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Mr Phandu Skelemani
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19 May 2011

Dear Minister,

OPEN LETTER RE: BOTSWANA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 7 January 2011 from the Permanent Representative of Botswana to the United Nations to the Secretary-General.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should be specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on Botswana's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

In the *Suggested elements for voluntary pledges and commitments by candidates for election to the Human Rights Council*, prepared by the Office of the High Commissioner for Human Rights, it is suggested that Member States seeking election may consider making commitments to ratify international human rights instruments to which they are not yet a party. We note that Botswana is yet to ratify a number of core human rights standards including the two International Covenants and their Optional Protocols, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and International Convention on the Protection of the Rights of All Migrant Workers

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

² Operative paragraph 9.

and Members of Their Families. We encourage you to use the occasion of the Council elections to commit to ratify the above human rights standards.

■ *Cooperation with the Special Procedures*

We welcome your commitment to fully cooperate with the existing and future Special Procedures and to engage constructively in the debate on reform of the Special Procedures to ensure they maintain the highest standards of non-selectivity and impartiality in the discharge of the mandate of the Human Rights Council. We wish to take this opportunity to encourage you to issue a standing invitation to the Special Procedures to visit Botswana and to facilitate without delay the visit, agreed in principle, by the Independent Expert on the human right to safe drinking water and sanitation. We note that the Special Rapporteur on the rights of Indigenous peoples undertook a mission to Botswana in 2009 and the Special Rapporteur on the right to education visited in 2005. We urge you to give consideration to the recommendations arising from this visit and to report to the Council on steps taken to give effect to these.

■ *Cooperation with the treaty monitoring bodies*

We welcome your pledge to participate fully in reform discussions to achieve a more effective human rights monitoring system and to cooperate fully with the treaty bodies and, including by meeting your reporting obligations to these bodies. We take this opportunity to encourage you to submit without delay the overdue reports to the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee against Torture.

■ *Engagement with the Universal Periodic Review*

We note your commitment to engage constructively with the Universal Periodic Review, including your own Universal Periodic Review, to fully implement the human rights obligations and commitments emanating from the Universal Periodic Review, and to contribute constructively to further strengthening the Universal Periodic Review. In this regard, we wish to draw your attention in particular to the recommendations to apply a moratorium on executions with a view to abolishing the death penalty in due course. We urge that you continue to keep these recommendations under consideration.

■ *Participation in the deliberations of the Human Rights Council*

We note your willingness, expressed in your election pledges, to contribute positively to the work and institutional development of the Council to ensure it remains a credible and efficient institution to spur international cooperation in the promotion and protection of human rights. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

We note your commitment to create an umbrella national human rights institution in line with the Paris Principles, as pledged during the Universal Periodic Review, to continue its ongoing domestic legislative reform and to harmonize national legislation with international commitments, to fully implement policies and programmes on gender mainstreaming, including the national gender action plan, and to implement programmes and initiatives to advance human rights for its citizens, including in pursuit of the Millennium Development Goals.

We welcome the pledges and commitments already made by Botswana and encourage your government to use this opportunity to further strengthen its pledges and commitments by including the additional elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

A handwritten signature in black ink that reads "Steve Crawshaw". The signature is written in a cursive, slightly slanted style.

Steve Crawshaw
International Advocacy Director
Amnesty International