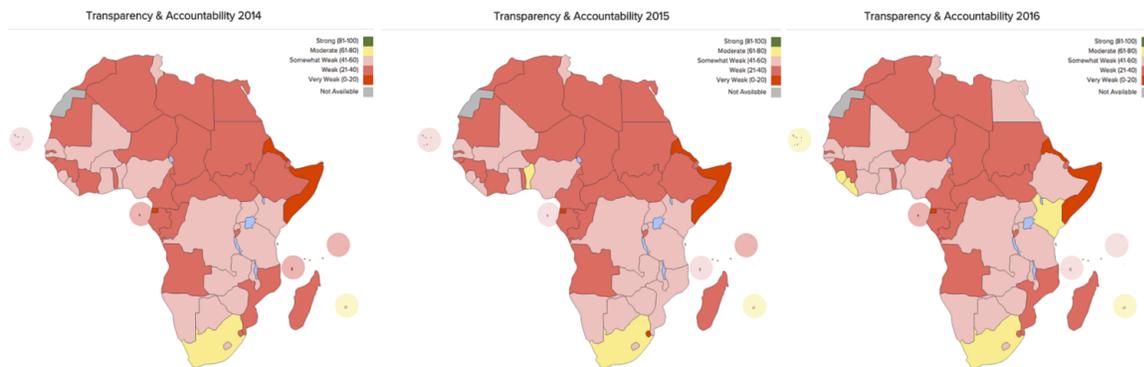


Africa Integrity Indicators – Country Findings



Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at www.globalintegrity.org.

What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted.

Get in touch with us

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at aai@globalintegrity.org.

Botswana – Country Findings Summary

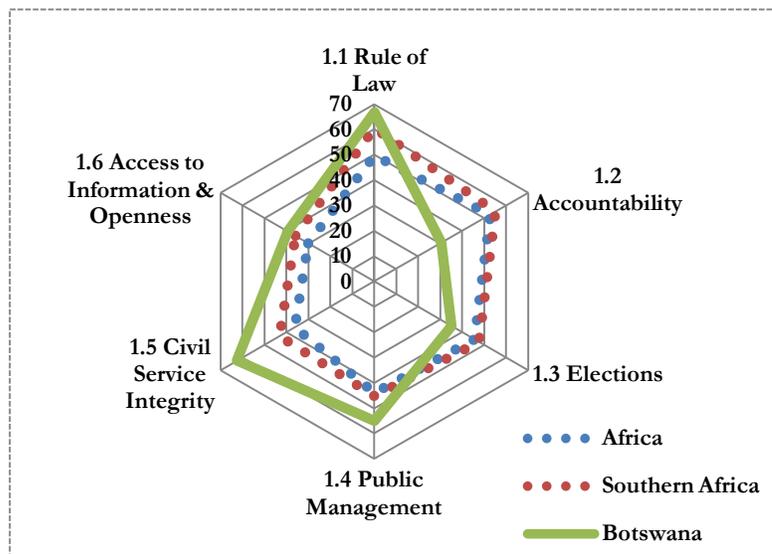
1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

The overall category score did not show any substantial change, increasing by only 3 point from 45 in 2015 to 48 in 2016; this keeps Botswana in the “somewhat weak” area on the Global Integrity scale.¹ On four out of the six subcategories, Botswana’s aggregate scores were higher than those of the Southern African region and the continent.

Botswana is in the “moderate” area of Global Integrity scale for its two highest performing subcategories Rule of Law and Civil Service Integrity. Rule of Law earned an aggregate score of 67 in 2016 with a 6 point increase from 2015, and Civil Service Integrity score did not change from the previous year and remained at 63. The 55 score for Public Management also remained unchanged from 2015, but it is higher than both the regional and continental averages of 45 and 44. Of all subcategories, Elections registered the highest increase (+10) from 25 in 2015 to 35 in 2016. This increase, however, still keeps the subcategory in the “somewhat weak” area of the Global Integrity scale.

Accountability and Access to Information & Openness were the lowest performing subcategories and did not register any substantial changes. The score for Accountability increased by only 3 points from 28 in 2015 to 31 in 2016, and the score for Access to Information & Openness increased by only 2 points from 37 in 2015 to 39 in 2016.



< Figure 1 > Botswana’s subcategory scores in comparison to the region and the continent. The radar chart depicts the country’s aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country’s region (red dotted lines).

¹ The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

Selected highlights

- **The Independent Electoral Commission (IEC) operated free from political interference, but failed to produce the report for the 2014 general elections in a timely manner.** [Indicator 20](#) reports that the chair of the IEC is appointed by the President on the recommendation of the Judicial Service Commission. This appointment follows a merit-based system as only a High Court judge can hold such a position and this is the case in practice. The other members of the IEC are appointed at an all-party conference by all registered political parties. Despite the political nature of these appointments, no concerns of conflict of interest were raised when new IEC members were appointed in September 2014. As reported in [indicator 21](#), the safeguards of IEC independence from politicians – security of tenure and removal by due process – were also respected; the current chair was appointed in 1999 and is slated to retire in 2016, and no member faced removal proceedings. Although the Commission operated relatively freely from undue influence, it failed to deliver on its reporting obligations. [Indicator 22](#) reports that more than 12 months after the October 2014 general elections, the IEC had yet to produce the post-election report as required by the law. Also as reported in [indicator 23](#), the 2014 general elections provided evidence that campaign coverage by state-owned media largely favored the ruling party and its officials, as had also been the case during the 2015 research.
- **Despite weak legal frameworks on accountability, the anti-corruption entity was effective in holding senior officials accountable and showed responsiveness to citizens' reports.** As noted in [indicator 10](#), corruption is criminalized as a specific offense under Sections 23-24 of the Corruption and Economic Crime (CEC) Act of 1994. However, [indicator 11](#) reports that the law does not guarantee the independence of the anti-corruption entity Directorate on Corruption and Economic Crime (DCEC), as it is placed under the authority of the Office of the President. Despite this lack of legal independence, [indicator 12](#) notes that the DCEC investigates high-ranking officials from the executive and legislative branches without fear or favor, as shows the case against Isaac Kgosi, the director general of the Directorate on Intelligence and Security. DCEC also has a strong and decentralized mechanism for complaint reception through which whistleblowers are also protected – and this, despite the inexistence of a law for the protection of whistleblowers. Finally, reported cases are effectively investigated, leading to a conviction rate of 70%, as noted in [indicator 13](#).
- **Laws are silent on the accountability of public servants in regards to abuse of power.** Pending the establishment of the Human Rights Commission, abuses and human rights violations by the police are only internally investigated. As reported in [indicator 17](#), the law even bars the Ombudsman from investigating the police or members of the Botswana Defence Force. It is only when police abuse is corruption-related that a complaint can be filed with the Directorate on Corruption and Economic Crime (DCEC). Accountability frameworks are also weak on the higher level; according to the Section 41 of the Constitution, the president is immune from investigation and prosecution while in office, and he cannot be impeached even if evidence suggests that he committed a crime, as reported in [indicator 15](#).

2. Social Development

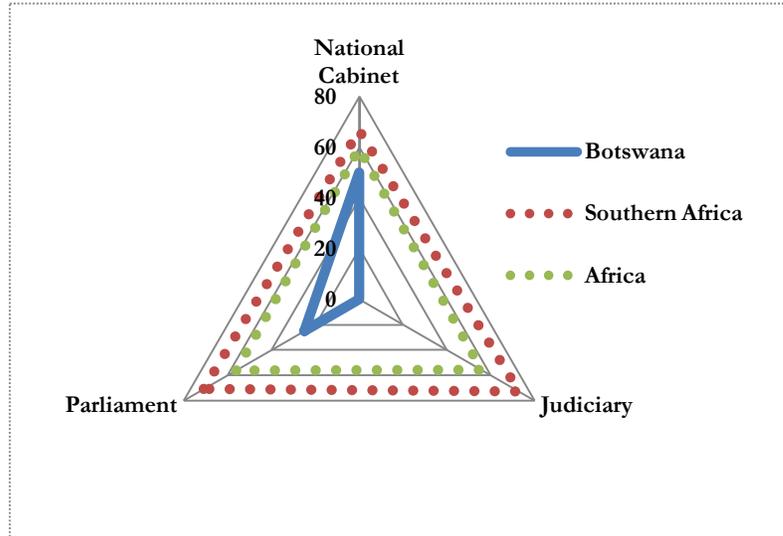
This category covers seven subcategories, including rights (civil society space and minority rights), gender, business environment and infrastructure, rural sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

Selected highlights

- **Workers' rights were respected to a large extent and the civil society faced no restrictions.** [Indicator 66](#) notes that although labor laws and workers' rights are not respected by small businesses, they are recognized and respected by large corporations, which are generally supported by the government. Botswana workers from all sectors were able to freely organize themselves into unions, reports [indicator 65](#). Similarly, [indicator 67](#) notes that citizens were able to freely assemble, for political as well as non-political reasons. The August 2015 protest against water shortage is one example. While NGOs can operate and be registered without any obstacles, [indicator 68](#) notes that there is an ongoing legal dispute regarding the government's refusal to register an organization that advocates the rights of gays and lesbians. Also, as noted in [indicator 69](#), over the study period, there were no threats, intimidation or harm against NGO employees, nor were there recorded cases of NGOs being shut down or facing unwarranted administrative burdens as a retribution to their work, as noted in [indicator 70](#).
- **Religious discrimination is prohibited, but no specific legal frameworks or mechanisms exist for the protection of ethnic and sexual minorities.** As noted in [indicator 71](#), articles 11 and 15(3) of the Constitution forbid discrimination based on religious beliefs and recognize citizens' rights to manifest "their religion or belief in worship, teaching, practice and observance." [Indicator 73](#) reports that, unlike with religious discrimination, there is no law providing for the protection of ethnic minorities, and [indicator 75](#) reports that the law is even harsher against sexual minorities, as section 164 of the penal code criminalizes homosexuality. Indicators [72](#), [74](#) and [76](#) respectively report that no mechanisms exist to receive complaints of discrimination based on ethnicity, religion and sexual orientation.
- **Customary laws continue to restrict women's equal rights to access land and non-land property, inheritance, divorce and travel. However, access to employment is unrestricted. Women's representation in the highest echelons of the three branches of government is comparatively low.** [Indicator 77](#) notes that despite amendments to the law aimed at ensuring equal rights for men and women, the latter is still disadvantaged by traditional practices in accessing land and non-land property, as noted in [indicator 78](#). These restrictions by customary laws extend to inheritance matters where the principal heir remains the son, despite a 2013 decision of the Botswana Court of Appeal that upheld women's right to inherit family property under customary law, as noted in [indicator 79](#). Similarly, [indicator 80](#) reports that although the formal law recognizes the rights of

any spouse to initiate divorce proceedings, traditional chiefs who uphold customary laws interpret them to favor men, as grounds for divorce are different for men and women. Also under customary laws, women are required to seek permission from their husband in order to travel, as noted in [indicator 82](#). The only exception to customary restrictions is women’s right to equal access to employment opportunities and benefits in the workplace, as reported in [indicator 83](#).

With only four women among 26 cabinet members (15%), Botswana scored 50 on [indicator 85](#), which stands lower than the Southern African average of 67 and the continental average of 60. The same goes for women’s representation in the Parliament where [indicator 86](#) reports that there are just four women out of 57 members (8.25%) and the country score of 25 is significantly lower than the



< Figure 2 > Botswana’s female representation in the three branches of government compared to the country’s region and the continent.

regional average of 70 and the continental average of 56. The biggest disparity is however to be found in women’s representation in the highest echelons of the judiciary. As [indicator 87](#) reports, there is not a single woman among the seven members of Botswana’s Court of Appeal; this leaves Botswana with a score of 0, when the regional average is 73 and the continental average is 56. In fact, Botswana is the only Southern African country and one of the twelve African countries that have scored 0 on this indicator.

The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for 114 individual indicators.