

TREATY BODY MONITOR

International Service for Human Rights



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Information submitted to the Committee

State party report

Botswana's initial report to the Committee was due on 8 December 2001 and submitted on 13 October 2006, almost five years late.¹ Committee members commented on the lateness of the report, but expressed their

¹ The report (CCPR/C/BWA/1) is available at
<http://daccessdds.un.org/doc/UNDOC/GEN/G07/415/11/PDF/G0741511.pdf?OpenElement>

appreciation for its comprehensive nature and welcomed the opportunity to work constructively with the Government to implement the International Covenant on Civil and Political Rights (the Covenant). Botswana signed the Covenant in September 2000 and it entered into force on 8 December that year. It has wide-ranging reservations on articles 7 (torture)² and 12(3) (freedom of movement).³

Botswana's report was divided into two sections. The first provided contextual information about the country's history, people, economy and legal and administrative systems. The second, more detailed section dealt with each article of the Covenant and elaborated how it is implemented. It included explanatory references to the Constitution, key case law and relevant statutes to illustrate compliance with the Covenant. However the report lacked any disaggregated data to indicate the extent to which all sectors of society are able to enjoy their human rights.

On occasion, the report was self-critical and acknowledged where individuals or groups of citizens had successfully turned to the courts to seek redress for breaches of their human rights. For example, the section dealing with article 12 (freedom of movement) sought to present both the government's perspective on the history of the 'relocation' of Bushmen from the Central Kalahari Game Reserve (CKGR), as well as some of the views of the Bushmen.⁴ However this preparedness to acknowledge some controversial issues did not extend to an acknowledgement of the discrimination experienced by gay, lesbian, bisexual and transgender (LGBT) people,⁵ or the problem of human trafficking.⁶ Similarly, Botswana did not identify any areas where it planned to take steps to address systemic problems or initiate new reforms.

List of Issues

The List of Issues was distributed by the Committee on 10 August 2007.⁷ Comprehensive in its scope, the list focused on those areas where Botswana appeared to face particular challenges in giving domestic effect to the Covenant, such as the treatment of prisoners and non-discrimination against women, tribal minorities and same sex couples. Several questions requested the State party to move beyond the legal framework and provide statistical information that would indicate the situation on the ground in relation to matters like domestic violence, the prison population, the number of media outlets and access to legal aid.

Botswana did not provide its responses to the List of Issues in a timely manner. The Committee received them in writing immediately prior to the interactive dialogue and commented that although written responses were appreciated, the late submission meant that several Committee members would not be able to access the

Botswana's record on submission of State party reports to the treaty body system has been very poor. For example no reports have been submitted to the Committee on Torture, despite having ratified the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in 2000. It is now up to date with reporting under the *Convention on the Elimination of All Forms of Discrimination*, but a backlog of seven State Party reports (the first of which was due for submission in 1985) were submitted collectively and dealt with by the CERD Committee in 2002.

² The reservation provides that 'to the extent that "torture, cruel, inhuman or degrading treatment" means torture, inhuman or degrading punishment or treatment prohibited by section 7 of the Constitution of the Republic of Botswana.'

³ The reservation provides that 'to the extent that the provisions are compatible with Section 14 of the Constitution [of Botswana] relating to the imposition of restriction reasonably required in certain exceptional circumstances.'

⁴ The report pre-dated the 2006 judgement of the High Court which found that the 2002 evictions (which affected 750 people) were 'unlawful and unconstitutional' and that the government had acted unlawfully when it refused to issue the Bushmen hunting permits. For more information see paragraphs 274-295 of Botswana's report and pages 1-4 of Survival International's report.

⁵ The only acknowledgement of lesbian, gay, bisexual and transgender (LGBT) people occurs in paragraph 259 of the State report, which states that '[a]lthough HIV/AIDS is rampant in Botswana, condoms are not allowed in prisons ... [because this would] contradict the law against homosexuality.'

⁶ Mr O'Flaherty remarked on this omission in his opening remarks to the delegation, and the Head of Delegation acknowledged it was a matter of concern that the police are endeavouring to address with Interpol and others.

⁷ List of Issues (CCPR/C/BWA/Q/1) is available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/435/33/PDF/G0743533.pdf?OpenElement>

information for some time, pending translation. Some Committee members commented of the brevity but focused nature of the answers provided.⁸

NGO parallel reports

A total of six parallel reports were submitted to the Committee, several of which were joint submissions.⁹ The list of issues prepared by the Committee and the questions its members put to the delegation reflected many of the concerns and specific allegations raised by non-governmental organizations (NGOs) in their parallel reports, indicating the important contribution that these submissions made to the Committee's work.¹⁰ Rather than seeking to comprehensively deal with the human rights situation in Botswana, most parallel reports dealt with alleged violations of specific human rights protected under the Covenant, such as the right to non-discrimination or the right to life, as indicated below:

1. The Botswana Network on Ethics, Law and HIV/AIDS (BONELA); the Lesbians, Gays and Bisexuals of Botswana (LeGaBiBo); with Global Rights: Partners for Justice (Global Rights); and the International Gay and Lesbian Human Rights Commission (IGLHRC): detailed Botswana's violations of the Covenant on the basis of sexual orientation and gender identity (includes recommendations and suggested questions);
2. DITSHWANELO – The Botswana Centre for Human Rights: examined Botswana's initial report to the Committee and suggested broad-ranging questions for the Committee's consideration;
3. DITSHWANELO and the International Federation for Human Rights: presented the results of a fact finding mission that investigated the implementation of the death penalty in Botswana since independence (includes recommendations);
4. Global Initiative: confirmed that corporal punishment is legal in the home, school, prisons and alternative care settings in Botswana;
5. RETENG: The Multicultural Coalition of Botswana; Kamanakao Association and Minority Rights Group International: outlined the tribal and ethnic diversity in Botswana and detailed the extent of racial discrimination experienced by smaller tribal groups; and
6. Survival International: examined the extent to which Botswana has implemented the 2006 High Court decision regarding the wrongful eviction of the Bushmen from the Central Kalahari Game Reserve in 2002 (included recommendations).

On the opening morning of the 92nd session when NGOs were invited to publicly address the Committee, no NGO from Botswana took the floor. However Global Rights spoke about the discrimination faced by LGBT people in the four countries under examination, including Botswana.¹¹

Themes and issues

Botswana's delegation

Botswana's delegation consisted of seven members and was headed by the Hon. Phandu T.C. Skelemani, Minister of Justice, Defence and Security. The other members included the Ambassadors and Permanent Representative of Botswana to the United Nations in New York and in Geneva (plus two diplomatic staff of

⁸ Mr O'Flaherty and Ms Palm. In response, the Minister apologized that he had been under the impression the State Party response had to be less than 35 pages and he had significantly edited the text.

⁹ All parallel reports are on the Committee's website for the 92nd session: <http://www2.ohchr.org/english/bodies/hrc/hrcs92.htm>

¹⁰ For example, Committee members also raised specific allegations contained in the reports from Survival International and Reteng, and on other occasions referred to 'evidence before the Committee' that was of concern and required clarification.

¹¹ In addition to Botswana, the Committee was also examining periodic reports from Tunisia, Panama and Macedonia. In Botswana's case, Global Rights pointed out that the Court of Appeal confirmed there is no Constitutional protection for LGBT people; same sex sexual activity remains a criminal offence; and LGBT organisations have been denied legal status on the basis that they have an unlawful purpose.

the New York office); a representative of the Office of the President; and the Principle State Counsel and Legal Adviser, Ministry of Foreign Affairs and International Cooperation.

The delegation's interaction with the Committee

The Head of delegation dominated Botswana's interaction with the Committee, rarely delegating any speaking opportunity, despite the seniority of other delegation members. His engaging and frank manner was appreciated by the Committee and ensured an expansive and free-flowing exchange of views. Answers to the Committee's questions were generally to the point and of sufficient detail to address the concerns raised. However, when pressed by individual Committee members to reconsider Botswana's position to comply with particular obligations under the Covenant, Mr Skelemani tended to dismiss such suggestions, sometimes with considerable passion (see below). When these clear differences of opinion emerged, Mr Skelemani diffused the situation by advising that he remained open to dialogue and stressing that in time (ie. after he is no longer Minister) the people of Botswana might see these matters differently.

The following thematic issues were identified by the Committee Chairperson as the most important and in need for follow-up by Botswana prior to submission of its next report:

Status of Covenant in domestic law (article 2)

In his concluding remarks, the Chairperson commented that customary law institutions are many and varied in Botswana and there appear to be major difficulties when trying to harmonise their practices with the provisions of the Covenant. The Committee impressed upon the delegation the need to ensure that the Covenant has legal primacy in Botswana. Mr O'Flaherty clarified that the Committee is not proposing an integration of the Covenant into customary law, but the government has a responsibility to ensure that customary law is applied in a manner that does not violate the Covenant. To assist in achieving this outcome, he inquired whether the government would consider awareness raising programs for customary law practitioners, judges, lawyers and law enforcement officials. Mr Khalil, Vice-Chairperson of the Committee, and Mr Lallah asked many questions to clarify how the customary courts worked, the scope of their jurisdiction, and how they interacted with the conventional court system and the Covenant. They expressed concern that the customary courts deal with about 85 percent of civil and criminal cases in Botswana, yet they seem incompatible with articles 14 and 50 of the Covenant.

The Minister acknowledged that Botswana has not yet domesticated the Covenant, but stressed that the country's Constitution accords with the Covenant. Wherever there is 'a grey area', he assured the Committee that the courts operate 'within the spirit of the Covenant' and this 'filters down' to magistrates and lawyers. The Minister advised that Botswana had not sought to raise awareness about the rights and obligations contained in the Covenant amongst the tribal chiefs, judges or lawyers. Although he did indicate a preparedness for judges, lawyers and police to undergo human rights training in the region, the Minister opposed attorneys having any role in the customary courts to improve access to a fair trial, arguing that they would "introduce complex common law principles that people would not understand", and "they have no training in customary law". He also explained that the national law allows any person to transfer a matter to the conventional court system, where they can seek legal representation if they chose.

Need for a national human rights institution (article 2)

Although the Committee acknowledged the existence of an Ombudsman's office in Botswana, Mr O'Flaherty commented that it was "not a well attuned office" given its limited functions,¹² allegations from NGOs that the Ombudsman has acted in a less than independent manner, and that the delegation was unable to provide

¹² Paragraph 55 of Botswana's report outlines the seven areas precluded from the Ombudsman's jurisdiction, which include police actions, actions taken to protect State security and actions in the private sector.

statistics on the matters it has investigated. Mr O’Flaherty reminded Botswana of the recent recommendation of the Committee on the Elimination of All Forms of Discrimination (CERD) that it consider establishing an independent national human rights institution (NHRI),¹³ and similarly encouraged Botswana. In response, the Minister explained that a NHRI “is not an inexpensive institution to run” and Botswana is reluctant to establish a body that it is not able to properly resource. The Minister did not rule out the establishment of an NHRI, but explained that it needs to be done at the right time. In his closing remarks, the Committee Chairperson emphasised the importance the Committee places on this matter and advised that it looked forward to hearing more about Botswana’s deliberations and progress in this regard.

Equal rights of men and women (article 3)

The Committee warmly welcomed a number of important legal reforms that Botswana has recently undertaken to improve the status of women and promote gender equity. The most recent of these, a bill to criminalise domestic violence, complemented earlier reforms that allowed women to acquire and dispose of land without permission from a male guardian. However the Committee remained concerned that many aspects of Botswana’s customary law ran counter to the principles of gender equality and non-discrimination and indicated that the government needed to move beyond its focus on incremental legal reforms. Several members expressed serious concern that a range of key statutory protections for women in relation to marriage¹⁴ did not apply to customary marriages.

In response to these observations and concerns, the Minister affirmed that the Covenant binds the State, regardless of the nature of its domestic laws, including its customary laws. He indicated that the government has taken a politically pragmatic approach to the achievement of gender equality, namely that it will continue a gradual legal reform process, with the intention that in time, women will opt out of the customary law system in favour of the conventional legal system because it offers better protection of their human rights.¹⁵

Right to life and use of the death penalty (article 6)

The Committee spent a considerable amount of time discussing Botswana’s use of the death penalty, reflecting its very serious concerns. In his opening remarks to the Committee, the Minister advised that Botswana intends to retain the death penalty for use in those cases “where there is nothing to be said morally in defence of the accused.” When asked to elaborate on what crimes might fall into this category, the Minister referred to premeditated murder and ritual killings where victims are “skinned alive.” In relation to the latter, the Minister was unable to provide statistics on the frequency of these crimes or what the State is doing to discourage these traditional practices.

Sir Nigel Rodley was the Committee’s most strident critic of Botswana’s position on the death penalty. He challenged many of the defences mounted by the Minister¹⁶ and pressed him to provide more detailed statistics so the Committee can assess the degree to which extenuating circumstances are taken into account

¹³ It further recommended that the NHRI should be in compliance with the Paris Principles. See paragraph 21 of *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Botswana*, CERD/C/BWA/CO/16, 4 April 2006, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/411/70/PDF/G0641170.pdf?OpenElement> See also paragraphs 16-17 of *Committee on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Botswana*, CRC/C/15/Add.242, 3 November 2004 which noted that the Ombudsman’s ‘Office lacks the necessary human and financial resources for proper functioning’ and recommended ‘that the State party provide the Office of the Ombudsman with the necessary human and financial resources for an adequate performance of its function’. Available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.242.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.242.En?Opendocument)

¹⁴ Such as a prohibition on polygamy, 18 being the minimum age of consent for marriage, and equal rights in relation to property and custody of children following divorce.

¹⁵ The Minister advised that Botswana had conducted consultations and most women ‘wanted to retain customary law.’

¹⁶ Sir Nigel was critical of the Minister’s argument that the death penalty would remain on the statutes until such time as public opinion led to abolition. Sir Nigel commented that he was unaware of any country in which public opinion had led to abolition, rather studies show that public opinion tends to come around to supporting abolition about 25 years after it is introduced. He also commented that studies indicate that the death penalty is not an effective deterrent to crime.

by the State. He expressed concern at the very low number of death sentences that were commuted to life imprisonment.¹⁷ Sir Nigel also advised that the Covenant is “an abolitionist document”, and although this is not explicitly stated, the Covenant requires State parties to show political leadership and take concrete steps towards abolition. He further remarked that the clear trend towards abolition of the death penalty in Africa renders Botswana an island of anti-abolition in a sea of abolition.

Prohibition of torture and cruel, inhuman or degrading treatment (article 7)

Several members of the Committee condemned the “shockingly wide” and “exorbitant” scope of Botswana’s reservation under this article of the Covenant, and encouraged it to review its position as a priority.¹⁸ They also remarked that this “unnecessary stain” on Botswana’s record did not do justice to its otherwise constructive approach to its obligations under the Covenant.¹⁹ Persistent questioning by several members indicated the Committee’s concern that insufficient measures are in place to a) prevent the admissibility of evidence obtained using torture or ill-treatment, and b) to ensure that allegations of torture or ill-treatment would be independently and thoroughly investigated and prosecuted. In his concluding remarks, the Chairperson expressed concern at the lack of statistics relating to torture and ill-treatment complaints.²⁰

However, the Minister remained unmoved by these overtures and conveyed his personal confidence in the effectiveness of corporal punishment when used in moderation. He explained that the Constitution makes legal all forms of punishment that existed in the colonial era, including corporal punishment, and that the Court of Appeal had set limits on its use.²¹ Although the Minister conceded that torture is not defined in Botswana’s statutes, he pointed out that offences such as assault, psychological punishment and ill-treatment of prisoners, which could constitute elements of torture, are prohibited in a range of statutes. Further, he referred to case law where prisoner officers who ‘engaged in activities that border on torture’ had been convicted, implying adequate protections were in place.²² On a more conciliatory note, the Minister advised that Botswana is open to considering community service orders as an alternative to corporal punishment.

The Committee was also concerned about how Botswana’s implementation of the death penalty might violate article 7 of the Covenant. The State party’s practice of executing prisoners without notifying the family and burying the body within the prison grounds prompted several Committee members to express concern that this could constitute cruel and inhuman treatment.²³

The Committee’s other major concern regarding the treatment of prisoners was the extent of overcrowding. This was one of the few areas where Botswana admitted it faced a serious problem and orally provided alarming statistics to illustrate the extent of overcrowding.²⁴ The Minister indicated that the government’s primary response is to build additional cells and construct new prisons that are better equipped to accommodate prisoners. Some Committee members urged Botswana to look beyond prison expansion and

¹⁷ Paragraph 153 of the State party report stated that one death sentence has been commuted since 1975.

¹⁸ Remarks by Sir Nigel Rodley, who also commented that the reservation would allow Botswana to legislate the rack as a punishment, and still claim legality. Similar criticisms were expressed by Mr O’Flaherty, Ms Wedgewood and Mr Khalil.

¹⁹ Comment by Mr O’Flaherty.

²⁰ When summarising Botswana’s response to question 9 in the List of Issues, Mr Makgonatsotlhe had commented that data relating to complaints from prisoners about ill-treatment is available and “will be provided in due course.”

²¹ The Minister referred to the *Petrus* decision from 1984 in which the Court of Appeal found that corporal punishment could not be delivered in installments over a lengthy period of time.

²² See paragraphs 161 - 162 of the State party report.

²³ Ditshwanelo noted in paragraph 15 of its parallel report that the Human Rights Committee held in *Mariya Staselovich v. Belarus* that: ‘the secrecy surrounding the date of execution, the place of burial and the refusal to hand over the body for burial have the effect of intimidating or punishing families by internationally leaving them in a state of uncertainty and mental distress ...such treatment amounts to inhuman treatment.’

²⁴ The Minister explained its prisons had a total capacity of 3,994, but in November 2007 there were more than 6,000 prisoners. This figure was comprised of 4,626 sentenced male prisoners; 115 sentenced female prisoners; 1,034 male prisoners on remand; 122 female prisoners on remand; 122 male immigration detainees and 23 female immigration detainees.

construction in preference to alternative sentencing procedures including community service orders, and greater use of bail for unsentenced detainees.²⁵

The right to non-discrimination on the basis of sexual orientation and gender identity (article 2)

The overtly discriminatory remarks by the Head of Delegation in relation to LGBT people made it difficult for the Committee to engage the delegation on this issue.²⁶ The Minister explained that the people of Botswana were not interested in decriminalizing homosexuality, and it was therefore not conceivable that the government would allow condoms in prisons, despite the ‘rampant’ spread of HIV/AIDs.²⁷ Nonetheless, Ms Wedgewood encouraged Botswana to rethink its policy, suggesting that it look to the model provided by Bishop Carlos Belo in East Timor who argued that prisoners were entitled to condoms to protect their health and prevent the spread of HIV/AIDS.

Other issues

Several members of the Committee raised allegations in the parallel reports about systematic discrimination against some of Botswana’s estimated 50 smaller tribes and requested more information about the country’s ethnic and linguistic minorities.²⁸ The Minister advised that he was “not inclined” to collect disaggregated data based on tribal identity. He explained that Botswana is encouraging people to “leave your tribe behind” in an effort to build a united republic. In the government’s opinion, reinvigorating tribal identities would only promote tribal rivalries and divisions, undermining its efforts to promote equitable enjoyment of human rights regardless of tribal origin.

The Committee also engaged the delegation in discussion on the following matters: discrimination against non-citizens (article 2); the independence of the judiciary (article 14); access to legal aid and effective legal representation (article 14); the extent of freedom of expression and opinion, particularly in relation to the operation of the free media (article 19); and funding for political parties (article 25).

Conclusions and next steps

At the conclusion of the interactive dialogue, the Minister remarked that the issues raised by the Committee warranted further debate, and Botswana looked forward to the opportunity to report back on the ‘thought processes’ it goes through following this initial meeting. The one issue where the Minister acknowledged it would ‘do no harm’ to consider a different approach was to allow the family of executed prisoners to collect their body for private burial. However, he pointed out that even those issues where the delegation agreed action was needed would take time to address because consultations are needed to ensure that the government can carry all people along in the reform process. The Minister thanked the Committee for its helpful approach and the opportunity to discuss Botswana’s challenges with a distinguished and genuinely concerned group of experts.

²⁵ Comments were made by the Chairperson and Mr Khalil.

²⁶ The Minister expressed his personal view, which he believed was shared by most people in Botswana, that LGBT people were “abhorrent” and a threat to public morality.

²⁷ See paragraph 259 of the State party report.

²⁸ Mr O’Flaherty, Mr Iwasawa and Ms Wedgewood. Mr O’Flaherty referred to the parallel report from Reteng which argued that the non-Tswana tribes constitute a majority of the population of Botswana, but individually are discriminated against due to their relatively small numbers.

In its concluding observations,²⁹ the Committee ‘noted with satisfaction’ Botswana’s strong democratic culture, provision of universal basic education and achievements in addressing the HIV/AIDS pandemic. It welcomed the increased participation of women in Parliament and the public sector, and encouraged similar progress for women in all sectors. However, the Committee went on to detail 19 ‘principal subjects of concern’ and make recommendations on each, all of which had been foreshadowed during its dialogue with the State party. Some recommendations were very specific, such as the steps it should take to move towards abolition of the death penalty, or the need to legalise same sex sexual relationships. Others were more general, such as the recommendation that the government strengthen its efforts to ensure customary laws and practices are compatible with the rights in the Covenant. Several recommendations reflected the Committee’s particular concern about discrimination against women in Botswana³⁰ and the urgent need for improvements in the treatment of prisoners.³¹ The Committee also made clear recommendations about a range of concerns that were not able to be discussed in detail during the dialogue, such how to address human trafficking, the provision of criminal legal aid, and the need for fair representation of all tribes in the House of Chiefs. Botswana was told to ‘immediately withdraw its reservations’ under the Covenant and requested to widely disseminate the concluding observations and its initial report to the general public.

Two other UN treaty bodies have delivered concluding observations in relation to Botswana, and both addressed similar concerns to those of the Human Rights Committee. Several of their recommendations were referred to by members of the Committee in the course of the interactive dialogue with Botswana, highlighting the fact that the State party had not taken action to implement them. For example, both CERD and the Committee on the Rights of the Child (CRC) requested disaggregated data in future reports so they could better assess progress achieved.³² They also recommended changes to Botswana’s Constitution to provide more comprehensive and stronger protections against all forms of discrimination.³³ The CRC recommended that Botswana incorporate the treaty into domestic law and bring customary law in conformity with its provisions.³⁴ Further, it recommended the government undertake ‘systematic training’ about the treaty obligations for all professional groups who have responsibility for implementing it domestically³⁵ and enact legislation to prohibit corporal punishment.³⁶ Finally, the CERD invited Botswana to consider establishing an independent human rights institution in accordance with the Paris Principles.³⁷

Botswana’s next periodic report is due by 31 March 2012.

Last revised and updated: 28 May 2008.

²⁹ The concluding observations are available at <http://www2.ohchr.org/english/bodies/hrc/hrcs92.htm>

³⁰ The State party should: provide ‘complete statistical data in its next periodic report, disaggregated by, inter alia, gender; ensure the full participation of women in the review of customary laws and practices; and outlaw polygamy.

³¹ Recommendations included the need for immediate action to reduce the prison population, a significant increase in efforts to treat prisoners with humanity and dignity, and the collection of more detailed information on the system put in place to hear complaints regarding act of violence against prisoners.

³² See *Concluding Observations of CERD: Botswana*, CERD/C/BWA/CO/16, 4 April 2006, paragraph 6 and *CRC: Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Botswana*, CRC/C/15/Add.242, 3 November 2004, paragraph 22

³³ See *Concluding Observations of the CERD: Botswana*, CERD/C/BWA/CO/16, 4 April 2006, paragraphs 7 and 8. See *CRC: Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Botswana*, CRC/C/15/Add.242, 3 November 2004, paragraph 27.

³⁴ See *CRC: Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Botswana*, CRC/C/15/Add.242, 3 November 2004, paragraph 11.

³⁵ See *CRC: Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Botswana*, CRC/C/15/Add.242, 3 November 2004, paragraph 24.

³⁶ See *CRC: Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Botswana*, CRC/C/15/Add.242, 3 November 2004, paragraph 36.

³⁷ See *Concluding Observations of the CERD: Botswana*, CERD/C/BWA/CO/16, 4 April 2006, paragraphs 6, 7, 8 and 21.

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