

| Recommendation   | Position  | Full list of themes   | Assessment/comments on level of implementation  |
|--|-----------|---|---|
| <b><i>Theme: A41 Constitutional and legislative framework</i></b>  |           |   |   |
| 115.2 Ensure that the provisions contained in the international human rights instruments which Botswana has ratified are transposed into national law (France);<br><b>Source of position:</b> A/HRC/23/7 - Para. 115 | Supported | A41 Constitutional and legislative framework<br><b>Affected persons:</b><br>- general   | <ul style="list-style-type: none"> <li>The Children’s Act of 2009, which guarantees “every child” the right to be free from sexual abuse, exploitation, prostitution and pornography. However, there is no clear definition of ‘child prostitution’ in line with article 2 of the OPSC.</li> <li>Botswana has legislation that prohibits exposing children to pornographic images’, prohibits using children to make pornographic material, criminalises possession, as well as computer-facilitated offenses, and addresses broad ‘data-retention’ policies. However, the legislation does not comply fully with the OPSC.</li> </ul> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> <li>To provide a legal definition of exploitation of children in prostitution (or ‘child prostitution’) aligned with article 2 OPSC;</li> <li>To align national legislation with article 3 of the OPSC by prohibiting the production, distribution, dissemination, importation, exportation, offer, sale, or possession of child pornography.</li> </ul> |
| 115.5. Continue to implement national laws in accordance with its treaty obligations (Lesotho);<br><b>Source of position:</b> A/HRC/23/7 - Para. 115   | Supported | A41 Constitutional and legislative framework<br><b>Affected persons:</b><br>- general   |   |
| <b><i>Theme: F31 Children: definition; general principles; protection</i></b>  |           |   |   |
| 115.34. Accelerate the implementation of the National Action Plan for Children for 2006-2016 (Romania);<br><b>Source of position:</b> A/HRC/23/7 - Para. 115   | Supported | F31 Children: definition; general principles; protection<br>A46 National Plans of Action on Human Rights (or specific areas)<br>S16 SDG 16 - peace, justice and strong institutions<br><b>Affected persons:</b><br>- children | Starting in 2010, the Government of Botswana adopted a six-year National Action Plan for Orphans and Vulnerable Children to facilitate the welfare and protection of vulnerable children. However, despite some progress,   |

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| <p>115.39 .Accelerate the implementation of the Action Plan to enable targeted programming and interventions for the welfare and protection of the most vulnerable children in Botswana (Indonesia);</p> <p><b>Source of position:</b> A/HRC/23/7 - Para. 115</p> | Supported | <p>F31 Children: definition; general principles; protection<br/> E24 Right to social security<br/> G1 Members of minorities<br/> S10 SDG 10 - inequality<br/> S16 SDG 16 - peace, justice and strong institutions</p> <p><b>Affected persons:</b><br/> - children<br/> - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p> | <p>UNICEF found that the Plan lacked a “detailed guideline” for a consistent “mode of operation”, lacked a “budget matching the guidelines”, did not harmonise properly to facilitate good practices, and lacked “consequences” for not following the guidelines.</p> <p><b>Recommendation:</b><br/> Prioritise implementing a new National Action Plan to address the gaps articulated by UNICEF; and</p> |