

# **Botswana 2024 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Botswana during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who committed human rights abuses.

## **Section 1. Life**

### **a. Extrajudicial Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings during the year.

### **b. Coercion in Population Control**

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

## **Section 2. Liberty**

### **a. Freedom of the Press**

The constitution and law provided for freedom of expression, including for the press and other media. With some exceptions, the government generally respected the rights of freedom of speech and press.

The law restricted the speech of some government officials and set fines for persons found guilty of insulting public officials or national symbols. The law stated, “Any person in a public place or at a public gathering (who) uses abusive, obscene, or insulting language in relation to the President, any other member of the National Assembly, or any public officer” was guilty of an offense and could receive a substantial fine. The law also stated that any person who insulted the country’s coat of arms, flag, presidential standard, or national anthem was guilty of an offense and could receive a substantial fine.

The law criminalized insults to religion, as well as comments or writings intended to wound others’ religious feelings. There were no reports of prosecutions or convictions under these provisions during the year.

### **Physical Attacks, Imprisonment, and Pressure**

The Committee to Protect Journalists in February published a report that stated the Assistant Minister of Investment, Trade, and Industry, Beauty

Morukana Manake, in November 2023 published online screenshots of her interview with freelance journalist Kabo Ramasia that included the journalist's telephone number. Ramasia later contacted Manake and requested she conceal his identity or remove the post, but she declined to do so unless Ramasia provided an apology for his coverage of the interview, which he did not.

### **Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups**

Some members of civil society organizations stated the government occasionally censored news stories it deemed undesirable in government-run media. Government and private journalists sometimes practiced self-censorship.

## **b. Worker Rights**

### **Freedom of Association and Collective Bargaining**

The law provided for the rights of workers, except police, military, and prison personnel, to form and join registered unions and to bargain collectively. The law allowed some workers to conduct legal strikes. The law allowed registered unions to conduct their activities without interference. The law placed legal restrictions limiting the right to form and join independent unions, collective bargaining, and the right to strike, as

further outlined below. Because the law did not protect members of unregistered trade unions, those trying to establish, join, or register a trade union had no legal protection from antiunion discrimination.

The law imposed restrictions limiting workers' right to form and join independent trade unions. An association needed more than 30 worker members to be a union, and the law gave the registrar authority to refuse registration upon determining that an existing trade union was sufficiently representative of employee interests. The law also authorized the registrar to inspect accounts, books, and documents of a trade union at "any reasonable time" and provided the labor minister with the authority to inspect a trade union "whenever he considers it necessary in the public interest." It also allowed the registrar or attorney general to apply for an order to restrain any unauthorized or unlawful expenditure of funds or use of any trade union property. Employers and employer associations had the legal right to ask the registrar to withdraw recognition of a union, and the Ministry of Labour and Home Affairs had the right to suspend a union if it was "in the public interest," although the former practice was uncommon, and the latter had never been employed. Any person acting or purporting to act as an officer of a trade union or federation that failed to apply for registration within 28 days of its formation was subject to sanctions.

Trade unions failing to meet formal registration requirements were automatically dissolved and banned from carrying out union activities.

The law provided for collective bargaining only for unions that enrolled at least one-third of an employer or industry's workforce. The law did not allow employers or employers' organizations to interfere in the establishment, functioning, or administration of trade unions. The law provided a framework for either employers or unions to nullify collective bargaining agreements and provided a mechanism for the other party to dispute the nullification. The law also permitted an employer or employers' organization to apply to the government to withdraw the recognition granted a trade union if it established that the trade union refused to negotiate in good faith with the employer.

The law prohibited employees who provided essential services from striking. The law limited its definition of essential services to aviation, health, electrical, water and sanitation, fire, and air traffic control services. Police, military, and prison personnel were not permitted to form or join unions, but they were allowed employee associations that communicated collective needs and concerns to their government employer. Union representatives reported employee associations were generally not as effective as unions in resolving labor disputes.

The law empowered two officials within the Ministry of Labour and Home Affairs, the minister and the commissioner of labor, to refer a dispute in essential services to arbitration or to the Industrial Court for determination.

Civil service disputes were referred to an ombudsperson for resolution, and

the ombudsperson generally made decisions without government interference. Labor commissioners mediated private labor disputes, which, if not resolved within 30 days, could be referred to the Industrial Court.

Workers who were members of registered unions could not be terminated for legal union-related activities. Dismissals could be appealed to civil courts or labor officers, which rarely ordered payment of more than two months' severance pay. The law did not provide for reinstatement of workers, but a judge could order reinstatement if the termination was deemed to be related to union activities. The law did not provide protection to public employees' organizations from acts of interference by public authorities in their establishment or administration.

The government enforced some labor laws but did not protect the freedom of association for workers. In addition, the government placed significant barriers to union organizing and operations, and there were some restrictions on the right to collective bargaining. Workers exercised the right to form and join unions, and employers generally did not use hiring practices to avoid hiring workers with bargaining rights. Legal penalties for violations of laws governing freedom of association were commensurate with those for other laws involving denials of civil rights. Penalties were rarely applied against violators.

The law severely restricted the right to strike, and strikes were rare. When unions followed legal requirements, exhausted arbitration, and notified the

government in advance of a planned strike, the government permitted strikes and did not use force on strikers. Due to strike requirements, however, many strikes were ruled illegal, and striking workers often risked dismissal. The law prohibited sympathy strikes.

## **Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acceptable Work Conditions**

### **Wage and Hour Laws**

The law provided for minimum hourly wages for full time work by sector, with these minimum wages set by the Ministry of Labour and Home Affairs. According to Statistics Botswana, the minimum wage for most sectors was higher than the official estimate of the poverty income level, although the minimum wage in the domestic and agricultural sectors was below the poverty level. Formal-sector jobs generally paid well above minimum wage.

In February, the government revised the hourly minimum wage, increasing it significantly by 23.5 percent to 9.06 pula (\$0.68) per hour for most sectors. For the domestic as well as the agriculture sector, the monthly minimum wage increased by approximately 38 percent from 1,084 pula per month (\$81.10) to 1,500 pula per month (\$112). The law permitted a maximum 48-

hour workweek, exclusive of overtime, which was payable at one-and-a-half times the base hourly rate.

According to union representatives, the minimum wage increases did not keep pace with inflation, and some workers were required to perform overtime duties without compensation. Alleged violations of wage, hour, or overtime laws were common in the automotive manufacturing sector.

### **Occupational Safety and Health**

There were limited occupational safety and health (OSH) requirements. The government's ability to enforce OSH legislation remained limited due to inadequate staffing and lack of clear ministerial jurisdictions.

The law provided protection against termination for workers who verbally complained regarding hazardous conditions, but no specific provisions in the law allowed workers to remove themselves from situations that endangered their health or safety without jeopardizing their employment.

### **Wage, Hour, and OSH Enforcement**

The Ministry of Labour and Home Affairs enforced wage, hour, and OSH standards, but did not effectively enforce the law. Penalties for violations were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators. The number of inspectors was not sufficient to enforce compliance. Inspectors did have



authority to conduct unannounced inspections and could demand that an employer suspend the use of hazardous materials or equipment. Inspectors could not initiate sanctions on their own but could require employers to meet in a public office to discuss matters.

Researchers and labor academics estimated that more than 191,000 persons, approximately 40 percent of working persons, worked in the informal sector and contributed approximately 5.3 percent of all economic activity. Informal work sectors included wholesale and retail trade (45 percent), manufacturing (15 percent), and construction (12 percent). A higher percentage of women and young persons worked in the informal sector. Some workers in the informal sector received only housing and food, particularly in the agriculture and domestic service. Wages in the informal sector were frequently below the minimum wage. Informal-sector workers generally were covered by wage, hour, OSH, and other labor laws available to formal-sector workers, but enforcement in the informal sector was rare. The Department of Social and Community Development provided social protection for informal economy workers.

## **c. Disappearance and Abduction**

### **Disappearance**

There were no reports of enforced disappearances by or on behalf of government authorities.

## **Prolonged Detention without Charges**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge their detention in court. While the government generally observed these prohibitions, compliance was not universal.

The law also required authorities to inform suspects of their rights upon arrest, including the right to remain silent, and required authorities to file charges before a magistrate within 48 hours.

Upon arrest, the law required police to produce an arrest warrant issued by a duly authorized magistrate upon the presentation of compelling evidence, except in certain cases, such as when an officer witnessed a crime being committed or discovered a suspect was in possession of a controlled substance. Directorate of Intelligence and Security Services (DISS) personnel were empowered to enter premises and make arrests without warrants if the agency suspected a person had committed or was about to commit a crime.

Those arrested or detained had the right to an attorney during the first 48 hours after arrest and the right to arraignment before a magistrate. A magistrate could order a suspect held for 14 days through a writ of detention that could be further renewed every 14 days.

The law provided for a prompt judicial determination of the legality of a

person's detention. Heavy court caseloads occasionally delayed this determination.

The country had a functioning bail system, and detention without bail was unusual except in murder cases, where it was mandatory. Detainees had the right to contact a family member and hire attorneys of their choice, but most could not afford legal counsel.

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge their detention in court. Overall, authorities generally respected these rights and legal requirements, although journalists and politicians complained regarding abuses related to DISS's exercise of its arrest powers.

#### **d. Violations in Religious Freedom**

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **e. Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Section 3. Security of the Person

### a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibited such practices, and there were no credible reports government officials employed them. Some laws prescribed corporal punishment for convicted offenders in both criminal and customary courts. Human rights groups viewed these provisions as cruel and degrading; the Court of Appeals ruled in 1983 these provisions did not violate the constitution's provisions on torture or inhuman treatment.

### b. Protection of Children

#### Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

#### Child Marriage

Child marriage occurred infrequently and was largely limited to certain tribes. The government did not recognize marriages that occurred when either party was younger than the minimum legal age of 18.

### **c. Protection to Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

#### **Provision of First Asylum**

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

The government held asylum seekers in the Francistown Centre for Illegal Immigrants detention facility until the Refugee Advisory Committee, a governmental body, made a refugee status determination. The committee met in May for the first time since 2022. As of October, a population of more than 1,000 asylum seekers, including children, were held in Francistown, awaiting a refugee status determination. UNHCR representatives participated in advisory committee meetings as observers and technical advisors.

### **d. Acts of Antisemitism and Antisemitic Incitement**

There was a very small Jewish population, and there were no reports of antisemitic incidents.