

UPR Intervention for the Botswana, 15th Session January 23, 2013

The United States warmly welcomes **[head of delegation]** and the Botswana delegation.

We commend the Government for 46 years of democratic governance; making Botswana the most enduring and successful democracy in Africa.

We applaud the Botswana High Court for its decision last year to overturn a customary law which prevented women from inheriting the family home. However, we are concerned that despite constitutional guarantees and national laws to the contrary, traditional practices enforced by tribal structures and customary courts in rural areas continue to limit women's property rights.

We remain concerned about the pervasive problem of gender-based violence which estimates suggest affects more than two-thirds of women in Botswana. Despite the existence of the Domestic Violence Act, currently only 1.2 percent of victims report such abuse. Absent implementing instructions and police training, perpetrators continue to commit these crimes unchecked, compromising the welfare and human rights of half of the country's population.

We are also concerned by the narrow interpretation the Government has chosen to take of the 2006 High Court ruling in *Sesana and Others v. Attorney-General* which concerns the San people. While the Government has permitted the 189 plaintiffs in the court case and their families to live in the Central Kalahari Game Reserve, its narrow interpretation continues to prevent hundreds of other San individuals from living and hunting on their ancestral land.

The United States makes the following recommendations:

1. Reform customary law to eliminate restrictions on women's access to property;
2. Draft implementation instructions and provide police and the public training on the Domestic Violence Act;
3. Fully implement the 2006 High Court ruling and allow all San individuals who want to live on the Central Kalahari Game Reserve to do so.