

Botswana

Mid-term Implementation Assessment (MIA)



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The review process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the Universal Periodic Review.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: NGOs should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 7 September 2011

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/botswana>

We invite the reader to consult that webpage as all recommendations, the full reports and the unedited comments can be found at that very internet address.

7 NGOs were contacted. Both the mission to the UN in Geneva and the State were contacted. No National Human Rights Institution exists.

2 NGOs responded to our enquiry. The state under review did not respond to our enquiry.

IRI: 11 recommendations are not implemented, 1 recommendation is partially implemented, and 0 recommendations are fully implemented. No answer was received for 90 out of 102 recommendations.

2. Feedbacks on recommendations

Recommendation n° 1: *Adhere to the International Covenant on Economic, Social and Cultural Rights.* (Recommended by Algeria)

IRI: partially implemented

Reteng - The Multicultural Coalition of Botswana (RMCB) response:

In 2009, Government ratified the International Convention on Cultural Heritage. Each year the Department of Arts and Culture commissions a study in certain areas. [...]

Since 2008, Government declared July as the month of Cultural Heritage - each year celebrations are organized by the Department of Arts and Culture in various parts of the country. This has assisted in reviving cultures which were disappearing.

During the same month comes the President's Day celebrations which focus on cultural revival. The Department of Arts and culture dictates the dances and other categories for competitions. This ensures that other groups are excluded from

competitions. [...] Dance groups which make it to the finals in the capital city, are those not associated with RETENG and its member organizations. For the past four years, the same groups have been competing while others have been systematically excluded. [...] The voices are suppressed to conceal their identities. The result is, people see them on television but would not know who they are, what areas they come from. But those who know them rejoice and they too see themselves and rejoice. The advertisements also project the cultural diversity of the country which is a good thing.

[...] Classification: This is a Luke-warm or grey area in which positive things are happening, but blurred by discriminatory elements of seclusion.

Recommendation n° 7: *Continue efforts to achieve universal basic education and reduce primary school drop-out rates, with the support of the international community.* (Recommended by Bangladesh)

IRI: not implemented

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Recommendation n° 96: *Take measures to reverse secondary school drop-out rates resulting from the introduction of cost-sharing.* (Recommended by Tanzania)

IRI: not implemented

RMCB response:

No efforts have been put in place to bring children of school-going age who are not in school. According to UNICEF 2008, and 2011 (August presentation), only 22% of children in poor areas who should be in school are in school. [...]

To-date there are no deliberate efforts targeted to each of these factors. There is no evidence of reduction in drop-out rates in both primary and secondary schools. [...]

Classification: This is negative area - in which government has to be assisted to realize that culturally relevant education is quality education. The elimination of local languages and cultures is a disadvantage in achieving access to quality basic education.

Recommendation n° 8: *With the support of the international community, continue to fight poverty.* (Recommended by Bangladesh)

IRI: not implemented

RMCB response:

In 2009, Government started a campaign to eradicate poverty in its totality. A number of programs which have been in place before 2009 continued and new ones were introduced. These include programs in farming, youth development fund projects and village visits by the President and at least four ministers to each village.

Implementation processes have rendered these programs non-accessible to many people they were intended for. For instance, the farming program was to provide seeds to farmers, plough their fields and buy their products. [...] While the programs have good intentions, there are less likely to address poverty because

implementation is issues are too complex to yield result. It is not targeted to areas where pockets of gross poverty is found [...] There programs are implemented within a context of tribal discrimination, as well as partisan politics. [...] Thus the programs are seen as political tools to attract voters than to sincerely address poverty. Most importantly, they are seen as programs that aim to 'give people fish' than rather than to 'teach one how to fish'. They are not sustainable.

For four years public servants have not had salary increases. [...]

With increases in taxes and others mentioned above, government generates enough funds by impoverishing its people [...] Botswana will have a rich government with very poor people, including civil servants. [...] Poverty is by and large a result of discrimination. Unless government deals with its discrimination policies and practices, which are along tribal and political lines, these programs will continue to exclude the non-recognised, rural poor. [...] For instance, the Okavango and Chobe areas are the engines of tourism, but the ordinary citizens are most poverty stricken, they are observers and not participants in this wealth generation process. [...]

Classification: This is a negative area - funds are used for non-sustainable efforts/programs. Very few benefit long term through systemic exclusion.

Recommendation n° 16: *Continue efforts to eliminate corporal punishment.* (Recommended by Brazil)

IRI: not implemented

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Recommendation n° 28: *Continue to incorporate the provisions of the Convention on the Rights of the Child into domestic legislation, especially article 191, in relation to deep concerns about the corporal punishment of children.* (Recommended by Chile)

IRI: not implemented

Global Initiative to End All Corporal Punishment of Children response:

The Children's Act 2009, enacted after the review, does not prohibit corporal punishment of children. It remains lawful in all settings.

Recommendation n° 17: *Create a national commission of human rights and freedoms.* (Recommended by Cameroon)

IRI: not implemented

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Recommendation n° 95: *Take action to establish an independent national human rights institution in accordance with the Paris Principles.* (Recommended by Tanzania)

IRI: not implemented

RMCB response:

No effort as yet.

Recommendation n° 23: *Take steps to promote a just and equitable solution through renewed negotiations with affected members of the Central Kalahari Game Reserve*

communities and respect the economic, social and cultural rights of minorities living or formerly living on the Reserve. (Recommended by Canada)

IRI: not implemented

RMCB response:

No formal process of negotiations in place. The government narrowly defined the court ruling and allowed only those people whose names appeared on the court list as complainants. The Basarwa are still denied hunting licenses in the CKGR, the companies which invest in the reserve use their own discretion as to how they can assist the residents. Government even attempts to intimidate some of them when they do social responsibility programs in the CKGR.

The right thing to do is for government to resuscitate the boreholes which were destroyed in 2002 with assistance from companies investing in the CKGR. These companies should be encouraged to give shareholding rights to the Basarwa, provide a quota for jobs at every level for Basarwa and ensure that they are able to eventually establish their own similar companies. One of the companies, Wilderness Holdings is assisting in employing the Basarwa people as well as poor minority communities in the Okavango and Chobe. With government putting in place the right policies such companies can alleviate the Basarwa and others minorities from poverty.

Recommendation n° 29: Continue efforts made to achieve the goals of Vision 2016. (Recommended by Cuba)

IRI: not implemented

RMCB response:

One of the goals of vision 2016 to have 'no child disadvantaged' as a result of a mother tongue that is different from the school language. To date there are no efforts put in place to prepare for mother tongue education. [...]

The 2011 National Housing and Population Census had a question on mother tongue. A week before the census, the question was removed as result of the directive from the President.

Classification on this particular goal: Negative - Quality education should be provided through mother tongue education.

Recommendation n° 45: Recommended mainstreaming human rights in the education system. (Recommended by Egypt)

IRI: not implemented

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Recommendation n° 62: Recommended the development of a national strategy for human rights education in the school system at all levels, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community. (Recommended by Italy)

IRI: not implemented



RMCB response:

Mainstreaming Human Rights in the education system: No Action Donor funding for multi-cultural and human rights education initiated by NGOs is discouraged.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all states:

1. We contacted both the delegate who represented the State at the UPR and the permanent mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the State's willingness to implement recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Contact

UPR Info

Avenue du Mail 14

CH - 1205 Geneva

Switzerland

Website:

<http://www.upr-info.org>



Phone:

+ 41 (0) 22 321 77 70

Fax:

+ 41 (0) 22 321 77 71

General enquiries

info@upr-info.org

Follow-up programme

followup@upr-info.org

Newsletter “UPR Trax”

uprtrax@upr-info.org