



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
16 January 2019
Original: English
English, French and Spanish only

**Committee on the Elimination of Discrimination
against Women**

Seventy-second session

18 February–8 March 2019

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**List of issues and questions in relation to the fourth periodic
report of Botswana**

Addendum

Replies of Botswana to the list of issues and questions*

[Date received: 15 January 2019]

* The present document is being issued without formal editing.



Legal status of the Convention and legal framework

Reply to paragraph 1 of the list of issues [CEDAW/C/BWA/Q/4](#)

1. National consultations on domestication of the CEDAW were concluded in 2013/2014 and recommendations made. Currently, the process is at drafting stage and is anticipated to be completed by the next reporting period. Technical support is however required to speed the process which will entail drafting, advocacy, mobilisation and adoption. Regarding national consultations on the inclusion of a definition of discrimination against women in the Constitution, the inclusion of sex provides for women and men as well as girls and boys; hence deemed adequate.

Reply to paragraph 2 of the list of issues [CEDAW/C/BWA/Q/4](#)

2. Botswana has a pluralistic legal system comprised of five primary sources namely, the Constitution, Roman Dutch law, statutory law, Case law and Customary law. Customary law in Botswana generally puts women on a subordinate position in comparison with men. Women have limited authority in their homes, tribes or clans and over immovable and movable property.

3. Prior to October 2012 Ngwaketse Customary Law denied women the right to inherit the family residence intestate. This bare denial was based solely on their sex. The landmark case of *MMUSI AND OTHERS v RAMANTELE AND ANOTHER* 2012 2 BLR 590, made it unequivocally clear that, the Ngwaketse Customary Law amounted to unfair discrimination that could not be justified.

4. The Ngwaketse Customary Law rule that affirmed that the last born son qualified as an intestate heir to the exclusion of his female siblings was declared ultra vires Section 3 of the Constitution – in that it violated women’s rights to equal protection of the law. The Mmusi case clearly demonstrates that there are instances where / when there is a clear conflict between Customary Law and statutory Law to the detriment of women. The case was, rightfully hailed a success for Women’s rights in Botswana – it is indicative of the fact that in the absence of an assurance that equality and or women’s rights take precedence over customs, customary practices that discriminate against women may be deemed lawful. Furthermore not all discriminatory customary practices against women are brought up for challenge at the High Court.

5. In Botswana, women are recognised as Paramount Chiefs. Examples include: Kgosi Mosadi Seboko of Balete Tribe who also sits in the Ntlo-Ya-Dikgosi (House of Chiefs) and is also the Chairperson of the National Gender Commission; Kgosi Kealetile Moremi of Batawana and Kgosi Banika of Pandamatenga. In addition, there are female chiefs appointed at lower levels.

6. Though progress has been made in recognising female traditional leaders on the day-to-day running of community activities, there are inconsistencies in administration of the Customary Laws as they vary from tribe to tribe. Government noting these inconsistencies started engagement with Dikgosi (Chiefs) on Mainstreaming Gender into the Customary Justice System in 2012. Deliberations were on understanding of basic gender concepts, existing laws on gender and women empowerment, Convention on the Elimination of All Forms of Discrimination Against Women, global regional and national instruments on gender and development, the role of Customary Courts in addressing Gender Based Violence (GBV) and implementation of revised laws, access to justice, gender and development, transformation of social norms to achieve gender equality.

7. Following the 2012 engagement with Dikgosi, in 2015, they developed the National Action Plan on Mainstreaming Gender and addressing Gender Based

Violence (GBV) within their institution of which implementation continues in their communities. In August, 2018; a total of 125 Dikgosi were convened to review implementation of the Plan. Dikgosi resolved to establish Gender Committees within their communities and two(2) have so far been capacitated.

8. Since 2016 Government has been engaging with the Faith Based Organisations with the recent engagement being in June, 2018 where over 10 institutions were represented. These conversed on understanding of basic gender concepts, gender and development at global, continental, regional and national level, existing laws on women empowerment and gender mainstreaming. In addition, they identified gender roles within their institutions. The next step will be to further interrogate gender roles with a view to identify gaps and inequalities and develop interventions to address them.

9. Additional efforts to raise awareness include Government's leadership in commemoration of 16 Days of Activism against Violence on Women and Children, International Men's Day and International Women's Day which serve as campaigns on gender issues including Gender Based Violence. Furthermore, the Men Sector spearheads community dialogues on men and boys issues as well as their role in the promotion of gender equality and the empowerment of women and girls.

Access to justice

Reply to paragraph 3 of the list of issues [CEDAW/C/BWA/Q/4](#)

10. As at August, 2018; Legal Aid Botswana registered a total of 2 791 clients with active files comprising of 1408 were females and 1383 were males. The legal issues most women bring to Legal Aid Botswana mainly relate to Divorce, Custody and Access. However, women also approach Legal Aid Botswana for assistance on Contractual, Land and Labour disputes

11. To improve the capacity and resources of the Legal Aid, UNDP has provided Legal Aid with a Mobile Legal Service Bus that is based in Maun and is currently in operation. This augments the existing centres in Gaborone, Francistown, Maun, Tsabong, and Kasane as well as the Satellite office in Kavimba which is a remote area in the North West Region. To strengthen public education, Legal Aid Botswana has initiated measures to raise awareness on access to justice through Kgotla meetings, television, Legal Aid Botswana website and social media where over 700 000 people have been reached. June 16 is also dedicated to school visits where students are sensitised about their rights and the importance of education.

12. In addition, Legal Aid Botswana provides information to women and many pamphlets circulated in the country by Legal Aid Botswana are on issues related to Family Law and Domestic Violence. In relation to Domestic Violence cases, clients are advised to report to the police and follow all the procedures related to the reporting of cases at the Police Stations. Furthermore, Legal Aid Botswana has a Specialist Family Law Unit in its 2 main centres; Gaborone and Francistown, and there are employees who are professionally trained to deal with Family Law issues.

13. Regarding capacity building of the Judiciary and law enforcement officers, Magistrates were part of the development of the Domestic Violence Regulations, 2013. Magistrates and the Police were also trained as part of the Gender Based Violence Referral System. There is an association of women judges comprising female Judges and Magistrates who amongst their mandate includes the promotion of CEDAW. The Police on the other hand have a module on GBV in their training. They also have trained Gender Focal Persons in all districts. The Police also have a special family law unit in its 2 centres in Gaborone and Francistown, which deal with Family Law, and domestic violence issues, child custody, maintenance and access.

National Human Rights Institution**Reply to paragraph 4 of the list of issues [CEDAW/C/BWA/Q/4](#)**

14. Government approved the Amendment of the Ombudsman Act: CAP 02:12 Act No.5 of 1995 in 2014. Consultations are on-going with key stakeholders including Civil Society on the Draft Bill. Recently Government held a National Symposium on the National Human Rights Institution to deliberate on hybrid model in line with the Paris Principles.

National machinery for the advancement of women**Reply to paragraph 5 of the list of issues [CEDAW/C/BWA/Q/4](#)**

15. From the Financial Year 2017/2018 the Budget for the National Gender Machinery was increased from USD1.8 million to USD4.8 million with USD3 million dedicated to the Women's Economic Empowerment Programme which benefited over 1048 women. The current Budget for the National Gender Commission is USD31.4 thousands which will be used mainly for capacity building of the Commissioners, their sectors and development of a strategy for the National Gender Commission. For the financial year 2018/2019 the National Gender Machinery has been allocated 36 new Technical positions. These have been filled and officers posted to 28 stations across the Country. There is however need for technical capacity building of officers to effectively deliver on the National Gender Programme.

16. Regarding coordination of Gender Focal Points, they are expected to directly report to their Commissioners as well as the Technical Advisory Committee who then submit Sectoral Reports to the Commission. On the issue of youths, girls in their youth benefit from the Youth Development Fund administered by the Ministry of Youth Empowerment, Sport and Culture Development.

Temporary Special Measures**Reply to paragraph 6 of the list of issues [CEDAW/C/BWA/Q/4](#)**

17. The Government continues to commit resources towards Women's Economic Empowerment Programme as reflected at paragraph 5 above. The Programme has since inception created employment for over 5, 200 individuals thus improving their livelihoods. With the Poverty Eradication Programme over 80 per cent of the beneficiaries are women, mostly living in rural areas. To support women in accessing markets, the Government hosts the National Women's Exposition targeting 350 participants per annum in the Northern and Southern Region. The Exposition offers women entrepreneurs an opportunity to come under one roof and show-case their products learn from one another as well as network for possible growth. To date, 69 women entrepreneurs have graduated and are now independent and able to confidently compete in the business arena. There are testimonies of improved livelihoods from beneficiaries of the Women's Economic Empowerment Programme including: economic independence, freedom from abusive intimate partner relationships and economic support to other dependants such as extended family members.

18. With regard to accelerating women's equal participation in political and public life, Government has the highest number of female leaders at 43 per cent in the Public Service with over 70 per cent at Director Level. However, Botswana has low representation of women in political decision making in Cabinet, Parliament and Local Government Councils. Efforts to capacitate women especially those vying for political office continue under the collaboration between Gender Links and Botswana Association of Local Authorities (BALA).

19. Other efforts include the: National Study for Increased Women's Representation in Politics by 2019 undertaken by Emang Basadi; a Non-Governmental Organisation working in the field of Women in Politics. The Study was to: research on issues that prevent women from taking up positions of decision making especially in the political arena; and assess the impact of the previous and on-going strategies and efforts used by political parties, civil society organizations and other stakeholders seeking to equip women prospective candidates and other political activists with relevant skills in readiness for political office.

20. One of the key recommendations from the Study is: to develop system-wide appreciation and a culture of gender parity in all aspects of directing political affairs through policies, regulatory measures, strategies and mechanisms; and uphold the right of political party membership groups to directly represent their interests, concerns and aspirations; as well as political parties. The next level is to mobilize resources for implementation of recommendations.

21. On women in education, according to the 2014 National Literacy Survey, females recorded higher literacy rates at all ages except for age group 65-70 years. This may partially be confirmed by the women's participation in the informal sector at over 60 per cent. It is worth noting that Botswana reached gender parity in basic education in 2010, 5 years ahead of the 2015 target. In addition, the Government has specialized public education programmes through which the nation is sensitized and capacitated on various issues. These include: agriculture, crime, gender and GBV prevention, health, entrepreneurship, People with Disabilities and youth. These are communicated through different media such as radio, national television, social media and print. With regard to health, the Ministry of Health and Wellness has developed programmes specifically targeting women's health such as the Prevention of Mother to Child Transmission (PMTCT) of HIV, intensified public education on breast and cervical cancer and the engagement of men in Safe Male Circumcision to reduce contraction and spreading of HIV. Cervical Cancer Prevention and Control Strategy introduced See and Treat Services which are offered free and are offered in 20 districts to date, and preparations are ongoing to introduce it in the remaining 7 districts by April 2019.

Stereotypes and harmful practices

Reply to paragraph 7 of the list of issues [CEDAW/C/BWA/Q/4](#)

22. Following the initiatives to eliminate stereotypes on women's roles and responsibilities in their families and society, there have been positive changes as reflected in community conversations and dialogues as well as conduct by various service providers. Active participation of men in family roles such as attending Parents/Teachers fora where they engage on students' performance in learning facilities; attending pre and post natal sessions with partners; taking children for routine medical attention and support on provision of care. On the issue of education for girls, more girls have been able to complete their education as reflected by their numbers at Tertiary level for example as at 2013; girls constituted 52 per cent at the University of Botswana; and 68 per cent at Colleges of Education graduates.

23. Since adoption of the National Policy on Gender and Development in 2015, Government has commissioned the development of a comprehensive monitoring and evaluation system which is expected to be finalised by March 2019.

24. Regarding eliminating gender stereotyping and harmful practices, Government expects all sectors to mainstreaming gender including into the Customary Justice System. The institution of Bogosi is as such vital in addressing gender inequalities and GBV within communities. Dikgosi as custodians and protectors of culture, customs and values are responsible for promoting positive values within the

community and advocate for the respect of women, men and children. Dikgosi having significant influence on positive and culturally sensitive behavioural change have been capacitated to address socio-cultural norms and beliefs that fuel gender inequalities and the spread of GBV. As advisors to Government, they are also well-positioned to support policy development on various socio-economic and socio-cultural issues that affect people at grassroots level.

25. Child marriage; the Children's Act Section 62: states that; every child has a right not to be subjected to social, cultural and religious practices which are detrimental to his or her wellbeing. Additionally, a child shall not be subjected by any person to a forced marriage. Contravention of these provisions results in: a fine not less than USD3 000 but not exceeding USD5 000; or imprisonment for a term not less than 7 years but not more than 10 years or both. The Marriage Act section 15 on the other hand prohibits marriage of persons below the age of 21 without consent of parents. The two instruments as such complement each other in preventing child marriages.

Gender Based Violence against Women

Reply to paragraph 8 of the list of issues [CEDAW/C/BWA/Q/4](#)

26. A number of sections in the Penal code which create sexual abuse offences were amended to provide for greater protection of victims. The definition of Rape was amended to exclude the element of sexual gratification, that is, it is not a requirement to prove the carnal knowledge was for purposes of sexual gratification. Under section 147, dealing with Defilement, the age of the victim has been increased from 16 years to 18 years and the statutory defence under subsection 5 has been deleted and a new statutory defence has been created. Therefore, it shall not be a defence by the person charged that, he/ she had reasonable cause to believe that the victim was above the age of 18 years. Under section 151, dealing with a householder permitting defilement, the age of the victim has been increased to 18 years.

27. The Anti-trafficking Act of 2014 has been amended. The definition of exploitation has been expanded to include; use of a person in illegal activities; debt bondage, human sacrifice and harmful rituals/ practices. Section 12 has been amended by adding section 12A which creates the offence of smuggling of persons.

28. Sexual abuse and harassment is regarded as an offence in Botswana. To this end, His Excellency the President in the 2018 State of the Nation Address said:

In view of the increasing cases of rape, defilement, incest and other sexual offences, especially against children, I have directed that the drafting of the Sexual Offences Bill be given priority. Among its provisions would be stiffer penalties against these crimes and the establishment of a Sex Offenders Register, which will be a record of the names and particulars of all persons convicted of a sexual offence. The offenders will also be prohibited from working or interacting with children, vulnerable persons or in institutions dealing with children or vulnerable persons. It was also in relation to this that I called for the full implementation of the Domestic Violence Act. The Penal Code was also amended to protect children by increasing the age limit of defilement from 16 years to 18 years; this was also to align the Penal Code with the Children's Act.

29. His Excellency the President further highlighted that the human trafficking continues to pose a real threat to human development and to address it, the Anti-Human Trafficking Act was amended to increase fines to amounts ranging from US\$20 000 to US\$100 000 or imprisonment terms ranging from twenty (20) years to life imprisonment.

30. At implementation level, several sectors have developed frameworks to deal with sexual abuse and sexual harassment. Examples include the Public Service Act of 2008 and the Botswana Police Sexual Harassment Policy. Additional efforts include: the National Vision 2036 which pledges that Botswana will make deliberate efforts to end gender discrimination and Gender Based Violence; and the National Development Plan 11 which prioritises elimination and prevention of GBV (with rape included); and classifying it under serious crimes. Regarding the National Strategy Towards Ending Gender Based Violence (2014-2020), it articulates the guiding principles, goals and objectives as well as adoption of a multi-sectoral and multi-pronged approach. The Strategy therefore, calls for: all stakeholders; individual communities; Government; Civil Society Organisations; Development Partners; and the Private Sector to join efforts to combat GBV from their vantage point. The approach of the Strategy is multi-level and decentralised to ensure that interventions are gender sensitive and responsive.

Reply to paragraph 9 of the list of issues [CEDAW/C/BWA/Q/4](#)

31. Between April 2016 and August 2018, Botswana police forwarded 236 cases of Gender Based Violence to the Directorate of Public Prosecutions for prosecution. 102 Rape cases; 3 Attempted Rape cases, 6 Indecent Assault cases; 23 Defilement cases; 31 Murder cases; 2 Attempted Murder cases; 6 Causing Grievous Harm cases, 4 Unlawful Wounding cases and other minor assaults, and 59 Threat to Kill cases. 7 convictions were recorded; 3 rape cases, 1 attempted rape, 2 murder cases and 1 threat to kill case. The sentences imposed were; in 1 rape case a 10 year imprisonment term was imposed, in another rape case a 2 year imprisonment term was imposed and in 1 murder case a 10 year imprisonment term was imposed. 2 murder cases, 1 rape case, 1 attempted rape case and 1 threat to kill case are pending sentences. 21 cases were withdrawn for a number of reasons including; insufficient evidence, reconciliation and disappearance of the accused. 174 cases are at various stages of the case management process. For example, 21 cases are pending commencement of trial. 13 cases are at trial stage, 3 of which are pending judgments.

32. Entry level prosecutors partake in induction training upon assumption of duty. They are trained on a variety of issues including the drafting of charges in gender based violence cases. Subsequent refresher courses are conducted, once a year to inform prosecutors of all levels about emerging legal issues. Various training sessions have been conducted on child law & sexual offences; migrant smuggling, trafficking in persons and related offences; child pornography and related offences, and trial advocacy. These training sessions were conducted in collaboration with our various stakeholders, including Botswana Police Service and the Justice College of South Africa.

33. Regarding pre-service and in-service, Entry Level Prosecutors are inducted on general offences whilst at a later stage officers are trained on specific offences such as migrant smuggling, trafficking in persons and related offences, child law and sexual offences, cybercrime, forensic medicine, admissibility of evidential material, child pornography and related offences as well as trial advocacy. The Police on the other hand have a module where they are trained specifically on GBV. Further training is provided for Police officers in the GBV Referral System. Furthermore, Police officers handle GBV cases in private secluded places to protect victims.

34. For capacity building of Parliamentarians, the Government under the UN Joint Gender Programme held a sensitization meeting with Members of Parliament in November 2018 where gender issues including GBV were discussed. To strengthen efforts in addressing GBV, His Excellency the President launched the 2018 "16 Days of Activism Against Violence on Women and Children" where he pledged to step up his efforts and commitments, and work hard to end Gender Based Violence.

35. GBV services available to victims include: medical assistance, legal aid, psycho-social support and places of safety as well as transport to access these services. Regarding progress on establishment of the GBV Referral System, the Referral System was piloted in the Northern and Southern parts of the country in four sites (two urban villages and two rural villages). The pilot was concluded in 2017. Service providers at sites and project staff reported improved coordination and improved quality of service. The pilot findings indicate that it is an effective system for comprehensive GBV management. Government intends to roll out the system but remains constrained due to limited resources.

Trafficking and exploitation of prostitution

Reply to paragraph 10 of the list of issues [CEDAW/C/BWA/Q/4](#)

36. The Ministry of Local Government and Rural Development has been tasked by the Anti-Human Trafficking Act of 2014, to provide for the welfare needs of victims. This includes provision of psycho-social support services to victims such as shelter, food, toiletries, clothing, addressing health needs, educational needs, provision of counselling services as well as facilitation for access to Courts of Law services.

37. The table below shows victims of trafficking in persons that the Ministry provides the above mentioned services to:

| | <i>Number of victims</i> | <i>Totals</i> |
|--------------------------|--|---------------|
| Sex | | |
| Male | 9 | |
| Female | 22 | 31 |
| Age Category | | |
| 0-4 | 2 males | |
| | 3 females | 5 |
| 5-9 | 3 males | |
| | 2 females | 5 |
| 10-14 | 3 males | |
| | 5 females | 8 |
| 15-19 | 1 males | |
| | 8 females | 9 |
| 20-24 | 3 females | 3 |
| 25-29 | 1 male | 1 |
| Geographical Area | | |
| Central District | | |
| Gaborone | These are the geographical areas where victims have been attended and rendered the above services to | |
| Southern District | | |
| Chobe | | |
| | | 31 |

38. As regards welfare of victims, the Ministry of Local Government and Rural Development is conducting continuous training to case workers on the Ministry's role in the implementation of the Act. These trainings further translate to public education on issues of trafficking in persons as per the Anti-Human Trafficking Action.

39. Regarding prosecution of cases of trafficking, seventeen (17) human trafficking cases have been forwarded to the Directorate of Public Prosecutions and in two (2) of those cases the accused have been convicted.

Reply to paragraph 11 of the list of issues [CEDAW/C/BWA/Q/4](#)

40. To protect women in prostitution against HIV, Government has stepped up efforts at national level to address HIV prevalence among Female Sex Workers (FSW). Access to services by FSW is currently at 95 per cent with Anti Retroviral Therapy (ART) coverage at 87 per cent. Provision of targeted services for FSW is a priority in the National Strategic Framework III (NSFIII).

41. In order to combat exploitation of prostitution and reduce its demand, Government started dialogue on the matter to raise public awareness. To wean those in the trade and support them, Government provides technical and financial support to Civil Society Organizations involved in rehabilitation of FSW. In addition, Government in 2014 enacted the Anti-Human Trafficking Legislation to address among others; trafficking of females for purposes of prostitution. The same was amended to increase fines and sentences of perpetrators.

Participation in political and public life

Reply to paragraph 12 of the list of issues [CEDAW/C/BWA/Q/4](#)

42. The 2015 National Policy on Gender and Development identifies Democratic Political Governance and Leadership as one of the prioritized national development areas for gender mainstreaming. The Policy acknowledges that good governance and leadership are critical for sustainable development; with particular efforts towards gender equality and the empowerment of women and girls. Equally emphasized, is institutional strengthening as well as capacity and skills development at all levels including for political governance and leadership structures, processes and systems. To realize these, Civil Society Organisations (CSOs) such as Emang Basadi, Gender Links, Letsema, Botswana Council of Churches have worked in partnership with the Government and Development Partners such as the UN agencies, Friedrich Ebert Foundation and USAID; to provide guidance and support in capacity and skills development for increased representation of women in political leadership.

43. Precise activities include: a series of consultative platforms and capacity building for women candidates conducted by Gender Links in 2014 leading to the 2014 general elections. These efforts resulted in identifying impediments to women's participation in politics as: patriarchy; lack of resources; limited political savvy; and the electoral system. To deal with these, participants resolved that there is need for strengthening partnership and increased knowledge on strategies for campaigning through peer learning.

44. Letsema on the other hand offers training of women in politics, in partnership with development partners such as the British High Commission in Botswana; Westminster Foundation for Democracy and the Botswana Resource Support for Women in Politics. The Organisation supports women that are either in or wish to enter politics across all parties by providing the following: Expertise and technical assistance; In-kind services such as printing, campaign photography or video; Vouchers for services or goods; Fora and venues to improve women's visibility and public exposure; Data-base of information of interest to women in politics; Public education on women's role in politics; and Advocacy on policy to enhance women's political participation.

45. Emang Basadi Women's Association which is a major contributor in the promotion of women in political decision making in Botswana facilitates with

literature and information on women in politics and undertakes various capacity building initiatives such as focus group discussions.

Education

Reply to paragraph 13 of the list of issues [CEDAW/C/BWA/Q/4](#)

46. The enrolment rates have not been disaggregated by sex due to challenges of projections for 2015 by Statistics Botswana. However, the national net enrolment rate of the office primary school age (6 -12 years) for 2015 was 94.7 per cent. The secondary school national enrolment rate at the official age of 13 – 17 years was 69.9 per cent. The completion rate primary school stood at 94.7 per cent while at secondary school (junior) it was 97.7 per cent. The dropout rates for primary school level by gender were 0.52 per cent for females and 0.96 per cent for boys. At secondary school level (13 – 17 years), the dropout rate for girls was 1.95 per cent while it was 1.37 per cent for boys.

47. One of the major measures taken to ensure that all school-age girls attend school is the implementation and promotion of the Children’s Act which emphasizes among other things the “right to education” with the onus not only placed on the parents but on the community at large.

48. The state is supportive of Inclusive education being implemented and the Government of Botswana through the Ministry of Basic Education has pledged to allocate more resources to assessment so as to assist well in time. This targets all learners irrespective of gender.

Reply to paragraph 14 of the list of issues [CEDAW/C/BWA/Q/4](#)

49. There were Twelve thousand and twelve (12012) learners who accessed the back to school program in 2013. All these learners’ irrespective of origin or location were paid for by the government. That is, all their education costs including accommodation and examination fees were paid for by Government.

50. The Government continues to build schools closer to communities in an effort to reduce boarding and or children travelling long distances. For instance the number of boarders in primary schools reduced form Four thousand nine hundred and ten (4910) to Four thousand two hundred and sixty-seven (4267) in 2015. One of the reasons being that some settlements were gazetted meaning that they qualify for basic amenities one of them being a primary school.

51. The Ministry of Local Government and Rural Development is responsible for uplifting lives of Remote Area Communities (RACs) through the Remote Area Development Programme (RADP). The government has further developed the Affirmative Action Framework in 2014 (AAF) that will be implemented for a ten-year period from 2015 -2025. This is in response to intensified implementation of programmes and projects that will provide and promote equal opportunities for the Remote Area Communities, for optimal benefiting from development of the country.

52. To ensure access to education, children at primary school level, who leave further from schools, enrol at boarding schools for easier access.

Employment

Reply to paragraph 15 of the list of issues [CEDAW/C/BWA/Q/4](#)

53. The Employment Act, Section 23 (d) states that an employer shall not terminate the contract of employment on the ground marital status, gender, sexual orientation.....

54. There is no intention in the current review of the Employment Act designed to promote women's employment, including as regards rural women, women with disabilities and LGBTI women since it is already covered in the current Act.

55. The Employment Act Section 2(1) defines employment as the performance by an employee of a contract of employment. It also defines an employee as any person who has, either before or after the commencement of this Act entered into a contract of employment for the hire of his labour. The definitions do not discriminate between male and female.

56. Wages is defined as remuneration or earnings, however designated or calculated, which is paid by an employer to an employee, is capable of being expressed, is fixed by mutual agreement or by legislation, and is payable by virtue of written or unwritten contract of employment. This definition protects all employees to ensure equal remuneration of women and men for work of equal value, under the Employment Amendment Act of 2010.

57. Section 23 (d) also states that an employer shall not terminate the contract of employment on the ground of the employee's race, tribe, place of origin, social origin, marital status, gender, sexual orientation, colour, creed, health status.

58. The on-going review of the Employment Act is, among other things, intended to strengthen punitive measures for non-compliance with provisions of the Act. In addition, the principle of equal remuneration for work of equal value would be incorporated in the Act. With regard to access to vocational training, admissions for 2019 stands at 20171. Of this figure, 7460 are women. Efforts aimed at mindset change to encourage women to enrol for course that were traditionally male dominated include promoting their intake of mathematics, science and technology courses at secondary schools.

Reply to paragraph 16 of the list of issues [CEDAW/C/BWA/Q/4](#)

59. The issue of sexual harassment will be incorporated in the Employment Act during the review of the Act. Notwithstanding this, a Code of Good Practice on Sexual Harassment which is intended to bring awareness and provides guidelines on issues of sexual harassment in the workplace is in place.

60. Section 23 (d) of the Employment Act also states that an employer shall not terminate the contract of employment on grounds of the employee's race, tribe, place of origin, social origin, marital status, gender, sexual orientation, colour, creed, health status. The Employment (Amendment) Act of 2010 has set a minimum pay of 50 per cent salary for women on maternity leave as compared to the previous dispensation where it was 25 per cent of the basic pay. This provision is applicable to both public and private sectors. Employers and employees can negotiate more favourable terms and conditions. Botswana continues to comply with ILO Convention No. 100 on equal pay and ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation as reflected in the amendments made to the Employment Act.

61. With regard to boosting women's entrepreneurship, the Government implements the Women's Economic Empowerment Programme through which women are supported with grants to start small businesses. These range from USD\$10 000 for individuals to US\$50 000 for groups of 10 or more.

Health

Reply to paragraph 17 of the list of issues [CEDAW/C/BWA/Q/4](#)

62. Recent maternal mortality ratio (MMR) is 156.6/100 000 (Stats Botswana, 2018). Measures taken to reduce the MMR include monitoring of adherence to clinical care standards to address the top 4 causes of maternal mortality under the Maternal Mortality Reduction Initiative at pre-natal period and have now expanded to pregnancy monitoring to improve management for the 4 main causes of maternal death.

63. Free family planning services are provided nationally. Long Acting Reversible contraceptive methods are being rolled to the whole country. Comprehensive sexuality education is being provided in and out of school through teachers and in collaboration civil society organization.

64. Cervical Cancer Prevention and Control Strategy introduced See and Treat Services which are offered free and are offered in 20 districts to date, and preparations are ongoing to introduce it in the remaining 7 districts by April 2019. For the year 2017, a total of 26,109 women were screened for cervical cancer using the See and Treat and the Papanicolaou tests (PAP smears) screening methods.

Reply to paragraph 18 of the list of issues [CEDAW/C/BWA/Q/4](#)

65. The 2012 Revised National HIV and AIDS Policy and the National Strategic Framework II (2010 – 2016) took into account the gender dynamics of HIV and AIDS and stresses the need to embrace gender sensitivity as one of the guiding principles of the national response to HIV and AIDS. However, programmes implemented under NSF II made little impact in reducing disproportionate vulnerability of girls and young women to HIV infection owing largely to issues of behaviour change.

66. The NSF 111 is aligned to 2016 United Nations Declaration on HIV and AIDS which sets the 2030 agenda. Under this declaration, Botswana commits to human rights based and all-inclusive HIV response that reaches those left behind, achieving 75 per cent reduction of new infections among people of all ages. NSF III prioritises key populations, including FSW and adolescent girls and young women.

67. In order to raise awareness among men and women on safe sex practices, Government provides financial support to CSOs involved in raising awareness on safe sex practices. In addition, the Department of Social Protection safety net for child-headed households is accessible to all girls deprived of their parents as a result of HIV and AIDS.

Economic empowerment of women

Reply to paragraph 19 of the list of issues [CEDAW/C/BWA/Q/4](#)

68. In addition to the information provided at Paragraph 6 above, the Government of Botswana and the International Trade Centre (ITC) recently signed the Buenos Aires Declaration on Trade and Women's Economic Empowerment to adopt initiatives that support women participation in trade. Furthermore, the Women Finance House which is a Non-Governmental Organisation affiliated to Women's World Banking in New York, compliments Government's efforts by providing credit and other services such as: education on gender issues; income generation/cooperatives; legal issues/human rights; and small business management.

69. The Citizen Entrepreneurship Development Agency (CEDA) which is responsible for enterprise development provides subsidized loans for various business ventures. In its effort to mainstream gender, the Agency introduced the Mabogo-

Dinku product of which over 90 per cent beneficiaries are women. The product comprises of short term loans ranging between USD50 to a maximum of USD1500 per person, payable in 3-12 months.

Rural Women

Reply to paragraph 20 of the list of issues [CEDAW/C/BWA/Q/4](#)

70. Currently, a total of 6595 people have been mobilised to undertake poverty eradication services and 3009 beneficiaries have already been packaged for alternative packages. Botswana has since independence adopted a bottom-up planning process. All National and District Development Plans are a culmination of consultation with the different village and district structures (Village Development Committees, District Development Committees, including elected members).

71. Government structures at all levels (national, district, village) are mandated to consult communities on all decisions that are likely to impact on their lives. Political representatives are also charged with that responsibility by the people they represent.

Marriage and family relations

Reply to paragraph 21 of the list of issues [CEDAW/C/BWA/Q/4](#)

72. Response to be provided at the Review in March 2019.

Reply to paragraph 22 of the list of issues [CEDAW/C/BWA/Q/4](#)

73. Response to be provided at the Review in March 2019.

Amendment to article 20 (1) of the Convention

Reply to paragraph 23 of the list of issues [CEDAW/C/BWA/Q/4](#)

74. Regarding the acceptance of the amendment to Article 20 (1) of the Convention concerning the meeting time of the Committee, consultations are ongoing.
