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AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD

Communication No: 0024/Com/001/2023

**Report of the Amicable Settlement Under the Auspices of the ACERWC in the
Matter Between:**

Institute For Human Rights and Development in Africa (On behalf of ACM)

and

The Republic of Botswana

December 2025

REPORT OF THE ACERWC ON AMICABLE SETTLEMENT UNDER THE AUSPICES OF THE COMMITTEE

1. The African Committee of Experts on the Rights and Welfare of the Child (the Committee) received a Communication dated 28 February 2023, in accordance with Article 44(1) of the African Charter on the Rights and Welfare of the Child (the Charter). The Communication is submitted by the Institute for Human Rights and Development in Africa (IHRDA) on behalf of Ms. ACM ("the Applicant") against the Republic of Botswana ("the Respondent State").
2. The Applicants submit that ACM, born in 2003, met her uncle, Dr. Oduetse Oldman Koboto, for the first time on 29 September 2017, when she was 14 years old. Her mother had requested Dr. Koboto's help to transport ACM from Gaborone to her grandmother's home in Ngwapa Village for the Independence holidays. Instead, Dr. Koboto took ACM to his farmhouse, where he allegedly raped her multiple times. This incident reportedly caused ACM significant physical and psychological pain. The following morning, Dr. Koboto allegedly offered ACM some money, which she refused.
3. The Applicants further submit that Dr. Koboto raped ACM multiple times on other occasions. In December 2017, instead of taking ACM to Ngwapa village as requested by her mother, Dr. Koboto took her to his farmhouse and raped her. In December 2018, while ACM was staying with her grandmother in Ngwapa village, Dr. Koboto asked her to come to his farmhouse, where he again raped her. The Applicant also submits that Dr. Koboto raped ACM on two additional occasions: once in 2019 at his residence in Mmatseta and again on 22 August 2020 at his new house in Kgale View.
4. The Applicants submit that ACM reported the case to Gaborone police headquarters in December 2020 and was referred to Broadhurst Police Station. She underwent medical tests at Extension 2 Clinic, but it is submitted that the results were not shared with ACM. The Communication further alleges that ACM contracted a sexually transmitted infection and was given medication to treat it. She provided a written statement to the police, who also collected statements from her immediate family. It is submitted that due to threatening messages, ACM was placed in the Botswana Gender-Based Violence Center for three months. Her case became public in February 2021 when The Voice published a story about the assault, leading to ACM becoming suicidal.
5. The Applicants allege that ACM tried to follow up on the case with the police, but Inspector Makola told her that the case had been passed to the Director of Public Prosecutions (DPP). The DPP deemed her case unpromising, causing her emotional

distress. Additionally, ACM reportedly received no counselling or psychosocial support from the State. The Applicant also notes that Dr Koboto has held several significant positions, including former police Constable, lawyer, public prosecutor, and Environmental and Climate Change Specialist at the United Nations Development Programme. Since August 2020, he has served as the Permanent Secretary of Botswana's Ministry of Environment, Natural Resources, Conservation, and Tourism.

6. Based on the above facts, the Applicants submit that the Respondent State has violated the following provisions of the African Charter on the Rights and Welfare of the Child:
 - Article 1(1) (Obligations of State Parties);
 - Article 3 (Non-Discrimination); and
 - Article 16 (Protection against Child Abuse and Torture)
7. After reviewing the submissions of both the Applicants and the Respondent State, in line with Section IX (1) of the Guidelines for Consideration of Communications and Monitoring Implementation of Decisions (Communications Guidelines), the Committee declared the Communication admissible during its 43rd Ordinary Session, held from 15 to 25 April 2024. The Respondent State was invited to submit its arguments on the Merits of the Communication and subsequently, the Committee held a hearing on the Merits of the Communication in accordance with Section XI(1)(i) of the Communications Guidelines on 11 April 2025 during its 45th Ordinary Session, held from 7 to 11 April 2025 in Maseru, Lesotho. Both parties to the Communication were present at the hearing and the victim, ACM, participated virtually.
8. During the hearing, the Respondent State proposed to resolve the matter amicably, in accordance with Section XIII (i) of the Communications Guidelines, which allows the Parties to settle their dispute at any time before the Committee issues a decision on the Merits. The Committee welcomed this proposal and allowed the Parties to consult independently on the amicable settlement. Following the consultation, the Applicants informed the Committee that they were open to pursuing an Amicable Settlement and had consulted with the victim, ACM, who was present virtually during the proceedings and indicated her informed consent. Both Parties subsequently confirmed their agreement to resolve the matter amicably under the auspices of the Committee. In light of the above, the Committee considered that an Amicable Settlement constituted an appropriate mechanism to address the rights violations experienced by ACM. Accordingly, the Committee decided to accept the request for an Amicable Settlement as jointly agreed by the Parties.

9. In accordance with Section XIII(2)(iii) of the Communications Guidelines, the Committee appointed the Country Rapporteur for Botswana to facilitate the negotiation process between the Parties. The Committee requested the Respondent State to submit a written agreement setting out the terms and conditions of the proposed settlement, which was transmitted to the Applicants. The Amicable Settlement was successfully facilitated under the auspices of the Committee, resulting in an agreed settlement between the Parties. The signed Amicable Settlement is attached to this Report.
10. In considering the Amicable Settlement, the Committee was guided by the provisions of the Charter and the principle of the best interests of the child as the primary consideration in all actions concerning the child. The Committee notes that the terms and conditions of the agreement are in line with the requirements of the Communication Guidelines. The Committee notes that the Amicable Settlement is in line with the principles and provisions of the Charter and also provides a remedy to the victim on the alleged violations contained in the Communication. The Committee also notes that both Parties have explicitly consented to be bound by its contents. Moreover, The Committee takes note of the fact that the victim has been informed about the terms of the Amicable Settlement by the Applicants and agreed to the terms provided therein. For the foregoing reasons and after careful deliberations on the terms and conditions of the Amicable Settlement agreement, the Committee decides to adopt the Amicable Settlement.
11. The Amicable Settlement shall remain in force, provided that the following conditions are upheld:
- i. Both parties to the agreement remain committed to the implementation of the Amicable Settlement;
 - ii. The Committee remains convinced that the Respondent State is taking all necessary measures to implement the terms of the agreement within the timelines provided therein; and
 - iii. The Respondent State complies with its reporting obligation as outlined in the attached Amicable Settlement.



Hon. Sabrina Gahar
Chairperson
African Committee of Experts on the Rights and Welfare of the Child

AMICABLE SETTLEMENT AGREEMENT

ON

COMMUNICATION NO. 0024/COM/001/2023

**INSTITUTE FOR HUMAN RIGHTS AND DEVELOPMENT IN
AFRICA ON BEHALF OF ACM**

VS

THE REPUBLIC OF BOTSWANA

BEFORE

**THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND
WELFARE OF THE CHILD**

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The Institute for Human Rights and Development in Africa (hereinafter referred to as “the Applicant”) and the Government of the Republic of Botswana (hereinafter referred to as “the Respondent State”) (hereinafter jointly referred to as “the Parties”) in this communication;

MINDFUL of their mutual interest in safeguarding and upholding the full protection and enjoyment of children’s rights in the Respondent State;

RECOGNISING the Respondent State’s commitment to the protection of children as evidenced by the ratification of core international human rights instruments relating to the protection of children’s rights, in particular the United Nations Convention on the Rights of the Child (“the CRC”) and the African Charter on the Rights and Welfare of the Child (“the Charter”);

FURTHER RECOGNISING the Respondent State’s effort in domesticating the CRC and the Charter through the Children’s Act (Cap. 28:04);

RECALLING that the Respondent State ratified the Charter on 10th July 2001;

CONSCIOUS that the article 1 of the Charter obliges the Respondent State to adopt such legislative and other measures as maybe necessary to give effect to the provisions of the Charter;

CONSCIOUS that article 3 of the Charter guarantees every child the enjoyment of the rights and freedoms outlined in the Charter, without any form of discrimination;

CONSCIOUS that article 16 obliges the Respondent State to take specific measures to prevent and respond to all forms of violence, abuse, neglect, and exploitation, including sexual abuse against children;

AWARE that ACM was a minor at the time of the alleged sexual abuse;

DESIROUS of ensuring an amicable settlement of the issues in this communication;

COGNISANT that section XIII of the Revised Guidelines for the Consideration of Communications and Monitoring Implementation of Decisions by the African Committee of Experts on the Rights and Welfare of the Child ("the Revised Guidelines") allows for amicable settlement of Communications;

HEREBY agree on the amicable settlement of this Communication within the Revised Guidelines as follows:

1. The Respondent State commits to pay ACM within six (6) months of the date of settlement, a sum of USD7,500.00 as compensation for the non-pecuniary damage she suffered.
2. The Respondent State undertakes to provide ACM with all the necessary psychosocial support including but not limited to:
 - a) Trauma counselling with a qualified clinical psychologist which shall commence within three (3) months of the date of settlement, including the cost of transportation and accommodation if this service is not available within the town where ACM currently resides;
 - b) family reunification within three (3) months of the date settlement; and,
 - c) access to appropriate educational support and reintegration within three (3) months of the date of settlement, contingent to her satisfying the academic requirements for progression, including being offered the reasonable accommodation and support needed to achieve such academic requirements for progression.
3. The Respondent State undertakes to ensure that the matter is prosecuted to its final conclusion.

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4. The Respondent State commits to undertaking relevant stakeholder consultations to develop clear, formal escalation procedures as well as timelines for handling child abuse cases within six (6) months of the settlement. Further, the Respondent State commits to providing quarterly progress reports to the African Committee of Experts on the Rights and Welfare of the Child ("the Committee") on the same.
5. The Respondent State commits to strengthening oversight structures such as Office of the Ombudsman; the National Children's Council; the Village Child Protection Committees; and the Gender Commission to increase awareness-raising initiatives on their functions, as well as their accessibility. Engagements with the relevant stakeholders shall commence within six (6) months of the date of settlement.
6. The Respondent State undertakes to consistently implement or provide adequate legislative, administrative, social and economic resources as may be necessary to ensure the protection, punishment and eradication of all forms of sexual violence against children.
7. The Respondent State commits to continuing to provide support services for victims of sexual violence including information, legal services, health services and counselling.
8. The Respondent State commits to strengthening existing measures, mechanisms or procedures for the protection of children by raising awareness on a continuous and ongoing basis, among others. Engagements with the relevant stakeholders shall commence within six (6) months from the date of settlement.
9. The Respondent State commits to developing and implementing a National Plan of Action on Ending Violence against Children aimed at implementing awareness raising strategies for the eradication of beliefs, practices and stereotypes which exacerbate the persistence and tolerance of violence against children. The Plan will be adopted by end of December 2025.

10. The Respondent State shall submit a report to the Committee by December 2025 on the progress it has made to implement this Agreement. Thereafter, the Respondent State shall submit a periodic report every six (6) months to the Committee. These reports shall be submitted through formal diplomatic African Union channels. The Committee shall share the reports with the Applicant.
11. The Committee remains seized of this matter until the Respondent State fully implements this Agreement.
12. This amicable settlement is agreed under the auspices of the Committee pursuant to Section XIII (2) of the Revised Guidelines at the 45th Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child.

IN WITNESS THEREOF, the Parties hereby confirm their acceptance of the terms and conditions of the present Agreement as signed by their duly authorised representatives in triplicate in the English language, all texts being equally authentic this 4th day of July 2025 in Maseru, Lesotho.

For the Government of the Republic of Botswana

Signature: 

Name: Mmamiki GAOLATLHE KAMANAKAO

Designation: PERMANENT SECRETARY

For the Institute of Human Rights and Development in Africa

Signature: 

Name: Dr. Musa Kika

Designation: Executive Director