

38th Human Rights Council Session
June 28, 2018
Item 6 – UPR Botswana
Statement by Federatie van Nederlandse Verenigingen tot Integratie van
Homoseksualiteit - COC Nederland.
Joined by International Lesbian and Gay Association

Delivered by: Diana Prado

Thank you, Mr. President.

The following statement has been prepared by Lesbians Gays and Bisexuals of Botswana (LEGABIBO) in partnership with ILGA and COC. During the third cycle of the UPR, Botswana received 15 (fifteen) SOGIESC recommendations. In spite of recent positive government and court decisions, we regret that the government decided to note 13 and reserve a position on 2 recommendations relating to non-discrimination based on sexual orientation and gender identity, rather than unreservedly accepting them.

In its state report, the Botswana government stated that they are continuing to implement the court decision relating to registration of LEGABIBO. On behalf of members of the LGBTI community in Botswana, We join Australia, Canada, France, Ireland and the UK in commending our Government for upholding court rulings on registration of LEGABIBO and legal gender recognition. These are important steps towards better protection of the human rights of LGBTI people in Botswana, such as the freedom of assembly and the right to recognition before the law.

We also welcome the Botswana government's announcement that "*consultations are ongoing with a view to review and reform national laws to address discrimination of marginalized and disadvantaged groups including lesbians, gays, bisexuals, transgender (LGBTI) persons*". The government further acknowledged LGBTI persons are affected "upon the ability to enjoy equal human rights". We encourage the government to actively involve those whose human rights are at stake, ie. members and representatives of the LGBTI community in Botswana, in this process.

Further to that the Government committed to examining "authorization of sex changes" and to "Continue to address concerns on discrimination based on sex, sexual orientation or gender identity".

In line with international commitments and its human rights pledges, we urge the Botswana Government to unreservedly accept all recommendations and continue its

process towards reform of the law by:

1. Initiating and supporting awareness raising activities of the general public
2. Revising the Penal Code to decriminalize consensual same sex conduct
3. Ensuring legal gender recognition and protection of gender identity by law

LEGABIBO is willing to collaborate with the government in the implementation of both accepted and noted recommendations including establishment of a National Human Rights Institute.