



## Commonwealth Human Rights Initiative

working for the *practical* realisation of human rights in the countries of the Commonwealth

### Item 6

23<sup>rd</sup> session of the UN Human Rights Council – 06 June 2013

### Oral Statement on the adoption of the Outcome Report on the Universal Periodic Review of Botswana

Mr President, Commonwealth Human Rights Initiative or CHRI, welcomes Botswana's acceptance of recommendations to establish a Paris Principles compliant national human rights institution. Establishing an independent NHRI is a positive step towards effective protection and promotion of human rights.

We welcome Botswana's undertaking to consider ratifying various international human rights instruments, including the Conventions on enforced disappearance, genocide and torture and the Optional Protocol to the latter. CHRI emphasises the urgent need for Botswana to embark on consultations with all stakeholders to implement this undertaking.

We appreciate Botswana's commitment to consider issuing a standing invitation to Special Procedure mandate holders. CHRI urges Botswana to extend such an invitation at the earliest opportunity and thereby demonstrate its commitment to the principles of international cooperation, transparency and accountability.

We are dismayed at Botswana's rejection of all recommendations on the decriminalisation of same-sex conduct between consenting adults.

Botswana's Penal Code contains provisions that criminalise consensual adult same-sex conduct. This law is incompatible with Botswana's human rights obligations, entrenches homophobia and reinforces stigma and prejudice based on sexual orientation. CHRI therefore, strongly urges the government of Botswana to review and repeal these legal provisions.

We recognise the recent progressive steps taken by Botswana as indication of its leadership on human rights in the region. We note, with appreciation, the amendment of the Employment Act to offer some protection from discrimination based on sexual orientation. We encourage Botswana to continue this positive commitment towards advancing human rights for all, regardless of their sexual orientation.

To this end CHRI urges Botswana to:

- Issue a moratorium on public prosecutions of consensual adult same-sex activity;
- Continue facilitating constructive dialogue and cooperation on sexual orientation and gender identity between civil society actors, human rights defenders, government officials and other relevant stakeholders;
- Implement sexual orientation and gender identity education and training programmes, that are based on human rights law and standards, such as the Yogyakarta Principles;
- and finally protect the rights of human rights defenders working on sexual orientation and gender identity issues. In particular, safeguarding their rights to expression, association and representation in civil society.

Thank you

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