

A!GENDA



INSIDE

Debate on the constitution amendment bill

Commemorates IDAHOT with Lobatse Support Group

RIA in action

Community dialogues

Fashion designer who identify as Non binary

Transman living with disability

HONORABLE MORWAENG PRESENTS BILL TO PARLIAMENT



In March 2024, Kabo Morawaeng, Botswana's Minister for State President, introduced a constitutional amendment bill which includes new protection against discrimination for intersex persons and people with disabilities in the Constitution. (The Constitution (Amendment) Bill, 2024, follows a Commission-led review process of the Constitution, and introduces a range of other amendments, including restricting retired presidents from holding other high offices, barring dual citizens from election to the National Assembly, and changing the make-up of the Judicial Services Commission.)

The relevant provision of the Bill would substitute section 15(3) of the Constitution, providing the grounds for protection from discrimination on the basis of a person's:

..race, tribe, place of origin, political opinions, colour, creed, *disability* or sex (*including intersex*).

The minister further told Parliament that the commission submitted a report to the President, Dr Mokgweetsi Masisi, with 93 recommendations out of which 31 related to the Constitution, 39 to primary legislation while 23 to policy.

"In considering the recommendations of the Commission in so far as they related to the Constitution, the recommendations if given effect and agreed to, will preserve the unity, peace and stability of the country, promote, adhere to or enhance the rule of law and separation of powers," he added.

Furthermore, he said the recommendations would add to the adequacy of the Constitution in protecting the fundamental rights and freedoms of the individual, among other things.

The Bill proposed to entrench in the Constitution the right to collectively bargain and strike. It also seeks to protect and prohibit discrimination of "intersex" persons and persons with disability. "No person shall be treated in a discriminatory manner, attributable wholly or mainly to the person's disability, by any person, public office or public authority," it reads in part. It seeks to respect, protect, promote and fulfill the right, including in particular recognising and promoting the right of persons with disabilities to be treated with dignity and respect; reasonably access educational institutions and facilities; and reasonably access all places, public transport and information. "The expression "discriminatory" means affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour, creed, disability or sex (including intersex) whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages.

"The expression "intersex" means a person born with any of several sex characteristics, including chromosome patterns, gonads and genitals that do not fit typical binary notions of male or female bodies." The Bill also seeks to address some issues that had been of national concern. Regarding the appointment of the Secretary of Independent Electoral Commission (IEC), the Bill proposes that the President submit three names to Parliament for assessment and interview prior to appointing one of them to the position of Secretary. Likewise, in the appointment of Chief Justice and President of the Court of Appeal, the President will submit three nominees to the Judicial Service Commission (JSC). It also proposes to amend the Constitution to reconstitute the JSC to include the Permanent Secretary in the Ministry of Justice, a qualified auditor and a legal practitioner.

NTLO YA DIKGOSI DEBATES THE BILL No4 of 2024

Speaking after the Ntlo ya Dikgosi debate of the Constitutional (Amendment) Bill No4 of 2024, Kgosi Gaborone said Bogosi is important and full of wisdom and should not be looked down upon. He commended Ntlo ya Dikgosi for the debate on the constitution amendment Bill. "I listened to something on Thursday evening. Some people were talking about where they are around our debate on the Bill. They have their right to freedom of speech. In this house, you can see the true wisdom of the institution of Bogosi in this republic. Bogosi bo kgona go bona dilo tse gongwe ba bangwe ba sa di boneng. Mme ebile Bogosi bo kgona go akanya dilo tse dingwe, tse batho ba bangwe ba sa kgoneng go di akanya," he said. Loosely translated, he said while there are doubts about Bogosi as an institution, Ntlo ya Dikgosi oozes true wisdom by Bogosi.

Kgosi Gaborone said it was clearly stated in the bible that Dikgosi must be respected as there is wisdom in Bogosi beyond the human mind. He said Bogosi always find a way even when it is tough. "If I was a drafter of the law, I would draft one stating that there shall continue to be an institution called Bogosi," he said. Kgosi Gaborone also thanked government for obeying the law and bringing the bill to them. Meanwhile, Kgosi Gaborone shared their summarised resolutions following their weeklong debate. He shared that the House resolved to support the following clauses without amendments: 1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 A, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33. In terms of resolutions on the Bill. Ntlo Ya Dikgosi has adopted the resolutions here: Meanwhile, Gaborone shared that Dikgosi had resolved to support the following clauses as they were presented without amendments: Clause 2d, Section 3 that the right to shelter be included under fundamental rights; Clause 3, Section 7 of the Constitution that after the amendment of Section 3 above, the protection of the right to shelter be included under fundamental rights; Clause 17, Section 77 b of the Constitution that Section 77 b be amended by adding the following new words "performing functions of Dikgosi" immediately following the words '10 persons'; Clause 18, Section 78 of the Constitution Ntlo Ya Dikgosi resolves that the selection of the two persons to Ntlo Ya Dikgosi administrative districts should not include cities and towns as they have a different set-up and that only people who are appointed under the Bogosi Act should be selected to Ntlo Ya Dikgosi. Parliament will convene in a special meeting on May 20, 2023, to consider the Bill.



TIMELINE OF THE CONSTITUTIONAL REVIEW PROCESS IN BOTSWANA







Different gender identity and ability



I am Gadzo Obakeng Mogomotsi aka Professa Gee by brand. Am a young Motswana transgender man living with disabilities (hearing and visual impairment) .I am the founder and CEO of a business Pro Gee ITech Design which involves graphic design, fashion design, website development and anything to do with it. I also own a clothing brand standout and sell rainbow clothing and accessories.

There is a saying that says "disability does not mean inability it is just that one have a different ability". If you are disabled it does not mean you are not whole. We, the ones who are challenged, need to be heard. To be seen not as a disability but as a person who has and will continue to bloom. To be seen not only as a handicap but as well in tact human being.

"I do not have a disability but I have a different ability. The only real disability in life is the inability to see a person as more".

I have learnt that no matter what you should do what you love as long as you are happy when doing it. Do not worry about anything even if you are not perfect on it, one day you will do better. That is when I decided to come up with Prof Gee ITech Design. That's the passion I found in me living with Disability. I believe in inclusivity regardless of ones disability, gender identity , social status or sexual orientation.

After struggling with few brands, I managed to start a different brand name StandOut, started selling rainbow Tshirts to support my brand.

Today I attended 3rd Edition of the Abilities Expo, where young people with different inabilities are here to network and show out their abilities, be it art, signing and businesses with different products and services. It is held under the theme Unleash, connect and grow at Baisago University College.

Proudly Gender Non Conforming Fashion Designer

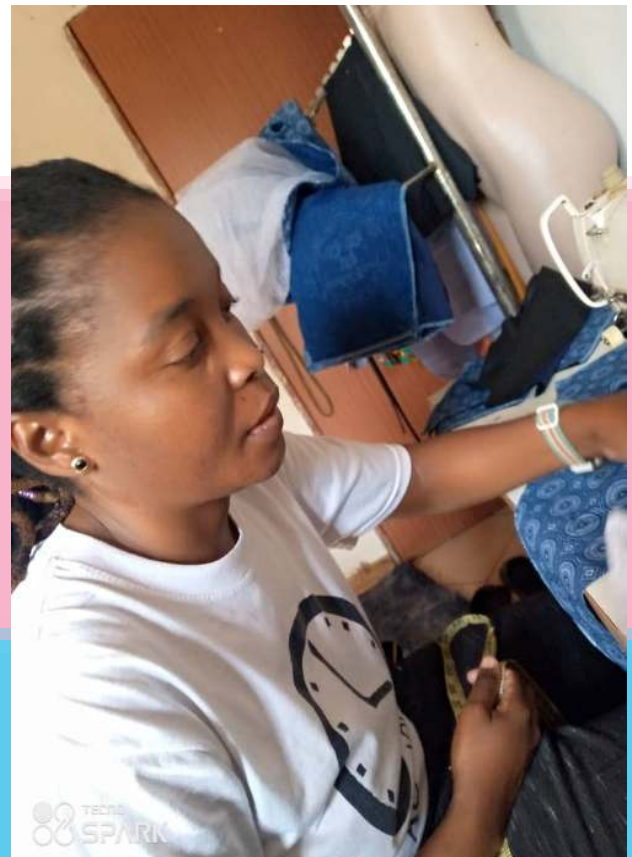
Gender non binary Molepolole born, is Tebogo Joyce Seeiso. One of the very open parent and proud fashion designer based in Mogoditshane block9. It has been a while Tebogo joined the fashion industry and the journey has not been smooth mainly because of gender identity issues. Working with clients daily means one has to explain themselves to every client that is not male nor female.

Since graduation Tebogo also known as TJoy started small business through the government grant Youth Development Fund. At that moment TJoy was not specializing or having a targeted age group or market but focused on any client pass by.

TJoy's family have not fully accepted the fact that TJoy is non binary and the use of the pronoun they to refer to TJoy. Been a parent also confuse the family, as they believe in the binary box is either one is a woman or a man.

Despite challenges in the industry and family TJoy chose to be determine on building empire for their children. TJoy has been able to show case locally and internationally as a way to self-market and learn from other fashion designers. TJoy also offers wardrobe advice to clients and offer sewing lessons.

"I encourage transgender and gender diverse community to start business as unemployment is very high for Us due to the gender marker" said Tebogo



IDAHOT Commemoration in Lobatse



On the occasion of the International Day against Homophobia, Transphobia and Biphobia, we acknowledge and promote the right of every human person to be proud of who they are, to define their own identity and to love the person of their choice.

RIA joined Lobatse Support Group in commemorating the IDAHOT on the 18 May 2024 under the theme No One Left Behind: Equality, Freedom and Justice for All. The day was filled with various activities starting with speeches from various organizations. The keynote speaker was Kgosi Pitso from Peleng ward.

She applauded the Lobatse LGBTIQ support group for the courage to be visible and never to give up. "Many people will not accept because of lack of knowledge but do not be discouraged".

RIA director said "we will continue to voice concerns and speak up for human rights. Our efforts will continue in close co-operation with dikgosi because equality, respect for dignity and respect for diversity are at the heart of our work". Everyone should be free to enjoy the rights and freedoms to which all individuals everywhere are entitled.

Lobatse Support group founder Betesta Segale said "We need to be free and equal as citizens of Botswana, down homophobia and trans phobia down".



Being Intersex and athletic

My name is Kagiso, I was born intersex in Molepolole. Growing up I was very sporty person, I loved playing soccer, Karate, athletics and chess. Most of the time I will represent school at district level and win trophies. Because I was registered as a girl child I had to compete with other girls, although there were confused as my body did not show any female features. My puberty was much delayed, I never grow breast or experience periods like girls my age.

I had so many unanswered questions, but had no one to talk to. Being intersex in rural area can be lonely and painful journey, nobody told me anything about being intersex even my mother. I also started withdrawing from my favorite sports because I could not afford to explain myself every time we have to get in the field. When I think of my talent and been unemployed it hurts me. I could be living out of my talent especially in athletic and soccer just like many intersex in the world such as Caster Semenya. Some countries do support their intersex individuals while our country does not even recognize us.

Long live the spirit of Matlhogonono Max Mabaka

04 DECEMBER 1983 — 12 NOVEMBER 2024

We announce with heavy hearts the passing of our colleague, Matlhogonono Max Mabaka who passed on Tuesday 12th November 2024.

We convey our deepest condolences to the Mabaka Family, Friends and RIA Membership and it's Partners during this difficult time.

Funeral arrangements will be communicated in due course.



What a force you will always be! RIA is grateful to have known, loved and been loved by you. Max you showed us all to live with joy and generosity, love and heart and a transgender activist that never dimmed. He challenged us to fight and to keep going.

Rest in power Long Live!

DIRECTOR'S DESK



Despite decades of progress on LGBTQI human rights in many countries, from decriminalization to legal recognition of transgender are increasingly under threat. This comes at a time inclusive democracy around the world is in regression. In 2019 Botswana's High Court decriminalized same sex relations after a legal challenge.

The decision determined that the provisions that criminalised "carnal knowledge against the order of nature" were incompatible with the Constitution of Botswana and, more specifically, that they collided with the right to privacy (Article 9) and the non-discrimination clause (Article 15). In line with numerous precedents, the Court ruled that the term "sex" in this clause should be "generously and purposively interpreted to include 'sexual orientation'."

In March 2024, Minister for State President Kabo Morawaeng, introduced a constitutional amendment bill which includes new protection against discrimination for intersex persons and people with disabilities in the Constitution. An amendment that most faith based organization opposed especially the Apostolic Faith Mission.

Abraham Kedisang is a pastor at the Apostolic Faith Mission stated, "These provisions portend grave threat for our Christian way of life, our democracy and, indeed, our republic as we have known it over the many decades."

There are misconceptions, confusion and prejudices surrounding intersex bodies, leading to unjustified discrimination and other human rights violations. These misunderstandings could be avoided if people were better informed and educated. While intersex refers to sex characteristics, LGB persons are grouped together based on their sexual orientation (which may be homosexual or bisexual), and T on their gender identity (in respect of transgender persons). Sex characteristics are inherent and congenital, meaning that intersex person's sex characteristics are apparent from birth.

Policymakers should commit to protecting the rights of sexual characteristics and gender minorities not simply because every individual is entitled to a dignified life, free and equal under the law. Botswana must understand that intersex people are also full citizens therefore it is crucial for constitution to guarantee equal rights and protection from discrimination to transgender and intersex individuals in all spheres.

Our community needs to take voting as a mechanism for individuals to exert empowerment and exercise agency. It is seen as a way to defend hard fought rights and protections, ensuring that progress made in advancing transgender and intersex human rights is upheld and expanded upon. Moreover, by engaging in political process such as constitutional bill amendment, transgender and intersex individuals can contribute to building a more inclusive and equitable society for themselves and view voting as a power tool for effective positive change and advancing their rights and interests within the political arena. Also ensuring that the impact of their vote is felt after the elections by holding the elected officials accountable and actively engage in advocacy efforts. Transgender and intersex your vote can put pressure on policy makers to enact meaningful change and dismantle the systemic barriers that perpetuate discrimination and inequality.

KNOW YOUR RIGHTS & USE YOUR VOTING RIGHT TO AMPLIFY YOUR HUMAN RIGHTS

Proudly Sponsored by

Plot 22542

Phase 4

+267 3905493

**rainbowidenti-
ty@gmail.com**

**Rainbow Identity
Association BW**

