



DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

BOTSWANA
COUNTRY REPORT

2024

Executive Summary

This report provides a foundation for informed discussions and actions to ensure Botswana's digital transformation is inclusive, transparent, and aligned with international human rights standards, positioning the country for a more rights-centric and forward-looking digital future. In this changing environment, the country's digital landscape in Botswana is undergoing substantial upheaval. The report uses a comprehensive analysis combining empirical research, desk studies and a structured evaluation based on TheScore, a digital rights index developed by Paradigm Initiative. TheScore assesses Botswana's adherence to the African Commission on Human and Peoples' Rights' (ACHPR) Declaration of Principles on Freedom of Expression and Access to Information, focusing on key indicators such as privacy, surveillance, access to information, and the use of emerging technologies in Botswana. The findings highlight notable advancements in ICT development and digital access, but also reveal critical challenges related to privacy rights, surveillance practices, and digital inequality.

Noteworthy progress includes the introduction of the Access to Information Bill and the establishment of new initiatives under the Universal Access and Service Fund (UASF), which are important steps towards enhancing transparency and bridging the digital divide. However, concerns persist regarding weak enforcement of cybercrime and privacy laws, the potential for privacy infringements from digital platforms, and freedom of expression risks arising from vague fake news and sedition laws. Strategic recommendations, outlined in the report, call for strengthening cybercrime enforcement, privacy protections, and the regulation of biometric technologies. It also urges the development of a comprehensive AI governance framework and policies to improve digital inclusion for marginalized groups.



Introduction

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LONDA 2024

Botswana is entering a new era, defined by profound political and economic changes. As the country adjusts to a changing global technological scene, its digital landscape is also rapidly evolving. The combination of technologies such as artificial intelligence (AI), Internet of Things (IoT), and cloud computing has enormous potential for economic growth and social progress. However, this presents issues of privacy, surveillance, and digital rights because of significant advancements in digital infrastructure and internet access. The passage of the Access to Information Bill and the expansion of new USAF projects are positive moves toward more transparency and digital inclusivity. However, challenges remain in areas such as cybercrime enforcement, data protection, and the ethical application of developing technology. The country's reliance on biometric data, notably for its national ID system and other government services, raises privacy issues and the possibility of misuse. While these technologies can improve service delivery, it is critical to balance their advantages with strong data security safeguards.

The year's major developments include the introduction of the Access to Information Bill (No. 15 of 2024),¹⁰⁹ a watershed moment in enhancing government transparency and access to public information. The Bill, which has sparked significant public debate, aims to codify citizens' rights to request and receive state-held data.¹¹⁰ Botswana also continues its ambitious ICT projects, such as the Safe City Project, which integrates surveillance technology to improve public safety. However, these activities have raised worries about privacy issues and a lack of appropriate legislative frameworks to secure citizens' data. Furthermore, while Botswana has begun to address digital inclusion issues through the UASF, the government continues to confront substantial challenges in ensuring that marginalised groups, such as women, children, and people with disabilities, have equal access to the Internet and digital technologies. This issue is not unique to Botswana; as highlighted in a World Bank report, substantial disparities in connectivity and digital literacy persist globally. In particular, the most pronounced gaps are found in rural areas, low-income communities, and among women, where internet access and digital skills are notably lower than in urban or higher-income groups. Such challenges are especially evident in regions like Sub-Saharan Africa, where the digital gender gap is one of the largest in the world.¹¹¹

This report offers a comprehensive analysis of the significant developments in Botswana's digital rights landscape in 2024, it assesses the nation's adherence to international standards via TheScore Index, and underscores both the achievements and obstacles encountered in its quest for a rights-respecting digital future. The findings and recommendations offered in this study are intended to educate policy discussions and guide future efforts to improve Botswana's digital governance while protecting its citizens' rights.

109 See Botswana's new Access to Information Bill tabled with Botswana National Assembly https://www.parliament.gov.bw/documents/ORDER-PAPER-13-08-24-3RD-MEETING-OF-THE-5TH-SESSION-OF-THE-12TH-PARLIAMENT-WINTER-MEETING_01_21_23_13_08_2024.pdf (01 August 2024)

110 For a detailed analysis, see "Botswana's Transparency Leap: A Closer Look at the Access to Information Bill" <https://freexpression.org.za/wp-content/uploads/2024/08/FOI-Laws-in-Botswana-3.pdf> (August 2024)

111 World Bank "Digital Transformation Drives Development in Africa" (2024) <https://www.worldbank.org/en/results/2024/01/18/digital-transformation-drives-development-in-afe-afw-africa> (accessed on 10 February 2025)

Internet Access in Botswana: Availability, Affordability, and Accessibility

Internet access is critical for Botswana's economic development, social inclusion, and access to information. While the government has made tremendous progress in increasing internet infrastructure through network and technology investments, there are still hurdles to guaranteeing equitable, affordable, and universal access across all segments of society. These constraints persist despite improved coverage and rising demand for digital access, particularly in urban areas.

One of the most significant barriers to universal internet access is a lack of digital literacy, especially in distant areas. Many residents in rural areas lack the essential skills to effectively utilise accessible internet connections. In response to this challenge, the government has established digital literacy projects to improve these abilities; nevertheless, these efforts have not been as extensive or comprehensive as needed to bridge the digital gap. This issue is underscored by a recent report from the Botswana Communications Regulatory Authority (BOCRA) highlighting the substantial difference in digital access and infrastructure between urban and rural locations.¹¹²

Botswana has considerable broadband connectivity in metropolitan areas, with coverage rates of 92% in Gaborone, 87% in Francistown, and 85% in Maun.¹¹³ However, this impressive coverage sharply contrasts with rural areas, such as the Kalahari Desert, where broadband availability significantly drops, with broadband availability decreasing as low as 35%.¹¹⁴ Despite this stark gap, mobile network coverage has extended to increasingly remote locations, making mobile internet the primary form of access for many rural residents.¹¹⁵ In addition, the recent deployment of Starlink in Botswana is expected to enhance internet access, particularly in underdeveloped areas, improving connection nationwide.¹¹⁶

Affordability and Initiatives to Improve Access

Affordable internet access remains a substantial obstacle in Botswana, particularly for low-income and marginalised communities, in addition to coverage challenges. To further illustrate this issue, the most recent data from Research ICT Africa underscores the exorbitant cost of mobile data, with the price of 1GB varying from \$4.52 to \$5.20, contingent upon the mobile network operator.¹¹⁷ These high prices are particularly prohibitive for a large portion of the population, particularly those in low-income and youth groups, given the country's relatively low average income. As a result, the mobile data tariffs in Botswana rank among the most expensive in Southern Africa, significantly limiting regular and reliable internet access for many individuals.

In 2019, Botswana implemented the SmartBots initiative to resolve the issue of affordable internet access, which involves the provision of complimentary Wi-Fi terminals in public areas. As a result, by the end of 2024, the program was serving more than 1.6 million users, significantly contributing to the country's digital development. This success is reflected in the increase in internet penetration, which increased from 42% in 2019 to 77% in 2024.¹¹⁸ The initiative has played a crucial role in improving affordable internet access for low-income communities, exemplified by the installation of SmartBots routers offering speeds of up to 10Mbps in over 1,100 public facilities. With over 130,000 daily users across clinics, schools, and "dikgotla" (traditional courtyards), the impact of the program is already substantial. Building on this success, the government plans to expand

112 Botswana Communications Regulatory Authority (BOCRA) 'Closing the Digital gap in remote schools' (2024) https://www.bocra.org.bw/sites/default/files/documents/BOCRA_E-COMMUNICATOR_FILE_v2_compressed.pdf (accessed on 02 November 2024)

113 I Selathwa "Educationist calls for digital equity in schools" (2024) <https://www.mmegi.bw/news/educationist-calls-for-digital-equity-in-schools/news> (accessed on 11 November 2024).

114 N Masendu "Botswana's digital divide: Unveiling disparities in Internet access" (2024).<https://www.mmegi.bw/opinion-amp-analysis/botswanas-digital-divide-unveiling-disparities-in-internet-access/news> (accessed on 15 November 2024).

115 Xinhua "Botswana launches digital project for village connectivity" (2023) <https://english.news.cn/20231018/fd436da7f9c44cd-69ceea8395e91a5fa/c.html> (accessed on 10 February 2025)

116 A Ranjan "Starlink Launches in Botswana, Expanding Satellite Internet Access Across the Nation" (2024) <https://techafricanews.com/2024/08/28/starlink-launches-in-botswana-expanding-satellite-internet-access-across-the-nation/> (accessed on 16 November 2024).

117 See Research ICT Africa's (RIA) Africa Mobile Pricing (RAMP) Index here: <https://researchictafrica.net/data/mobile-pricing-ramp/>.

118 E Modise "As data costs bite, Botswana's free WiFi program is blowing up in popularity" (2024) <https://techcabal.com/2024/08/16/botswanas-wifi-smartbots-is-blowing-up-in-popularity/> (accessed on 14 November 2024).

connectivity to over 500 villages, further bridging the digital divide.¹¹⁹ Additionally, a recent report from Botswana Statistics indicates a consistent rise in mobile subscriptions, further highlighting the growing demand for internet services. Notably, mobile subscriptions increased by 1.1% between Q1 and Q2 of 2023, while internet subscriptions saw a larger increase of 3.3%.¹²⁰

The government has also been a driving force in the advancement of internet infrastructure through initiatives such as the National Broadband Strategy, which aims to achieve universal broadband access by 2025.¹²¹ As part of this strategy, the development of regulatory frameworks that foster innovation and competition, along with partnerships with telecommunications providers is key. One significant step in this direction is Botswana's partnership with Liquid Intelligent Technologies, which is actively expanding the country's fiber-optic network.¹²² This collaboration is crucial in bridging the digital divide between urban and rural areas. Furthermore, by integrating IoT technology with 4G LTE, Botswana is unlocking new opportunities in sectors such as agriculture, healthcare, and transportation. Through these efforts, the country is positioning itself as a leader in technology-driven transformation within Southern Africa.¹²³

As part of its ongoing efforts, Botswana has been progressing with the Village Connectivity Programme, which aims to expand broadband access to remote areas. Phases two and three of the program are in various stages of completion, with Phase four targeting 301 villages and has since begun in April 2024.¹²⁴ This initiative is a key component of the National Broadband Strategy, anticipated to substantially improve internet connectivity in rural communities.

Transitioning from infrastructure to digital services, Botswana has also made strides in e-government, integrating over 170 online services to streamline public administration and improve access to government services.¹²⁵ These services include applications for licenses and permits, social services, youth services, police services, and more. By the end of 2025, the government plans to add another 230 online services, making it easier for citizens and businesses to interact with public institutions.¹²⁶

The Role of the Universal Service Fund (USF)

While these initiatives have contributed significantly to improving digital access, their success is closely tied to the Universal Service Fund (USF), a critical mechanism designed to promote digital inclusion, particularly in underserved areas. The USF has funded various initiatives to develop telecommunications infrastructure and improve internet access across the country. Notably, the Southern District Digital Empowerment Project, managed by Mascom Wireless in partnership with the Universal Access and Service Fund (UASF),¹²⁷ has been instrumental in improving connection in rural towns, villages, and cities.

119 G Ashiru "Surging Demand: Botswana's Free WiFi Program Gains Massive Traction Amid Rising Data Costs" (2024)

<https://www.techinafrica.com/surging-demand-botswanas-free-wifi-program-gains-massive-traction-amid-rising-data-costs/> (accessed on 20 November 2024).

120 Statistics Botswana "Botswana Information & Communication Technology Stats Brief Q2, 2023" (2023) <https://statsbots.org/bw/sites/default/files/publications/Botswana%20Information%20and%20Communication%20Technology%20%20Stats%20Brief%20Q2%2C%202023.pdf> (accessed on 22 November 2024).

121 Botswana Communications Regulatory Authority (BOCRA) "National Broadband Strategy Botswana" (2018) <https://www.bocra.org.bw/sites/default/files/documents/National-Broadband-Strategy-FINAL%28June2018%29.pdf> (accessed on 25 November 2024).

122 Liquid Intelligent Technologies "Liquid Intelligent Technologies collaborates with Botswana ISPs to expand the fibre network and bridge digital divide" (2024) <https://liquid.tech/liquid-intelligent-technologies-collaborates-with-botswana-isps-to-expand-the-fibre-network/> (accessed on 25 November 2024).

123 Telecom Review Africa "The Integration of 4G LTE and IoT Technologies in Botswana" (2024) <https://www.telecomreviewafrica.com/articles/features/4444-the-integration-of-4g-lte-and-iot-technologies-in-botswana/> (accessed on 28 November 2024).

124 National Planning Commission Office of the President "Second Transitional National Development Plan" (2023) <https://www.npc.gov.bw/sites/default/files/resources/Second%20Transitional%20National%20Development%20Plan%20-%20FINAL.pdf> (accessed on 28 November 2024)

125 T Lewanika "Botswana plans to complete public sector digitalisation project" (2024) <https://itweb.africa/content/RgeVDvPREKAMKJN3> (accessed on 28 November 2024)

126 Bank of Botswana "2024-2025 Budget in Brief" (2024) <https://www.bankofbotswana.bw/sites/default/files/publications/2024-2025%20Budget-In-Brief%20FINAL.pdf> (accessed on 26 November 2024).

127 K Ramono "Taking internet to the people" (2024) <https://thevoicebw.com/taking-internet-to-the-people/> (accessed on 22 November 2024).

By ensuring standardised connectivity in schools located in remote areas, the initiative has directly benefited over 1.6 million Botswana citizens, with more than 120,000 daily users accessing free internet at public facilities.¹²⁸ These efforts have empowered communities to engage with the digital economy and create new employment opportunities, particularly for young people who can now compete in the global digital landscape.

Despite these promising developments, concerns remain regarding the management and distribution of USF resources. The lack of transparency in the fund's allocation particularly on private-partnerships raises questions about its sustainability, efficiency and effectiveness in addressing the digital inclusion goals versus corporate return on investments. This even raises concern about whether the USF is sufficiently targeting marginalised groups, particularly persons with disabilities.

Inclusivity and Accessibility Challenges

Despite progress in expanding internet access, significant disparities remain in ensuring equitable access for marginalized groups, particularly persons with disabilities (PWDs) and women. A key concern is the dearth of policies expressly addressing internet accessibility for individuals with impairments. This issue is highlighted by the 2020 Collaboration on International ICT Policy for East and Southern Africa (CIPESA) report, which points out the inadequate services provided by telecom carriers across Africa, including Botswana, that fail to meet the specific needs of PWDs, thereby exacerbating the digital divide.¹²⁹

Moreover, a 2021 Global System for Mobile Communications Association (GSMA) report underscores that even in areas where mobile broadband networks are available, barriers such as limited access to devices, data, electricity, and formal identification remain. The impact of these barriers is particularly severe for PWDs, who face challenges with both the inaccessibility of infrastructure and digital content.¹³⁰ Furthermore, the 2022 International Telecommunication Union (ITU) Global Connectivity Report reinforces these concerns, revealing that one billion people globally live with a disability, yet comprehensive data on their connectivity status remains scarce.¹³¹ In addition, GSMA data from middle-income countries shows significant gaps in smartphone ownership and internet use between PWDs and the general population, with disparities as high as 63% in smartphone ownership in Algeria.

According to evidence in the CIPESA report, officials from the Botswana Council of the Disabled believe that many individuals with impairments are either unaware of the availability of digital assistive devices or are unable to access them due to cost, lack of infrastructure, or other barriers, further intensifying the digital divide.¹³² To address these challenges, there is an urgent need for disaggregated data on disability and connectivity to inform more inclusive policies and solutions. While innovation in technology, such as accessibility features in smartphones, offers promising solutions, bridging the digital divide for PWDs requires a coordinated effort to improve infrastructure, enhance accessibility, and implement inclusive policies and regulations.

Gender disparities in internet accessibility remain a significant issue, with women, particularly in rural regions, experiencing lower internet usage rates compared to men. For instance, data from the World Bank indicates that in 2022, 27.5% of men in Botswana utilised mobile phones or the internet for bill payments, while only 15.5% of women did so.¹³³ This gender digital divide

128 S Madondo "Feature: Access to free internet empowers youth in Botswana" (2024) <https://www.thestar.com.my/news/world/2024/04/25/feature-access-to-free-internet-empowers-youth-in-botswana> (Accessed on 10 December 2024).

129 CIPESA "Advancing Digital Inclusion for Persons with Disabilities in Africa" (2021) <https://cipesa.org/wp-content/files/briefs/Advancing-Digital-Inclusion-for-Persons-with-Disabilities-in-Africa.pdf> (Accessed on 10 February 2025)

130 GSMA "Assistive Tech: Driving the Digital Inclusion of Persons with Disabilities" (2022) https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2022/04/GSMA_Assistive-Tech_Driving-the-Digital-Inclusion-of-Persons-with-Disabilities-2022_ACCESSIBLE.pdf (accessed on 3 February 2025).

131 ITU "Global Connectivity Report 2022" (2022) https://www.itu.int/dms_pub/itu-d/opb/ind/d-ind-global.01-2022-pdf-e.pdf (accessed on 10 January 2025).

132 CIPESA "Access Denied: How Telecom Operators in Africa Are Failing Persons with Disabilities" (2022) <https://cipesa.org/wp-content/files/documents/Access-Denied-How-Telecom-Operators-in-Africa-Are-Failing-Persons-With-Disabilities.pdf> (accessed on 3 February 2025).

133 See World Bank statistics portal here: <https://genderdata.worldbank.org/en/economies/botswana>

is propelled by various social, economic, and cultural barriers that restrict women's access to technology. To address these challenges, programs like the Women Digital Centre, initiated by Orange Botswana,¹³⁴ and the Africa RISE (Reform for Investment and Sustainable Economies) programmes are designed to enhance women's access to technology.¹³⁵ However, while these private sector programmes are complementary and play a crucial role in advancing gender equality, they remain nascent and are not sufficient on their own to bring about the widespread change needed. The government must rise to the occasion by implementing comprehensive policies and support frameworks to ensure significant and sustainable progress in closing the gender digital divide and advancing digital inclusion for women.

Freedom of Expression and the Digital Landscape in Botswana

Freedom of expression is fundamental to democracy, allowing individuals to access information, express their views, and participate in public discourse without fear of retribution. The Constitution of Botswana enshrines the right to freedom of expression, ensuring freedom of speech and the press in Section 12. However, in practice, digital platforms in Botswana have seen an increase in online harassment and gendered disinformation. For instance, in a 2019 case, a 19-year-old teenager was charged with the use of offensive electronic communication after likening the former First Lady to a male local comedian.¹³⁶ This case, which falls under Section 18 of the Cyber Crime and Computer Related Crime Act No. 18 of Botswana, highlights how digital platforms can be used to spread disinformation and, in some cases, harm people, often with gendered implications.

In light of these developments, the Botswana Police do not release data on online gender-based violence (OGBV) cases; instead, they only provide statistics on offline gender-based crimes as outlined in the Domestic Violence Act,¹³⁷ such as rape and assault. This reporting gap is compounded by the fact that existing laws and official reports do not specifically categorise or address OGBV crimes. Consequently, it is unsurprising that police statistics fail to reflect these incidents. Beyond obscuring the true scale of the problem, this gap presents an opportunity for law enforcement to modernise crime reporting by disaggregating statistics—offering a more comprehensive picture of gender-based violence that includes both offline and online forms.

This ambiguity extends beyond data collection. At the time of this research, the government had not yet issued rulings or formal pronouncements explicitly addressing OGBV. However, broader (albeit limited) efforts to confront online violence have emerged. For instance, Sections 16 to 20 of the Cybercrime and Computer-Related Crimes Act (amended in 2018) provide a legal framework to prosecute offenses such as cyberbullying, cyberharassment, image-based sexual abuse, and child sexual abuse material.¹³⁸ While these provisions could theoretically be leveraged to combat OGBV, they lack explicit references to gendered dimensions of online abuse. This omission underscores a critical disconnect between Botswana's evolving digital landscape and its legislative safeguards for marginalised groups.

Media Landscape and Press Freedom in Botswana

Despite constitutional guarantees, Botswana's media environment is significantly lacking in independence. The government exerts significant control over the media landscape in Botswana. Both government-owned and quasi-public media entities operate under the direct purview of the Office of the President. This control is reinforced by the Broadcasting Act 6, 1999, which mandates that the Minister appoint members to the Botswana Television (BTV) Board, including an officer from the Office of the President,¹³⁹ thereby directly linking the highest levels of government to media governance. Furthermore, the Media Practitioners Act, 2022 (Act No. 36 of 2022) also

134 Read more about the program here: <https://engageforchange.orange.com/en/country/bw/programs/2192a414-da04-48d6-ad30-52fb8bcfc734>

135 EU-Africa RISE "Botswana Embracing Digital Transformation: Not Just Technology" (n.d.) <https://www.eu-africa-rise.com/article/botswana-embracing-digital-transformation-not-just-technology> (accessed on 3 December 2025)

136 M Mokwape 'Kasane teen charged for likening First Lady to local comedian' (2019) <https://www.mmegi.bw/news/kasane-teen-charged-for-likening-first-lady-to-local-comedian/news> (accessed 10 February 2025)

137 Domestic Violence Act, No. 10 2008 <https://botswanalaws.com/StatutesActpdf/2008Actpdf/DOMESTIC%20VIOLENCE%20ACT,%2010%20OF%202008.pdf>

138 See Sections 16 to 20 of the Cybercrime and Computer-Related Crimes Act (amended in 2018)

139 Section 5 mandates the Minister <https://www.bocra.org.bw/sites/default/files/documents/BROADCASTING%20ACT.pdf>

likely outlines the qualifications required for journalists to be registered, which could provide the government with regulatory power over media practitioners, including setting criteria that influence the independence of the media.¹⁴⁰ These legislative measures have been criticised for allowing government control over the media and thereby limiting press freedom in Botswana.¹⁴¹

While the private media sector remains active, it faces challenges, including limited advertising revenue and increasing pressure from corporate influence. One significant concern is Universal House, a Special Purpose Vehicle (SPV) incorporated specifically for the purpose of acquiring a stake in Botswana's media landscape. Despite its narrow focus on media acquisition, the company's involvement raised concerns due to its potential to concentrate media ownership and influence in the hands of a single entity. In 2017, the Botswana Competition Authority blocked Universal House's attempt to acquire a 28.73% stake in Mmegi Investment Holdings (MIH), citing that the deal would reduce competition in the sector. Despite the authority's ruling, which mandated the disposal of shares, Universal House proceeded with the transaction without prior notice, highlighting issues of regulatory oversight and corporate control over the media.¹⁴²

Despite concerns regarding media control and corporate influence, disinformation, particularly online, has become a significant issue, and Botswana is no exception. As the country approached the 2024 general elections, worries about the spread of disinformation, misinformation, and mal-information intensified.¹⁴³ While major disinformation incidents had not been widely documented in recent years, the electoral period often amplifies these concerns. Although instances of OGBV remain relatively rare, there has been a notable increase in online harassment, bullying, and threats, particularly targeting women in politics. Social media platforms have played a significant role in exacerbating these issues, with gendered disinformation campaigns becoming more frequent. A notable example of gender-based violence in the political sphere occurred when a female journalist was physically assaulted by a group of Botswana Democratic Party (BDP) supporters while she was covering the party's internal election.¹⁴⁴ The assault was reportedly triggered when "election officers and BDP supporters attempted to prevent journalists from covering the vote count".¹⁴⁵ Supporters of the ruling party, visibly angered by her line of questioning, proceeded to harass and threaten her, with some even physically pushing her.

Likewise, the Secretary for Political Education of the Botswana Congress Party Women's League (BCPWL) was attacked for exercising her right to freedom of association. The attackers, who self-identified as members of the Botswana National Front (BNF), disrupted the event with violent intent, leading to her being assaulted. This attack was deeply troubling, as it occurred during a time when the world was celebrating women under the theme "Embracing Equity".¹⁴⁶ These occurrences emphasise the difficulties women encounter in public and political environments and reinforce the necessity for more focus on the influence of social media in promoting misogyny. While misogynistic attitudes and regressive gender norms deriding women's political participation are at the heart of the issue, the critical role of social media platforms in exacerbating this culture must not be underestimated. Instances of gendered disinformation campaigns on social media and other platforms occurred. One notable case involved Secretary for Political Education of the BCP Women's League, Kagiso Daniel, whose physical assault was linked to her political activities. After the assault, social media platforms were flooded with misleading narratives about the incident, with some users sharing false and malicious content that sought to discredit her.¹⁴⁷

140 Part VIII — Registration of Journalists, specifically Section 37 (Qualifications for registration) <https://www.studocu.com/row/document/university-of-botswana/law-and-media/media-practitioner-act/76267375>

141 A Mpako and S Ndoma, "AD822: Batswana insist on media freedom, favor citizens' right to government information" (2024) <https://www.afrobarometer.org/publication/batswana-insist-on-media-freedom-favor-citizens-right-to-government-information/> (accessed on 11 November 2024)

142 See the Competition and Consumer Authority (CCA) publication here: <https://www.competitionauthority.co.bw/competition-authority-rejects-acquisition-shares-mmegi-investment-holdings-universal-house>.

143 T Nkhoma "The potential impact of information disorders on the 2024 elections" (2024) <https://www.mmegi.bw/opinion-amp-analysis/the-potential-impact-of-information-disorders-on-the-2024-elections/news> (accessed on 10 December 2024).

144 Women in Journalism "Botswana Journalist Manhandled by Political Party Supporters: WPF Demands Respect for Press Covering Political Events" (2024) <https://www.womeninjournalism.org/threats-all/botswana-journalist-manhandled-by-political-party-supporters-wpf-demands-respect-for-press-covering-political-events> (accessed on 15 January 2025).

145 See statement from the Media Institute of Southern Africa (MISA) https://misa.org/blog/media_violations/journalists-attacked-during-bdp-primary-elections-in-botswana/.

146 See Facebook post from The Voice Newspaper Botswana https://www.facebook.com/story.php?story_fbid=10159861616714086&id=202343559085&p=30&_rd=10159861616714086&id=202343559085&p=30&_rd.

147 See Facebook post here: <https://www.facebook.com/share/p/18wmnBiSet/>.

The Role of Social Media and Legal Gaps in Addressing Gendered Disinformation

Despite these challenges, Botswana has yet to enact specific regulations to prevent gendered disinformation. While media and civil society organisations have made progress in fostering media literacy and raising awareness of disinformation, stronger legislative frameworks are needed. The Federation of Southern African Journalists (FESAJ) is a new initiative aimed at combating disinformation through training and advocacy. For instance, a recent collaboration between the Botswana government, UNESCO, and several journalistic organisations equipped journalists with critical media and information literacy (MIL) skills to help them navigate the challenges of verifying sources and countering fake news.¹⁴⁸

While combating disinformation is critical, the question of criminalising false news has sparked debates in Botswana's digital rights discourse. Laws aimed at combating fake news are often used by the government as tools for safeguarding public order, there is a delicate balance between safeguarding national security and protecting freedom of expression, a right enshrined in international human rights law. Currently, under Section 59 of the Penal Code, publishing false statements can be penalised, but Botswana lacks a specific law addressing fake news or disinformation in a manner that distinguishes between harmful falsehoods and legitimate public discourse. This legal ambiguity leaves room for the potential misuse of existing laws to restrict the right to free expression.

In terms of proposed legislative changes, such as the Criminal Procedure and Evidence (Controlled Investigation) Bill,¹⁴⁹ concerns are that these laws could be used to disproportionately target journalists, civil society activists, and government critics—particularly in the absence of adequate safeguards.

From an international human rights perspective, international standards, particularly those outlined by the United Nations Human Rights Committee (UNHRC) in the International Covenant on Civil and Political Rights (ICCPR), emphasise that freedom of expression may only be limited in very specific circumstances, and that any such restrictions must be necessary, proportionate, and non-discriminatory. The UNHRC stated that laws aimed at combating disinformation must not be so broad that they result in government overreach or repression of legitimate opinions. As a result, Botswana experiences a challenge in ensuring that any laws addressing fake news are explicit, focused, and consistent with the country's international law commitments to preserve both freedom of expression and the right to engage in public discourse.

Given these principles, there is a growing consensus—both locally and globally—that laws aimed at combating disinformation should be specifically tailored and focus on specific instances of harmful disinformation that cause real-world damage, such as slander or incitement to violence, while ensuring adequate safeguards to prevent excessive authority. Without these safeguards, such laws risk jeopardising public trust, press freedom, and civil society's critical role in promoting democratic discussion.

Botswana has made efforts to protect a free press, but the lack of clear distinction between disinformation and legitimate criticism of the government creates an unsafe environment for journalists and human rights activists.¹⁵⁰ Botswana, known for having one of Africa's most lively media landscapes, achieved a 72% overall freedom score from Freedom House in 2023, indicating a generally favorable but cautious environment for media freedom.¹⁵¹ Conversely, Reporters Without Borders (RSF) reported a reduction in press freedom violations in Botswana in 2024, with the country scoring 59.78% for press freedom, a slight improvement from 64.6% under the previous administration (the government led by President Mokgweetsi Masisi). This decrease in press freedom breaches under the previous Masisi administration suggests that while challenges remain, there has been a notable shift towards a less restrictive environment for the press compared to the prior leadership.¹⁵²

148 UNESCO "Southern African Journalists Form Body to Combat Disinformation and Misinformation" (2022) <https://www.unesco.org/en/articles/southern-african-journalists-form-body-combat-disinformation-and-misinformation> (accessed on 02 January 2025).

149 Criminal Procedure and Evidence (Controlled Investigations) Act 14 of 2022 <https://botswana.gov.bw/consolidated-statutes/principle-legislation/criminal-procedure-and-evidence-controlled-investigations-act>

150 Boikanyo Mathonsi "Challenges Plague Botswana's Media Ahead of 2024 Polls" (2024) <https://www.mmegi.bw/news/challenges-plague-botswanas-media-ahead-of-2024-polls/news> (accessed on 22 December 2024).

151 See Freedom House 'Botswana report: Freedom in the World 2024' here <https://freedomhouse.org/country/botswana/freedom-world/2024>

152 See Reporters Without Borders (RSF) 'Botswana's report here: <https://rsf.org/en/country/botswana>

Addressing Cybersecurity Gaps and Online Gender-Based Violence

Botswana has implemented legal frameworks, such as the Domestic Violence Act of 2008, to address the issue of gender-based violence (OGBV).¹⁵³ Nevertheless, the country still lacks comprehensive laws and protections specifically targeting online harassment and gender-based violence in the digital space. The Ministry of Communications, Knowledge and Technology is working on a Cybersecurity Bill aimed at addressing these gaps. The proposed bill seeks to strengthen protections against cybercrimes, including cyber-extortion and the creation of harmful fake social media profiles, by expanding the existing Cybercrime and computer related Crimes Act 2018 and imposing stricter penalties on offenders.¹⁵⁴ However, there are still reservations regarding its potential to overreach or violate digital freedoms.¹⁵⁵

Data Protection and Privacy: Cybercrimes, Data Protection Laws, and Surveillance

Data protection and privacy are fundamental rights in the digital age. While legal and regulatory frameworks exist in Botswana to address data privacy and cybercrime, their effective implementation and enforcement continue to be challenging.

Botswana's new Data Protection Act 18 of 2024 (the 'new DPA') came into effect after being published in the government gazette,¹⁵⁶ replacing the earlier, less stringent Data Protection Act 32 of 2018 (the 'old DPA').¹⁵⁷ The new DPA was enacted to address the various shortcomings and inadequacies of the old DPA, marking a significant shift towards stronger data protection standards. One of the notable provisions of the new Act is the requirement for data controllers to notify the Commission of any personal data breach within 72 hours,¹⁵⁸ a key step in improving transparency and accountability. While the Act mandates timely breach notifications, there is uncertainty regarding the consistency and effectiveness of enforcement mechanisms.

However, the appointment of the Commissioner by the President, upon the advice of a Minister, raises concerns about the potential for conflicts of interest.¹⁵⁹ This system could undermine the perceived operational independence of the Commission, which is crucial for its credibility and effectiveness in enforcing data protection laws. To enhance public trust and ensure impartiality, a merit-based appointment process should be introduced, one that involves parliamentary oversight and allows for public scrutiny. Such a process would not only promote transparency but also reinforce the Commission's ability to act autonomously, free from political influence, as it seeks to uphold citizens' data privacy rights.

Cybercrime Laws and Enforcement Challenges

While the Data Protection Act (DPA) addresses various aspects of personal data privacy, Botswana's legal framework for combating cybercrime is also essential to ensuring the security of digital spaces. Alongside the DPA, the Cybercrime and Computer-Related Crimes Act, 2018, and the Electronic Communications and Transactions Act (ECTA), 2014, aim to offer protection,¹⁶⁰ particularly concerning privacy particularly for online transactions and electronic data.¹⁶¹

Yet these regulations lack the comprehensiveness required to adequately tackle concerns like privacy rights, informed consent, or the extensive utilization of personal data by private businesses. The legislation addresses cyber crimes such as identity theft, internet fraud, and cyberbullying; nonetheless, its scope and enforcement are constrained. Recent disclosures from the Botswana Communications Regulatory Authority (BOCRA) indicated that BOCRA significantly failed to meet

153 Domestic Violence Act No. 10 of 2008

<https://botswanalaws.com/StatutesActpdf/2008Actpdf/DOMESTIC%20VIOLENCE%20ACT,%2010%20OF%202008.pdf>

154 Cybercrime and computer related Crimes Act No. 18 of 2018 <https://www.bocra.org.bw/cybercrime-and-computer-related-crimes-act-2018>

155 O Kgweetsi and M Mguni "Govt Fine-Tunes Tough New Cybersecurity Law" (2024) <https://www.mmegi.bw/news/govt-fine-tunes-tough-new-cybersecurity-law/news> (accessed on 18 January 2025).

156 Data Protection Act No. 32 of 2024 <https://www.dataguidance.com/news/botswana-data-protection-act-2024-published-official>

157 Data Protection Act No. 32 of 2018 <https://www.bocra.org.bw/sites/default/files/documents/DataProtectionAct.pdf>

158 See notification of data breach: Section 64

159 See the data protection authority: Section 6, 8, 12 & 13

160 <https://www.bocra.org.bw/sites/default/files/documents/Electronic-Communications-and-Transactions-Act-2014.pdf>

161 <https://www.bocra.org.bw/cybercrime-and-computer-related-crimes-act-2018>

its cybercrime combating objective, achieving merely 0.63% of its stated aim of 70%.¹⁶² Recent findings from Recorded Future's Insikt Group have uncovered new infrastructure linked to the operators of Predator, a sophisticated mobile spyware developed by Cytrox and now under the control of the Intellexa Alliance.¹⁶³ Significantly, this marks the first time that Predator's deployment has been traced in Botswana, raising serious concerns about the reach and implications of such surveillance technologies in the country. These revelations have elicited widespread apprehension over digital surveillance, especially as the Botswana Communications Regulatory Authority (BOCRA) has refuted these claims.¹⁶⁴ This is despite BOCRA's role in managing a Computer Security Incident Response Team (C-SIRT), tasked with overseeing and addressing cybercrimes, which adds further complexity given its responsibility for cybercrime oversight.

Emerging Threats: Identity Theft and Online Scams

The proliferation of internet scams has intensified the problem of data security in Botswana, with identity theft becoming increasingly prevalent. In fact, digital fraud attempts originating from Botswana have reached alarming levels. According to a recent analysis by TransUnion, 3.0% of all attempted digital transactions in the first half of 2024, where the consumer was located in Botswana, were flagged as suspected digital fraud.¹⁶⁵ Despite these troubling statistics, enforcement against such fraudulent activities remains inconsistent. While legislation targeting cybercrime exists, its enforcement is impeded by rapidly advancing technologies and the dynamic nature of online fraud, leaving individuals increasingly vulnerable.

Technological Advancements and the Smart City Initiative

Building on its commitment to technological innovation, Botswana is leveraging new advancements to drive economic growth and improve public services. The ICT sector, which contributed 2.9% to the country's GDP in Q4 2023, plays a pivotal role in this development.¹⁶⁶ As digital infrastructure continues to grow, the Smart Cities market in Botswana is predicted to expand significantly in the coming years. According to projections, revenue in this sector will reach \$10.33 million by 2025, indicating the possibility for continued economic growth. Furthermore, the Smart Cities market is anticipated to grow at a 12.40% annual rate from 2025 to 2029, with a total revenue of US\$16.49 million by 2029.¹⁶⁷

The integration of smart technologies, including advanced public safety systems with surveillance cameras and sensors, is already revolutionising Botswana's major cities like Gaborone and Francistown by creating safer, more efficient urban spaces. A prime example contributing to this growth is the Safe City Project, a partnership between the Botswana government and Chinese tech giant Huawei. Specifically, the data collected through these surveillance systems—ranging from video footage to real-time analytics—requires careful oversight. However, there has been limited information on how this data will be managed, stored, and protected, raising concerns about potential misuse or unauthorized access.

In addition to privacy risks, these concerns also extend to human rights. Principles 40 to 42 of the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa highlight the importance of protecting citizens' rights to privacy and free expression,¹⁶⁸ especially in the digital age. Without appropriate safeguards in place, such as clear data protection protocols and public oversight, the country's surveillance

¹⁶² <https://www.mmegi.bw/business/bocra-misses-target-of-combating-cyber-crime/news>

¹⁶³ Insikt Group 'Predator Spyware Operators Rebuild Multi-Tier Infrastructure to Target Mobile Devices' (2024) <https://www.recorded-future.com/research/predator-spyware-operators-rebuild-multi-tier-infrastructure-target-mobile-devices> (accessed in 21 January 2025)

¹⁶⁴ The Patriot "BOCRA on allegations of Presence of Predator Spyware in Botswana" (2024) <https://thepatriot.co.bw/bocra-on-allegations-of-presence-of-predator-spyware-in-botswana/> (accessed in 20 January 2025).

¹⁶⁵ N Badenhorst "Digital Fraud Attempts Coming from Botswana the Highest in Gaming" (2024) <https://newsroom.transunionafrica.com/digital-fraud-attempts-coming-from-botswana-the-highest-in-gaming/> (accessed on 25 January 2025).

¹⁶⁶ Statistics Botswana "Botswana Information & Communication Technology Stats Brief Q4, 2023" (2025) <https://www.statsbots.org.bw/sites/default/files/Botswana%20Information%20%26%20Communication%20Technology%20Stats%20Brief%20Q4%20%2C2023.pdf> (accessed on 29 January 2025)

¹⁶⁷ Statista "Smart Cities -Botswana" (2024) <https://www.statista.com/outlook/tmo/internet-of-things/smart-cities/botswana> (accessed on 20 January 2025)

¹⁶⁸ See the Declaration of Principles of Freedom of Expression and Access to Information in Africa (the Declaration) <https://achpr.au.int/en/node/902>

initiatives could undermine citizens' digital rights and contribute to growing privacy concerns.

Furthermore, the implementation of such a significant surveillance system should ideally involve consultations with citizens to ensure transparency and gain public support. It remains unclear whether Botswana's government sought formal input from the public before the installation of these cameras, or if citizens were adequately informed about the reasons for the surveillance and how their data would be used. Equally important is the transparency of the procurement process. Given the involvement of an international company like Huawei, questions about the fairness, accountability, and security of the bidding process, as well as the potential for external influence or data breaches, should be addressed. A clear and publicly accessible framework for how data is handled, as well as clear guidelines on public participation and procurement, would help mitigate concerns and build trust in the project.

Censorship and Content Moderation: Government Intervention in Online Content

As Botswana embraces technological advancements, it also faces growing challenges in balancing innovation with the protection of fundamental rights, such as freedom of expression, which is enshrined in both the Botswana Constitution and international law. The right to freedom of expression is codified in Section 12(1) of the Botswana Constitution and is acknowledged regionally in Article 9 of the African Charter on Human and Peoples' Rights¹⁶⁹ and internationally in Article 19 of the International Covenant on Civil and Political Rights (ICCPR).¹⁷⁰ While Botswana is generally regarded as a champion of democratic governance and freedom of expression, there have been instances of government intervention in online content.

Botswana, although predominantly recognised for its democratic governance and adherence to freedom of expression, has had instances of government intervention in online content. For instance, the Botswana Communications Regulatory Authority (BOCRA) has in the past issued warnings urging consumers to refrain from publishing, forwarding, or creating false, alarming information—this type of intervention, which aligns with Section 59 of the Penal Code, underscores the government's active role in regulating online content.¹⁷¹ As part of its broader regulatory efforts, the government's intervention in online content is further illustrated by how social media platforms respond to requests for data. Evidence indicates that between January and June 2024, Meta formerly known as Facebook, Inc., a social media conglomerate that owns and operates some of the world's largest social networking and messaging platforms (Facebook, Instagram, WhatsApp, and Facebook Messenger) had received three total requests from the Botswana government, two of which were legal process requests and one was for emergency disclosure. In total, three user/accounts were requested, and Meta complied with some or all of the government's requests, depending on the legal sufficiency of the requests.¹⁷² These interventions highlight the tension between safeguarding freedom of expression and ensuring compliance with government requirements, raising important questions about the limits of content regulation in a democratic society. In contrast to countries like Mozambique¹⁷³ and Zimbabwe¹⁷⁴ in the Southern African Development Community (SADC), which enforces stricter internet rules, Botswana has not enacted extensive filtering or implemented internet shutdowns.

Balancing Freedom of Expression with Content Moderation

As the government takes an active role in moderating online content, its efforts to combat

169 African Commission on Human and People's Rights (ACHPR) Declaration on Freedom of Expression and Access to Information (the Declaration) <https://au.int/en/treaties/african-charter-human-and-peoples-rights> (accessed on 11 January 2025).

170 International Covenant on Civil and Political Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (accessed on 11 January 2025).

171 Read BOCRA's statement on 'Publishing, Forwarding or Creating False Information using Online Platforms is an Offence' <https://www.bocra.org.bw/sites/default/files/covid19-docs/BOCRA%20-%20False%20Information%20on%20Online%20Platforms.pdf>

172 See Meta's transparency report on Botswana Government's Requests for User Data here: <https://transparency.meta.com/reports/government-data-requests/country/BW/>

173 Human Rights Watch "Mozambique: Post-Election Internet Restrictions Hinder Rights" (2024) <https://www.hrw.org/news/2024/11/06/mozambique-post-election-internet-restrictions-hinder-rights> (accessed on 10 December 2024).

174 Columbus Mavhunga "Zimbabwe Army Accused of Forcing Investigative Outlet to Self-Censor" (2024) <https://www.voanews.com/a/zimbabwe-army-accused-of-forcing-investigative-outlet-to-self-censor-/7500127.html> (accessed on 20 December 2024).

misinformation are often framed within legal frameworks such as Section 59(1) of the Botswana Penal Code, which criminalises the dissemination of false or misleading information on the Internet. While intended to curb harmful content, the provision's broad and vague language raises concerns about its potential to restrict free expression.¹⁷⁵ The absence of explicit definitions for "false news" establishes possibilities for subjective interpretation, bringing concerns regarding the law's potential to violate rights protected by international human rights instruments, as elaborated by the Declaration.¹⁷⁶ This vagueness also creates challenges in ensuring consistent enforcement, potentially leading to the suppression of legitimate speech.

Moreover, although the Cybercrime and Computer Related Crimes Act, establishes a legal framework for tackling online offenses like defamation and incitement to violence, it does not explicitly mandate content takedowns. Consequently, online platforms and service providers predominantly depend on their own community standards and terms of service for content moderation.¹⁷⁷ These platforms frequently delete content that contravenes their regulations or moderation policies. While the government does not directly enforce these moderation policies, it can still exert influence on companies through formal requests as in the case of Botswana Government's request for user data from Meta.¹⁷⁸

This scenario could potentially establish a nuanced future balance between upholding the right to freedom of expression and addressing concerns related to public order and national security. A pertinent examples is the case of Tshepo Junior Sethibe vs. the State, in which individuals are charged under the Penal Code for publishing "alarming statements",¹⁷⁹ Such cases underscore the risk of Strategic Litigation Against Public Participation (SLAPP) suits, which can inhibit dissent and stifle critical discourse. To prevent the misuse of legal action to suppress free speech, it is crucial to safeguard against such practices and ensure that the legal framework promotes a balance between free expression and public order. While Botswana's seditious laws theoretically cover criticism of the president or government, there have been no cases of this sort in recent years. Nonetheless, the presence of these laws creates a legal environment where individuals must remain cautious, particularly when engaging in political discourse that challenges government authority, as even mild criticisms can sometimes attract scrutiny.

Access to Information: Availability of Laws, Government Transparency, and Proactive Disclosure of Information

The debate on freedom of expression and content moderation naturally extends to the issue of access to information. In this regard, the Botswana government introduced the long-awaited Access to Information Bill (No. 15 of 2024).¹⁸⁰ This proposed bill is grounded in the principle of presumption of disclosure, which requires public authorities to release information unless it falls under specific legal exemptions. However, questions remain about the government's current practices regarding proactive disclosures. For instance, while the Bill may require such measures, it is important to assess whether government information is consistently updated and accessible on official websites. One example of this is the lack of transparency regarding the **Universal Service Fund (USF)** allocation and the disclosure of government requests to telecommunications companies and the general public. Without robust systems for public access to this type of information, the bill's effectiveness in promoting transparency may be compromised. Nevertheless, the introduction of this bill marks a significant step forward in guaranteeing that citizens obtain essential information regarding government activities.

Challenges to Effective Implementation of Transparency Measures

The Access to Information Bill signifies considerable advancement; nonetheless, apprehensions

¹⁷⁵ Southern Africa Litigation Centre "Challenging Criminal Code on Alarming Publications in Botswana" (2023) <https://www.southernaficalitigationcentre.org/challenging-criminal-code-on-alarming-publications-in-botswana> (accessed on 11 February 2024)

¹⁷⁶ See Principles 40 and 42 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa <https://achpr.au.int/en/node/902>

¹⁷⁷ <https://www.isdglobal.org/wp-content/uploads/2024/08/Online-Gendered-Abuse-and-Disinformation-During-the-2024-South-African-Elections.pdf>

¹⁷⁸ ibis

¹⁷⁹ <https://cpj.org/2022/07/botswana-journalist-tshepo-sethibe-criminally-charged-over-alarming-publications/>

¹⁸⁰ See notice of motion tabled in the Parliament of Botswana regarding the Access to Information Bill, 2024 (Bill No. 15 of 2024) https://www.parliament.gov.bw/documents/ORDER-PAPER-08-08-24_05_54_24_08_08_2024.pdf

regarding its execution persist. The legislation has various extensive exemptions, including those related to national security (clause 30), classified information, the Presidency and the Cabinet (clause 34), law enforcement, (clause 39), legally privileged documents (clause 41) or information that infringes on the privacy of a third party. These exemptions are extensively specified, permitting considerable latitude in identifying what qualifies as “sensitive” information. This may result in the denial of information requests based on ambiguous exceptions, compromising the bill’s effectiveness.

Moreover, the Information and Data Protection Commission, tasked with monitoring compliance and overseeing the implementation of the Access to Information Bill, faces uncertainty regarding its capacity to enforce freedom of information (FOI) laws effectively. Although similar responsibilities are carried out by established bodies like the Botswana Government Communication Information System (BGCIS), the Commission’s independence is questionable. Both the Commissioner and Deputy Commissioner are appointed by the President, raising concerns about potential conflicts of interest.

In addition to the Access to Information Bill, Botswana has made significant strides in improving financial transparency, particularly through the Companies (Amendment) Act of 2018. A key aspect of this legislation is the requirement for corporations to disclose information about their beneficial ownership under Section 21 and Section 345.¹⁸¹ This regulatory change, overseen by the Companies and Intellectual Property Authority (CIPA), seeks to diminish unlawful financial practices, enhance accountability, and fortify Botswana’s stance in international anti-corruption initiatives.

AI and Emerging Technologies: National Strategies and Governance of AI, Privacy Concerns Linked to New Technologies

Botswana is actively positioning itself for the Fourth Industrial Revolution (4IR) by exploring the potential of artificial intelligence (AI) and emerging technologies. A key element of this strategy is the Pula 1.83 billion r(USD 133.59 million) allocation in the 2024/2025 budget to advance the Digital Transformation Strategy, under the SmartBots initiative, which aims to foster innovation and drive digital transformation.¹⁸² Despite recognising the transformative potential of AI, Botswana currently lacks a cohesive national AI policy and governance structure, which has led to a fragmented approach in AI development and application.

An example of the country’s technological ambition is its Automated Fingerprint Identification System (AFIS), one of the most sophisticated national identification systems in the region.¹⁸³ While these systems have the potential to improve service delivery, they also prompt significant concerns around data privacy, security, and the ethical collection and use of personal information.

The growing integration of AI-driven technologies and biometric data, particularly with the development of smart cities and Internet of Things (IoT) technologies,¹⁸⁴ brings heightened risks related to data privacy and mass surveillance. Botswana currently lacks a comprehensive national framework to govern the convergence of AI, privacy, and data protection. Without such a framework in place, the country faces considerable challenges in ensuring the responsible use of AI and protecting personal data, especially as these technologies become more embedded in public services and governance systems.

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181 <https://www.cipa.co.bw/wp-content/uploads/2019/06/22-Act-29-06-2018-COMPANIES.pdf>

182 <https://www.bankofbotswana.bw/sites/default/files/publications/2024%20Budget%20Speech%20Final%20-%20February%205%202024.pdf>

183 UNCTAD ‘National ICT Policy Review and E-commerce Strategy for Botswana’ (2021) https://unctad.org/system/files/official-document/dtlstict2021d4_en.pdf (accessed on 21 January 2025)

184 Telecom Review ‘The Integration of 4G LTE and IoT Technologies in Botswana’ (2024) <https://www.telecomreviewafrica.com/articles/features/4444-the-integration-of-4g-lte-and-iot-technologies-in-botswana/> (accessed on 15 January 2024)

The Score Index

Londa 2025 Key Indicators	ACHPR Declaration	Score	Justification
<i>(P stands for Principle)</i>			
Internet Shutdowns	P38(2)	5	Botswana has not experienced internet shutdown.
Inexistent laws, policies and other measures to promote universal, equitable, affordable and meaningful access to the internet	P37	3	While there are some policies aimed at improving internet access, particularly through initiatives like the Universal Access and Service Fund (UASF), challenges remain in implementation.
False News Criminalisation	P22(2)	1	Botswana continues to criminalise the spread of false news, with existing laws that limit freedom of expression. This represents total non-compliance with international standards.
Sedition Legislation	P22(2)	1	Sedition laws remain in force, despite occasional use of the law in politically sensitive cases. While there is growing recognition of the need for reform, there is still a legal framework in place (sections 50 to 53 of the Penal Code).
Arbitrary Arrests and Harassments of the Media, HRDs and Citizens	P20(1) & (2)	2	While there have been no widespread arbitrary arrests in 2023, there have been instances of harassment and intimidation of journalists, human rights defenders, and activists, indicating mild compliance.
Data Protection Legislation.	P42	3	Botswana has updated its data protection laws with the new Data Protection Act 18 of 2024 (the “new DPA”). Despite these improvements, Botswana is still considered only “mildly compliant” with broader data protection standards. This suggests that while the new law is a positive step, there may still be gaps or areas needing further development to achieve full compliance.
States interfere and require the removal of online content by internet intermediaries	P38 and P39(4)	2	BOCRA has issued advisories warning against publishing false information about COVID-19, citing Section 59 of the Penal Code, which makes it an offence. However, there are concerns about the lack of due process in these interventions. This reflects mild compliance, with gaps in ensuring transparency and accountability.

Invasion of Privacy of Communications	P41	2	Although Botswana's legal framework includes provisions for privacy in communications, the recent discovery of Predator spyware in the country raises concerns about surveillance practices. These developments highlight gaps in compliance with international privacy standards, revealing that Botswana's legal framework is not fully aligned with global privacy norms.
Failure by the government to proactively disclose and disseminate information digital technologies.	P29(3)	3	The government has made some strides toward digital transparency by increasing the use of social media and websites for disseminating information, but improvements are needed in accessibility and consistency.
AI and Emerging Technologies national strategies	P39(6)	2	There is no comprehensive national strategy on AI, though there are isolated attempts to regulate emerging technologies. This suggests moderate compliance.
Adoption of specific child laws, policies and measures promoting children's digital safety and privacy online	P37(5)	1	The report indicates that there is no specific child protection law or policy regarding children's online safety. The absence of such a law means that Botswana has not made sufficient efforts to protect children in the digital space, justifying a score of 1.
Digital Inclusion	P37(3)	3	Progress has been made through initiatives such as the UASF, but there are still gaps in addressing affordability, access for marginalized groups, and full digital inclusion.
TOTAL (up to 60)		28	

Recommendations:

The Government should:

- This includes expanding broadband connectivity to rural areas and upgrading existing networks to support emerging technologies.
- Collaborate with the private sector to accelerate infrastructure development and reduce costs.
- Ensure clearer, narrowly defined exemptions to prevent overuse of exceptions and guarantee public access to information.
- Prioritise robust data protection legislation aligned with global standards, like GDPR.
- Improve the enforcement of the Cybercrime and Computer-related Crimes Act, ensuring stronger legal frameworks and resources to combat internet fraud, identity theft, and

online scams. Enhanced coordination with law enforcement agencies is crucial to tackle the rising cybercrime threat effectively.

Civil Society Organisations should:

- Push for well-defined exemptions in the Access to Information Bill to balance transparency and national security.
- Campaign for the swift passage of the Data Privacy Bill and educate the public on data protection.
- Hold the government accountable for the effective implementation of data protection and transparency laws.

The Private Sector should:

- Align business practices with data protection regulations and ensure transparency in data collection.
- Implement clear, accessible policies on how consumer data is collected and used.

