

Botswana - Human Rights Scorecard ¹

Botswana, officially the Republic of Botswana, is a landlocked country located in Southern Africa. Formerly the British protectorate of Bechuanaland, Botswana adopted its new name after becoming independent within the Commonwealth on 30 September 1966. Since then, it has maintained a strong tradition of stable representative democracy, with a consistent record of uninterrupted democratic elections.²

Official language: English and Tswana

Ethnic groups: 79% Tswana, 11% Kalanga, 3% Basarwa, 3 Kgalagadi, 3% White, 1% others

Government: Parliamentary republic

- President: Ian Khama

- Vice-president: Mokgweetsi Masisi

Death penalty: Retentionist

Population: 2,182,719

Life expectancy: 54.18 years

Under-5 mortality: 8.93 deaths per 1,000 births

Adult literacy: 88.5 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected³

There are no reports the government or its agents committed arbitrary or unlawful killings. In June 2013, however, a wildlife officer shot and killed a foreigner suspected of wildlife poaching in a national park, highlighting the government's increased effort to combat poaching with deadly force.

Freedom from disappearance



Respected⁴

There are no reports of politically motivated disappearances, abductions, or kidnappings.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partly respected⁵

The constitution and law prohibit such practices, but there are reports that government officials employ them on occasion.

Freedom from arbitrary arrest or detention



Respected⁶

The constitution and law prohibit arbitrary arrest and detention, and the government generally observes these prohibitions. In August 2013, the High Court compensated a citizen who was detained overnight over a political comment that was interpreted as a threat to the president.

Freedom from denial of fair public trial



Respected⁷

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants enjoy a presumption of innocence. Trials in the civil courts are public. Defendants are not compelled to testify or confess guilt.

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁸

The constitution and law prohibit such actions. The gov't generally respects these prohibitions. For years the gov't has tried to relocate indigenous Basarwa people from the Central Kalahari Game Reserve (CKGR), but in June 2013 the High Court issued a restraining order prohibiting such action.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 22.91, Rank: 42 / 180 – Mostly free, diverse and independent¹⁰

The constitution provides for freedom of speech and the press. Botswana has a free and vigorous press, with several independent newspapers and magazines, but the gov't dominates domestic broadcasting. The law fines persons found guilty of insulting public officials or national symbols.

Freedom from academic censorship



Respected¹¹

There are no government restrictions on academic freedom or cultural events. Academic freedom is generally respected.

Freedom of peaceful assembly and association



Respected¹²

The constitution and law provide for the freedoms of assembly and association, and the government generally respects these rights.

Freedom of religion



Respected¹³

Freedom of religion is guaranteed. There are no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Nevertheless, all religious organizations must register with the government. There are over 1,000 church groups in Botswana.

Protection of refugees and stateless persons



Respected¹⁴

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government cooperated with the UNHCR and humanitarian organizations in assisting more than 3,500 refugees and asylum seekers.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



2 / 7 – Free¹⁷

The government generally respects the constitutional rights of assembly and association. Freedom of religion is guaranteed. The government does not restrict internet access and academic freedom. The courts are generally considered to be fair and free of direct political interference.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



3 / 7 – Partly free¹⁹

Democracy advocates have alleged that power has become increasingly centralized and clientelistic, with many top jobs going to military officers and family members. Persons found guilty of insulting public officials are fined. Observers declared the latest presidential election as free and fair.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 63%, Rank: 31 / 175 – Limited corruption²¹

The law provides criminal penalties for corruption by officials. There are isolated reports of government corruption every year, yet Botswana is viewed as one of the least corrupt countries in Africa. Its anticorruption body generally boasts a high conviction rate.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partly respected²²

Non-governmental organizations (NGOs), including human rights groups, operate openly without harassment. However, the government has barred organizations supporting the rights of the San (an indigenous tribal population) to enter the Central Kgalagadi Game Reserve (CKGR).

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 71.3%, Rank: 51 / 136 – Somewhat unequal rights²⁴

By law women have the same civil rights as men, but there is no legal requirement for equal pay for equal work. A number of traditional laws enforced by tribal structures and customary courts restrict women's property rights and economic opportunities, particularly in rural areas.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 64.9%, Rank: 95 / 165 – Somewhat protected²⁶

Education is not compulsory, and unregistered children at birth may be denied some government services. The Children's Act of 2010 prohibits the prostitution and sexual abuse of children. The age of consent is 16 for girls and 14 for boys. The minimum legal age for marriage is 18 years old.

Rights of persons with disabilities



Partly respected²⁷

The law prohibits discrimination against persons with physical and mental disabilities in the public sector or the provision of state services. There are few reports of discrimination. Employment opportunities and access to public buildings or transportation for persons with disabilities is limited.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

The constitution and law prohibit governmental discrimination based on ethnicity, race, nationality, or creed, and the government generally respects these provisions. However, reports of discrimination against the Basarwa people abound, including reportedly forced labor.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

The law does not explicitly criminalize consensual same-sex sexual activity, but "unnatural acts" are criminalized with imprisonment. LGBT-rights organizations claim there are incidents of violence, societal harassment, and discrimination based on sexual orientation or gender identity.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partly respected³¹

The right of association is constitutionally guaranteed. The law provides for the rights of workers, except police, military, and prison personnel, to form and join independent unions, to bargain collectively, and to strike, provided certain restrictions are observed. Strikes are severely restricted.

Freedom from forced or compulsory labour



Partly respected³²

The constitution and law prohibit all forms of forced and compulsory labor. However, the government fails to effectively enforce existing relevant laws, particularly in remote areas, mainly because a lack of sufficient staff and funding make it difficult to send labor officers to remote areas.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³³

Children 14 years or older may be employed in light work that is “not harmful to [their] health and development” and is approved by a parent or guardian. There are reports of forced child labor in cattle herding and in domestic servitude, including among migrant children from Zimbabwe.

Right to acceptable conditions of work



Partly respected³⁴

There is a minimum wage for domestic workers only. The law permits a maximum 48-hour workweek. Overtime is payable at time-and-a-half. There are no specific provisions in the law allowing workers to remove themselves from dangerous situations without risking their employment.

Right to employment



18.9% - Extreme unemployment³⁵

Botswana’s unemployment rate between 2011 and 2014 remained extremely high, hovering between 17.7 and 18.9.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: “Death sentences and executions in 2013.” Amnesty International. March 24, 2014. Accessed August 3, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ “Country Reports on Human Rights Practices for 2013 Botswana.” U.S Department of State. January 1, 2013. Accessed August 3, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236330#wrapper>

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹⁰ “World Press Freedom Index.” Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed August 3, 2015. <https://index.rsf.org/#!/index-details/BWA>

¹¹ “Country Reports on Human Rights Practices for 2013 Botswana.” U.S Department of State. January 1, 2013. Accessed August 3, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236330#wrapper>

¹² “Botswana.” World Report 2014: Botswana. January 1, 2014. Accessed August 3, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236330#wrapper>

¹³ “Botswana.” International Religious Freedom Report for 2013. January 1, 2013. Accessed August 3, 2015.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222021#wrapper>

¹⁴ “Botswana.” World Report 2014: Botswana. January 1, 2014. Accessed August 3, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236330#wrapper>

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House’s Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed July 24, 2015.

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁷ “Botswana.” Freedom in the World 2015: Botswana. January 1, 2015. Accessed July 24, 2015. <https://freedomhouse.org/report/freedom-world/2014/botswana#.VbuLBS6OZho>

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed July 24, 2015. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Botswana." Freedom in the World 2014: Botswana January 1, 2014. Accessed August 3, 2015. <https://freedomhouse.org/report/freedom-world/2014/botswana#VbuLbs6OZho>

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Botswana." Corruption by Country. January 1, 2014. Accessed August 3, 2015. <http://www.transparency.org/country#BWA>

²² "Country Reports on Human Rights Practices for 2013 Botswana." U.S Department of State. January 1, 2013. Accessed August 3, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236330#wrapper>

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Botswana." World Economic Forum. January 1, 2014. Accessed August 3, 2015. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BWA>

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed August 3, 2015. <http://www.kidsrightsindex.org/Portals/5/pdf/Pdf-documenten%20juli%202014/The%20KidsRights%20Index%20-%20overall%20score%20-%20juli%202014.pdf>

²⁷ "Country Reports on Human Rights Practices for 2013 Botswana." U.S Department of State. January 1, 2013. Accessed August 3, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236330#wrapper>

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed August 3, 2015. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2013 Botswana." U.S Department of State. January 1, 2013. Accessed August 3, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236330#wrapper>

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed August 3, 2015. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm