



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

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## Committee on the Elimination of Discrimination against Women

### **List of issues and questions in relation to the fifth periodic report of Botswana\***

#### **Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises**

1. Please describe efforts made and mechanisms put in place to respond to the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply them in the State party's response to current and future crises, such as armed conflict, food insecurity, the energy crisis and other relevant areas, in line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, issued on 22 April 2020. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises and in elaborating adequate responses, such as policies, the scope of essential services, assistance programmes, recovery efforts and the application of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in those processes and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

#### **Visibility and legal status of the Convention**

2. With reference to paragraphs 10 and 12 of the Committee's previous concluding observations ([CEDAW/C/BWA/CO/4](#)), please provide further details on:

- (a) Measures put in place to raise the awareness of women in rural and remote areas of their rights under the Convention and the Optional Protocol thereto;
- (b) The capacity-building of judges, judicial officers, police officers and all State officials, and civil society organizations, including women's organizations, on the human rights of women and girls and the Convention and the Optional Protocol thereto;
- (c) Court decisions or judgments that have included references to or have integrated the provisions of the Convention.

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\* Adopted by the pre-sessional working group on 30 October 2024.



### **Definition of discrimination**

3. With reference to paragraph 14 of the Committee's previous concluding observations and paragraph 46 of the State party's report (CEDAW/C/BWA/5), please indicate the outcome of legislative reform relating to the adoption of a comprehensive definition of discrimination against women in legislation that covers all prohibited grounds of discrimination, including direct and indirect discrimination in the public and private spheres and intersecting forms of discrimination. Please also indicate the legislative and policy measures put in place to fully implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by the State party in 2023.

### **Access to justice**

4. With reference to paragraph 16 (a) of the Committee's previous concluding observations, please indicate the steps taken to amend the Customary Courts Act. Please provide data on the number of women receiving legal aid from civil society organizations and from the State party, and on the availability of accessible courts, including courts that use local languages, Braille and sign language in urban and rural communities. Please also provide data on the number of women obtaining access to justice, disaggregated by age, region and type of complaint.

### **Women and peace and security**

5. Please indicate the steps taken to develop a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security and subsequent resolutions, in line with its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

### **National machinery for the advancement of women**

6. The Committee takes note of the indication in the State party's report (para. 52) that national gender machinery programme officers had been trained on gender-responsive budgeting. Please:

- (a) Indicate any further steps taken to adopt a gender-responsive budgeting system across all sectors, and whether an increase in the human, technical and financial resources of the Gender Affairs Department within the new Ministry of Nationality, Immigration and Gender Affairs is envisaged;
- (b) Indicate the status and impact of the National Policy on Gender and Development and on achievements and challenges relating to its implementation;
- (c) Provide information on efforts made to mainstream gender into public finance management, with dedicated budget lines for gender issues, including the establishment of a gender-responsive fund to support civil society organizations.

### **National human rights institution**

7. In the light of information provided by the State party (para. 54) please provide an update on the accreditation process of the Office of the Ombudsman with the Global Alliance National Human Rights Institution and the measures in place to ensure the independence, effectiveness and visibility of the institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to provide it with sufficient human and financial resources. Please provide data on the number of cases related to women and girls that have been received by the Office of the Ombudsman in the past four years, disaggregated by type of complaint and region.

### **Temporary special measures**

8. With reference to paragraph 22 of the Committee's previous concluding observations, please indicate any plans in the post-COVID-19 context to officially adopt temporary special measures with time-bound targets in all areas in which women are underrepresented or disadvantaged, including through the adoption of quotas in political and public life. Please describe measures taken to raise awareness among politicians and the general public of the nature of temporary special measures and their importance in accelerating the achievement of substantive equality between women and men in all areas.

### **Gender stereotypes**

9. Recalling paragraph 22 of the Committee's previous concluding observations, please provide information on public educational programmes and activities that address gender stereotypes, including those targeted at men and boys, regarding the role of women in the household, the workplace and the community. Please also provide an update on the outcomes of awareness-raising campaigns on the harmful impact and criminal nature of child marriage. Please further provide information on efforts made to monitor and review measures taken to eliminate gender stereotypes and harmful practices.

10. Please provide information on efforts made to engage with religious leaders and faith-based actors to address gender stereotypes that negatively affect the human rights of women and girls.

### **Gender-based violence against women**

11. With reference to paragraph 67 of the State party's report, please explain how the active and meaningful participation of women is ensured in the Interministerial Committee on Gender-Based Violence. Please also:

- (a) Describe steps taken to review and amend the Domestic Violence Act to bring it in line with the Convention and the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and to develop comprehensive legislation on gender-based violence;
- (b) Indicate the steps taken to explicitly criminalize marital rape in the Penal Code;
- (c) Describe the measures taken to effectively enforce protection orders and to systematically collect data on the number of protection orders issued and the number of orders violated;
- (d) Indicate, with reference to the State party's report (para. 77), whether any shelters for victims of gender-based violence have been set up following the 2021 feasibility study on establishment and strengthening of safe havens;
- (e) Indicate the steps taken to establish a confidential and gender-sensitive complaint mechanism for victims and witnesses of gender-based violence;
- (f) Provide information on the measures taken to apply the minimum age of marriage to all marriages and unions without exception, including customary and religious marriages and common law unions, and provide statistics on underage marriages and unions in the country, disaggregated by sex, age, ethnicity and geographical area;

(g) Provide information on mechanisms for documenting reported cases of the diverse forms gender-based violence against women from various sources, including institutional data and judicial or police records;

(h) Provide an update on the status of the ongoing comprehensive criminal justice sector review and whether the issues of the human rights of women and girls and gender equality are included.

#### **Trafficking in women and girls and exploitation of prostitution**

12. With reference to paragraphs 87 and 88 of the State party's report, please provide an update on whether the revised Anti-Human Trafficking (Amendment) Bill has passed into law. Please also:

(a) Provide an update, in the light of paragraph 90 of the State party's report, on the State party's efforts to conduct a comprehensive study on the extent and forms of trafficking in women and girls in its territory;

(b) Provide information on the outcome of the national action plan to combat trafficking in persons for the period 2017–2020 and on the current status of the Anti-Human Trafficking National Action Plan (2023–2028);

(c) Describe measures taken to strengthen the capacity of existing shelters for victims of trafficking, including through the formalization of non-governmental organizations and civil society organizations that are approved to operate shelters and the provision of funds to such entities, as well as to improve access to victim protection services, including counselling and legal services, for victims of trafficking;

(d) Describe efforts made to build the capacity of law enforcement personnel in the early identification, victim-centred treatment and appropriate referral of victims of trafficking.

13. In the light of paragraphs 102 to 105 of the State party's report, please:

(a) Provide data on the evolution of the prevalence of HIV/AIDS among women in prostitution from 2019 to the present day and the preventive measures in place to address it;

(b) Indicate whether the Nkaikela Youth Group is the only entity that provides rehabilitation and reintegration and exit programmes for women who wish to leave prostitution and, if not, indicate which other entities provide such support;

(c) Provide detailed information on the resources allocated to exit strategies, including alternative income opportunities, education and adequate social benefits, to allow women to leave prostitution and to prevent women with limited means from entering it.

#### **Participation in political and public life**

14. In the light of the Committee's previous recommendation (para. 32) and its general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems, and with reference to paragraph 109 of the State party's report, please:

(a) Indicate the steps taken to introduce temporary special measures, including quotas and reserved seats for women candidates, to include women candidates from disadvantaged and stigmatized groups, such as women with disabilities, and to provide incentives for political parties to nominate women candidates;

- (b) Provide information on any campaigns to raise the awareness of politicians, community and religious leaders, the media and the general public of the importance of women's participation in public and political life, including in diplomacy and the private sector;
- (c) Provide data on the number of women who have been trained to run in the 2024 general elections;
- (d) Provide data on the availability of facilities to support the care responsibilities of women and men in political and public life, such as workplace childcare facilities;
- (e) Indicate whether the State party has enacted legislation against hate speech, including online hate speech.

### **Education**

15. In relation to the information in paragraph 115 of the State party's report, please indicate whether there is a timeline for the adoption of an anti-bullying, including cyberbullying, policy. Please also:

- (a) Provide information on the status of the review of the Education Act (1967) and whether it will prohibit corporal punishment, and indicate whether there is a timeline for the revision of the Education (Corporal Punishment) Regulations and the Children's Act to prohibit corporal punishment;
- (b) Indicate whether there are back-to-school programmes, in addition to those for pregnant girls and young mothers, aimed at encouraging girls who have left school for various reasons to re-enter the educational system, especially in rural areas;
- (c) Indicate how mandatory, age-appropriate comprehensive sexuality education has been integrated into school curricula for girls and boys;
- (d) Provide information on how girls in primary and secondary school are encouraged to choose non-traditional fields of study;
- (e) Indicate the steps taken to ensure sufficient human, technical and financial resources to implement the policy on inclusive education and to conduct early intervention, assessment and school placement with regard to girls with disabilities;
- (f) Indicate the special efforts made to increase the access of women and girls to and completion of education among the Basarwa (San), Balala and Nama populations.

### **Employment**

16. With reference to paragraph 36 of the Committee's previous concluding observations, and in the light of paragraph 126 of the State party's report, please indicate whether mechanisms have been established to monitor, evaluate and assess the impact of employment policies and programmes. Please also:

- (a) Provide data, disaggregated by disability, on the number of women with disabilities who have been employed in the public and private sectors, on legislation and other measures taken to ensure access to employment through accessible workplaces, training facilities, public transportation, and sidewalks and pedestrian areas, and on the provision of Braille and sign language in public spaces;
- (b) Provide more detailed information on the review of the labour laws and the proposed change to align the duration of maternity leave and maternity allowance with the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization;

- (c) Indicate, in the light of paragraph 127 of the State party's report, whether the State party intends to ratify the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization, and the timeline for such ratification;
- (d) Provide information on the number and geographical availability of public childcare facilities and the number thereof that is accessible to women and girls with disabilities;
- (e) Provide data on the number of women employed in the mining sector;
- (f) Provide information on the impact to date of the Decent Work Country Programme 2020–2024, including any data available on its impact on women working in the informal economy.

### **Health**

17. With reference to paragraph 131 of the State party's report, please indicate whether the State party has used incentives and remuneration to address the high turnover rate among health professionals other than nurses. Please provide an update on:

- (a) Measures taken to ensure access to comprehensive, accessible and free or affordable healthcare services throughout the country, including in rural and remote areas;
- (b) The outcome of consultations on the amendment of section 160 of the Penal Code to decriminalize abortion, and efforts made to provide women and girls with full access to post-abortion care;
- (c) Steps taken to raise awareness among communities, including young women and girls, of available contraceptive measures and accessible sexual and reproductive health services;
- (d) Efforts made to strengthen access to public healthcare in rural communities, in particular among older women and women and girls with disabilities, including to medicines, therapies and other forms of treatment.

### **Economic empowerment**

18. With reference to paragraphs 139 and 142 of the State party's report, please:

- (a) Describe the impact of the Gender in Agriculture Strategy, adopted in 2020;
- (b) Provide information on measures taken to address the economic inequality faced by women in rural areas and urban inner-city communities in particular;
- (c) Provide details on progress made towards establishing social security systems for self-employed women in the State party;
- (d) Provide information on the implementation and impact of the Revised Land Policy, 2019, which allows both married women and men to own land in urban and rural communities;
- (e) Provide information on mechanisms to combat illicit financial flows, including money-laundering, tax evasion and organized crime, affect the resources available to address the human rights of women and girls;
- (f) Provide details on the strategy, guidelines and implementation action plan for mainstreaming gender into sports;

(g) Indicate the measures, in particular temporary special measures, taken to remove obstacles to and provide incentives for the access of women to decision-making positions in sports.

### **Rural women and girls**

19. With reference to general recommendations No. 34 (2016) on the rights of rural women and No. 39 (2022) on the rights of Indigenous women and girls, please:

- (a) Provide an update on efforts made to mitigate and adapt to the effects of climate change and drought on women and girls in rural communities, including the Basarwa (San), Balala and Nama;
- (b) Provide details on efforts made to encourage an exchange of good practices and to build partnerships between rural women and girls in various communities in the State party;
- (c) Indicate the efforts made to encourage the effective participation of rural women in the development, implementation, monitoring and evaluation of legislation, policies and programmes that involve them;
- (d) Provide details on the Remote Area Development Programme and its Affirmative Action Framework for Remote Area Communities, and the extent to which they include women's rights and gender equality frameworks.

### **Climate change**

20. Recalling general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please:

- (a) Indicate the steps taken to ensure that women, including rural and Indigenous women, are fully and effectively included in the decision-making and implementation processes regarding policies on disaster risk reduction, post-disaster management, climate financing and climate change mitigation and adaptation;
- (b) Provide details on the status and implementation of the Botswana National Climate Change Strategy and whether it includes women's rights and gender equality frameworks.

### **Disadvantaged groups of women**

21. Recalling paragraph 44 of the Committee's previous concluding observations, please:

- (a) Indicate, with reference to general recommendation No. 39 (2022), the measures taken to develop and implement a strategy to address the specific needs of Indigenous women and to protect their cultural identity, and to address the discrimination faced by Indigenous women and girls, in particular regarding access to justice and basic services, land rights, political underrepresentation and discriminatory stereotypes;
- (b) Indicate the steps taken to implement the Court of Appeal's decision to decriminalize homosexuality, including legislative reform that reflects the decriminalization of homosexuality and to enact comprehensive anti-discrimination laws to protect lesbian, bisexual, transgender and intersex women, and public education and awareness-raising efforts made to address the stigma and discrimination that the group faces in society;
- (c) Indicate, with reference to general recommendation No. 39 (2022), whether antiretroviral therapy is accessible and free for all women, including

Indigenous women, women with disabilities, lesbian, bisexual, transgender and intersex women, and migrant women;

(d) Provide details on the Citizen Inclusion Act, 2021, which is aimed at promoting the effective participation of targeted citizens in the economic development of the country, and its impact and implementation.

**Marriage and family relations**

22. With reference to paragraph 48 of the Committee's previous concluding observations, please:

(a) Indicate whether the State party intends to review and amend the Abolition of Marital Power Act, the Deeds Registry Act, the Matrimonial Causes Act and the Marriage Act and to repeal section 15 (4) of the Constitution;

(b) Indicate whether the State party has any plans to allow its citizens over the age of 21 years to hold dual nationality;

(c) Explain how the State party ensures that the customary justice system operates in a gender-sensitive manner;

(d) Provide an update on the review of the Adoption of Children Act and whether the Act will be amended to remove the provision allowing an adoptive parent to legally marry their adopted daughter once she reaches the legal age of marriage.

**Data collection**

23. In the light of general recommendation No. 9 (1989) on statistical data concerning the situation of women, and with reference to paragraph 50 of the Committee's previous concluding observations, please indicate any steps taken to develop the State party's capacity-building measures and to establish a programme for funding gender-related activities to improve the collection of data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, which are necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing the enjoyment by women of their human rights.

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