

25. Staff
26. Class-child ratio

Act 1, 1999,
Act 2, 2002,
Act 12, 2002,
Act 9, 2005,
S.I. 51, 2005,
S.I. 91, 2006.

[Date of Commencement: 30th September, 1966]

CHAPTER I

The Republic (ss 1-2)

1. Declaration of Republic

Botswana is a sovereign Republic.

2. Public Seal

The Public Seal of the Republic shall be such device as may be prescribed by or under an Act of Parliament.

CHAPTER II

Protection of Fundamental Rights and Freedoms of the Individual (ss 3-19)

3. Fundamental rights and freedoms of the individual

Whereas every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his or her race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely-

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association; and
- (c) protection for the privacy of his or her home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

4. Protection of right to life

(1) No person shall be deprived of his or her life intentionally save in execution of the sentence of a court in respect of an offence under the law in force in Botswana of which he or she has been convicted.

(2) A person shall not be regarded as having been deprived of his or her life in contravention of subsection (1) of this section if he or she dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable-

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) for the purpose of suppressing a riot, insurrection or mutiny; or
- (d) in order to prevent the commission by that person of a criminal offence,

or if he or she dies as the result of a lawful act of war.

5. Protection of right to personal liberty

(1) No person shall be deprived of his or her personal liberty save as may be authorized by law in any of the following cases, that is to say-