



General Assembly

Distr.: General
23 May 2013

Original: English

Human Rights Council
Twenty-third session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Botswana

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. **Recommendation 116.1:** Botswana **does not accept** the recommendation. The Government takes seriously its commitments under international human rights instruments, and would consider ratification when it is in a position to implement the provisions of the Convention.
2. **Recommendation 116.2:** Botswana **does not accept** the recommendation. The Government takes seriously its commitments under international human rights instruments, and would consider ratification when it is in a position to implement the provisions of the Convention.
3. **Recommendation 116.3:** Botswana **accepts** the recommendation. The Government takes seriously its commitments under international human rights instruments, and would consider ratification when it is in a position to implement the provisions of the Convention. Even though we have not yet ratified the Convention, the Government currently considers its programmes and policies effective in advancing the economic rights of its citizens.
4. **Recommendation 116.4:** Botswana **accepts** the recommendation. The Government takes seriously its commitments under international human rights instruments, and would consider ratification when it is in a position to implement the provisions of the Convention.
5. **Recommendation 116.5:** Botswana **partially accepts** the recommendation. The Government will consider ratification of the International Covenant on Economic, Social and Cultural Rights when it is in a position to effectively implement the provisions of the Convention. However, on the Second Optional Protocol to the International Covenant on Civil and Political Rights, **Botswana does not accept** this part of the recommendation. Public consultations have so far confirmed that Botswana still prefer the retention of capital punishment. The Government is committed to undertake educational awareness campaigns before it can consider abolition of the death penalty.
6. **Recommendation 116.6:** Botswana **does not accept** the recommendation. The Government takes seriously its commitments under international human rights instruments, and ratification would be made when it is in a position to implement the provisions of the Convention.
7. **Recommendation 116.7:** Botswana **accepts** the recommendation. With respect to the ECSOC, the Convention on the Rights of Persons with Disabilities and the Convention on the Protection of All Persons from Enforced Disappearance, the Government will consider accession when it is in a position to effectively implement these Conventions. Regarding ILO Conventions 169 and 189 the Government will consider accession after it has completed thorough consultations with other stakeholders such as workers, employers and trade unions.
8. **Recommendation 116.8:** Botswana **does not accept** the recommendation. The Government will consider ratification when it is in a position to effectively implement the treaty provisions.
9. **Recommendation 116.9:** Botswana presently **does not accept** the recommendation. Botswana, however, notes the importance of the treaty, as matched by the amount of work put in place by the Government of Botswana to promote and protect the rights of persons with disabilities. The Government considers it work in progress towards accession.
10. **Recommendation 116.10:** Botswana **does not accept** the recommendation. The Government will consider accession when it is in a position to effectively implement the treaty provisions and having completed thorough consultations with all stakeholders such as workers, employers and trade unions.

11. **Recommendation 116.11:** Botswana **accepts** the recommendation. The Government will consider accession when it is in a position to effectively implement the treaty provisions.
12. **Recommendation 116.12:** Botswana **accepts** the recommendation. The Government will consider accession when it is in a position to effectively implement the treaty provisions. It is however noteworthy that Botswana ratified the Rome Statutes of the International Criminal Court (ICC) and is in the process of domesticating it. Botswana has also ratified the Kampala Amendments on the Crime of Aggression.
13. **Recommendation 116.13:** Botswana **accepts** the recommendation to complete the harmonization of domestic legislation with the provisions of the Rome Statutes. In this respect drafting of the Bill domesticating the Rome Statutes is ongoing. The Government is also consulting the relevant stakeholders regarding the possibility of ratifying the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment.
14. **Recommendation 116.14:** Botswana **does not presently support** the recommendation calling for the ratification at the earliest possible date since it has to follow due processes of consultations with all relevant stakeholders.
15. **Recommendation 116.15:** Botswana **does not presently support** the recommendation. The Government will consider accession when it is in a position to effectively implement the treaty provisions.
16. **Recommendation 116.16:** Botswana **partially accepts** the recommendation. With respect to the ECSOC and the Convention on the Rights of Persons with Disabilities and the Government will consider accession when it is in a position to effectively implement these Conventions. Regarding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Government **does not consider** its ratification an immediate priority, and will consider accession after it has completed thorough consultations with other stakeholders such as workers, employers and trade unions.
17. **Recommendation 116.17:** Botswana **does not accept** the recommendation. With respect to the ECSOC and the Convention on the Rights of Persons with Disabilities and the Government will consider accession when it is in a position to effectively implement these Conventions.
18. **Recommendation 116.18:** Botswana **does not accept** the recommendation. With respect to the ECSOC and the Optional Protocol, Government will consider accession when it is in a position to effectively implement these Conventions.
19. **Recommendation 116.19:** Botswana **accepts** the recommendation. Consultations are ongoing.
20. **Recommendation 116.20:** Botswana **partially accepts** the recommendation. Botswana supports the spirit and intent of the International Convention on the Protection of the Rights of Migrant Workers and Their Families, but **does not consider** ratification to this convention an immediate priority. Regarding the ILO Convention 169 and 189 the Government will consider accession after it has completed thorough consultations with other stakeholders such as workers, employers and trade unions.
21. **Recommendation 116.21:** Botswana supports the spirit and intent of the convention, but **does not consider** ratification to this convention an immediate priority. The Government will consider ratification after it has completed thorough consultations with other stakeholders such as workers, employers and trade unions.

22. **Recommendation 116.22:** Botswana **accepts** the recommendation. The Government will consider ratification when it is in a position to effectively implement the treaty provisions.
23. **Recommendation 116.23:** Botswana **accepts** the recommendation. Botswana has demonstrated commitment by signing the first and second Optional Protocols.
24. **Recommendation 116.24:** Botswana **does not accept** the recommendation. The Government wishes to reiterate the point that Customary Law is not codified, and therefore, does not go through a predetermined review at any stage.
25. **Recommendation 116.25:** Botswana **accepts** the recommendation. Government considers the recommendation to be in line with the new Children's Act, which has raised the age of criminal responsibility to 14.
26. **Recommendation 116.26:** Botswana **accepts** the recommendation. Government considers the recommendation to be in line with the new Children's Act, which has raised the age of criminal responsibility to 14.
27. **Recommendation 116.27:** Botswana **accepts** the recommendation. Government considers the recommendation to be in line with the new Children's Act, which has raised the age of criminal responsibility to 14.
28. **Recommendation 116.28:** Botswana **accepts** the recommendation. Government considers the recommendation to be in line with the new Children's Act, which has raised the age of criminal responsibility to 14.
29. **Recommendation 116.29:** Botswana **accepts** the recommendation. The Government considers the first part of the recommendation to be in line with the new Children's Act, which has raised the age of criminal responsibility to 14. Consultations are ongoing to consider Botswana's withdrawal of its reservation to Article 1 of the Convention on the Rights of the Child as consultations are still ongoing.
30. **Recommendation 116.30:** Botswana **does not accept** the recommendation. Public consultations have so far confirmed that Botswana still prefer the retention of corporal punishment. However, Government is committed to undertake educational awareness campaign before it can consider prohibition of corporal punishment of children in all settings.
31. **Recommendation 116.31:** Botswana **does not accept** the recommendation. The Government considers its present arrangement of full cooperation with Special Procedures of the Human rights Council sufficient. Invitations will continue to be extended to Special Procedure mandate holders, upon consideration of their expressed intentions to visit the country.
32. **Recommendation 116.32:** Botswana **does not accept** the recommendation. The Government considers its present arrangement of full cooperation with Special Procedures of the Human rights Council sufficient. Invitations will continue to be extended to Special Procedure mandate holders, upon consideration of their expressed intentions to visit the country.
33. **Recommendation 116.33:** Botswana **does not accept** the recommendation. The Government considers its present arrangement of full cooperation with Special Procedures of the Human rights Council sufficient. Invitations will continue to be extended to Special Procedure mandate holders, upon consideration of their expressed intentions to visit the country.
34. **Recommendation 116.34:** Botswana **accepts** the recommendation. However, the Government still considers its present arrangement of full cooperation with Special

Procedures of the Human rights Council sufficient, but in future might consider extending a standing invitation to all mandate holders.

35. **Recommendation 116.35:** Botswana **does not accept** the recommendation. Botswana, as a predominantly Christian nation, has not reached a stage in which she can accept same sex activities. It will be necessary to conduct educational campaigns on this issue so that when the laws are changed people will be carried along.

36. **Recommendation 116.36:** Botswana **does not accept** the recommendation. The Government does not consider, as a positive measure, the practice of handing over the executed person's body for private burial.

37. **Recommendation 116.37:** Botswana **does not accept** the recommendation. The Government considers the entire process of treatment of all prisoners, including those sentenced to death, as consistent with international standards.

38. **Recommendation 116.38:** Botswana **does not accept** the recommendation. Botswana as a predominantly a Christian nation has not reached a stage in which she can accept same sex activities. It will be necessary to conduct educational campaigns on this issue so that when the laws are changed people will be carried along.

39. **Recommendation 116.39:** Botswana **does not accept** the recommendation. Botswana is already providing safe drinking water and sanitation within her limited resources.

40. **Recommendation 116.40:** Botswana **does not accept** the recommendation to speed up the process, particularly with specific timelines. Botswana, however, supports the intent of the recommendation, to pursue mother-tongue education. The process of encouraging different ethnic groups to develop their languages is ongoing.

41. **Recommendation 116.41:** Botswana **accepts** the recommendation. The Government considers it appropriate to continue engagement to improve the rights of refugees.

42. **Recommendation 116.42:** Botswana **accepts** the recommendation. The Government considers it in line with its commitments. The Government is committed to providing access to water and sanitation, adequate housing and food, for refugees within her limited resources. Botswana adheres fully to the principle of *non-refoulement* and has not sent any refugee to countries of origin against their will. Botswana is committed to the implementation of the key durable solutions (Repatriation, Reintegration and Resettlement) to refugee problems.

43. **Recommendation 116.43:** Botswana **accepts** the recommendation. Botswana is committed to the implementation of the key durable solutions (Repatriation, Reintegration and Resettlement) to refugee problems.
