



Freedom in the World - Botswana (2011)

Capital: Gaborone
Population: 1,991,000
Political Rights Score: 3 *
Civil Liberties Score: 2 *
Status: Free

Overview

In March 2010, the long-ruling Botswana Democratic Party split for the first time in its history, with a splinter faction, the Botswana Movement for Democracy, officially registering as a separate party in June. Controversy surrounding the right of the indigenous San people to live in the Central Kalahari Game Reserve was ongoing during the year, with most San continuing to live outside of the area. In March, the government introduced new immigration legislation intended to halt the flow of undocumented immigrants from Zimbabwe.

Elected governments, all led by the Botswana Democratic Party (BDP), have ruled the country since it gained independence from Britain in 1966. Vice President Festus Mogae rose to the presidency when longtime president Ketumile Masire retired in 1998, and he was confirmed as the country's leader after the BDP easily won legislative elections in 1999. The BDP took 44 of the 57 contested seats in the 2004 elections, securing a second presidential term for Mogae. International observers declared the polling free and fair but recommended giving the opposition equal access to state-run media and setting the date for elections further in advance.

In 2008, Mogae—like Masire before him—retired before the end of his term, leaving Vice President Seretse Khama Ian Khama to assume the presidency. Khama, the son of independence leader and first president Seretse Khama, had been appointed vice president by Mogae in 1998 and was elected chairman of the BDP in 2003. He quickly shuffled the cabinet and appointed former foreign minister Mompoti Meraphe as vice president. Critics have accused the BDP of subverting democratic institutions through this “automatic succession” process.

Significant rifts within the ruling party emerged before legislative elections in October 2009. Most notably, Khama suspended his rival, BDP secretary general Gomolemo Motswaledi, preventing him from competing in parliamentary elections. In September, the High Court rejected Motswaledi's related lawsuit against Khama, citing the head of state's constitutional immunity from civil suits.

In the elections, the BDP won 45 of 57 seats with 53.3 percent of the vote. The Botswana National Front (BNF) won 6 seats, while the Botswana Congress Party (BCP) took 4. Two other parties each captured one seat. Parliament confirmed Khama for a full presidential term later that month, and observer reports declared the elections free and fair.

In March 2010, leaders of the so-called Barata-Pathi faction of the BDP—including including Motswaledi and fellow suspended BDP MP Botsalo Ntuane—officially withdrew from the BDP and declared their intention to form a new opposition party, the Botswana Movement for Democracy. Accusing Khama of violating the party's constitution by concentrating power in the presidency and among his so called “A-Team” faction, the rebels officially registered the BMD in June, led by Ntuane and including some 20 former BDP MPs.

According to UNAIDS, almost 24 percent of Botswana's adult population was infected with HIV in 2010, although prevalence has declined in recent years. Government HIV/AIDS programs include free antiretroviral drugs and routine HIV testing in all public health facilities, though recent revenue shortfalls have led to cuts in these programs.

Political Rights and Civil Liberties

Botswana is an electoral democracy. The 63-seat National Assembly, elected for five years, chooses the president to serve a concurrent five-year term. Of the Assembly's 63 members, 57 are directly elected, 4 are nominated by the president and approved by the Assembly, and 2—the president and the attorney general—are ex-officio members. Despite being elected indirectly, the president holds significant power. While the president can prolong or dismiss the legislature, the legislature is not empowered to impeach the president. Democracy advocates have alleged that power has become increasingly centralized around President Seretse Khama Ian Khama, with many top jobs going to military officers and family members.

The 15-member House of Chiefs, which serves primarily as an advisory body, represents the country's eight major Setswana-speaking tribes and some smaller ones. Groups other than the eight major tribes tend to be left out of the political process; under the Territories Act, land in ethnic territory is distributed under the jurisdiction of majority groups. Due in part to their lack of representation in the House of Chiefs, minority groups are subject to patriarchal Tswana customary law despite having their own traditional rules for inheritance, marriage, and succession.

The BDP's control of the National Assembly and the presidency has never faced a serious challenge, and opposition parties, namely the BCP and the BNF, have accused the government of effectively institutionalizing the BDP's dominant status. Nevertheless, the Independent Election Commission, created in 1996, has helped consolidate Botswana's reputation for fairness in voting.

Botswana's anticorruption body has special powers of investigation, arrest, and search and seizure, and the body generally boasts a high conviction rate. Nevertheless, there are almost no restrictions on the private business activities of public servants, and 2010 saw a number of high-profile corruption scandals. Most notably, in January, Defense Minister (and cousin of President Khama) Ramadeluka Sereste was accused of corruption for failing to disclose his position as a shareholder in company—owned by his wife—which won a massive defense contract in 2009. Sereste resigned in August and was charged in September. Botswana was ranked 33 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index, and has held the best rank among African countries for several years running.

A free and vigorous press thrives in cities and towns, with several independent newspapers and magazines published in the capital. The private Gaborone Broadcasting Corporation television system and two private radio stations have limited reach, though Botswana easily receives broadcasts from neighboring South Africa. State-owned outlets dominate the local broadcast media, which reach far more residents than the print media, and provide inadequate access to the opposition and government critics. In addition, the government sometimes censors or otherwise restricts news sources or stories that it finds undesirable. In 2010, coverage of the split in the BDP and of the newly formed BMD party were conspicuously absent from state-run radio and television broadcasts. In May, the independent *Mmegi* newspaper reported that Radio Botswana journalists who interviewed the press secretary of the BMD were subsequently called into the Office of the Presidency to explain their actions. The 2008 Media Practitioners Act established a media regulatory body and mandates the registration of all media workers. In October 2010, police detained a photojournalist who was covering the court case of Kgafela Kgafela II—chief of the Bakgatla tribe—and 13 tribe members accused of unlawfully flogging residents. Earlier in the year, Kgafela II had also sued four newspapers for covering the trial, though these lawsuits were withdrawn in September after reaching out-of-court settlements with the papers. The government does not restrict internet access, though such access is rare outside cities.

Botswana does not have a freedom of information law, and critics accuse the government of excessive secrecy. President Khama had yet to hold a domestic press conference as of the end of 2010.

Freedom of religion is guaranteed, but all religious organizations must register with the government. There are over 1,000 church groups in Botswana.

Academic freedom is generally respected. While free and private discussion is largely protected, all prepaid mobile-telephone SIM cards must be registered, at risk of disconnection. However, only 15 percent of such cards were registered by the December 2009 deadline; the government announced its intention to disconnect unregistered numbers throughout 2010.

The government generally respects the constitutional rights of assembly and association. Nongovernmental organizations (NGOs), including human rights groups, operate openly without harassment. However, the government has barred San rights organizations from entering the Central Kgalagadi Game Reserve (CKGR), the subject of a long-running land dispute, and demonstrations at the reserve have been forcibly dispersed. While independent labor unions are permitted, workers' rights to strike and bargain collectively are restricted.

The courts are generally considered to be fair and free of direct political interference, although the legal system is affected by staffing shortages and a large backlog of cases. Trials are usually public, and those accused of the most serious violent crimes are provided with attorneys. Civil cases, however, are sometimes tried in customary courts, where defendants have no legal counsel.

Occasional police abuse to obtain evidence or confessions has been reported, and Botswana has been criticized by rights groups for continuing to use corporal and capital punishment. Prisons are overcrowded and suffer from poor health conditions, though the government has responded by building new facilities and providing HIV testing to inmates.

The 2007 Intelligence and Security Services Act created a Directorate of Intelligence and Security (DIS) in the office of the president. Critics said it vested too much power in the agency's director—allowing him to authorize arrests without warrants, for instance—and lacked parliamentary oversight mechanisms. According to government statistics and media reports, there were between 10 and 12 extra-judicial killings by police and other security forces (including the DIS) from April 2008 to the end of 2009. The murder of alleged criminal John Kalafatis in May 2009 sparked a major controversy after press reports claimed that security forces were involved and that President Khama had ordered Kalafatis's death; the government vociferously denied the charge. After the Law Society of Botswana (LSB) threatened to take Khama to the International Criminal Court over the spate of killings, the government initiated talks with the LSB to address the scope of the DIS's authority. However, these talks broke down in April 2010 without any significant changes to government policy.

Since 1985, authorities have relocated about 5,000 San, who tend to be marginalized in education and employment opportunities, to settlements outside the CKGR. Almost all of the 530 people remaining fled in 2002 when the government cut off water, food, health, and social services in the area. In 2006, a three-judge panel of the Lobatse High Court ordered the government to allow the San to return to the CKGR. Several hundred San have since gone back, although disagreement remains as to how many will be allowed to live in the reserve. By court order, the issue is being mediated by the Botswana Centre for Human Rights, but talks were ongoing at the end of 2010. In July, those San who had returned to CKGR lost a court battle with the government to reopen a water hole in reserve.

The government insists that the San have been relocated to give them access to modern education and health facilities and have been adequately compensated, and it rejects claims that it simply wanted unrestricted access to diamond reserves in the region. A 2009 report by the Bench Marks Foundation alleged that mining operations in the CKGR had been excluded from environmental impact assessments and were making it difficult for San to access local water sources.

Illegal immigrants from Zimbabwe face increasing xenophobia and are accused, sometimes legitimately, of criminal activity. These immigrants are subject to exploitation in the labor market. Botswana is building an electric fence along its border with Zimbabwe, ostensibly to control foot-and-mouth disease among livestock, but the barrier is popularly supported as a means of halting illegal immigration; thousands of Zimbabweans have been deported in recent years. In March 2010, the government announced a set of new immigration policies to halt the flow of undocumented immigrants into the country, mostly from Zimbabwe. The new policies introduced an online passport system, mandated electronic permits for visitors and immigrants, and increased the number of official workplace inspections.

Botswana features a vibrant market economy and was ranked highest among African countries in the Heritage Foundation's 2010 Index of Economic Freedom. In September 2010, the government passed an amendment to its Employment Act that outlaws workplace dismissal based on an individual's sexual orientation or HIV status. Rights groups, however, urged that more robust

enforcement mechanisms were needed.

Women enjoy the same rights as men under the constitution, though customary laws limit their property rights, and women married under traditional laws have the same legal status as minors. The 2004 Abolition of Marital Powers Act established equal control of marriage estates and equal custody of children, removed restrictive domicile rules, and set the minimum marriage age at 18. However, enforcement of the Act is not uniform and generally requires the cooperation of traditional authorities, which is not always forthcoming. In 2010, the Grant Thornton International Business Report reported that 32 percent of high management positions were held by women, a 7 percent increase from 2009. Domestic violence is rampant, and trafficking in women and children for the purposes of prostitution and labor remains a problem. The law prohibits homosexuality.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*