



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

BOTSWANA

Botswana is a longstanding, multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. The House of Chiefs, representing all of the country's major tribes and some smaller ones, has no legislative power but may offer its views to both the President and National Assembly on legislation. Festus Mogae, who, as Vice President, became President upon former president Sir Katumile Masire's resignation in 1998, continued to lead the Botswana Democratic Party (BDP), which has held a majority of seats in the National Assembly continuously since independence. In October elections generally regarded as largely free and fair, despite initial restrictions on opposition access to radio and press reports of ruling party campaign finance improprieties, the BDP increased its majority in the National Assembly and elected President Mogae to a second 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, but in practice sometimes has performed internal security functions. 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, and has achieved rapid sustained real per capita economic growth since independence. Per capita gross domestic product (GDP) rose during the year to just over \$2,800 (13,049 Botswana pula), due largely to increased world demand for diamonds. Diamond exportation provided over two-thirds of the country's export income and much of the revenue of the Government, which owned half of a company engaged in the production of diamonds from existing mines. Per capita GDP increased 12 percent from 1998, when diamond prices had been depressed by the Asian financial crisis. Nearly half 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 Government generally respected the human rights of its citizens; however, problems continued in some areas. There were credible reports that the police sometimes beat or otherwise mistreated criminal suspects in order to obtain evidence or coerce confessions. The authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor and there were credible reports of torture and deaths under suspicious circumstances. In many instances, the judicial system did not provide timely fair trials due to a serious backlog of cases. The Government began to relax its monopoly of domestic radio broadcasting but limited opposition access to state-owned radio broadcasts. At times the Government held newly arrived refugees from neighboring countries in local jails or special areas in prisons; however, the Government ceased to detain in prison persons to whom it refused asylum, and instead lodged them in a refugee camp. Women continued to face legal and societal discrimination, and violence against women remained a serious problem. Some citizens, including groups not numbered among the eight " principal tribes " of the Tswana nation, the majority ethnic group, still did not enjoy full access to social services and, in practice, remained 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.

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 confirmed reports of political or other extrajudicial killings.

There were instances of suspicious deaths in prison (see Section 1.c.).

In September a high court judge acquitted five officers from the BDF military intelligence unit charged with murder in the 1996 suffocation death of a burglary suspect in police custody.

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, and the authorities generally respect this prohibition in practice, although instances of abuse occur. In some cases, the authorities have taken disciplinary or judicial action against persons responsible for abuses. 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 beat persons and used intimidation techniques in order to obtain evidence or elicit confessions. In general, however, beatings and other forms of extreme physical abuse remained rare.

Customary courts continued to impose corporal 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.

Prison conditions were poor, and there were credible reports of torture and deaths under suspicious circumstances. A December 15 report by the Gaborone Prison Visiting Committee (GPVC) cited what it called "appalling" conditions and the suspicious deaths in prison of two inmates. In the women's prison, Boitumelo Nthoiwa complained during a July visit by the GPVC of assault by prison officials, including kicks to her stomach. Prison officials cited pneumonia as the cause for Nthoiwa's death in October. Prison officials said that Andrew Molefe died in the first offender's prison after taking an illegal substance that had been smuggled into the prison by another inmate. With the country's high incidence of HIV/AIDS and tuberculosis, prison overcrowding constitutes a serious health threat. The 21 prisons across the country have a capacity of 3,198 but held 6,777 by year's end, according to press reports. The Commissioner of Prisons has ordered full investigations into the management and conditions of prisons covered in the GPVC report.

The Government generally permits access to prisons for monitoring purposes by international and local nongovernmental organizations (NGO's) after a detailed inquiry procedure; however, the International Committee of the Red Cross (ICRC) did not visit prisons during the year.

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; and the authorities respected these provisions 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 order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. Most citizens charged with noncapital offenses are released on their own recognizance; some are released with minimal bail. Detention without bail is highly unusual, except in murder cases, where it is mandated. In August, a High Court judge ruled unconstitutional a 1998 law that denied bail for persons accused of rape.

Detainees have the right to hire attorneys of their choice, but in practice most are unable to afford legal counsel. However, poor police training and poor communications in rural villages make it difficult for detainees to obtain legal assistance, and authorities do not always follow judicial safeguards. The Government does not provide counsel for the indigent, except in capital cases. One NGO, the Botswana Center for Human Rights, provides free legal services, but its capacity is limited. Another NGO, the University of Botswana Legal Assistance Center, provides free legal services in civil, but not criminal, matters. Constitutional protections are not applied to illegal immigrants, although the constitutionality of denying them due process has not been tested in court.

Pretrial detention has been prolonged in a large number of cases. In Gaborone Central Prison, the average wait in prison before trial was one year.

The Government sometimes held newly arrived refugees and asylum seekers in local jails

until they could be interviewed by the Botswana Council for Refugees (BCR) or the U.N. High Commissioner for Refugees (UNHCR). However, the Government transferred persons granted refugee status to the Dukwe Refugee Camp. Since the Government had no other internment facility for refugees, some refugees, including some who had left Dukwe without permission, were removed to a holding area, separate from criminal prisoners, within the prison at Mahalapye. At year's end, about 60 refugees from Namibia's Caprivi Strip who left the Dukwe Camp or were involved in disturbances there were being held in Mahalapye Prison. The BCR stated that this is a temporary measure, but the Government lacks a minimum security internment facility. Although the Government has planned for several years to build a long-term " illegal immigrant internment center, " its construction has been deferred and it now appears unlikely to open soon (see Section 2.d.).

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judiciary consists of both a civil court (including magistrates' courts, a High Court, and a Court of Appeal) and a customary (traditional) court system.

The law provides for the right to a fair trial. However, the civil courts remained unable to provide for timely, fair trials in many cases due to severe staffing shortages and a backlog of pending cases.

Most trials in the regular courts are public, although trials under the National Security Act (NSA) may be held in secret. Those charged with noncapital crimes are tried without legal representation if they cannot afford an attorney. As a result, many defendants may not be informed of their rights in pretrial or trial proceedings. In October, a High Court judge declared a mistrial in the case of two Basarwa (Bushman) men who had been convicted in 1995 of a murder that occurred the same year, and were awaiting execution. A human rights group claimed that the two did not understand the language used at the trial and that translations were poor. It also questioned whether the accused understood their rights or the charges against them, and noted that attempts by the men to change their court-appointed lawyers had been disregarded. Ruling that the two had been deprived of their constitutional rights, the judge ordered a new trial. A date had not yet been set for the new trial by year's end (see Section 5).

Most citizens encounter the legal system through the customary courts, under the authority of a traditional leader. These courts handle minor offenses involving land, marital, and property disputes. In customary courts, the defendant does not have legal counsel and there are no precise rules of evidence. Tribal judges, appointed by the tribal leader or elected by the community, determine sentences, which may be appealed through the civil court system. The quality of decisions reached in the traditional courts varies considerably. In communities where chiefs and their decisions are respected, plaintiffs tend to take their cases to the customary court; otherwise, people seek justice in the civil courts.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 -- Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, the State has monopolized domestic radio broadcasting. During the year, the Government began to relax this monopoly by granting licenses to private radio stations. The Government limited the access of opposition political leaders to state-owned radio, which continued to dominate domestic broadcasting; however, in the latter part of the election campaign all state-owned media provided balanced news coverage of the main political parties and candidates.

The independent press is small but growing, and has a long tradition of vigorous, candid, and unimpeded discourse. It continued frequently to be critical of the Government and of the President. At year's end, four privately-owned weekly newspapers were published in Gaborone and distributed to the country's main cities and towns. One privately-owned weekly newspaper was published in Francistown, the country's second-largest city. Nine privately-owned magazines were published monthly. These publications reported and editorialized without fear of closure or censorship. For example, the independent press reported on several corruption scandals involving irregular payments to senior government officials from companies holding government contracts and on the case of an assistant minister of finance serving on the board of directors of one of these companies.

However, government officials sometimes complain of bias in the private press. For example, in June the Finance Minister, who was also chairman of the ruling party, publicly accused the private press of having " a hidden political agenda " after private newspapers reported a large anonymous contribution to the ruling party through a Swiss bank and traced it to a subsidiary of a globally dominant international diamond company.

Government officials and other public figures have recourse to the courts if they believe that they have been libeled. However, libel is a civil law matter in the country; there are no criminal libel laws.

Radio remained the most important medium of public communication; the circulation of privately owned print media continued to be limited mostly to the main cities and towns. The Government adopted a new broadcast law in 1998 after consultation with media representatives. The new law provides for issuance of broadcast licenses to private companies for the first time and provides copyright protection of broadcast material. It also created a National Broadcast Board, which would grant broadcast licenses. However, the National Broadcast Board is not yet functioning. The Botswana Telecommunications Authority (BTA) reviewed the initial applications for, and in May granted, the first of two radio licenses to private companies. The second was granted in September.

Yarona FM and GABZ FM, the two new private radio stations, went on the air in June and November, respectively. Both broadcast only to the Gaborone metropolitan area; state-owned radio continued to be the only domestic radio service broadcasting outside the capital area. Both private radio stations have a news component to their programming with no discernible policy of supporting a particular political party.

The only television station in the country is the privately owned Gaborone Broadcasting Company (GBC), which has operated since 1987, broadcasting mostly foreign-made programming. GBC broadcasts reach viewers only in the capital area.

Independent radio and television from neighboring South Africa are received easily.

Internet access is spreading quickly. The Government does not restrict e-mail or Internet usage. By year' end, five Internet service providers were competing for the domestic market, four of them private companies and one the commercial arm of the parastatal Botswana Telecommunications Corporation.

The Government's Botswana Press Agency (BOPA) provides most of the information found in the media that are owned and operated by the Government, the free " Daily News " newspaper and Radio Botswana, which broadcasts to almost all of the country. The news coverage of both these state-owned media focuses on the activities of government officials and supports government policies and actions

During the election campaign, opposition candidates initially had limited access to state-owned media, including state-owned radio, which was the only domestic radio service and the sole domestic source of news for most of the rural population. During the first part of the campaign season, the state-owned media gave opposition candidates less news coverage than ruling party candidates. When opposition politicians complained about this, the Government initially countered that the activities of ministers and other government figures were inherently more newsworthy and therefore deserving of more coverage. However, the Government subsequently changed its policy, and during the latter part of the election campaign season the state-owned media gave balanced news coverage to the main opposition parties and included stories about the smaller political parties as well. Opposition leaders expressed the view that government media practices seriously disadvantaged opposition parties relative to the ruling party during the election campaign.

On occasion the Government has taken steps, under loosely defined provisions of the National Security Act, to limit publication of information that in its view impinged on national security; however, there were no such incidents during the year.

Academic freedom is not restricted.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution provides for the suspension of religious freedom in

the interests of national defense, public safety, public order, public morality, or public health. However, any suspension of religious freedom by the Government must be deemed " reasonably justifiable in a democratic society. "

All religious organizations must register with the Government. To register a group submits its constitution to the Ministry of Home Affairs. After a generally simple bureaucratic process, the organization is registered. There are no legal benefits for registered organizations. Unregistered groups are potentially liable to penalties including fines up to \$220 (1,000 Pula), up to 7 years in jail, or both. Except for the case of the Unification Church, there is no indication that any religious organization has ever been denied registration.

The Unification Church was denied registration (but not suspended) in 1984 by the Ministry of Home Affairs on the public order grounds stipulated in the Constitution. The Government also perceived the Unification Church as anti-Semitic and denied registration because of another constitutional provision, which protects the rights and freedoms of individuals to practice their religion without intervention. In the intervening 15 years, although it has petitioned unsuccessfully the offices of the President and Vice President, the Unification Church has made no move to challenge the Ministry's decision in the courts.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice. There are no formal barriers to domestic and international travel or emigration. Some human rights organizations continued to assert, going back as far as 1995, that the Government has pressured several Basarwa (Bushmen) communities within the Central Kalahari Game Reserve (CKGR) into relocating to partially built settlements outside of the Reserve. Government officials maintained that the " voluntary " resettlement was necessary in order to provide the Basarwa with better public services and to avoid conflicts between wildlife and humans within the CKGR. When the Basarwa arrived at the new settlements, services and facilities were substandard or nonexistent. Although conditions later improved, they remain very basic. The Government permits relocated Basarwa to return to the CKGR, but does not provide services within the reserve.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government has maintained a policy of considering resettlement requests only from refugees from bordering countries. However, the Government has permitted failed asylum seekers to remain in the country, although they must stay at the Dukwe Refugee Camp. Although the Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by BCR or UNHCR officials, it transferred persons granted refugee status to the Dukwe Refugee Camp, pending resettlement or voluntary repatriation. Some problematic refugees were removed to a separate holding area at Mahalapye Prison (see Section 1.d.).

There were no confirmed reports of the forced return of persons to a country where they feared persecution.

More than 2,500 refugees from the Caprivi Strip in neighboring Namibia have fled to the country since late 1998. Many were armed and linked to the armed, ethnically based opposition groups based in the Caprivi Strip of Namibia. Male refugees linked to such groups requested asylum based on their claim that they were being forced into the Namibian army to fight in the Democratic Republic of the Congo. The Government provided first asylum to all these persons. In February the Government granted asylum to Meshake Muyongo, the former leader of the armed United Democratic Party (UDF) Namibian opposition group, and 14 others who entered the country in 1998. In consultation with the UNHCR, the Government began negotiations with the Government of Namibia to facilitate the return of Namibian refugees. To date, 1,375 persons have returned voluntarily to Namibia. The UNHCR resettled 3 of Muyongo's group of 15 DTA leaders and their families, who feared for their safety in Namibia, in other countries. Of the other 12 refugees from this group, 8 remain in the country awaiting adjudication of their resettlement applications, and the Government revoked the refugee status of 4 who left of the country in violation of their status. The four refugees were detained in Wambu, Zambia in mid-June and deported along with two others to Namibia in early August. The Government has stated that refugees who refuse offers of resettlement in other countries would face the loss of their refugee status and imprisonment.

Section 3 -- Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, generally free and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. Members of the BDP have held a majority of seats in the National Assembly, and as a result also the presidency, continuously since independence.

Elections for the National Assembly were held in October and generally were regarded as largely free and fair by domestic and international observers, despite preferential access for BDP candidates during much of the campaign to state-owned media including state-owned radio, the sole domestic source of news for most of the rural population, and despite press reports of large anonymous campaign contributions to the ruling party, purportedly by international diamond interests (see Section 2.a). The BDP increased its majority in the National Assembly from 31 to 37 of 44 seats, thereby ensuring the election of its presidential candidate, incumbent President Mogae. In 1998 Mogae, then Vice President, had succeeded Sir Ketumile Masire as President upon the latter's resignation. Of the 7 seats won by opposition parties in October, the Botswana National Front (BNF) won 6 and the Botswana Congress Party (BCP) won 1 seat.

The National Assembly did not pass legislation, proposed in 1998, that would have required National Assembly members who change parties to stand for reelection in a by-election.

The ruling party and opposition parties selected their candidates in the year's National Assembly and district councilor elections through primary elections. In the case of the ruling party, a representative number of party activists in each ward voted for the candidates of their choice. Both ruling and opposition party primary elections were followed by scattered claims of vote-rigging and court challenges of the results, all of

which were upheld.

The House of Chiefs, an advisory body with limited powers, is restricted constitutionally to the eight " principal tribes " of the majority Tswana ethnic group and four elected chiefs representing smaller tribes, including the Bakalanga, Lozi, Humbukush, and Bakgalagadi. Consequently, other groups, for example, the Basarwa, Herero, Baloi, or Bayei are not represented there. Given the limited authority of the House of Chiefs, the impact of excluding other groups of citizens is largely symbolic, but some non-Tswana view it as important in principle (see Section 5). Members of the National Assembly are required to speak English.

The State is highly centralized. There are 406 district governments with elected councilors, but they have no fiscal autonomy and must rely on the central Government for revenue.

In practice women are underrepresented in the political process. However, the 1999 elections doubled the number of women serving in the National Assembly, from 4 to 8 of 44 members. The number of women serving in the cabinet also increased from 3 to 4 of 17 members. Of the 13 High Court justices, 1 was a woman.

Section 4 -- Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Ditshwanelo, the Botswana Center for Human Rights, actively promotes human rights and investigated alleged abuses. The Metlhaetsile Women's Information Center, Emang Basadi, and Women Against Rape are active on issues concerning women's rights, particularly rape and domestic violence. Government officials are generally cooperative and responsive to these groups. The Government does not have a human rights office.

Section 5 -- Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids State discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status. These provisions are implemented in practice by government authorities. However, neither the Constitution nor any known law prohibits discrimination by private persons or entities.

Women

Violence against women remains a serious problem. Domestic abuse is one area of concern. Under customary law and in common rural practice, men have the right to " chastise " their wives. Police rarely are called to intervene in cases of domestic violence. Reports of sexual exploitation, abuse, and criminal sexual assault are increasing, and public awareness of the problem generally is growing. The national police force has begun training officers in handling domestic violence problems to make them more responsive in such cases. Rape is another grave national problem, and the Government acknowledged in April that, given the high incidence of HIV/AIDS, sexual assault has become an even more serious offense. In 1998 Parliament enacted legislation that

increased all penalties for rape, incest, and other forms of sexual assault by imposing minimum sentencing requirements where none existed previously. The minimum sentence for rape is now 10 years, with the minimum increasing to 15 years with corporal punishment if the offender is HIV positive and to 20 years with corporal punishment if the offender knew of his or her HIV status. In August a High Court ruled unconstitutional a provision in the new law that allowed the detention of rape suspects without bail.

However, although the Government has become far tougher in dealing with criminal sexual assault, societal attitudes toward other forms of domestic violence remain lax. Half the murders of women were linked to histories of domestic violence. Human rights activists estimate that 6 women in 10 are victims of domestic violence at some time in their lives. In June a judge gave a reduced sentence of 5 years to a woman who was convicted of murdering her husband but who claimed in her defense to be a victim of battered spouse syndrome.

Sexual exploitation and harassment continue to be problems as well, with men in positions of authority, including teachers, supervisors, and older male relatives, pressuring women to provide sexual favors. Greater public awareness and improved legal protection have led more victims of domestic violence and sexual assault to report incidents to the authorities.

Women legally enjoy the same civil rights as men; however, in practice discrimination persists. A number of traditional laws enforced by tribal structures and customary courts restrict women's property rights and economic opportunities. A woman married under traditional law or in " common property " is held to be a legal minor, requiring her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under a law enacted in 1996, women married under an intermediate system, referred to as " in community of property, " are permitted to own immovable property in their own names; however, their husbands still retain considerable control over jointly-held assets of the marriage. The law was a step toward equalizing a husband's and a wife's legal control over property held in community of property. Moreover, the 1998 Deeds Registry Act stipulates that neither spouse can dispose of joint property without the written consent of the other party.

Women have, and increasingly are exercising, the right to marriage " out of common property, " in which case they retain their full legal rights as adults. Polygyny is still legal under traditional law with the consent of the first wife, but it rarely is practiced. In September 1998, consultants submitted to the Labor Ministry a report identifying provisions of existing law that potentially discriminate against women.

Well-trained urban women enjoy growing entry level access to the white-collar job market, but the number of opportunities decreases sharply as they rise in seniority. Discrimination against women is most acute in rural areas where women engaged primarily in subsistence agriculture have weak property rights.

The Government and interested NGO's meet regularly to implement the long-term plan of action described in the National Policy on Women adopted in 1996. The plan identifies 6 critical areas of concern, prioritized as follows: (1) women and poverty, (2) women and powersharing and decisionmaking, (3) education and training of women, (4) women and health, (5) the girl child, and (6) violence against women. The Women's Affairs

Department of the Ministry of Labor and Home Affairs, in conjunction with the United Nations Development Program, is implementing a " market plan " to ensure that the gender program and overall policy on women are incorporated into policymaking, budgeting, and planning decisions.

A number of women's organizations have emerged to promote the status of women. The Government has entered into a dialog with many of these groups. While some women's rights groups reportedly felt that the Government has been slow to respond concretely to their concerns, women's NGO's state that they are encouraged by the direction of change and by the increasingly collaborative relationship with government authorities. Major women's NGO's include the Emang Basadi Women's Association, which promotes the social, economic and legal status of women; the Metlhaetsile Women's Information Centre, which provides legal assistance to poor women; and the Botswana Council of Women.

Children

The Government provides 7 years of free primary education for children, although attendance is not compulsory. Recent government estimates of the proportion of children who never attend school have ranged from 10 to 17 percent, and fewer than 20 percent of children complete secondary school; school attendance and completion rates are highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa (San or Bushmen). The national literacy rate is 69 percent: 70 percent for females and 67 percent for males. However, in some cases, girls are denied schooling because of religious or customary beliefs. The Government continued to allocate the largest portion of its operating expenditures to the Ministry of Education, and the second-largest portion to the Ministry of Local Government, Lands, and Housing, which administered primary education. It also continued to allocate a large part of its investment expenditures to construct primary and secondary schools, so that children have ready access to education.

It was estimated during the year that HIV/AIDS infected about 29 percent of adults between the ages of 15 and 49, and that, largely for this reason, there were 26,000 registered orphans in the country; UNICEF estimated that there were another 40,000 unregistered orphans. Increasing numbers of children, mostly believed to be orphans, were observed begging or engaging in prostitution in urban areas.

The rights of children are addressed in the Constitution and the 1981 Children's Act. Under the act Botswana has a court system and social service apparatus designed solely for juveniles. The Government launched a 10-year program of action for children in 1997, incorporating the seven major global goals identified at the 1990 U.N. World Summit for Children. In 1996 the Ministry of Labor and Home Affairs transferred responsibility for children to the Social Welfare Department in the Ministry of Local Government, Lands and Housing. Laws pertaining to children continued to be under review to align them with the UN Convention on the Rights of the Child. The Adoption Act also continued to be reviewed to ensure that adopted children are provided for and not exploited as cheap labor.

There is no societal pattern of abuse against children, although incest and other forms of child abuse have received increased attention from the media and from local human rights

groups.

The problem of sexual harassment of students by teachers is a national concern. Reports of rape and sexual assault of young women, particularly those doing their national service in remote regions of the nation are common, and cases of incest and " defilement " of young girls appear with greater frequency in the news. People with Disabilities

The Government does not discriminate on the basis of physical or mental disability, although employment opportunities for the disabled remain limited. The Government does not require accessibility to public buildings and public conveyances for people with disabilities, and the NGO community only recently has begun to address the needs of the disabled. In 1997 Parliament adopted a national policy that provides for integrating the needs of disabled persons into all aspects of government policymaking. The Government funded NGO's that provide rehabilitation services and supported small-scale work projects by disabled workers.

Indigenous People

The Basarwa (also known as San), who now inhabit chiefly the Kalihari Desert, are the earliest known inhabitants of the country, and were the only inhabitants until Bantu groups arrived during the 16th century. They are physically, linguistically, and culturally distinct from the rest of the population. They remain economically and politically marginalized; they have lost access to their traditional land in fertile regions of the country and are vulnerable to exploitation by their non-Basarwa neighbors. Their isolation, ignorance of civil rights, and lack of political representation have stymied their progress. The estimated 52-55,000 Basarwa people represent about 3 percent of the country's total population. Although the Baswara traditionally were hunter-gatherers, most Basarwa now are employed as agricultural workers on farms or at cattle posts belonging to other ethnic groups. The formation of the 20,000 square mile Central Kalahari Game Reserve (CKGR) by the colonial government in 1961 on traditional Basarwa lands set the stage for conflict between the Basarwa's pursuit of their traditional way of life and wildlife conservation. The Government in the past followed a policy of prohibiting human habitation in the CKGR with the goal of wildlife preservation, but has made accommodation for the estimated 1-3,000 Basarwa who still pursue hunting and gathering there. The Government has provided very limited social services within the CKGR, and has encouraged those living there to leave the reserve for permanent settlements; there were some reports that the Government sometimes forced Baswara to leave the reserve. However, the Government has made little real progress since international attention in 1996 focused on the intractable problem of resettling Basarwa living in the CKGR. Both the Basarwa and the Government are seeking out concerned NGO's to assist with the resettlement process and to address the larger issue of improving the Basarwa's standard of living without sacrificing what remains of their traditional way of life.

National/Racial/Ethnic Minorities

Well over half of the country's 1.4 million inhabitants belong to the Tswana ethnic group, of which the Constitution recognizes eight principal tribes, and which has a tradition of peacefully coexisting with non-Tswana groups. Some non-Tswana ethnic groups are more numerous than the Tswana in some rural areas of the country: the Kalanga and Lozi in areas of the north; the Bayei and Herero in the Okavango Delta region; and the Baswara

in the arid west. There are also communities of persons of Asian and European descent.

Each of the eight principal Tswana tribes is represented in the advisory House of Chiefs; large non-Tswana ethnic groups are not represented in the House (see Section 3). However, apart from the lack of schooling in their own languages and their lack of representation in the House of Chiefs, Botswana's non-Tswana communities are not subject to discrimination by the State. Societal discrimination also is limited. Intermarriage between Tswana and non-Tswana ethnic groups is common. Urban neighborhoods are not ethnically segregated. There generally is little correlation between income and ethnicity among persons of African descent, although many persons of Asian and European descent are prominent in the commercial sector.

Section 6 -- Worker Rights

a. The Right of Association

The Constitution provides for the right of association. In practice all workers, with the exception of government employees, are free to join or organize unions of their own choosing. Government workers including teachers may form associations that function as quasi-unions but without the right to negotiate wages. The industrial or wage economy is small, and unions are concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There is only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there are no obstacles to the formation of other labor federations.

Unions are independent of the Government and are not closely allied with any political party or movement. Unions may employ full-time administrative staff, but the law requires elected union officials to work full time in the industry that the union represents. This rule severely limits union leaders' professionalism and effectiveness, and has been criticized by the International Confederation of Free Trade Unions (ICFTU).

The law also severely restricts the right to strike. Legal strikes are theoretically possible after an exhaustive arbitration process, but in practice none of the country's strikes has been legal. Sympathy strikes are prohibited.

Unions may join international organizations, and the BFTU is affiliated with the ICFTU. The Minister of Labor must approve any affiliation with an outside labor movement, but unions may appeal to the courts if an application for affiliation is refused.

b. The Right to Organize and Bargain Collectively

The Constitution provides for collective bargaining for unions that have enrolled 25 percent of a labor force. In reality only the mineworker unions have the organizational strength to engage in collective bargaining. Elected labor union officials are required by law to work full time in whatever industry they represent; consequently, there are no full-time elected labor leaders in the country. However, unions may employ full-time staff.

Workers may not be fired for union-related activities. Dismissals may be appealed to labor officers or civil courts, but