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U.S. Department of State

Botswana Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

BOTSWANA

Botswana is a long-standing, multiparty democracy. Constitutional power is shared between the President, Sir Ketumile Masire, and the 44-member, popularly elected lower house of Parliament. The ruling Botswana Democratic Party (BDP) continued to dominate the National Assembly, holding 31 of 44 seats. The opposition Botswana National Front (BNF) holds the remaining 13 seats. In October 1994, the President was reelected in free and fair elections for a third 5-year term. The Government respects the constitutional provisions for an independent judiciary.

The civilian Government exercises effective control over the security forces. The military, the Botswana Defense Force (BDF), is responsible for external security. The Botswana National Police (BNP) are responsible for internal security. Members of the security forces occasionally committed human rights abuses.

The economy is market oriented with strong encouragement for private enterprise. Healthy diamond revenues and effective economic and fiscal policies resulted in improved growth, with the economy growing at a robust annual rate of approximately 7 percent following a downturn from 1991 to 1993. Per capita gross domestic product was approximately \$2,800 in 1997. Over 50 percent of the population is employed in the informal sector, largely subsistence farming and animal husbandry. Rural poverty remains a serious problem, as does a widely skewed income distribution.

The Constitution provides for citizens' human rights, and the Government generally respects those rights in practice, although there were some continuing problems. There were credible reports that the police

sometimes mistreated criminal suspects in order to obtain evidence or coerce confessions. The authorities have taken action in some cases against persons responsible for abuses. In many instances the judicial system did not provide timely fair trials due to a serious backlog of cases. Women continued to face legal and societal discrimination, and violence against women is a continuing problem. The Government met with nongovernmental organizations (NGO's) to formulate a long-term plan of action to implement its national policy on women, which is designed to address these problems. Some Batswana, including groups not numbered among the eight "principal tribes" identified in the Constitution because they live in remote areas, still do not enjoy full access to social services and, in practice, are marginalized in the political process. Trade unions continued to face some legal restrictions, and the Government did not always ensure that labor laws were observed in practice.

The Government continued to address human rights problems. There were instances of abuse by police, including intimidation of suspects to obtain evidence or elicit confessions.

Parliament ratified nine international labor conventions and adopted national policies on children and on care of the disabled. However, the Government's 1995 plan to construct a separate detention facility for asylum seekers whose refugee claims have been rejected continued to be delayed pending resolution of a dispute between two government ministries over development of the property. The facility is referred to by the Government as the Center for Illegal Immigrants. Until the Center is completed, refused asylum seekers continue to be detained in prison. Refugees and asylum seekers refused under Botswana's "first country of asylum" policy are housed at Dukwe Refugee Camp.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

Police continue to investigate the circumstances surrounding the 1996 suffocation death of a burglary suspect in which six members of the BDF military Intelligence unit were implicated. Due to insufficient evidence, no charges have as yet been filed.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution explicitly forbids torture, inhuman, and degrading treatment or punishment. The authorities generally respect this prohibition in practice and, in some cases, have taken disciplinary or judicial action against persons responsible for abuses. However, instances of abuse do occur. While coerced confessions are inadmissible in court, evidence gathered through coercion or abuse may be used in prosecution. There were credible reports that police sometimes used intimidation techniques in order to obtain evidence or elicit confessions. In the past police sometimes suffocated criminal suspects with a plastic bag. In general, however, beatings and other forms of extreme physical abuse remained rare.

Student riots in February 1995 over police handling of a ritual murder case resulted in some injuries. The Attorney General's office pursued charges against some of the rioters, charging them with unlawful

rioting and assault. However, they were acquitted in 1997.

Customary courts continued to impose corporeal punishment sentences in the form of lashings on the buttocks. There were periodic press reports of floggings, particularly of young offenders in villages, imposed by customary courts for vandalism, theft, hooliganism, and other infractions. The Government has refused to adopt a motion submitted by the House of Chiefs to reinstate flogging across the back rather than the buttocks. The House of Chiefs is an advisory body only.

Prison conditions meet minimum international standards, although overcrowding is a problem. Women in custody are placed in the charge of female officers. The Government permits visits by human rights monitors after a detailed inquiry procedure.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution "every person in Botswana" is entitled to due process, the presumption of innocence, and freedom from arbitrary arrest. The authorities respected these guarantees in practice. Suspects must be informed of their legal rights upon arrest, including the right to remain silent, to be allowed to contact a person of their choice, and generally to be charged before a magistrate within 48 hours. A magistrate may or