

Organization for Defending Victims of Violence (ODVV)

UPR Submission

Botswana

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www.odvv.org

About ODVV

١. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.
٢. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.
٣. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).
٤. During the last 2 decades, we have done so many activities, mainly informative with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.
٥. Other Activities:
 - Participation in UN Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.
 - Internship for foreign students
 - Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)
 - Daily electronic human rights newsletter in English and Farsi.
٦. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following report on the human rights situation of Botswana, with the aim of the improvement of the human rights situation in the country.

Background and framework

Scope of international obligations

٧. The country has received 58 recommendations on ratification of International Instruments in the first two cycles of UPR, 27 of which are accepted. However, the country has not ratified core international treaties such as International Covenant on Economic, Social and Cultural Rights as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Situation of Human Rights on the Ground

Equality and Non-discrimination

8. The government does not recognize the indigenous people living in Botswana, considering all of the people as indigenous. There are no specific laws to protect the indigenous people's rights. The 45 tribal groups in Botswana, that constitute 3.3 percent of the population, are suffering from marginalization and lack of participation in political, social life, pushing for participation in the government at all levels. Some are even facing the violation of their fundamental rights such as access to water, e.g. in 2015, the people of Central Kalahari Game Reserve (CKGR), faced harassment, intimidation and denied access to water.¹

Right to life, liberty and security of the person

9. There are widespread reports of various cases of sexual assault and rape against women and girls, including the report of a Sebina village councillor, raping and impregnating a 16 year old girl. No disciplinary action has been taken by the councillor's political party and the victim's family are reported to be intimidated and restricted by the government.²

Right to Education

10. Indigenous students, (San Students) who live in remote areas are lacking access to education and in 2015, the San students drop out rate in Nama and Balala has been high due to intimidation and discrimination against these students at schools and the government policy to ban the indigenous mother tongues to be taught at schools.³

Freedom of Expression and Assembly

11. Restriction of the right to expression is reflected in the limited number of independent newspapers and targeting them. In August 2016, Otsa Mokone, editor and publisher of the Sunday Standard, was arrested on charges of sedition for publishing a report on a car accident involving the president. In January 2017, he was sentenced to two years imprisonment on the same charge. The senior reporter of the newspaper, Edgar Tsimane is forced into exile in South Africa.⁴
12. Freedom of peaceful assembly is also limited. Public protest requires a permission from the police, the application for which is rejected in some occasions. For example, the protest application of Unemployment movement was rejected in July 2016.⁵

¹. http://www.iwgia.org/images/stories/sections/regions/africa/documents/IW2016/Botswana_IW2016_web_redu.pdf

². <http://www.weekendpost.co.bw/wp-news-details.php?nid=2535>

³. http://www.iwgia.org/images/stories/sections/regions/africa/documents/IW2016/Botswana_IW2016_web_redu.pdf

⁴. <https://www.dailymaverick.co.za/article/2017-01-09-botswana-newspaper-editor-faces-two-year-jail-sentence-on-archaic-charge-of-sedition/#.WSu2iXGUeSw>

⁵. <https://www.amnesty.org/en/countries/africa/botswana/report-botswana/>

Right to Health

13. Health issues are another source of concern. Over 37 percent of the population is HIV positive, which is the third highest percent in the world. It is noted that the country, benefiting from international support, has taken effective steps to address the challenge.
14. Also, In October 2016, the government decided to close copper and Nickel mines in BCL and Tati. The closure will affect about 6700 workers and employees as well as their families. In addition, the mine closure limits the medical treatment and counselling services for mineworkers living with HIV/AIDS.

Recommendations:

ODVV calls on the country to:

15. Ratify the core human rights instruments to which it is not a party, especially the International Covenant on Economic, Social and Cultural Rights as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and send its periodic reports to the treaty bodies.
16. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 1 of the Convention on the Rights of the Child.
17. Ratify the ILO Convention No. 169 on Indigenous and Tribal Peoples, in order to improve the situation of tribal groups in Botswana
18. Recognize all unrecognized tribal groups and take practical steps to eliminate all forms of discrimination against, providing them with equal opportunities to participate in social, political, cultural lives.
19. Recognize all the minority languages and provide all the primary school children, including the minority children, with the opportunity of access to education, especially education in their own mother tongue.
20. Continue its leading efforts to treat HIV/AIDS across its territory, noting the country's commitment to apply long term solutions to the problem, and make sure that mineworkers of BCL and Tati will have access to HIV/AIDS treatment and counselling.

1. <https://southernafrican.news/2016/10/21/botswana-reels-from-copper-mine-closure/>