

## Questionnaire to Governments

The report of the 13<sup>th</sup> Session of the UN Permanent Forum on Indigenous Issues provides a number of recommendations within its mandated areas, some of which are addressed to Member States.

The Secretariat of the UN Permanent Forum on Indigenous Issues invites Governments to complete the attached short questionnaire on any action taken or planned in response to the Permanent Forum's recommendations. All the questionnaire responses from Governments will be compiled into one report for the fourteenth session of the Permanent Forum.

Please submit your completed questionnaire by **1 January 2015** to:

Secretariat of the Permanent Forum on Indigenous Issues  
Division for Social Policy and Development  
Department of Economic and Social Affairs  
Room: S-2954  
United Nations Headquarters  
New York, USA 10017  
Telephone number 917-367-5100; fax number 917- 367-5102  
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The questionnaire can also be downloaded from this site:

<http://undesadspd.org/IndigenousPeoples/UNPFISessions/Fourteenth/Questionnaire.aspx>

## Question 1

Briefly state what recommendations from the Thirteenth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)<sup>1</sup> or recommendations from previous sessions (not included in previous reports) that have been addressed by your Government. Where possible, also provide information on the situation of indigenous women.

### UNPFII Recommendations:

#### Recommendation 21

**The Permanent Forum recommends that States establish mechanisms and processes for consistent dialogues and consultations with indigenous peoples in their countries on ways and means to foster better relationships and to enable indigenous peoples to exercise fully their civil, political, economic, social and cultural rights, in addition to other individual and collective human rights.**

#### Response:

At all settlements, the local governing structures like the Village Development Committees and the Headmen are chosen by their respective communities. The representative at Ntlo Ya Dikgosi at national level is also chosen by communities at their respective districts. Political representation at both Council and Parliament levels rests with communities and political parties of their choice

Government structures at all levels (national, district, village) are mandated to consult communities on all decisions that are likely to impact on their lives. Political representatives are also charged with that responsibility by the people they represent

The Constitution of Botswana guarantees fundamental freedoms and basic human rights which among others include equality before the law and proscribes all forms of discrimination including on the basis of colour, race, ethnicity, religion, gender or social status.

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<sup>1</sup> The following paragraphs of the Report on the Thirteenth Session of the Permanent Forum (E/2013/43) contain recommendations addressed to Member States: 21, 22, 23, 24, 25, 30, 33, 41, 42, 43, 44, 45, 46, 48, 49, 53, 62, 63, 64, 65, 73, 74

## **Recommendation 22**

**The Permanent Forum recommends that States immediately begin the process of demarcation of indigenous peoples' lands and territories in accordance with customary laws and the norms reflected in the United Nations Declaration on the Rights of Indigenous Peoples, with a view to further protecting indigenous peoples' lands and resources from expropriation, exploitation and designation as conservation areas or national parks without the free, prior and informed consent of indigenous peoples, as set out in articles 19, 26 and 27 of the Declaration.**

### **Response:**

**The land policy and land management practices recognize and respect land rights related distinctive cultural identities. It is further acknowledged that land signifies cultural identity and the historical background of families and communities.**

**It is against this background that the settlement and regional land use and development plans designates, protects and preserves cultural places that are known to harbor cultural, monumental or historical values for various tribes, including those that are considered minorities, for uses as may be determined by the respective communities. Such uses may include exploiting cultural, monumental or historical values of such sites for income generating activities like tourism.**

## **Recommendation 23**

**The Permanent Forum recommends that States ensure that the territories of indigenous peoples in Asia be free of State military interventions and that military bases, camps and training centres established in indigenous territories without the free, prior and informed consent of indigenous peoples be removed immediately, consistent with articles 19 and 30 of the Declaration.**

### **Response:**

**Not Applicable**

## **Recommendation 24**

**The Permanent Forum recommends that States ensure access to justice for indigenous peoples, including indigenous women, through formal justice institutions, national human rights institutions and other forms of redress or recourse, all while taking into account indigenous peoples' customary laws, institutions and processes, consistent with articles 21, 22 and 34 of the Declaration.**

**Response:**

The laws of Botswana are applicable to all its citizens. The justice system does not discriminate on the basis of ethnicity. All Botswana have access to all levels of the justice system. Further, all settlements have customary courts and the Headmen are chosen by their respective communities and as such it is expected that, they administer and apply the customary law as would be understood in their respective areas of jurisdiction.

**Recommendation 25**

The Permanent Forum recommends that the ASEAN Intergovernmental Commission on Human Rights recognize the human rights of indigenous peoples in the ASEAN declaration on human rights and establish a working group on indigenous peoples. In addition, the Forum urges the South Asian Association for Regional Cooperation to establish a human rights commission and a working group on indigenous peoples.

**Response**

**Not Applicable**

**Recommendation 30**

Indigenous Peoples Caucus on the announcement by the World Bank in February 2014 of its intention to map Africa's mineral resources by using satellites and airborne mineral surveys. The Forum calls upon the World Bank, African Governments, investor Governments and the private sector to disclose information about the "billion-dollar map" project, prior to any intervention and in a transparent manner, and requests that commitments to international norms and standards in relation to the rights of indigenous peoples be recognized and respected. The Forum also recommends that the World Bank involve indigenous peoples' representatives in the mapping process and that indigenous peoples' free, prior and informed consent be respected, consistent with articles 19 and 41 of the Declaration.

**Response:**

**Not yet applicable because the World Bank has not yet started work**

### **Recommendation 33**

**The Permanent Forum takes note of the international campaign to end sex discrimination in nationality and citizenship laws to be launched in June 2014 under the auspices of a steering committee consisting of the women's Refugee Commission, Equality Now, Equal Rights Trust, Tilburg University, the Office of the United Nations High Commissioner for Refugees and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The Forum therefore calls upon those Member States whose constitutional provisions and legislation require review, as a matter of urgency, to support this global campaign, consistent with the Declaration and the rights of indigenous women highlighted in articles 21 and 22.**

#### **Response:**

**Botswana has put in place laws, policies and programmes that are meant to address special needs of women and children, irrespective of their ethnicity. These special needs include protection against all forms of discrimination, consistent with UN Treaties and Conventions such as the Convention on the Rights of the Child and the Convention on the Elimination of all forms of Discrimination Against Women. Botswana will therefore support all campaigns relating to human rights.**

### **Recommendation 41**

**The Permanent Forum acknowledges the efforts and initiatives of States and United Nations agencies to promote mother-tongue based multilingual education, develop health programmes and provide skills to indigenous children and youth. In this regard, the Forum encourages States and United Nations agencies to increase their efforts in a targeted and wide-scale manner to respond to the needs and priorities of indigenous children and youth, especially in the areas of education and health, in a manner that is culturally sensitive and ensures their overall well-being consistent with articles 11, 14, 41 and 42 of the United Nations Declaration on the Rights of Indigenous Peoples.**

#### **Response:**

**Botswana is constrained to provide multi-lingual education due to resource constraints (teachers and educational material etc.). This is also compounded by the number of different ethnic groups in Botswana. However the Botswana Government strives to make health and education universally accessible.**

### **Recommendation 42**

**The Permanent Forum acknowledges the entry into force on 14 April 2014 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. In this regard, it recommends that the Office of the**

United Nations High Commissioner for Human Rights, the United Nations Children's Fund, other United Nations agencies and States support the dissemination of the guide to this Optional Protocol, including its translation into different languages and the building of capacity among indigenous organizations and institutions to make effective use of the Optional Protocol in promoting and protecting the rights of indigenous children and youth.

**Response:**

Botswana is in full support of the dissemination of the guide to the Optional Protocol to the Convention on the Rights of the Child. Though the guide has not been translated into any local language, it is explained in a language that is understood by the target audience. Capacity building of different and diverse organisations is on-going

**Recommendation 43**

The Permanent Forum urges States to generate statistics disaggregated by ethnicity, gender, indigenous identity, language, language skills and self-identification, and to provide sources of data to allow for a more accurate assessment of whether indigenous children and youth are actually benefiting from the expenditure earmarked for them. The Forum also urges United Nations agencies, funds and programmes to support member States in generating statistics and the United Nations agencies, funds and programmes and academic centres to produce a toolkit that provides a comprehensive and an accurate overview of human development indicators concerning indigenous children and youth.

**Response:**

When a national census in Botswana is undertaken, variables like age gender and language spoken are documented. The census further breaks the population down by locality and districts.

**Recommendation 44**

The Permanent Forum further urges States to improve their collection of data on self-harm and suicide among indigenous children and youth, as well as on violence against indigenous women, boys and girls, to facilitate better understanding of the extent of the problem. States should commit to reducing the incidence of self-harm, violence and suicide among indigenous children and youth through the allocation of adequate resources to holistic prevention and support services, in partnership with indigenous peoples.

**Response:**

Different relevant Government structures keep statistics of all cases of suicide, violence against women, gender and age distribution of all people residing in their areas of operation. This also includes case of self-harm. Government supported by Civil Society and non-state actors have put in place programmes to address these issues

**Recommendation 45**

The Permanent Forum urges States to implement articles 11 and 13 of the Declaration on the Rights of Indigenous Peoples, in particular in relation to the practice and revitalization of indigenous peoples' languages, cultural traditions and customs as a way of building resilience and preventing self-harm, violence and suicide.

**Response:**

Botswana is a country rich with diverse indigenous cultural and tribal identities, including those of marginalised groups. The Government has already made significant efforts to celebrate and promote this cultural diversity through a number of important programmes, many articulated in its National policy on Culture.

**Recommendation 46**

The Permanent Forum also urges States to fund and deliver training in suicide prevention and mental health awareness to all teaching and non-teaching staff in all schools attended by indigenous children. The development of localized training programmes adapted to each culture consistent with articles 11, 14, 15 and 31 should be encouraged.

**Response:**

All schools, including those in settlements have guidance and counselling teachers. There are also health workers in almost all settlements that are also trained on mental health issues. Mental Health awareness campaigns are regularly conducted across the country including during World Mental Health Day on the 10<sup>th</sup> October of each year. However, more still needs to be done

#### **Recommendation 48**

**The Permanent Forum recommends that member States and relevant United Nations agencies place employment, decent work, social protection and recognition of traditional occupations and livelihoods of indigenous peoples, including pastoralism, on the post-2015 development agenda. A focus on indigenous peoples' access to decent work, livelihoods and social protection is of utmost importance in this context. It will provide the opportunity to work globally towards building the enabling conditions for capturing the opportunities of sustainable development for pastoralists.**

#### **Response:**

##### **On-going**

#### **Recommendation 49**

**The Permanent Forum recommends that Member States and United Nations agencies recognize indigenous peoples as distinct stakeholders and make a specific separate reference to indigenous peoples, and not simply include them under the terms “marginalized and vulnerable groups”, in both the sustainable development goals and the post-2015 development agenda, including the Small Island Developing States process, and that this recommendation, with the specific recognition of indigenous peoples' views and priorities for development, should be reflected in the goals and targets to be developed, including appropriate indicators and data disaggregation.**

#### **Response:**

**Botswana Government's position is that all tribes and ethnic groups are indigenous to the country. However, Government is cognisant of the fact that there are some segments of our population that are disadvantaged, marginalized and deserve special attention.**

#### **Recommendation 53**

**The Permanent Forum welcomes the organization by the Sami Parliament of Norway of the Global Indigenous Preparatory Conference for the World Conference on Indigenous Peoples, held in Alta, Norway from 10 to 12 June 2013. Member States, the United Nations system and indigenous peoples are urged to consider the Alta Outcome Document (A/67/994, annex) as the basis for consultations on the elaboration of the outcome document of the high-level plenary meeting/World Conference on Indigenous Peoples.**



**Response:**

**Not Applicable**

#### **Recommendation 62**

**In accordance with article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum urges States to conduct an independent audit of their constitutional and other laws, policies and programmes in order to assess their consistency with the Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination, and to amend such laws, policies and programmes in order to remove all forms of discrimination. In particular, the Forum urges States to prioritize laws, policies and programmes that target hate speech and political and racial vilification.**

**Response:**

**The Constitution of Botswana guarantees fundamental freedoms and basic human rights which among others include equality before the law and proscribes all forms of discrimination including on the basis of colour, race, ethnicity, religion, gender or social status.**

**Our national principles and foundation stones are guided by the values we share and cherish as a non-racial society, characterised by our diversity and united by our common beliefs based on the respect of the human person. We also attach great importance to the 1948 Universal Declaration of Human Rights as well as the Declaration on the Rights of Indigenous Peoples. The promotion and protection of human rights therefore remains a top priority for the Government of Botswana.**

#### **Recommendation 63**

**The Permanent Forum acknowledges the continuing negotiations between the Nordic States and the Sami peoples towards the adoption of a Nordic Sami convention. The Forum recommends that the minimum international human rights standards contained in the United Nations Declaration on the Rights of Indigenous Peoples be the framework for all negotiations concerning the convention and the harmonizing of Sami rights within Nordic countries. It urges Nordic States to recognize and respect the Sami peoples' right to self-determination, to determine their own identity or membership of their institutions in accordance with their customs and their right not to be subjected to forced assimilation, consistent with articles 8 and 33 of the Declaration, the conclusions and recommendations of the Special Rapporteur on the rights of indigenous peoples and the Committee on the Elimination of Racial Discrimination (see CERD/C/FIN/CO/19, para. 13).**

**Response:**

**Not Applicable**

#### **Recommendation 64**

**The Permanent Forum calls the attention of States to the need to create or strengthen national bodies with a mandate for the protection of the rights and interests of indigenous peoples in line with the Declaration. The Forum notes the efforts of certain States to create institutions for the rights and interests of indigenous peoples as Government bodies, including ombudsmen who deal with issues and situations regarding the protection of the rights and interests of indigenous peoples. It recommends that other States draw upon such experiences which highlight the promotion and protection of the rights of indigenous peoples.**

**Response:**

**All human rights structures in Botswana do not discriminate on the basis of gender or ethnicity. There are structures in Botswana that deal with human rights issues. There are also structures formed by non-state actors that deal solely with the rights of marginalized groups like the Botswana Khwedom Council.**

#### **Recommendation 65**

**The Permanent Forum urges all Member States and United Nations agencies and country teams to initiate indigenous human rights training and education programmes in their institutions and activities, in particular the existing and emerging international jurisprudence on the human rights and standards contained in the Declaration and their application and relevance at the national and local levels.**

**Response:**

**Training on Human rights issues is an on-going process in Botswana**

#### **Recommendation 73**

**The Permanent Forum, in accordance with articles 13 and 14 of the Declaration, recommends that States review the official histories of their countries and their national curricula to include heroes and personalities of indigenous peoples from their perspective.**

**Response:**

**The history of Botswana has been documented by independent scholars and historians. National curricula are periodically reviewed to include new information when made available**

**Recommendation 74**

**Where genocide and/or mass violations of the human rights of indigenous peoples have occurred, the Permanent Forum recommends that States assume their responsibilities to ensure, through relevant post-conflict mechanisms, that such atrocities are prevented in the future.**

**Response:**

**Not Applicable**

**Question 2**

At its fourteenth session in 2015, the Permanent Forum will review the following areas:

- (a) Outcome of the high-level plenary meeting of the General Assembly, also known as the World Conference on Indigenous Peoples;
- (b) Post-2015 Development Agenda;
- (c) Youth, self-harm and suicide.

Please briefly state how your Government deals with these issues in regards to indigenous peoples.

- (a) Implementation of the Outcome of the high-level plenary meeting of the General Assembly, also known as the World Conference on Indigenous Peoples.

**Implementation of the Outcome of the high-level plenary meeting of the General Assembly is done through the Remote Area Development Programme and the Affirmative Action Framework for Remote Area Communities.**

- (b) Post-2015 Development Agenda and the inclusion of indigenous peoples in this process.

**Botswana has a bottom-up planning process. Consultations with various stakeholders and marginalized groups are widely carried out on all areas of national interest**

- (c) Youth, self-harm and suicide and how this is being addressed.

**Youth, self-harm and suicide are social problems that cut across with no ethnic group or section of the community standing out. Government has put in place**

**various youth programmes, including economic empowerment initiatives that assist youth economically. Self-harm and suicide issues are generally addressed by various relevant sectors of government like health and social protection programmes. The civil society is also involved in assisting government to address all the social ills mentioned.**

### **Question 3**

What are some of the obstacles your Government has encountered in implementing the recommendations of the Permanent Forum?

- a) Human, financial and material resource constraints**

### **Question 4**

What are some of the factors that facilitate your Government's implementation of the recommendations of the Permanent Forum?

- a) Political commitment**
- b) Involvement of all relevant stakeholders and Civil Society**
- c) Policy and legal framework**
- d) Administrative structures**

### **Question 5**

Please provide information on how your Government currently promotes and/or implement the U.N. Declaration on the Rights of Indigenous Peoples.

**Implementation of the U.N Declaration on the Rights of Indigenous Peoples is done through the Remote Area Development Programme and the Affirmative Action Framework for Remote Area Communities.**