

Fighting second class citizenship in Botswana

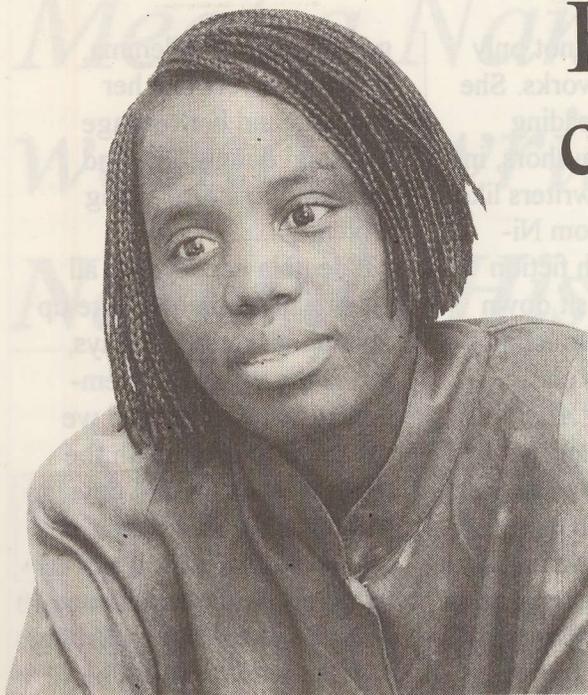


Photo: Ms.

Unity Dow (31), who is married to an American national, started with her legal battle against the Botswana Citizenship

Act in 1990 on the grounds that it discriminated against women by refusing citizenship to the children of Botswana women married to foreign men. But the children of Botswana men married to foreign women are automatically granted citizenship.

Under the law Dow must apply for residence permits for her children, who are denied the right to vote, and who have limited access to higher education and specialized health care.

Unity Dow's case was supported by many women's groups, especially the Women and Law in Southern Africa Research Project (WLSA) who raised funds for the case. The WLSA also organised a publicity campaign for general support. "The response was extremely positive," said Puseletso Kidd, coordinator of WLSA, whose members lobbied every influential person they could get to,

from 'slippery' members of parliament to traditional community leaders. Dow, herself an attorney, said "The judgement will be part of our legal development for a long time. It was a historic decision." But despite the legal victory, the status of her children and husband will remain precarious until the parliament rewrites the citizenship law, which may not happen if there is a national referendum.

Still, Dow takes pride in the fact that "for the first time our government has been forced to acknowledge that a significant portion of the population is not happy with their lot.

(Clara Olsen for Ms. Vol III, nr.6 '93)

While the Botswana government is often praised for its democratic principles, it seems to be inconsistent when it comes to women's rights. In July 1992, the Court of Appeal of Botswana ruled in favour of Ms Unity Dow in her case against the Botswana Citizenship Act which denied citizenship to her children because she is married to a foreigner.

The grounds of the judgement was that the constitution of the country did not permit sex discrimination. But since the court's ruling the Botswana government plans to hold a national referendum to ask the people whether they want the constitution amended to allow sex discrimination.

The referendum plan is a last effort by the government to preserve discriminatory practices that the High Court deemed unconstitutional.

DICTIONARY

inconsistent - Someone who is inconsistent behaves differently in a particular situation each time it happens.

referendum - A referendum is a vote in which the people of a country are asked whether they agree or disagree with a particular policy.