

Universal Periodic Review of Botswana

Ratification and Domestication of human rights instruments

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

In the last review of 2018, States recommended that Botswana ratify those international instruments which she had committed to ratify. These include the International Covenant on Economic, Social, and Cultural Rights; the International Convention on the Protection of the Rights of Migrant Workers and their Families; the International Convention on the Protection of all Persons from Enforced Disappearances; Convention on the Rights of Persons with Disabilities; Convention on the Prevention and Punishment of the Crime of Genocide; Optional Protocol to the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment; and Third Optional Protocol to the Convention on the Rights of the Child. Other than the ratification of the Convention on the Rights of Persons with Disabilities, there is no information on what has been done. These recommendations were made by Madagascar and Namibia.

NATIONAL FRAMEWORK

- Botswana ratified the Convention on the Rights of Persons with Disabilities on 12 July 2021. The Draft Disability Policy was approved in November 2021.
- Botswana ratified the Convention on Elimination of All forms of Discrimination against Women in 1996. However, it has not yet domesticated it.

CHALLENGES

1. Lack of domestication of international human right instruments.
2. Ratification and domestication of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The UPR NGO Working Group called for incorporation of these rights in their submission to the Presidential Commission of Inquiry into the Review of the Constitution.

IMPACTS

1. The State is not obliged to take measures to protect human rights as per the instruments' guidelines.
2. Ratifying and domesticating the ICESCR will ensure equitable inclusion of all population groups, including indigenous and minority groups, in the sustainable development of Botswana and will shift the current poverty alleviation efforts of government from addressing the symptoms of poverty to addressing the causes, manifestations and effects of poverty, including crime.

RECOMMENDATIONS

1. Provide information on when the Conventions which have already been ratified will be domesticated, including provision of a timeframe.
2. Ratify and domesticate the International Covenant on Economic, Social, and Cultural Rights and provide information on the progress in the next periodic review.
3. Ratify the following: International Covenant on Economic, Social, and Cultural Rights; the International Convention on the Protection of the Rights of Migrant Workers and their Families; the International Convention on the Protection of all Persons from Enforced Disappearances; Convention on the Rights of Persons with Disabilities; Convention on the Prevention and Punishment of the Crime of Genocide; Optional Protocol to the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment; and Third Optional Protocol to the Convention on the Rights of the Child.

QUESTIONS

1. Are there any plans to ratify the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment?
2. Are there any plans to amend the Constitution of Botswana and incorporate the Socio-economic and cultural rights?
3. When will the state ratify the Conventions which have not been ratified?

SOURCES

UPR NGO Working Group (2022). Submission to the Presidential Commission of Enquiry in to the Review of the Constitution of Botswana. 20 July 2022.
<https://www.facebook.com/351655181709947/posts/pfbid0NxvwshBbV6EpsYWFouLKqwxkrINN74iFN45LaarkThbCaUhxLJv8aRsaKeCz8TcC1/>. Accessed: 31 April 2023

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