on the accession of Botswana to the Convention on the Reduction of Statelessness, hosted by the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees. Nevertheless, Botswana has not ratified that Convention or withdrawn its reservation to the Convention relating to the Status of Refugees.

#### **Committee's evaluation**

[B]

The Committee welcomes the adoption of the Refugees (Recognition and Management) Act, 2024, and the reforms that it introduces to establish fair and effective asylum procedures and to ensure the issuance of identification documents to refugees. However, it notes with concern that the Act has not yet entered into force. The Committee reiterates its recommendation that the State Party take all measures necessary to ensure the prompt entry into force of the Act and to guarantee its full and effective implementation in practice.

The Committee notes with satisfaction the State Party's efforts to improve detention conditions at the Dukwi Refugee Settlement and to change the policy on children and families with children. However, the Committee regrets that, according to reports, most refugees and asylum-seekers continue to be detained. The Committee therefore reiterates its recommendation in this regard.

The Committee notes the measures taken by the State Party to address statelessness and welcomes the information that Parliament has approved the review of three bills aimed at resolving issues related to statelessness. It also welcomes the initiation of a study to assess the scope and situation of statelessness in the State Party. While further welcoming the information that a due diligence review of the State Party's readiness to accede to the Convention on the Reduction of Statelessness has been completed and is under consideration, the Committee regrets the absence of information on measures taken to consider the withdrawal of the State Party's reservation to the Convention relating to the Status of Refugees. The Committee reiterates its previous recommendation in this regard and encourages the State Party to increase its efforts towards ratifying the Convention on the Reduction of Statelessness.

**Recommended action:** A letter should be sent informing the State Party of the discontinuation of the follow-up procedure. The information requested should be included in the State Party's next periodic report.

**Next periodic report due:** 2028 (country review in 2029, in accordance with the predictable review cycle).