

ADVANCE QUESTIONS TO BOTSWANA

CZECH REPUBLIC

- What steps have been taken (or are under consideration) to establish and implement a national framework to promote and protect human rights?
- What conclusions have been drawn by the commission tasked to examine the constitutional provisions alleged to be discriminatory? How will they be implemented?
- What measures Botswana takes to implement the Convention on the Rights of the Child and to prevent violence and sexual exploitation of children? What specific measures are available to protect the rights of children of detainees/prisoners?

SWEDEN

- The government of Botswana has ratified the Convention on the Elimination of all forms of Discrimination Against Women and is working to promote equality, for example through changing the marital laws. However, reports show that a number of traditional laws compromise gender equality and the rights of women. The number of rape victims is reportedly increasing and marital rape is not recognised as a criminal offence. How does the government foresee making traditional laws follow the positive development of the civil laws in order to enhance equality? What measures does the government foresee in relation to the increased rapes and does the government intend to criminalise marital rape?
- The government of Botswana has ratified the Convention on the Rights of the Child, but there are no national laws specifically ensuring the rights of children. Child abuse, spread of HIV/AIDS and infant mortality are areas where concern has been raised. Corporal punishment is used legally in schools and seems to be a common way of punishing children. Can the government elaborate on measures taken to ensure that all children enjoy the rights guaranteed to them in accordance with the CRC and other international human rights instruments?

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- What steps is the Government of Botswana taking to speed up ratification and reporting on international treaties and conventions and commitment to incorporate ratified instruments into domestic law? What consideration has Botswana given to ratifying the International Covenant on Economic, Social and Cultural Rights?
- Does Botswana intend to establish a national human rights institution in line with the Paris Principles? What are the barriers to the establishment of such an institution?
- What steps is Botswana taking to improve conditions in prisons, particularly overcrowding and associated health threats due to high incidence of HIV/AIDS and tuberculosis and incidents of rape?

- What steps is Botswana taking to incorporate the Convention on the Rights of the Child, which Botswana acceded to on 14 March 1995, into Botswana law? CRC has raised concerns about the increasing levels of domestic violence, both physical and sexual abuse of children and the lack of a comprehensive legal and policy framework to protect children. Has Botswana given any consideration to reforming the Children's Act to allow better protection for children?
- What steps is Botswana taking to make the Abolition of Marital Power Act of 2004 and other legal instruments applicable to women married under traditional law.?
- What steps is the Government of Botswana taking to allow civil society organisations that advocate for the rights of the Lesbian, Gay, Bisexual and Transgender community to have legal status and be registered as such?
- What follow up and implementation has there been of the December 2006 court ruling which allowed the San (Bushmen) communities to return to their ancestral land in the Central Kalahari Game Reserve? What level of dialogue and progress has been made since this ruling?
- What consideration has Botswana given to the abolition of the death penalty or a moratorium? Are there any plans to improve the clemency proceedings in order to allow relatives and lawyers representing the inmate to be better informed of the final outcome?
- Finally, what role did civil society play in the preparation of the national report?