

Responses to Recommendations

BOTSWANA

Review in the Working Group: 1 December 2008

Adoption in the Plenary: 18 March 2009

Botswana's responses to recommendations (as of 09.05.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	Out of the 27 REC pending, 22 were accepted (among which 2 were considered as being in the process of implementation – n°24 (Belgium and Belgium)), 13 rejected and 2 were not answered ¹	No additional information provided	Accepted: 22 Rejected: 13 No clear position: 0 Pending: 2

List of recommendations contained in Section II of the Report of the Working Group A/HRC/10/69:

“92. In the course of the discussion, it was recommended that Botswana:

- 1. Adhere to the International Covenant on Economic, Social and Cultural Rights (Algeria);
- consider the ratification of the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (Mexico); adopt measures necessary to harmonize customary laws with international instruments (Mexico);
- consider ratifying/acceding to the International Covenant on Economic, Social and Cultural Rights (Mexico, Slovakia, Brazil, United Republic of Tanzania);
- ratify the Convention on the Rights of Migrant Workers and Their Family Members (Mexico); accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France) and to establish a national preventive mechanism accordingly (Czech Republic, Denmark);
- set a timeline for the ratification of the International Covenant on Economic, Social and Cultural Rights (Turkey); and

¹ The total number of recommendations is now 47 as 8 were split.

- ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights to abolish the death penalty (Australia);
- 2. Finalize various outstanding treaty reports, particularly to the Committee on the Elimination of Discrimination against Women (Cameroon);
- 3. Accomplish progressively the human rights goals set up by the Human Rights Council in its resolution 9/12 (Brazil); and
 - take measures to ensure that article 15 of the Constitution fully complies with the International Covenant on Civil and Political Rights (Canada);
- 4. Consider issuing a standing invitation to special procedures of the Human Rights Council (Latvia, Mexico, Czech Republic);
 - agree to the request for visit by the Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples (Mexico, Norway) and
 - the Special Rapporteur on contemporary forms of racism (Mexico);
- 5. Continue efforts to strengthen the national human rights architecture (Egypt) and institutional framework (Czech Republic), including by providing necessary funding and personnel (Czech Republic); to further develop, with international support, a human rights training and capacity-building exercise for judiciary and law enforcement personnel (Egypt); and provide sufficient resources to the Office of the Ombudsman for its effective functioning (South Africa);
- 6. Take action to establish an independent national human rights institution in accordance with the Paris Principles (United Republic of Tanzania) and create a national commission of human rights and freedoms (Cameroon);
- 7. Increase efforts to raise awareness of the precedence of constitutional law over customary laws and practices to promote gender equality (Canada);
- 8. Mainstreaming human rights in the education system (Egypt) and the development of a national strategy for human rights education in the school system at all levels, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community (Italy);
- 9. Continue efforts in favour of women in rural areas (Algeria) and on gender issues, including policies aimed at the empowerment of women and their integration in the education system (Chile); promote gender equality and pursue work on legislation on marital rape as a priority. and consider additional measures, such as public awareness-raising initiatives or campaigns in order to promote the implementation of the rights in the legislation in question (Sweden);
- 10. Ensure the full participation of women in the review of customary laws and practices, and discourage the persistence of practices detrimental to women's rights (Ireland);
- 11. Strengthen the application of the domestic violence bill and the abolition of the Marital Power Act (United Kingdom);
 - establish a specific timeline for the implementation of the amendment in the Marriage Act (Norway); take measures to eliminate the persistence of traditions harmful to the rights of women, including early contract marriages and polygamy (Argentina); and to elevate penal responsibility to the level of international standards and delete the marital prerogative in customary and religious marriage (Cameroon);
- 12. Include a gender perspective in the review follow-up process in a systematic manner (Slovenia);
- 13. Continue to incorporate the provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child into national legislation (Cuba); take further measures to adopt legislation ensuring the implementation of the Convention, in particular in the area violence prevention and sexual exploitation of children (Czech Republic, Argentina) and ensure girls are protected from sexual abuse (Argentina);

- 14. Continue the implementation of the National Action Plan for Children 2006-2016 (Cuba); adhere to the National Action Plan for Children and programme for the elimination of child labour (Turkey); implement the programme for AIDS orphans (Finland); design and adopt programmes of action on child labour, as requested by the Committee on the Rights of the Child and ILO (Italy); consider designating an institution for coordination and implementation of policy on children (Chile);
- 15. Develop non-custodial alternatives in relation to the sole or primary carers of children (Slovenia); take measures to protect the best interests of babies and children affected by parental detention or imprisonment (Slovenia);
- 16. Continue efforts to achieve universal basic education and reduce primary school drop-out rates, with the support of the international community (Bangladesh); take measures to reverse secondary school drop-out rates resulting from the introduction of cost-sharing (United Republic of Tanzania);
- 17. Take more action to consolidate efforts regarding the rights of minority groups (United Republic of Tanzania);
 - take immediate action to ensure respect for the rights of the indigenous people living in the areas of interest to companies active in the diamond business (Finland); take steps to promote a just and equitable solution through renewed negotiations with affected members of the Central Kalahari Game Reserve communities and respect the economic, social and cultural rights of minorities living or formerly living on the Reserve (Canada); engage with the ethnic groups, in an ongoing and systematic basis, to ensure their rights to equality and non-discrimination are guaranteed (Ireland); provide access to land and support for the residents of the Reserve, as specified in the United Nations Declaration on the Rights of Indigenous Peoples, and work with the land boards of the various districts to ensure equity in land allocation among all applicants for residential, arable and grazing land, water sources and business sites (Denmark);
 - pursue a policy of mother-tongue language education in conjunction with national languages of Setswana and English (Denmark); and
 - resolve the dispute between the San of the Reserve (Spain);
- 18. Adopt the measures necessary to combat discrimination of all kinds, including those based on sexual orientation, gender, colour, religion and political opinion (France); amend the definition of discrimination in the Constitution in such a way that it covers discrimination based on descent and abolish those laws that permit discrimination on the basis of ethnicity, language and culture (Germany); review the definition of discrimination provided under the section III of the Constitution in terms of its compatibility with the prohibition against discrimination against descent and national or ethnic origin (Canada); and abolish discrimination on the basis of ethnicity, language and culture, including de jure discrimination (Denmark);
- 19. Develop non-custodial alternatives, such as community service and bail arrangements (Slovenia); redouble efforts to improve conditions of detention in prisons, guaranteeing the compatibility of rights with cultural practices (Djibouti); and
 - align its legislation and practice with international standards with regard to prisons (Italy);
- 20. Continue to incorporate the provisions of the Convention on the Rights of the Child into domestic legislation, especially article 19(1), in relation to deep concerns about the corporal punishment of children (Chile);
 - consider changing legislation to expressly prohibit all forms of corporal punishment in all settings (at home, in schools and in other institutions) and conduct awareness-raising efforts to change the public's attitude to corporal punishment (Slovenia); to continue efforts to eliminate corporal punishment (Brazil, Sweden), especially in schools (Sweden); to put an end, de jure and de facto, to the practice of corporal punishments in traditional judicial systems (France);
- 21. Explore the possibility of a moratorium on the application of the death penalty towards its complete abolition, in conformity with the latest General Assembly resolutions on the subject (Spain, Brazil, Netherlands, Italy, Canada, Holy See); adopt a leadership role (Ireland) and take concrete steps to move towards the abolition of the death penalty (United Kingdom, Ireland);
- 22. Step up efforts to prevent torture and ill treatment (Denmark);

- 23. Decriminalize homosexual relations and practices/consensual same-sex activities between adults (Spain, Netherlands, Slovakia, Czech Republic, Canada); and outlaw discrimination on the basis of sexual orientation (Netherlands);
- 24. Provide medical follow-up for HIV-positive mothers and respective infected children (Belgium); educate prison populations on the HIV/AIDS virus and respect sanitary conditions of prisons (Belgium);
- with regard to consensual same-sex activity between adults, take measures to promote tolerance and allow effective educational programmes on HIV/AIDS prevention (Czech Republic); with the support of the international community, continue to fight HIV/AIDS (Bangladesh);
- 25. Enable migrants and refugees to benefit from the pilot project to fight HIV/AIDS (Algeria); take action to address the non-coverage of anti-retroviral treatment for refugees (United Republic of Tanzania); and work to end the practice of detaining asylum-seekers in prisons owing to lack of space (Ireland);
- 26. With the support of the international community, continue to fight poverty (Bangladesh, Egypt) and meet the Millennium Development Goals and those of Vision 2016 (Egypt); and continue efforts made to achieve the goals of Vision 2016 (Cuba);
- 27. Seek technical assistance and other support from development partners to strengthen implementation and development capacity with respect to human rights instruments and their domestication (Mauritius); seek assistance from delegations that are materially capable of assisting Botswana in its endeavours with regard to treaty body reporting, human rights education and training, components of the national statistical system and the system to monitor development (Brazil); seek support from the Council in the areas highlighted in the national report (South Africa); seek contributions from the international community in the Government's efforts to promote rights (Ghana); seek the support of the OHCHR in its efforts to improve national capacity on treaty reporting, including through exploring the possibility of producing a common core Document, if it so wishes (Maldives); seek the assistance of OHCHR and the international community in relation to human rights education, improving the justice system and strengthening the monitoring of progress in achieving the Millennium Development Goals and the goals of Vision 2016 (Egypt).

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