



# Freedom in the World 2018

## Botswana *Profile*

**FREEDOM  
STATUS:  
FREE**



Freedom in the World  
Scores

Quick Facts

Freedom Rating



Political Rights



Civil Liberties



(1=Most Free, 7=Least Free)

Aggregate Score: 72/100 (0=Least

Free, 100=Most Free)

## Overview:

While it is considered one of the most stable democracies in Africa, Botswana has been dominated by a single party since independence. President Ian Khama's critics accuse him of becoming increasingly authoritarian. Media freedom remains under threat. The indigenous San people, as well as migrants, refugees, and LGBT (lesbian, gay, bisexual, and transgender) people, face discrimination.

# Key Developments in 2017:



- In March, security agents temporarily detained three journalists attempting to access one of President Khama's homes to investigate corruption allegations. The agents threatened to shoot the journalists if they attempted to enter the property again.
- In February, the Botswana Congress Party (BCP) joined the Umbrella for Democratic Change (UDC), an opposition coalition that will compete in the 2019 parliamentary elections. Analysts contended that the addition of the BCP could allow the UDC to mount a strong challenge against the Botswana Democratic Party (BDP), which has governed since the country gained independence in 1966.
- Also in February, the Court of Appeal ruled that Khama's reappointment of six judges was illegal. The reappointment was one of several apparent attempts by the president to increase his influence over the judiciary.

## Political Rights and Civil Liberties:

# POLITICAL RIGHTS:



## 28 / 40

### A. ELECTORAL PROCESS: 10 / 12

**A1. Was the current head of government or other chief national authority elected through free and fair elections?**  
3 / 4

The president is indirectly elected by the National Assembly for a five-year term and is eligible to seek reelection. The vice president is appointed by the president and confirmed by the legislature. Despite being indirectly elected, the president holds significant power, including the authority to prolong or dismiss the National Assembly, which must dissolve itself if it votes no confidence in the government.

The incumbent president, Ian Khama of the BDP, was elected to a second term in 2014 after his party's victory in that year's parliamentary elections. He originally took office in 2008, rising from the vice presidency when then president Festus Mogae retired a year before the 2009 elections, just as his predecessor had done. This pattern of controlled succession has been criticized in part for giving new BDP leaders the advantages of incumbency before elections.

**A2. Were the current national legislative representatives elected through free and fair elections?** 4 / 4

Botswana has a unicameral, 65-seat National Assembly. Voters directly elect 57 members to five-year terms, six members are nominated by the president and approved by the National Assembly, and the other two members are the president and the speaker. The 2014 parliamentary elections were declared credible by regional and international monitoring bodies. The BDP won 37 of the 57 seats. The UDC won 17, and the BCP won the remaining 3.



**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4**

The Independent Electoral Commission (IEC) administers elections. Although it has a reputation for running well-organized and credible elections, the IEC has been criticized for a lack of public consultation in making changes to the electoral framework.

Legislation passed in 2016 that would introduce electronic voting for the 2019 parliamentary elections caused controversy throughout 2017. In late 2016, the opposition BCP sued the IEC over the legislation, claiming that electronic voting was prone to manipulation in favor of the BDP.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to**

**the rise and fall of these competing parties or groupings**

3 / 4

The right to organize in political parties is largely respected. There is no public financing for political parties, which critics argue gives the BDP an unfair advantage. Electoral reforms passed in 2016 that increased fees for candidates contesting elections drew criticism for further disadvantaging the opposition.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4**

The BDP has dominated the political landscape since 1966—no opposition party has won power. However, in 2014 the BDP's vote total slipped below 50 percent for the first time in its history. In 2012, several of the largest opposition parties formed a coalition, the UDC, to contest elections. The BCP joined the UDC in February 2017. Analysts argued that with this addition, the coalition could overcome the BDP's structural advantages to compete for power in 2019.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4**

People's political choices are largely free from domination by unelected outside groups. However, the House of Chiefs, a 35-member body composed mostly of traditional leaders, advises legislators and can influence their political stances.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4**



Women have full political rights, but cultural factors limit their participation, and their interests are not necessarily addressed by elected leaders. Only 9.5 percent of legislators in the National Assembly are women, and two women serve in the House of Chiefs. In May 2017, after a nine-year delay that was criticized by women’s rights groups, Khama signed the Southern African Development Community (SADC) Protocol on Gender and Development, which aims to empower women and reduce gender-based discrimination.

Smaller ethnic and tribal groups tend to be left out of the political process. People with disabilities participated at low levels in the 2014 parliamentary elections, and Botswana is not a signatory to the Convention on the Rights of Persons with Disabilities (CRPD). Political parties generally do not represent the interests of LGBT people.

## C. FUNCTIONING OF GOVERNMENT: 8 / 12

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4**

Elected executive and legislative officials determine the government’s policies. However, opposition parties have criticized the executive branch for dominating the National

Assembly and rushing bills through the legislative process without adequate deliberation. In 2016, lawmakers approved an amendment that increased the number of National Assembly members appointed by the president from four to six. Opposition leaders argued that the change would further strengthen executive power at the expense of the National Assembly's independence.



### **C2. Are safeguards against official corruption strong and effective? 3 / 4**

Although corruption laws are generally enforced, the main anticorruption agency, the Directorate on Corruption and Economic Crime (DCEC), has been ineffective in pursuing cases of high-level corruption. Observers have noted an erosion in the independence of the DCEC in recent years. In July 2017, David Moseitse, an ally and friend of Isaac Kgosi, director general of the Directorate of Intelligence and Security Services (DISS), was appointed to lead the anticorruption body. Because Kgosi had been implicated in a money-laundering scandal, critics denounced the appointment as a bid to shield him from prosecution.

### **C3. Does the government operate with openness and transparency? 2 / 4**

Botswana lacks a freedom of information law, which limits the government's transparency. Press freedom advocates have criticized Section 44 of the Corruption and Economic Crime Act, which prohibits publishing information on investigations by the DCEC. Many government expenses, including military acquisitions and taxpayer-funded construction of the

president's private residences, are shrouded in secrecy. In March 2017, the Public Procurement and Assets Disposal Board (PPADB) passed reforms to begin publishing state procurement plans.



## CIVIL LIBERTIES: 44 / 60

### D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

#### D1. Are there free and independent media? 2 / 4

Although freedom of expression is constitutionally guaranteed, journalists continued to endure harassment and intimidation from the government in 2017. In March, three journalists from the INK Center for Investigative Journalism were temporarily detained while trying to access one of President Khama's homes in the village of Mosu for a report on corruption. Security agents threatened to shoot the journalists if they attempted to access the property again.

The state-run media dominate television broadcasting. In August, the country's ombudsman found that Botswana Television favors the ruling party. State-run outlets frequently censor stories that may conflict with the government's interests, including reports on corruption investigations or opposition rallies. Authorities are known to pressure



independent media outlets to publish stories that present the government in a positive light.



**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

Religious freedom is generally respected in practice, though all religious organizations must register with the government. In June 2017, Mormon missionaries from the United States were allowed to return to Botswana following a four-year ban on all foreign missionaries. In April, the government drew criticism for excluding non-Christians from the newly formed Societies Advisory and Arbitration Council, which was created to advise the government on religious matters.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4**

Although academic freedom is generally respected, professors often practice self-censorship when addressing sensitive topics. In the past, foreign academics have been deported for publishing work that was critical of the government, contributing to cautiousness among many scholars.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4**

Although freedom of expression is constitutionally protected and typically respected in practice, the law restricts the ability of public-sector workers to air their political views. In April 2017, the Court of Appeal ruled that teachers could not make statements for or against a political party in the media,

affirming existing law; the ruling affects all public-sector workers.



In recent years, the DISS has developed technology to monitor the private communications of Botswanans. In September, Trade and Industry Minister Vincent Seretse suggested that the government would present a bill to greatly expand surveillance powers before the 2019 elections. In May, an official at the Ministry of Defence, Justice, and Security stated in an interview that the government would be drafting an amendment to the Cyber Crime Act to increase the monitoring of social media for fake news and defamation. Civil society leaders expressed concern that any new social media legislation could result in a crackdown on freedom of expression.

## E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

### **E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is guaranteed by the constitution and largely upheld in practice. However, in February 2017, students protesting their delayed allowances at the University of Botswana were violently dispersed by police. Officers used rubber bullets and tear gas, and some students were beaten. One transgender student who was arrested claimed that she was made to strip.

### **E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights— and governance-related work? 4 / 4**

Nongovernmental organizations (NGOs), including human rights groups, generally operate without restrictions.



### **E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4**

The right to form a union is respected, but the government places restrictions on who can strike. The Trade Dispute Act was amended in 2016 to include teachers, diamond cutters, and veterinarians among those providing “essential services” who are not legally allowed to strike. Because of limitations on the right to strike, the government declares many strikes to be illegal, and workers can be terminated for their participation in these cases. The law does not always protect workers from antiunion discrimination by employers.

## **F. RULE OF LAW: 11 / 16**

### **F1. Is there an independent judiciary? 3 / 4**

The judiciary is generally independent and free from executive interference. Several incidents in 2017 raised concerns that President Khama was attempting to exert undue influence on the courts, but the judiciary showed resilience in the face of executive pressure. In February 2017, the Court of Appeal invalidated the president’s reappointment of six of its justices, ruling that they could not be reappointed after serving a fixed three-year term under the law. In May, the same court ruled against Khama’s refusal to appoint Omphemetse Motumise to the bench as recommended by the Judicial Services Commission (JSC). The president’s appointment that month of a close subordinate, his permanent secretary, to the JSC, which

recommends judicial appointments, added to concerns about executive influence.



## **F2. Does due process prevail in civil and criminal matters? 3 / 4**

The right to a fair trial is protected by the constitution and generally upheld in practice. However, the judiciary lacks human and financial resources, which has led to a backlog that results in lengthy pretrial detentions. Attorneys are provided to all defendants in capital cases, but defendants in noncapital cases must pay for their own counsel. The DISS has the power to arrest suspects without a warrant if agents believe they have committed or will commit a crime. Some civil society groups have raised concerns about the DISS's expansive powers and insufficient oversight and accountability.

## **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4**

Although citizens are largely protected from the illegitimate use of force, corporal punishment is imposed in some cases, a practice that many human rights groups criticize as cruel and degrading. Instances of police brutality have been reported, and perpetrators are rarely held accountable. Although the parliament passed a motion in 2012 calling for an Independent Police Investigations Directorate (IPID) to handle allegations of police abuse, the Ministry of Defence, Justice, and Security has not yet established the body.

#### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**



Customary law, commonly applied in rural areas, often discriminates against women economically and perpetuates the view that women play a subordinate role in society.

The indigenous San people tend to be economically marginalized and lack access to education. There have been reports of beatings, abuse, and arbitrary arrests of San by police and park rangers.

Same-sex sexual relations remain implicitly criminalized under a law against “unnatural” sexual acts, though it is not actively enforced. LGBT people continue to experience discrimination, especially in accessing health care. In September 2017, the High Court ruled in favor of a transgender man seeking to change the gender listed on his identification card, a decision that was seen as a major victory for the rights of LGBT people.

Refugees in Botswana are detained in encampments where they are denied the ability to work and integrate into local communities. Many asylum seekers are held at the Francistown Center for Illegal Immigrants, where deteriorating conditions have reportedly included leaking tents and communicable diseases. In November 2017, the Court of Appeal rejected a High Court ruling that the detention of 165 asylum seekers was illegal. It ruled that only recognized refugees, not asylum seekers, were permitted at the Dukwi refugee camp, and ordered asylum seekers back to Francistown.

## G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16



### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Most Botswanans can move freely throughout the country and travel internationally. However, in addition to the movement restrictions on refugees and asylum seekers, San have limited access to their traditional lands in the Central Kalahari Game Reserve. The government's long-standing policy has been to relocate San out of the reserve, and those who still have relatives living there must apply for a permit to visit them.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4**

Botswana has generally sound legal protections for property rights, and they are enforced in practice. However, customary law discriminates against women in property and inheritance matters—a woman has no right to her husband's property upon his death. The country's regulatory framework is considered conducive to establishing and operating private businesses.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4**

Domestic violence and rape are pervasive problems. The law does not recognize spousal rape as a crime. Customary law restricts women's rights within a marriage, as women are considered legal minors. When husbands and wives separate, custody is traditionally granted to the father. Child and forced marriages still occur under customary law.



Women can experience harassment for not dressing conservatively. In June 2017, a woman was sexually assaulted by a group of men at a bus station for wearing a miniskirt, which prompted protests in defense of women's rights.

#### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4**

Workers enjoy a number of protections against exploitative labor practices. However, employer abuses in retail stores, the tourism industry, and the private security sector are an ongoing problem. Botswana lacks a strong regulatory framework for labor brokers that dispatch workers to clients on short-term contracts, in which exploitation is common. Human trafficking remains a challenge. While the government increased trafficking prosecutions in 2017, efforts to identify and protect victims were inadequate.

#### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

#### **Full Methodology**



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