
Republic of Botswana: UPR 43

Omnia Strategy LLP

3 April 2023

Previous UPR Cycles

- Previous UPR recommendations **supported** by Botswana:



(Cycle 2: 2012-2016): “Strengthening the efficiency of the judicial system, while making sure the rights of everyone to a fair trial is not compromised”.



(Cycle 2: 2012-2016): “Continue efforts to further promote the protection of human rights, democracy and rule of law”.



(Cycle 3: 2017-2021): “Strengthen its domestic criminal legal system to effectively investigate and prosecute crimes”.



(Cycle 3: 2017-2021): “Take measures to improve efficiency, accountability and transparency in the public service of the country”.

Freedom of Expression and Opinion

- The SALC has described the Government’s interference with civil and political rights as *“profoundly alarming, given that Botswana will in 2024 embark on an electoral process where a free debate of ideas shall flourish”*.
- For example:
 - Former President Khama - reprisals for criticism of President Masisi.
 - UNSR-EJE – submitted Urgent Appeal to Botswana following threats to Former President Khama’s life.
 - Extra-territorial measures - targeting of South African businesswomen and Pan-African Parliament Goodwill Ambassador, Bridgette Motsepe.

Freedom of the Press

- September 2022: New bill creating a Media Board to regulate journalists' conduct.
- Ethics and Conduct Committee to oversee journalists while regulating “*unlawful publication of defamatory matter in accordance with the Penal Code*”.
- DIS raid of Mmegi newspaper labelled “*harassment and intimidation*” by the Botswana Editors Forum and Freedom of Expression Committee.

Freedom of the Press

- The Committee to Protect Journalists (CPJ) is an independent non-profit organisation defending global press freedom.
- In July 2021, a CPJ investigation into Botswana police resulted in findings of serious human rights abuses, including the unlawful use of spyware against a journalist, and the use of torture or other inhuman treatment.



CPJ's investigation revealed that Botswana police used UFED in April 2020 to obtain incriminating information and reveal the contacts of Oratile Dikologang, a journalist with *Botswana People's Daily News*. The police allegedly stripped Dikologang naked and pulled a black plastic pulled over his head during the interrogation.

Right to Peaceful Assembly

- December 2021, Civicus Monitor expressed it was “*concerned about the increased use of the flawed and controversial Public Order Act to police peaceful assemblies in Botswana*”.
- Botswanans increasingly charged under the Public Order Act for peacefully demonstrating.
- Botswanan police officers beating protestors and journalists during political events.

Accountability and Good Governance

- Unity Dow (Botswanan human rights activist, former judge and Minister of Foreign Affairs and International Cooperation): the Government “*failed in delivering good governance [...] so critical[ly], that it threatens the security of every individual in this country [...] as well as that of the state itself*”.
- Key examples:
 - Parliamentary Oversight Committee – appointment of loyalist supporters.
 - Directorate on Corruption and Economic Crime – directors replaced.
 - DIS – directors replaced; unwarranted raids.

Law Society of Botswana's response to Botswana's involvement with AfriForum

- *“We are all **extremely disappointed** by the appointment of AfriForum, given what AfriForum stands for. It's not something we expected or thought government could do”.*
- *“It is a group which seeks to stand in opposition to transformation, **and a group that seeks to stand in the way of trying to redress inequalities of the past in South Africa**”.*
- *“The timing is very bizarre. At the moment there is a global wave that seeks to uproot racism the world over. And in this sensitive and delicate time you decide to engage AfriForum. That is **very alarming**”.*

Law Society of Botswana, 26 June 2020

Recommendations for the 4th cycle

- Ensure rights to freedom of opinion and expression; peaceful assembly; and association.
- Guarantee protection of politicians, journalists and dissidents, and fully investigate threats against them.
- Eliminate legislative provisions undermining freedom of the press.
- Allow independent investigations of extrajudicial arrests, unlawful detentions and arbitrary executions.
- Ensure accountability of members of state agencies for their actions.