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**Human Rights Committee****Concluding observations on the second periodic report of Botswana\***

1. The Committee considered the second periodic report of Botswana (CCPR/C/BWA/2) at its 3815th and 3816th meetings (see CCPR/C/SR.3815 and 3816), held on 20 and 21 October 2021. At its 3827th meeting, held on 1 November 2021, the Committee adopted the present concluding observations.

**A. Introduction**

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its second periodic report (CCPR/C/BWA/2) in response to the list of issues prior to reporting prepared under that procedure (CCPR/C/BWA/QPR/2). It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing after the dialogue.

**B. Positive aspects**

3. The Committee welcomes the adoption by the State party of the following legislative and other measures:

- (a) The Rome Statute of the International Criminal Court Act, in 2017;
- (b) The Anti-Human Trafficking Act, in 2014;
- (c) The Married Persons Property Act, in 2014;
- (d) The Legal Aid Act, in 2013;
- (e) The Employment Amendment Act, in 2010;
- (f) The establishment of the National Human Rights Coordinating Committee, in 2020;
- (g) The National Social Protection Framework, in 2020;
- (h) The National action plan to combat trafficking in persons (2017–2018), in 2017;
- (i) The National Strategy Towards Ending Gender-Based Violence in Botswana (2016-2020) and the National Strategy for Gender and Development, in 2016;
- (j) The accession to the Convention of the Rights of Persons with Disabilities and the passing by Parliament of the Revised Disability Policy, in 2021.

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\* Adopted by the Committee at its 133<sup>rd</sup> session (11 October – 5 November 2021).

## C. Principal matters of concern and recommendations

### Applicability of the Covenant in the domestic legal system

4. The Committee notes that the Covenant is not directly applicable in domestic law and, while welcoming the efforts made by the State party to harmonize statutory and customary legislation with the Covenant, it is concerned that there still remain provisions in domestic legislation, particularly customary laws, that are inconsistent with the Covenant. The Committee is further concerned that the State party has not yet ratified the first Optional Protocol to the Covenant (art. 2).

5. **Recalling the Committee's previous recommendations (CCPR/C/BWA/CO/1, paras. 6 and 10), the State party should:**

(a) **Continue evaluating and revising statutory and customary legislation to ensure harmonization with the rights guaranteed in the Covenant and ensure that domestic laws are interpreted and applied in conformity with its provisions;**

(b) **Intensify its efforts to raise awareness about the Covenant, including by widely disseminating the Committee's recommendations and by providing specific training on the Covenant to government officials, prosecutors and judges in the formal and customary courts, as well as lawyers;**

(c) **Consider ratifying the first Optional Protocol to the Covenant, which establishes an individual complaint mechanism.**

### Reservations

6. The Committee is concerned that the State party maintains its reservations to articles 7 and 12 of the Covenant. With regard to the reservation to article 7 of the Covenant, it recalls that reservations to the prohibition of torture are incompatible with the objects and purposes of the Covenant (art. 2).

7. **Recalling its previous recommendations (CCPR/C/BWA/CO/1, para. 14), the Committee reiterates that State party should consider withdrawing its reservation to article 7 and 12 of the Covenant.**

### National Human Rights Institution

8. The Committee welcomes the Ombudsman Amendment Bill, which was passed by Parliament in 2021 and is currently awaiting assent from the President, and takes note of the Delegation's statement that the Bill will be enacted into law in due course. However, it is concerned about the lack of information on the selection process of the Ombudsman and about the fact that it only has four offices to cover 16 Districts (art. 2).

9. **The State party should take all necessary measures to ensure that the Ombudsman Amendment Bill is enacted into law without delay and that the Ombudsman's Office is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It should also provide the Office with sufficient human and financial resources to carry out its mandate in all parts of the country and ensure its cooperation with regional and international human rights systems.**

### Non-discrimination

10. The Committee is concerned at the lack of comprehensive anti-discrimination legislation and at the fact that section 15(4) (b), (c) and (d) of the Constitution continues to provide for exceptions to the right not to be discriminated against. The Committee is also concerned that the 2019 ruling of the High Court of Botswana in the case of *Letsweletse Motshediemang v. Attorney General* requesting that Section 164 of the Penal Code criminalising same-sex relations be repealed has not been implemented yet due to an ongoing appeal by the Attorney General. The Committee is further concerned about the persistence of discriminatory customary laws and practices towards women, particularly in relation to

marriage and family relations, inheritance, property rights, and legal guardianship by men of unmarried women (arts. 2, 3, 17, 26 and 27).

**11. In light of and in addition to the Committee's previous recommendations (CCPR/C/BWA/CO/1, paras. 9, 11, 22 and 23), the State party should:**

**(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including sex, sexual orientation, gender identity, religion, disability, socioeconomic status, HIV/AIDS status, ethnic and political affiliation or other status;**

**(b) Amend section 15 of the Constitution in order to bring it in line with articles 2, 3 and 26 of the Covenant;**

**(c) Repeal section 164 of the Penal Code;**

**(d) Review customary law and practices that are discriminatory towards women to ensure their full compliance with the provisions of the Covenant;**

**(e) Develop and implement strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and society at large;**

**(f) Take concrete steps, such as comprehensive awareness-raising campaigns and sensitization activities, to address stigma and discriminatory attitudes and promote sensitivity and respect for diversity among the general public.**

#### **Violence against women and children**

12. The Committee is concerned about the high level of violence against women and children, including sexual and domestic violence, which have significantly increased during the COVID-19 pandemic, and about the persistence of harmful traditional practices against women and children, including child marriage, polygamy, widowhood rites and the payment of *bogadi*. The Committee is also concerned about the lack of criminalisation of marital rape and sexual violence in domestic legislation, the low level of reporting of cases and the high rate of withdrawal of complaints. It is further concerned at the insufficient protection and support afforded to victims of domestic violence and their families, including the number of shelters, medical, psychological and rehabilitation services. The Committee regrets not having received sufficient information on the number of investigations, prosecutions and convictions of perpetrators in cases of violence against women and children (arts. 2, 3, 6, 7, 24 and 26).

**13. The State party should:**

**(a) Strengthen the legal and institutional frameworks to protect women and children against violence, including by explicitly criminalizing marital rape and sexual violence, and ensuring the full and effective implementation of the Domestic Violence Act (2008);**

**(b) Take concrete steps to eradicate harmful traditional practices, including through systematic awareness-raising campaigns and programmes to sensitize society, and change attitudes, mentalities and stereotypes;**

**(c) Ensure that cases of violence against women and children are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that victims have access to effective remedies and means of protection and assistance, including to shelters in all parts of the country and to adequate medical, psychological and rehabilitation support services;**

**(d) Conduct awareness-raising for the general public regarding violence against women and children, including the Domestic Violence Act (2008), and ensure that police officers, prosecutors and judges in the criminal and customary courts receive appropriate training to effectively deal with such cases.**

#### **Death penalty**

14. The Committee regrets the State party's position that it does not plan to abolish the death penalty nor to impose a moratorium, and reiterates its concern that death sentences continue to be imposed and carried out. The Committee is also concerned that no applications for mercy before the Advisory Committee on the Prerogative of Mercy have been successful and regrets the lack of information on the criteria applied for determining the success or failure of such applications. It is further concerned that sufficient time is not afforded for the preparation of clemency petitions, despite the ruling of the Court of Appeal on the case *Gabaakanye v. the State in 2016*, that advance notice of the execution day is not given to prisoners and their families, and that the body of the executed person is not returned to the family for private burial. The Committee takes note that the death penalty is mandatory for the crimes of murder and treason and reiterates its view that mandatory imposition of death penalty for any crime is in violation of article 6.2 of the Covenant. In addition, the Committee considers that treason would not be included among the most serious crimes within the meaning of article 6, paragraph 2, of the Covenant. (arts. 6, 7, 10 and 23).

15. **In light of and in addition to its general comment No. 36 (2018) on the right to life and the Committee's previous recommendation (CCPR/C/BWA/CO/1, para. 13), the State party should:**

(a) **Revise the Penal Code so as to make it strictly compliant with article 6.2 of the Covenant and restrict the crimes for which the death penalty may be imposed to the most serious crimes, understood to be crimes involving intentional killing;**

(b) **Increase its efforts towards commuting the death penalty imposed on persons on death row to life imprisonment;**

(c) **Ensure that prisoners and their families are informed in advance of the date of the execution, and that the body is returned to the family for private burial;**

(d) **Consider embarking on a political and legislative process aimed at the abolition of the death penalty and carry out public advocacy efforts and campaigns to promote that objective, including a public debate on the death penalty on the basis of a full presentation of all aspects of the matter, especially the importance of achieving progress in the enjoyment of the right to life.**

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

16. The Committee is concerned that the Penal Code does not contain a criminal offence of torture. It is further concerned at the lack of an independent, effective and accessible mechanism to receive and investigate complaints of torture and ill-treatment of persons deprived of liberty and regrets not having received information on: a) the establishment of an independent institution to visit and monitor places of deprivation of liberty; and b) the number of complaints received, investigations conducted, penalties imposed and measures of rehabilitation and forms of redress provided to victims. It also regrets that the State party has not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (arts. 7 and 10).

17. **In light of and in addition to the Committee's previous recommendations (CCPR/C/BWA/CO/1, paras. 15 and 18), the State party should:**

(a) **Adopt a regulatory framework on torture, including the introduction of a criminal offence of torture in its Penal Code that reflects and is in compliance with relevant international standards;**

(b) **Conduct prompt, thorough, effective, independent and impartial investigations into all allegations of torture and ill-treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;**

(c) **Ensure that all persons deprived of liberty have access to an independent and effective complaints mechanism to investigate allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the bodies responsible**

for handling such complaints, including by strengthening the independence and capacity of the ombudsman to respond to such complaints;

(d) Establish an independent institution mandated to conduct visits and monitor places of deprivation of liberty and ensure that all such places are subject to independent, effective and regular monitoring and inspection without prior notice and on an unsupervised basis;

(e) Provide regular training to judges, prosecutors, lawyers, security officers and law enforcement officials in the field of human rights and, in particular, in respect of the documentation and investigation of cases of torture and ill-treatment, including the materials covered in the Istanbul Protocol;

(f) Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

#### **Corporal punishment**

18. The Committee is concerned that section 25 of the Penal Code and Section 90 of the Children's Act establish corporal punishment as a non-custodial sentence, and sections 114 and 115 of the Prison Act establish corporal punishment as a disciplinary measure for prison offences, in the form of caning which, by its very nature, is a violation of article 7 of the Covenant (art. 7).

19. Recalling the Committee's previous recommendation (CCPR/C/BWA/CO/1, para. 19), the State party should take the necessary legislative measures to explicitly prohibit corporal punishment in the administration of justice and repeal provisions of its legislation providing for punishments that constitute violations of article 7 of the Covenant.

#### **Liberty and security of persons**

20. The Committee acknowledges the measures taken to improve prison conditions and takes note of the information provided by the delegation that the current prison occupancy is 91%. However, it regrets not having received information on the number of detainees in pretrial detention nor on the average length of pretrial detention. In this regard, the Committee is concerned that article 133 of the Criminal Procedure and Evidence Act provides for pretrial detention of excessive duration and about reports of persons held in pretrial detention for very long periods of time and for longer than any possible sentence upon conviction. It is further concerned at reports that detainees who are declared unfit to plead at trial are subject to indefinite detention (arts. 9 and 10).

21. In light of and in addition to the Committee's previous recommendation (CCPR/C/BWA/CO/1, para. 17), the State party should:

(a) Continue its efforts to ensure that conditions in places of detention are fully in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(b) Increase the use of non-custodial alternative measures, including bail, and ensure that pretrial detention is an exceptional, reasonable and necessary measure based on individual circumstances and is as short as possible, in line with the provisions of the Covenant, and that it is reviewed on a regular basis;

(c) Review the legal and administrative processes for detainees who are declared unfit to plead at trial to ensure that they are not subjected to indefinite detention.

#### **Administration of justice**

22. The Committee commends the State party for their efforts to ensure the independence of its judiciary and of the Directorate of Public Prosecutions. While welcoming the measures taken to address the shortage of judicial and administrative personnel and to reduce the backlog of pending cases, the Committee remains concerned that the current number of judicial and prosecutorial personnel may not be sufficient to guarantee access to justice in all parts of the country. The Committee is further concerned about the lack of clear information

in relation to the security of tenure of prosecutors, who are considered as public servants, and to the accountability of the Directorate of Public Prosecutions (arts. 2 and 14).

23. **The State party should:**

(a) **Strengthen measures to ensure access to justice throughout its territory, including by recruiting the necessary judicial, prosecutorial and administrative personnel and increasing the use of mobile justice systems;**

(b) **Increase its efforts to further reduce the backlog of pending cases and improve judicial and prosecutorial efficiency;**

(c) **Ensure that the procedures for the selection, appointment, promotion, discipline and removal of judges and prosecutors are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors.**

#### **Trafficking in persons and forced labour**

24. The Committee welcomes the efforts of the State party to combat trafficking in persons. However, the Committee remains concerned about: a) the prevalence of trafficking, notably of women and children, for the purpose of economic and commercial sexual exploitation; b) the weak implementation of the Anti-Human Trafficking Act 2014; c) the very low rate of investigations, prosecutions and convictions for the crime of trafficking; d) the lenient penalties against traffickers; and e) the low rate of identification of victims. The Committee is also concerned about reports of forced and child labour in cattle herding, particularly children of the San community (arts. 7, 8, and 24).

25. **In light of and in addition to the Committee's previous recommendation (CCPR/C/BWA/CO/1, para. 16), the State party should:**

(a) **Intensify its efforts to effectively prevent and combat trafficking in persons, including through the full enforcement and implementation of the Anti-Human Trafficking Act (2014);**

(b) **Ensure that all cases of trafficking in persons are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate penalties, and that victims are provided with full reparation;**

(c) **Redouble its efforts to identify victims of trafficking and ensure that they are provided with protection and assistance, including access to shelters and to adequate legal, medical and psychological services;**

(d) **Provide adequate training, including on standards and procedures for the identification and referral of trafficking victims, to all relevant State officials, including judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities, and to lawyers;**

(e) **Increase its efforts to eliminate forced labour and all forms of child labour, particularly in the farming sector, including by increasing labour inspections.**

#### **Right to a fair trial**

26. The Committee welcomes the creation of Legal Aid Botswana. However, it remains concerned that free legal assistance is not available in all criminal cases and that Section 32 of the Customary Courts Act does not explicitly guarantee legal representation in customary courts. It is further concerned about the lack of training on the Penal Code provided to traditional chiefs and the tribal administration, despite the fact that the adjudication by customary courts in criminal matters are to be based on the Penal Code. The Committee regrets not having received information on the number of appeals to the civil and criminal court system against customary court decisions (arts. 2, 3 and 14).

27. **In light of and in addition to the Committee's previous recommendations (CCPR/C/BWA/CO/1, paras. 12, 20 and 21), the State party should:**

(a) **Expand the mandate of Legal Aid Botswana to guarantee legal representation in all criminal cases for those who do not have sufficient means to pay**

for it, especially in cases where the interests of justice so require in accordance with article 14, paragraph 3 (d), of the Covenant;

(b) Ensure that the customary law system and its courts function in a manner consistent with article 14 and General Comment No. 32, paragraph 24, and in particular, guarantee legal representation;

(c) Provide training on the Penal Code, the Covenant and other international human rights standards, for traditional chiefs and the tribal administration, particularly customary court judges;

(d) Raise awareness amongst the population of the entitlement to request the transfer of a case from customary courts to civil and criminal courts, and of appeal against customary decisions before such courts.

#### **Treatment of refugees and asylum seekers and prevention of statelessness**

28. While welcoming the drafting of the Refugee (Recognition and Control) Bill, the Committee is concerned about: a) reports of expulsions of migrants and asylum seekers, including those in need of international protection, without carrying out the necessary individual assessments; b) reports of refusals to issue ID to asylum seekers, who risk being arrested and deported on account of lack of documentation; c) reports that the majority of rejected asylum applications were done solely on the basis of the concepts of “first country of asylum” or “safe third country”; d) mandatory and prolonged detention of asylum-seekers at the Francistown Centre and the obligation for refugees to reside in the Dukwi camp, without access to the labour market outside the camp; e) the fact that current legislation governing citizenship does not provide adequate safeguards for the prevention of statelessness, including that it does not guarantee the acquisition of Botswana nationality for children born in Botswana or foundlings who would otherwise be stateless (arts. 2, 7, 9, 10, 13, 24).

29. **The State party should:**

(a) 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 UNHCR during all stages of the drafting process;

(b) Establish fair and effective asylum procedures that are in conformity with international standards, that include an independent appeal mechanism with suspensive effect against negative decisions on asylum, and that provide for adequate safeguards against arbitrary detention, deportation and refoulement;

(c) Ensure that detention of asylum seekers is used only as a last resort and establish alternatives to the detention of children and families with children;

(d) Issue and renew identification documents for asylum seekers in a timely manner, in order to prevent their arbitrary detention and deportation;

(e) Take the necessary legislative measures to ensure that citizenship legislation provides adequate safeguards for the prevention of statelessness in compliance with international standards;

(f) Consider ratifying the 1961 Convention on the Reduction of Statelessness and withdrawing the reservation to the 1951 Convention relating to the Status of Refugees.

#### **Surveillance and the right to privacy**

30. The Committee is concerned about reports of an increased monitoring of online activities and the intrusive use of intelligence methods by State security and intelligence agencies, including as part of COVID-19 state-of-emergency measures, and about the lack of oversight mechanisms and sufficient safeguards against arbitrary interference with the right to privacy in relation to surveillance and interception activities by State authorities (art. 17).

31. **The State party should ensure that:**

(a) All types of surveillance activities and interference with privacy, including online surveillance, interception of communications, access to communications data and retrieval of data, are governed by appropriate legislation that conforms with the Covenant, in particular article 17, including with the principles of legality, proportionality and necessity;

(b) Surveillance and interception are conducted subject to judicial authorization and to effective and independent oversight mechanisms, and that the persons affected have proper access to effective remedies in cases of abuse.

#### **Freedom of expression**

32. The Committee is concerned that domestic provisions may unduly restrict freedom of expression and access to information, including the National Security Act, the Sedition Act, the Media Practitioners Act of 2008, the Cybercrime and Related Crimes Act, sections 90, 91, 93 and 192 to 199 of the Penal Code, and the Emergency Powers Act, enacted during the COVID pandemic. The Committee is further concerned that defamation continues to be criminalised in the State party and that there are no specific provisions in domestic legislation to protect journalists and human rights defenders in the course of their work. In this regard, the Committee is concerned about reports of undue government pressure, arrests, torture and attacks against members of the political opposition, journalists, human rights defenders and others criticizing the Government, which may have a chilling effect within the civic space (art. 19).

33. **The State party should:**

(a) **Revise national legislation that may unduly restrict the right to freedom of expression, including the laws mentioned above, with a view to bringing them into conformity with its obligations under the Covenant, taking into account the Committee's general comment No. 34 (2011) on freedoms of opinion and expression;**

(b) **Ensure that any restrictions on the exercise of freedom of expression comply with the strict requirements of article 19 (3) of the Covenant;**

(c) **Consider decriminalizing defamation and, in any case, resorting to criminal law only in the most serious cases, bearing in mind that imprisonment is never an appropriate penalty for defamation, as set out in general comment No. 34 (2011) on the freedoms of opinion and expression;**

(d) **Protect journalists and human rights defenders, and investigate all cases of harassment against them, arbitrary arrest and detention, prosecute and punish those responsible, and provide victims with full reparations.**

#### **Peaceful assembly**

34. The Committee is concerned that the Public Order Act requires a police permit to hold an assembly and about reports that this requirement is being used in practice to deny authorization for peaceful assemblies. The Committee is also concerned about reports of excessive use of force by State authorities to disperse protests and the arbitrary detention and arrest of protesters for exercising their right of peaceful assembly (arts. 7, 9 and 21).

35. **Bearing in mind the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State party should bring all laws and practices governing peaceful assembly, particularly the Public Order Act, into full compliance with the Covenant and ensure that any restrictions imposed are in compliance with the strict requirements therein. It should also effectively investigate all cases of violence, arbitrary arrest and detention of peaceful protesters and bring those responsible to justice. The use of force by law enforcement officials during peaceful assemblies should be brought into line with the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**



### **Rights of minorities and indigenous communities**

36. The Committee is concerned about the difficulties faced by minorities and indigenous communities in accessing public services, including healthcare and education, in enjoying their rights to their traditional land and natural resources, and in exercising their linguistic rights. In particular, it is concerned that: a) former residents of the Central Kalahari Game Reserve, in particular the Basarwa and Bakgalagadi, who were not applicants in the *Roy Sesana and Others v. The Attorney* case, are required to obtain entry permits to enter the reserve; b) minority children from remote areas, particularly Basarwa children, are institutionalized in hostels located very far from their families, reportedly unsafe and sometimes lacking access to water or electricity, in order to receive primary education; c) languages other than English and Setswana are prohibited in broadcasting, private printed media, and private radio stations; d) there are no provisions in the Communications Regulatory Authority Act of 2012 for local community-based broadcasting and there are reports that broadcasting licenses for locally based community radio stations have been rejected; e) under the Constitution, members of minorities who do not speak English are not eligible to be elected to the National Assembly (arts. 2, 19, 25, 26 and 27).

37. **In light of and in addition to the Committee's previous recommendation (CCPR/C/BWA/CO/1, para. 23), the State party should:**

(a) **Ensure that the rights of minorities and indigenous communities, particularly in relation to their traditional land, natural resources and linguistic rights, are promoted, protected and recognized in law and in practice, including through the development and enactment of dedicated legislation with a view to guaranteeing their enjoyment of the Covenant rights without discrimination;**

(b) **Ensure the consistent and effective application of the principle of free, prior and informed consent before any developmental or other activities take place on lands traditionally used, occupied or owned by minorities and indigenous communities;**

(c) **Ensure that no restrictions are imposed on current and former residents of the Central Kalahari Game Reserve, including those who were not applicants of the *Roy Sesana and Others v. The Attorney General*, to their return to and stay in the reserve;**

(d) **Review the practice of the institutionalization in hostels of minority children from remote areas for the purpose of receiving education and find suitable alternative approaches;**

(e) **Ensure that indigenous communities are able to express themselves in their own languages and promote their cultures, including in broadcasting, private printed media, and private radio stations.**

38. The Committee is concerned that, despite legislative amendments, current rules regarding appointments to the Ntlo ya Dikgosi do not guarantee a fair representation of non-Tswana tribes, in particular that: a) the Constitution still allows preferred status for the Tswana tribes and the de facto automatic appointment of their Chiefs in the *Ntlo ya Dikgosi*; b) few non-Tswana tribes have been recognized under the Bogosi Act of 2008 (arts. 25, 26 and 27).

39. **Recalling the Committee's previous recommendation (CCPR/C/BWA/CO/1, para. 24), the State party should take all the necessary legislative measures to repeal any discriminatory element in the appointment and representation of tribes in the Ntlo ya Dikgosi, and to ensure fair representation of non-Tswana tribes.**

### **D. Dissemination and follow-up**

40. **The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the**

present concluding observations are translated into the official languages of the State party.

41. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 5 November 2024, information on the implementation of the recommendations made by the Committee in paragraphs 21 (conditions of detention), 25 (trafficking in persons) and 29 (treatment of refugees and asylum seekers and prevention of statelessness) above.

42. In line with the Committee's predictable review cycle, the State party will receive in 2027 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2029 in Geneva.

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