

BOTSWANA UNIVERSAL PERIODIC REVIEW, 2023 FACTSHEET AND RECOMMENDATIONS

*Freedom of Expression, Opinion • Peaceful Assembly •
Accountability & Good Governance*

PREVIOUS UPR RECOMMENDATIONS SUPPORTED BY BOTSWANA

-  **“Strengthening the efficiency of the judicial system, while making sure the rights of everyone to a fair trial is not compromised”** (Cycle 2: 2012-2016)
-  **“Continue efforts to further promote the protection of human rights, democracy and rule of law”** (Cycle 2: 2012-2016)
-  **“Strengthen its domestic criminal legal system to effectively investigate and prosecute crimes”** (Cycle 3: 2017-2021)
-  **“Take measures to improve efficiency, accountability and transparency in the public service of the country”** (Cycle 3: 2017-2021)

FREEDOM OF EXPRESSION & OPINION & RIGHT TO PEACEFUL ASSEMBLY

- Once considered Africa’s ‘most stable democracy’, Botswana is slipping towards an increasingly autocratic system of government – characterised by the suppression of free speech, repression of dissent and persecution of political opponents, arbitrary detention, and unanswered threats to the security of the person.
- Ahead of the 2024 election, the Masisi Government has been denounced for its intimidation, harassment, and misuse of criminal justice powers to silence political dissent and critical media reporting. Amnesty International’s 2022/2023 Global Report also reported a documented rise in the numbers of people going missing.
- In August 2021, the High Court ruled that the speaker of the National Assembly, appointed by President Masisi, had violated an opposition leader’s constitutional rights to freedom of expression and speech after the speaker called for him to be suspended following public accusations against President Masisi’s family.
- In December 2021, the Civicus Monitor downgraded Botswana to *“obstructed”*, indicating that civil liberties – including freedom of expression opinion, assembly, and the press – are being undermined by the State.
- In February 2023, the Southern Africa Litigation Centre concluded the Government’s interference with civil and political rights *“is profoundly alarming, given that Botswana will in 2024 embark on an electoral process where a free debate of ideas should flourish”*.
- The last UPR cycle witnessed growing concerns about journalists’ freedom to work – e.g., the Government’s newly established a Media Board has raised serious concerns of politically-motivated censorship.
- An increasing number of Botswanan citizens participating in peaceful demonstrations were arrested and charged under the Public Order Act. Reports indicate protesters and journalists at opposition political events were beaten by the police.

CASE STUDIES



Reprisals against Former President Khama in response to criticism of President Masisi. UNSR on Executions issued formal Urgent Appeal to the Masisi Administration.



Targeting of South African businesswomen and Pan-African Parliament Goodwill Ambassador, Bridgette Motsepe.



Directorate of Intelligence and Security raid of Mmegi newspaper labelled *“harassment and intimidation”* by the Botswana Editors Forum and Freedom of Expression Committee.

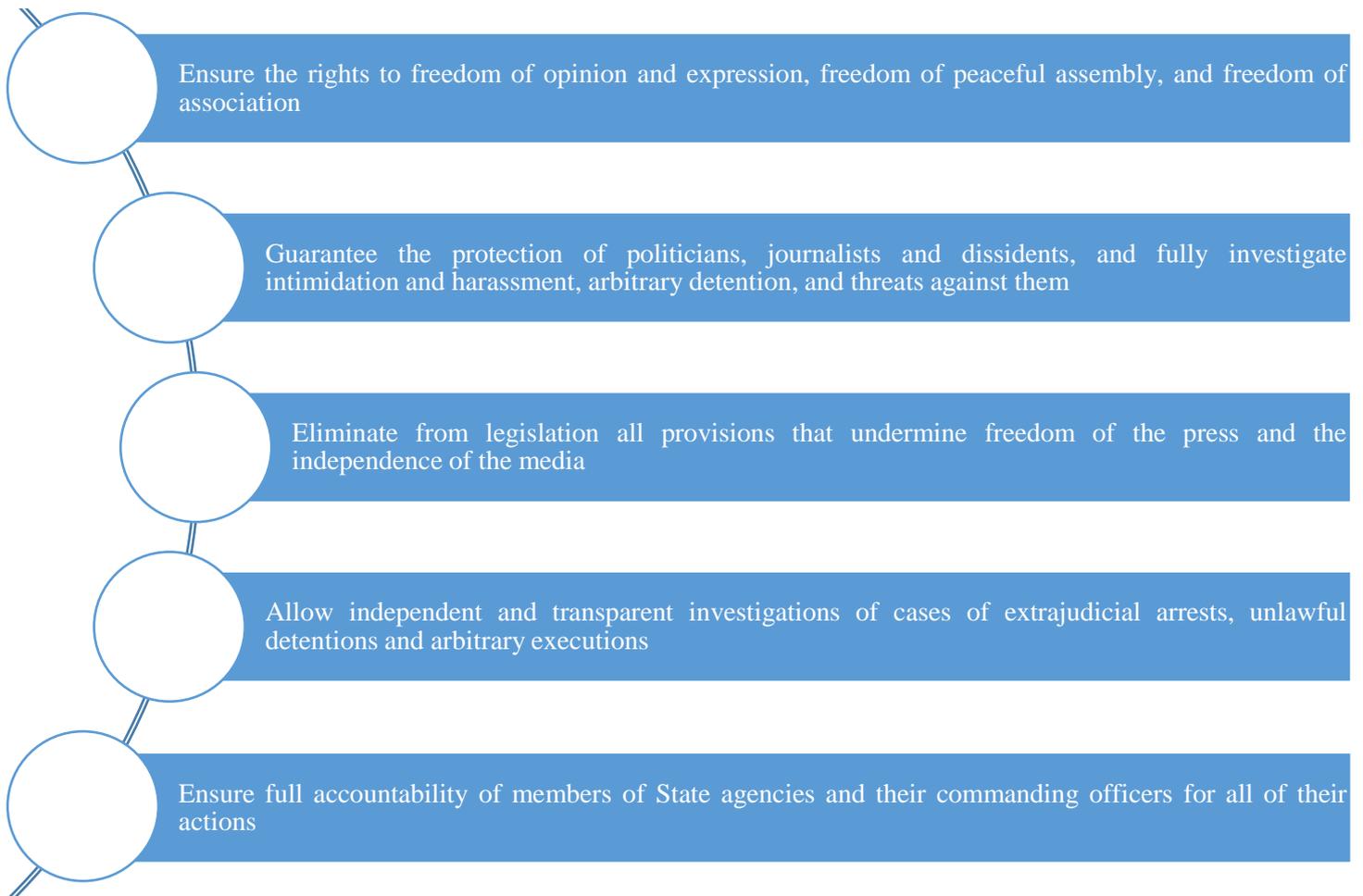
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ACCOUNTABILITY & GOOD GOVERNANCE

- The Masisi Government has consolidated its control over State agencies. For example:
 - Concerns have been reported regarding President Masisi's relationship with the Directorate of Intelligence and Security (DIS) and Botswana's main anti-corruption agency, the Directorate on Corruption and Economic Crime.
 - There have been numerous calls for the Government to examine the reasons for the DIS' departure from its core functions and the failing of the current accountability mechanisms, including in the most recent US State Department Report on Botswana. According to human rights activist Unity Dow, the Government's failure to deliver good governance in respect of the DIS is so critical that it threatens the security of every individual in this country.
 - A law enacted in February 2023 giving security forces broad wiretapping powers and the ability to carry out unchecked undercover law enforcement operations faced widespread condemnation over its encroachment on civil liberties.
- NGOs have expressed concern about the Government's use of a controversial pressure group, AfriForum, as a proxy to silence its critics. This private organisation has been widely criticised as a promoter of white nationalist ideology, and for having advanced false claims about white genocide in post-Apartheid South Africa. Its CEO has said Apartheid was not a crime against humanity and AfriForum is currently in litigation with the Nelson Mandela Foundation and the South African Human Rights Commission where it argues that the display of the Apartheid flag should be permitted.

SUGGESTED RECOMMENDATIONS FOR BOTSWANA'S UPR



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