

# DIGITAL RIGHTS IN BOTSWANA

**UPR PRE-SESSIONS**

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**Geneva, Switzerland**

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# RECOMMENDATIONS FROM PREVIOUS CYCLE

## DIGITAL RIGHTS

### Netherlands

Refraining using criminal charges to obstruct freedom of information and expression.

## FREEDOM OF EXPRESSION

### United States

Ensure that all journalists can report freely on government activities without threat or harassment

### Australia

Improve legal protections for journalists, especially those receiving information from whistle-blowers or covering government protests

# STATE OF DIGITAL RIGHTS IN BOTSWANA

## DIGITAL RIGHTS

### Access to Internet

The Botswana government has not restricted access nor shut down the internet in the past.

### The Right to Privacy

Online privacy is not a protected right in the Botswana constitution, however, privacy of the home and property is protected under Articles 3 and 9 of the constitution.

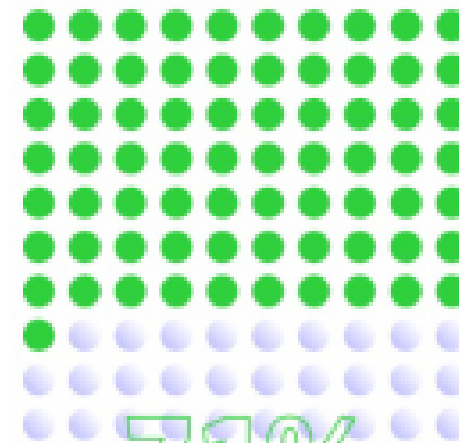
### The Criminal Procedure and Evidence Act of 2022

allows inception, but only with a court warrant.

**Data Protection Act.** Yet to be enforced

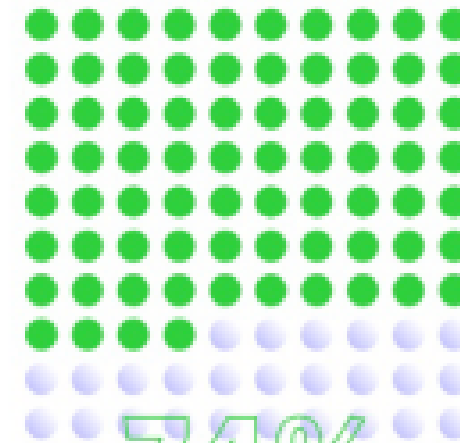
**Cybercrime and Computer Related Crimes Act** contains offences on violations of privacy and other rights.

### HOUSEHOLDS WITH INTERNET ACCESS



71%  
2020

### INDIVIDUALS USING THE INTERNET



74%  
2021

# STATE OF DIGITAL RIGHTS IN BOTSWANA

## FREEDOM OF EXPRESSION AND OPINION

### Laws that restrict Freedom of Expression:

Penal Code, Cybercrime and Computer Related Crimes Act, and the Communications and Regulatory Authority Act.

## MEDIA PRACTITIONERS' ASSOCIATION BILL

Passed in 2022

## ACCESS TO INFORMATION

Botswana remains without a law guaranteeing the right to access to information.

# 4TH CYCLE RECOMMENDATIONS

1. Revise legislation and repeal provisions in the Penal Code, Media Practitioners Act (2008), Cyber Crimes Act and Related Crimes Act that arbitrarily interfere with the exercise of free expression, both online and offline. In particular:
2. Consider decriminalising sedition, defamation and false news laws under the Penal Code in line with international standards.
3. End intimidation and harassment of journalists and others exercising their right to free expression both online and offline and hold to account those that violate journalists' rights
4. Uphold journalists rights and safety by halting the surveillance and harassment of journalists by state security and intelligence agents; Desist from following up with warrantless arrests and searches
5. Enact a comprehensive Freedom of Information law inline with Botswana's constitutional and international legal obligations