

HUMAN RIGHTS ENFORCEMENT AND THE QUESTION OF STANDING BEFORE THE HIGH COURT OF BOTSWANA: A COMPARATIVE ANALYSIS

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ABSTRACT

Egregious human rights violations mainly committed by the state and its various institutions and agents usually pass without remedy due to sterile and austere rules of standing before judicial tribunals that effectively deny victims of human rights violations access to justice. Ideally, these are bodies that should have been instrumental in the implementation and enforcement of human rights provisions guaranteed under municipal constitutions and international instruments. In light of these limitations, this article gives an insight into the legal regime governing the question of standing in enforcing constitutional rights before the High Court of Botswana. It is beyond argument that there is a direct relationship or link between the rules of standing and the right of citizens to access courts of law and achieve justice. The article proceeds to give reflections on public interest litigation and amicus curiae procedures arguing that Botswana must adopt the former in order to enable the larger sections of its society secure access to the courts of law and also relax the rules of admission in order to encourage dynamic and creative human rights litigation in the country.