

[JOIN OUR MAILING LIST](#)
[About Us](#) | [DONATE](#) | [Blog](#) | [Contact Us](#)
[REGIONS](#) [ISSUES](#)

[Reports](#) [Programs](#) [Initiatives](#) [News](#) [Experts](#) [Events](#) [Donate](#)

FREEDOM IN THE WORLD

Botswana

[Botswana](#) | [Freedom in the World 2013](#) | [- Select year -](#)

OVERVIEW:

A landmark High Court ruling in October 2012 held that customary law could no longer be used to deny a woman's right to inheritance, setting a critical legal precedent. In June, President Ian Khama controversially pardoned three policemen convicted of the 2009 politically motivated killing of alleged criminal John Kalafatis.

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.

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 Merafhe 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.

The BDP won 45 of the 57 National Assembly seats in the 2009 elections with 53.3 percent of the vote. The Botswana National Front (BNF) won 6 seats, while the Botswana Congress Party (BCP) took 4. Parliament confirmed Khama for a full presidential term later that month, and observers declared the elections free and fair.

In March 2010, leaders of the so-called Barata-Pathi faction of the BDP—including Motswaledi and fellow suspended BDP parliamentarian Botsalo Ntuane—officially withdrew from the BDP and declared their intention to form a new opposition party, the Botswana Movement for Democracy (BMD). Accusing Khama of violating the party's constitution by concentrating power in the presidency and among his “A-Team” faction, the BMD party was officially registered in June, led by Ntuane and including some 20 former BDP legislators. However, shuffling of legislators between the BMD and BDP has subsequently diminished the former's representation in parliament.

In June 2012, Khama issued a “conditional” pardon to three members of the Botswana Defence Force—Gotshosamang Sechele, Ronny Matakoko, and Boitshoko Maifala—who had been convicted in 2011 of murdering alleged

2013 SCORES

STATUS

Free

FREEDOM RATING

2.5

CIVIL LIBERTIES

2

POLITICAL RIGHTS

3

organized crime suspect John Kalafatis in 2009. The murder, which occurred amid a spate of extrajudicial killings by security forces in 2009, was reportedly ordered by the president's Directorate of Intelligence and Security (DIS). Khama has denied any involvement in ordering Kalafatis' execution, although the pardon revived the accusation by media outlets, civic groups, and opposition parties. The three policemen had been sentenced to 11 years imprisonment; the conditions of their pardon remained unclear at year's end.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Botswana is an electoral democracy. The 63-seat National Assembly, the lower house, is elected for five years, and chooses the president to serve a five-year term. Of the body'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 2007 Intelligence and Security Services Act created the DIS within the Ministry of Justice, Defense and Security with substantial powers (for example, the director can authorize arrests without warrants) and without strong parliamentary oversight mechanisms. Director Issac Ksogi is a close confidant of Khama from the military, though relations between the two were becoming strained by the end of 2012.

A 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.

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 a number of high-profile officials have been cleared of corruption charges in recent years. Most notably, in 2011, Minister of Justice, Defense and Security (and cousin of Khama) Ramadeluka Seretse—who had been charged with corruption in 2010 for failing to disclose his position as a shareholder in a company, owned by his wife, that won a massive defense contract in 2009—was acquitted of all charges. Seretse, who had relinquished his post as a result of the charges, was reinstated the next day by Khama. In April 2012, the Directorate of Public Prosecution's appeal of the acquittal was dismissed by the Court of Appeals. Minister of Finance and Development Planning Kenneth Matambo was also cleared of corruption charges in November 2011 for allegedly having indirect interests in contracting the Botswana Development Corporation.

Botswana has a free and vigorous press, with several independent newspapers and magazines. 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, yet 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. The 2008 Media Practitioners Act established a media regulatory body and mandated the registration of all media workers and outlets; a 2010 lawsuit by 32 representatives of media, trade, and civil society groups did not succeed in altering or overturning the law. Botswana does not have a freedom of information law, and critics accuse the government of excessive secrecy. Khama had yet to hold a domestic press conference by the end of 2012. The government does not restrict internet access, though such access is rare outside cities.

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.

The government generally respects the constitutional rights of assembly and association. Nongovernmental organizations, including human rights groups, operate openly without harassment. However, the government has barred organizations supporting the rights of the San (an indigenous tribal population) 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 sometimes restricted. In 2011, almost 100,000 public sector workers—including "essential" workers in the health sector—staged an eight-week strike, leading to the closure of all public schools, while many clinics and hospitals were forced to close or partially shut down. Unions demanded a 16 percent wage increase but eventually settled for only 3 percent. The government fired nearly 2,600 striking health workers and demanded that they re-apply for their jobs following the settlement. In July 2012, the Gaborone High Court ordered the government to reinstate 556 fired workers, though the decision was later overturned by the Court of Appeals.

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. The 2007 Intelligence and Security Services Act created the DIS in the office of the president. Critics charged that it vested too much power in the agency's director—including allowing him to authorize arrests without warrants—and lacked parliamentary oversight mechanisms.

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.

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 remaining San 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, though 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. In July 2010, those San who had returned to CKGR lost a court battle with the government to reopen a water hole on the reserve. In April 2011, an appeals court overturned the decision, ruling that the San have rights to subsurface water, which led to the reopening of the Mothomelo borehole in September and the return of many San to the area. 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. In May 2012, the government began establishing police camps in the CKGR to combat poaching. The rights group Survival International claimed the camps were also intended to intimidate local San.

Undocumented immigrants from Zimbabwe face increasing xenophobia and are subject to exploitation in the labor market. Botswana has built a 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 from Botswana every month. In 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.

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 October 2012, the Gaborone High Court ruled that a customary law that favors a youngest-born son over older sisters in awarding inheritance was unconstitutional and could not be enforced, setting a precedent for the supremacy of civil over customary law in Botswana. Three sisters who brought the suit had lost their original case and appeal before applying to the civil court system. The government contested the case but vowed to respect the ruling.

Women are underrepresented in the government, comprising less than 8 percent of the National Assembly seats following the 2009 elections. Domestic violence and trafficking for the purposes of prostitution and labor remain significant problems. Same-sex sexual relations are illegal and can carry a prison sentence of up to seven years. A 2010 amendment to the Employment Act outlaws workplace dismissal based on an individual's sexual orientation or HIV status.

[About us](#)
[Careers](#)
[Contact Us](#)
[Privacy Policy](#)
[Credits](#)
[Subscribe](#)

Related websites:

[Democracy Web](#) | [Derecho a Voz](#) | [Family Law - Khaleej](#) |
[Freedom House Kyrgyzstan](#) | [Peace in the Caucasus](#) |
[Undermining Democracy](#) | [Voice of Freedom](#)