



**DITSHWANELO**



**Botswana's Compliance with the International Covenant on Civil and Political Rights:  
Follow Up Report for the Human Rights Committee**

**Follow-up report on paragraphs 22, 26 and 30 to the Human Rights Committee's 2021  
Concluding Observations for Botswana**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996  
and

**DITSHWANELO - the Botswana Centre for Human Rights**

for the 145th Session of the Human Rights Committee  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States.

**DITSHWANELO** - The Botswana Centre for Human Rights is a human rights and an advocacy non-governmental organisation founded in 1993 in Botswana. It plays a key role in the promotion and protection of human rights. It seeks to affirm human dignity and equality irrespective of gender, sexual orientation, social status and political convictions. In pursuit of this, we seek to inform, educate, train, research and counsel on issues of human rights, with specific reference to the marginalised and the disempowered. The group has and continues advocate for the abolition of capital punishment, as well as for the promotion and protection of indigenous and minority groups.

1. In its 2021 Concluding Observations, the Human Rights Committee requested that Botswana provide a follow-up report with information on the steps taken to implement its recommendations contained in paragraphs 22 (liberty and security of persons),<sup>1</sup> 26 (trafficking in persons and forced labour)<sup>2</sup> and 30 (treatment of refugees and asylum seekers and prevention of statelessness).<sup>3</sup> This report focuses on steps that Botswana has taken and on other recent developments related to those recommendations.

**I. Detention conditions continue to be inadequate (Concluding Observations Paragraph 22(a)).**

2. In its Concluding Observations, the Committee recommended that Botswana continue to ensure that conditions of detention are fully in line with the UN Standard Minimum Rules for Treatment of Prisoners (the Mandela Rules).<sup>4</sup>
3. Botswana's follow-up report states that it was considering amendments to the Prisons Act, specifically related to the administration of corporal punishment (Sections 114 and 115) and reduced diet as a form of punishment (Sections 109 and 110).<sup>5</sup> Botswana also states that in 2022, it had declared a moratorium on the administration of corporal punishment to prisoners.<sup>6</sup> There is no available public information on whether in fact prisons have abolished corporal punishment. Nor is there information on any progress toward amending the Prisons Act, despite several announcements suggesting that such reforms are forthcoming.<sup>7</sup>
4. In 2021, Botswana implemented an Offender Reintegration Strategy, which represents promising progress toward compliance with Rule 4 of the Mandela Rules.<sup>8</sup> The follow-up report states that the strategy includes a Case Management System which manages detained people from their initial entry into prison to the time of release, and that it implements needs-based programmes such as psychosocial support, character moulding, spiritual empowerment and restorative justice or reconciliation.<sup>9</sup> The strategy also implements Community Based Reintegration Committees chaired by village leadership (Dikgosi), which have received 1,117 people following their terms, only 28 of whom have re-offended and re-entered prison.<sup>10</sup>

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<sup>1</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 22.

<sup>2</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 26.

<sup>3</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 30.

<sup>4</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 22(a).

<sup>5</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 4.

<sup>6</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 4.

<sup>7</sup> The Monitor. Justice Minister Wants Correctional Laws Overhaul. 16 September 2025. PressReader.com - Digital Newspaper & Magazine Subscriptions. Accessed on 25 November 2025.

<sup>8</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 5.

<sup>9</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 6.

<sup>10</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 7.

5. The follow-up report neglects to comment on detention conditions, however. During a 2023 country visit, the Working Group on Arbitrary Detention observed that poor detention conditions were prevalent, noting lack of adequate bedding and water, insufficient sanitation, and inadequate quantity and quality of food (in violation of Rules 21, 22 and 42 of the Mandela Rules).<sup>11</sup> The Working Group observed that conditions were worse for foreign nationals who did not have family to provide additional food or other necessities, and who did not have access to medications and medical treatment.<sup>12</sup> The Working Group noted that renovations to detention cells at police posts appeared to be underway, but such renovations had been outstanding for years.<sup>13</sup> The Working Group also noted that prison authorities locked up detainees from around 4:30 p.m. until the next morning without purposeful activity.<sup>14</sup> The Working Group further reported that restrictions on communications and limits on family visits violated Rules 43 and 58 of the Mandela Rules.<sup>15</sup>
6. The follow-up report states that in October 2024 the President of the Republic of Botswana had approved the release of 102 inmates and 56 offenders from extra mural labor to reduce overcrowding,<sup>16</sup> but in May 2025, the Commissioner of the Botswana Prisons Service reported to Parliament’s Public Accounts Committee that prisons exceeded their holding capacity of 4,337 people and currently housed 4,341 people.<sup>17</sup>
7. **Suggested recommendations:**
  - Take swift action to adopt proposed amendments to the Prisons Act regarding corporal punishment and reduced diet as a form of punishment.
  - In collaboration with civil society organizations that conduct prison visits, establish a working group tasked with implementing the recommendations of the Working Group on Arbitrary Detention.
  - Ensure that detention conditions—including access to food, personal items, and medical care—for foreign nationals are on a par with conditions for citizens of Botswana.
  - In collaboration with detained persons and custodians of detention facilities, create opportunities for purposeful activity throughout the day.
  - Ensure that all detained persons have access to visits from family members in line with Rules 43 and 58 of the Nelson Mandela Rules.

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<sup>11</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 57.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 60.

<sup>16</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 8.

<sup>17</sup> DailyNews, *Botswana Prisons Overcrowded*, (20 May 2025), <https://dailynews.gov.bw/news-detail/86496>.

**II. Botswana has not taken concrete measures to reduce the length of pretrial detention or to eliminate mandatory pretrial detention for people charged with murder and treason, and Botswana inconsistently offers non-custodial alternative measures to pretrial detention for foreign nationals (Concluding Observations Paragraph 22(b)).**

8. The Committee recommended that Botswana increase the use of non-custodial alternative measures, such as bail. The Committee also recommended that authorities align pretrial detention practices with the Covenant, including by ensuring that pretrial detention is as short as possible and that authorities impose pretrial detention only when reasonable and necessary in light of individual circumstances.<sup>18</sup>
9. In its follow up report, Botswana notes that the Working Group on Arbitrary Detention commended Botswana for implementing alternatives to pretrial detention such as bail, surety, and recognisances, and for making wide use of bail in practice.<sup>19</sup> Botswana also reports that it had enacted the Bail Act No. 4 2024.<sup>20</sup>
10. Section 104 of the Criminal Procedure and Evidence Act provides bail for any offence except treason or murder, although a magistrate may grant bail to a person charged with murder who is under age 18. The Working Group on Arbitrary Detention received reports that in practice, individuals charged with murder may apply for bail,<sup>21</sup> but expressed concern that people charged with murder and treason faced mandatory pretrial detention. The Working Group emphasized that pretrial detention decisions should be made based on an “individualized determination that it is reasonable and necessary in the circumstances, for such purposes as to prevent flight, interference with evidence or recurrence of a crime.”<sup>22</sup>
11. There is no publicly available information on whether Parliament has amended Section 104 to repeal mandatory pretrial detention for people charged with murder and treason.
12. The Working Group also noted that Dikgosi often make decisions regarding pretrial detention, even though Article 9(3)-(4) of the Covenant requires that the accused person appear before a judge or other judicial officer to establish pretrial conditions. The Working Group stated that Dikgosi do not satisfy Article 9’s requirements.<sup>23</sup>
13. Botswana has not responded to the Working Group’s concern that authorities inconsistently offer bail to foreign nationals.<sup>24</sup>

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<sup>18</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 22(b).

<sup>19</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 12.

<sup>20</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 13.

<sup>21</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 31.

<sup>22</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 32.

<sup>23</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 29.

<sup>24</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 32.

14. Botswana has also not addressed the Working Group's concern that people in pretrial detention spend an average of two and a half years in remand, and in extreme cases remand may last for more than six years.<sup>25</sup>

**15. Suggested recommendations:**

- Amend the Criminal Procedure and Evidence Act to repeal the mandatory application of pretrial detention for murder and treason.
- Ensure that only magistrates, judges, and other judicial officers make pretrial detention decisions.
- On an annual basis, publish data about pretrial detention, bail, and other non-custodial alternatives to pretrial detention, disaggregated by the accused person's nationality, the charged offense, the date pretrial detention commenced, the date pretrial detention ended (if applicable), and the date the trial commenced.

**III. People who are unfit to stand trial can still face indefinite detention (Concluding Observations Paragraph 22(c)).**

16. The Committee recommended that Botswana review the legal and administrative processes for people in detention who are declared unfit to plead at trial and ensure that authorities do not subject these people to indefinite detention.<sup>26</sup>

17. The follow-up states that Botswana has implemented administrative measures to evaluate people in detention who have been declared unfit to stand trial every three months. If the person is declared fit, authorities submit a report to the trial court for trial to resume under Section 161.<sup>27</sup> There is no available information on the guidelines that authorities use to assess fitness of persons in detention to stand trial.

18. Despite these measures, Botswana has not provided information regarding the average length of detention for people declared unfit to stand trial. The Working Group expressed concern that the average length of detention for these people is 14.7 years, with some people detained for over 20 years. The Working Group interviewed some people who had been detained for longer than the maximum sentence for the charged offenses.<sup>28</sup>

**19. Suggested recommendations:**

- Establish written guidelines for the administrative measures for evaluating whether a pretrial detainee is fit to stand trial.
- On an annual basis, publish data about the length of detention for each person declared unfit to stand trial, the date of the most recent evaluation of fitness, and

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<sup>25</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 33.

<sup>26</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 22(c).

<sup>27</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 14.

<sup>28</sup> Human Rights Council, Report of the Working Group on Arbitrary Detention on its mission to Botswana, (11 July 2023), U.N. Doc A/HRC/54/51/Add.1 ¶ 80.

the date of release if the person had received the maximum sentence at the time of initial detention.

#### **IV. Botswana has taken steps to implement the Anti-Human Trafficking Act (2014) (Concluding Observations Paragraph 26(a)).**

20. The Committee recommended that Botswana intensify efforts to effectively prevent and combat trafficking in persons, including by fully implementing the Anti-Human Trafficking Act (2014).<sup>29</sup>
21. The follow-up reports on legislative progress to implement the UN Convention against Trans-National Organized Crime (UNTOC) and its Protocols, including a 2024 amendment to the Anti-Human Trafficking Act and an Anti-Human Trafficking National Action Plan (NAP).<sup>30</sup>
22. Botswana reports that it has established an Anti-Human Trafficking Technical Committee and that it had developed standard operating procedures (SOPs), a communication strategy, and training guides in partnership with the International Organisation for Migration.<sup>31</sup> Botswana's Justice Minister described the SOPs and related referral procedures as providing a systematic approach to stakeholders in identifying, protecting, and assisting victims of human trafficking, as well as in investigating and prosecuting offenders.<sup>32</sup>
23. In April 2024, authorities launched a campaign to hold awareness-raising sessions across the country to educate people who are particularly vulnerable to human trafficking, including migrants, women, and children. By October 2024, authorities had held 14 such sessions.<sup>33</sup>
24. Botswana has also implemented regulations under the Anti-Human Trafficking Act for judges and prosecutors.<sup>34</sup>
25. **Suggested recommendations:**
  - Undertake training and sensitization activities targeting local police and village authorities to identify potential trafficking victims and refer them to available resources.
  - On an annual basis, publish data documenting implementation of the Anti-Human Trafficking Act, including the number of victims and potential victims served.

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<sup>29</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana, (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 26(a).

<sup>30</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 15-16.

<sup>31</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report, (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 17-18.

<sup>32</sup> DailyNews, *Govt Moves to Intensify Human Trafficking Fight* (24 October 2025), <https://dailynews.gov.bw/news-detail/82496>.

<sup>33</sup> Medium, *United Against Human Trafficking: Botswana's Movement to Combat Human Exploitation* (25 October 2024), <https://medium.com/iom-development-fund-newsletter/united-against-human-trafficking-botswanas-movement-to-combat-human-exploitation-a635f6ee4f39>.

<sup>34</sup> U.S. Department of State, *2025 Trafficking in Persons Report: Botswana* (accessed 21 November 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/botswana/>.

**V. Botswana still lags in investigating human trafficking and holding perpetrators accountable (Concluding Observations Paragraph 26(b)).**

26. In its Concluding Observations, the Committee recommended that Botswana ensure that authorities thoroughly investigate all cases of alleged human trafficking, hold perpetrators accountable, and provide victims with full reparations.<sup>35</sup>
27. The follow-up report describes legislative and institutional frameworks that authorities have introduced since 2021, most notably the 2024 amendment to the Anti-Human Trafficking Act, 2014, which makes the following changes:
- removes fines in lieu of imprisonment as a punishment for human trafficking;
  - introduces new sections on: severe forms of trafficking; corporate criminal liability; and soliciting, inciting, or persuading another person to commit human trafficking;
  - shifts the burden of proof as to any facts that would be a defense to a charge of contravening the Act; and
  - brings penalties under the Act in line with penalties for other serious crimes such as rape and sex trafficking.<sup>36</sup>
28. The follow-up report also notes the establishment of Anti-Human Trafficking Units at the Botswana Police Service and the Directorate of Public Prosecutions to fast track prosecution of human trafficking cases.<sup>37</sup>
29. Despite these advances, actual arrests, prosecutions, and convictions remain relatively rare: the U.S. State Department reported that authorities had not obtained convictions for human trafficking and had identified few victims. The U.S. State Department also noted years-long delays in prosecuting trafficking cases, which have been hindered in part by limited capacity.<sup>38</sup>
30. In one recent case, authorities secured guilty pleas from five men caught in Botswana trafficking ten Ethiopian nationals who had been attempting to illegally emigrate to South Africa and a court sentenced them to two-year jail terms. The Ethiopian nationals were remanded to custody.<sup>39</sup>
- 31. Suggested recommendations:**
- Step up resources to support timely prosecution of suspected human traffickers.
  - Expand services and financial support to victims of human trafficking.

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<sup>35</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 26(b).

<sup>36</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 20-22.

<sup>37</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 23.

<sup>38</sup> U.S. Department of State, *2025 Trafficking in Persons Report: Botswana* (accessed 21 November 2025), <https://www.state.gov/reports/2025-trafficking-in-persons-report/botswana/>.

<sup>39</sup> The Voice Botswana, *Human trafficking syndicate busted* (18 October 2024), <https://thevoicebw.com/human-trafficking-syndicate-busted/>.

- On an annual basis, publish data about the number of charges, prosecutions, and convictions under the Anti-Human Trafficking Act, as well as support provided to victims in each case.

## **VI. Botswana has not yet passed legislation addressing child labor (Concluding Observations Paragraph 26(e)).**

32. The Committee recommended that Botswana increase efforts to eliminate forced labor and all forms of child labor, particularly in the farming sector, including by increasing labor inspections.<sup>40</sup>
33. The follow-up report states that authorities are reviewing employment and labor legislation to strengthen punitive measures against employers who underpay or abuse migrant workers, breach labor standards, or facilitate human trafficking.<sup>41</sup> It also cites several steps relating to migration and labor recruitment issues, and claims that authorities conduct effective labor inspections.<sup>42</sup>
34. Regarding child labor, report notes that Botswana established a National Technical Committee on Child Labor, consisting of government ministries and other stakeholders, to develop a national action plan on child labor activities, adding that the Ministry of Labour and Home Affairs has “established an account solely for the purpose of funding child labour activities in Botswana.”<sup>43</sup>
35. The Employment and Labor Relations Bill (the Bill) passed into law in July 2025.<sup>44</sup> The law prohibits the employment of children under the age of 15, subject to criminal penalties for violations, but allows children age 15 and older to perform light work appropriate for a child of that age, so long as the work does not risk the child’s well-being, education, physical or mental health, or spiritual, moral or social development.<sup>45</sup>
36. Authorities do not collect or publish data about child labor.<sup>46</sup>
37. **Suggested recommendations:**
  - Collaborate with civil society organizations to train investigators and prosecutors to conduct inspections, gather evidence, and launch prosecutions of employers violating the Employment and Labor Relations Law.

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<sup>40</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 26(e).

<sup>41</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 37.

<sup>42</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 38-39, 41.

<sup>43</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 40, 42.

<sup>44</sup> WTW, Botswana: *Joining the global trend, expanding family leave entitlements* (4 November 2025), <https://www.wtco.com/en-us/insights/2025/11/botswana-joining-the-global-trend-expanding-family-leave-entitlements>.

<sup>45</sup> Viewed at <https://drive.google.com/file/d/18SIVrqfCEJCiKavcpPAEiGzRWHO0LYtn/view>.

<sup>46</sup> U.S. Department of Labor, *Child Labor and Forced Labor Reports—Botswana*, (2024), [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2024/Botswana.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2024/Botswana.pdf).

- On an annual basis, publish data about child employment, disaggregated by age and sector.

**VII. Botswana has adopted but not yet implemented key legislation addressing refugee recognition and management (Concluding Observations Paragraph 30(a)).**

38. The Committee recommended that Botswana ensure that the Refugee (Recognition and Control) Bill is fully compliant with the Covenant and relevant international standards, including by continuing to cooperate and engage with the Office of the UN High Commissioner for Refugees throughout the drafting and adoption process.<sup>47</sup>
39. The follow-up report states that Parliament passed the Refugees Recognition and Management Bill, 2024, which repeals the Refugees (Recognition and Control) Act, 1968, and that the Office of the UN High Commissioner for Refugees was involved in drafting the new law.<sup>48</sup>
40. The new law does not come into operation until a date appointed by the Minister of Justice and Correctional Services in a published order.<sup>49</sup> The law’s effective date is still listed as “ON NOTICE.”<sup>50</sup>

**41. Suggested recommendations:**

- Take swift action to bring the Refugees Recognition and Management Bill into force.
- Collaborate with civil society organizations that work with refugees to develop and promulgate regulations to implement the new law.

**VIII. Botswana has not fully implemented fair and effective asylum procedures (Concluding Observations Paragraph 30(b)).**

42. The Committee recommended that Botswana establish fair and effective asylum procedures in conformity with international standards, including an independent appeal mechanism with suspensive effect against negative decisions on asylum, as well as adequate safeguards against arbitrary detention, deportation, and refoulement.<sup>51</sup>
43. The follow-up report states that the Refugees Recognition and Management Bill, 2024 includes an appeal and review process and that the pending law would allow applicants to have legal representation during refugee status determinations.<sup>52</sup>

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<sup>47</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 30(a).

<sup>48</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 43-44.

<sup>49</sup> *Botswana: Refugees (Recognition and Management) Act, 2024*, No. 20, 29 ¶ 1, October 2024, <https://www.refworld.org/legal/legislation/natlegbod/2024/en/149363> [accessed November 24, 2025].

<sup>50</sup> *Id.*

<sup>51</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 30(b).

<sup>52</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶¶ 47-48.

44. The Refugees Recognition and Management Act, 2024 would establish a Botswana Refugees Committee to consider applications for refugee status<sup>53</sup> and a three-member Botswana Refugees Appeals Board to hear appeals.<sup>54</sup> The Act would prevent authorities from removing an applicant from the country while authorities determine refugee status.<sup>55</sup> As discussed in the previous section, however, the law has not yet taken effect.

**45. Suggested recommendations:**

- Establish interim measures pending the entry into force of the Refugees Recognition and Management Act to bar the deportation of any person who has applied for refugee status.
- On an annual basis, publish data about: (i) the number of applications for refugee status received, approved and denied; (ii) the average duration of an application; (iii) the number of appeals received, approved, and denied; and (iv) the average duration of appeals.
- Ensure that all persons applying for refugee status have access to legal aid to assist with their application and any appeals.

**IX. Botswana still detains asylum-seekers but has taken some steps to improve their detention conditions (Concluding Observations Paragraph 30(c)).**

46. The Committee recommended that authorities detain asylum-seekers only as a measure of last resort and establish alternatives to the detention of children and families with children who are seeking asylum.<sup>56</sup>

47. The follow-up report states that since 2021, Botswana has improved reception conditions for asylum-seekers at the Dukwi Refugee Settlement.<sup>57</sup> The report also asserts that authorities have ceased housing asylum-seekers at the Francistown Centre for Illegal Immigrants and that authorities place unaccompanied asylum-seeking children with foster families at the Dukwi Refugee Settlement.<sup>58</sup> The report also states that authorities have constructed houses to accommodate families with children at the Francistown Centre for Illegal Immigrants.<sup>59</sup>

48. Botswana holds most refugees and asylum-seekers at the Dukwi Refugee Camp and detains undocumented immigrants at the Francistown Centre for Illegal Immigrants.<sup>60</sup> Although

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<sup>53</sup> *Botswana: Refugees (Recognition and Management) Act, 2024*, No. 20, 29 Part III, October 2024, <https://www.refworld.org/legal/legislation/natlegbod/2024/en/149363> [accessed November 24, 2025].

<sup>54</sup> *Botswana: Refugees (Recognition and Management) Act, 2024*, No. 20, 29 Part IX, October 2024, <https://www.refworld.org/legal/legislation/natlegbod/2024/en/149363> [accessed November 24, 2025].

<sup>55</sup> *Botswana: Refugees (Recognition and Management) Act, 2024*, No. 20, 29 ¶ 22, October 2024, <https://www.refworld.org/legal/legislation/natlegbod/2024/en/149363> [accessed November 24, 2025].

<sup>56</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 30(c).

<sup>57</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 49.

<sup>58</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 50.

<sup>59</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 51.

<sup>60</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 29.

Botswana has taken steps to improve conditions at the Dukwi Refugee Settlement<sup>61</sup> and has relocated rejected asylum-seekers from the Francistown Centre of Illegal Immigrants to the Dukwi Refugee Settlement,<sup>62</sup> available information suggests that authorities continue to detain most refugees and asylum-seekers.

#### 49. Suggested recommendations:

- Implement the Committee's recommendations to detain asylum-seekers only as a measure of last resort.
- Dedicate funding to establish community-based housing for children seeking asylum and families with children seeking asylum.

#### X. The Refugees Recognition and Management Act, 2024 would provide refugees with identification documents (Concluding Observations Paragraph 30(d)).

50. The Committee recommended that authorities issue and renew identification documents for asylum-seekers in a timely manner to prevent their arbitrary detention and deportation.<sup>63</sup>
51. The follow-up report states that the Refugee Reception Office issues asylum-seekers proof of registration and identity cards as soon as they apply for asylum.<sup>64</sup>
52. The Refugees Recognition and Management Act, 2024 would provide refugees with identity documents.<sup>65</sup> As discussed in section VII, however, the law has not yet taken effect.

#### XI. Botswana has not ratified the 1961 Convention on the Reduction of Statelessness or withdrawn its reservations to the 1951 Convention relating to the Status of Refugees (Concluding Observations Paragraph 30(f)).

53. The Committee recommended that Botswana consider ratifying the 1961 Convention on the Reduction of Statelessness and consider withdrawing its reservation to the 1951 Convention relating to the Status of Refugees.<sup>66</sup>
54. The follow-up report asserts that Botswana has commenced the process of ratifying the 1961 Convention on the Reduction of Statelessness.<sup>67</sup>
55. In October 2025, authorities participated in a three-day consultation on Botswana's accession to the 1961 Convention hosted by the Office of the High Commissioner for Human Rights and

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<sup>61</sup> See Statement by Hon. Machana Ronald Shamukuni, Minister of Justice of the Republic of Botswana, on the occasion of the 75th session of the Executive Committee Meeting of the UNHCR in Geneva, Switzerland, on October 15, 2024, <https://www.unhcr.org/sites/default/files/2024-10/22-Botswana%20%281%29.pdf> [accessed November 24, 2025]

<sup>62</sup> Botswana Daily News, *Government Relocates 462 Assylum Seekers* (Jun. 22, 2025). Available at <https://dailynews.gov.bw/news-detail/87150>.

<sup>63</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 30(d).

<sup>64</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 52.

<sup>65</sup> *Botswana: Refugees (Recognition and Management) Act, 2024*, No. 20, 29 ¶ 25, October 2024, <https://www.refworld.org/legal/legislation/natlegbod/2024/en/149363> [accessed November 24, 2025].

<sup>66</sup> Human Rights Committee, Concluding Observations on the second periodic report of Botswana (24 November 2021), U.N. Doc. CCPR/C/BWA/CO/2 ¶ 30(f).

<sup>67</sup> Human Rights Committee, Information received from Botswana on follow-up to concluding observations on its second periodic report (21 July 2025), U.N. Doc CCPR/C/BWA/FCO/2 ¶ 61.

the UN Refugee Agency,<sup>68</sup> but Botswana has not ratified the 1961 Convention on the Reduction of Statelessness.<sup>69</sup> Nor has Botswana withdrawn its reservation to the 1951 Convention relating to the Status of Refugees.<sup>70</sup>

**56. Suggested recommendation:**

- Provide the Committee with an update on plans to ratify the 1961 Convention and to withdraw reservations to the 1951 Convention.

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<sup>68</sup> The UN Refugee Agency—Africa, *Botswana takes steps to accede to landmark treaties on human rights and statelessness* (Oct. 16, 2025). Available at <https://www.unhcr.org/africa/news/press-releases/botswana-takes-steps-accede-landmark-treaties-human-rights-and-statelessness>.

<sup>69</sup> See The UN Refugee Agency, *States Parties to the 1961 Convention on the Reduction of Statelessness*, <https://www.unhcr.org/media/states-parties-1961-convention-reduction-statelessness> [accessed Nov. 24, 2025].

<sup>70</sup> See The UN Refugee Agency, *States parties, including reservations and declarations, to the 1951 Refugee Convention*, <https://www.unhcr.org/media/states-parties-including-reservations-and-declarations-1951-refugee-convention> [accessed Nov. 24, 2025].