



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Botswana*

1. The Committee considered the fifth periodic report of Botswana ([CEDAW/C/BWA/5](#)) at its 2166th and 2167th meetings (see [CEDAW/C/SR.2166](#) and [CEDAW/C/SR.2167](#)), held on 27 June 2025.

A. Introduction

2. The Committee appreciates the submission by the State Party of its fifth periodic report ([CEDAW/C/BWA/5](#)). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State Party on its high-level delegation, which was headed by the Minister of Youth and Gender Affairs, Lesego Chombo, as well as the Chargé d'affaires a.i. of the Permanent Mission of Botswana to the United Nations and other international organizations in Geneva, Mpho Mogobe, as alternate head of delegation, and included representatives from the Ministry of Justice and Correctional Services, the Ministry of Youth and Gender Affairs and the Ministry of Child Welfare and Basic Education.

4. The Committee regrets the lack of civil society participation during most of the review process and encourages the State Party to enhance opportunities for civil society engagement in future reporting cycles.

B. Positive aspects

5. The Committee welcomes the progress achieved since the consideration in 2019 of the State Party's fourth periodic report ([CEDAW/C/BWA/CO/4](#)) in undertaking the following legislative reforms:

- (a) The Anti-Human Trafficking (Amendment) Act in 2024;
- (b) The Sexual Offenders Registry Act, in 2021;
- (c) The Revised Land Policy, granting married women and men equal access to land ownership, in 2020.

* Adopted by the Committee at its ninety-first session (16 June–4 July 2025).



6. The Committee welcomes the State Party’s efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption and establishment of the following:

- (a) The initiative “Dignity to the girl child”, providing free sanitary pads to schools for girls, including girls with disabilities, in 2025;
- (b) The Anti-Human Trafficking National Action Plan (2023–2028);
- (c) The National Gender Policy (2023–2030), which for the first time includes a reference to “key populations” in relation to the prevention of gender-based violence and the protection of human rights;
- (d) The second National Gender Commission, in 2022;
- (e) The national action programme to combat desertification, land degradation and drought, providing for measures to protect women from the effects of land degradation and desertification, in 2022;
- (f) The climate change policy, in 2021;
- (g) The Botswana Healthy and Active Ageing Programme, in 2021;
- (h) Specialized courts to expedite gender-based violence cases, in 2021.

7. The Committee welcomes the fact that, since the consideration of the previous report, the State Party has ratified or acceded to the following international treaties:

- (a) The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol), in 2023;
- (b) The Convention on the Rights of Persons with Disabilities, in 2021.

C. Sustainable Development Goals

8. The Committee calls for the realization of **de jure (legal) and de facto (substantive) gender equality** in the implementation of the 2030 Agenda for Sustainable Development, recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals and urges the State Party to recognize women as the driving force of sustainable development in Botswana and to adopt relevant policies and strategies to that effect.

D. Parliament

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI) and invites the Parliament of Botswana to implement, in line with its mandate, the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Principal areas of concern and recommendations

Visibility of the Convention, the Optional Protocol thereto and the Committee’s general recommendations

10. The Committee notes the State Party’s remarks that the ratification of an international treaty by the Parliament has the force of law. It notes with concern,

however, the lack of a strategy to enhance the visibility of the Convention, the Committee's jurisprudence under the Optional Protocol and its general recommendations among government officials, the judiciary, traditional leaders, civil society and the general public.

11. The Committee recommends that the State Party, in cooperation with women's organizations and the media, develop a comprehensive strategy to increase public awareness of the Convention, the Optional Protocol thereto and the Committee's general recommendations, and ensure that such strategy is intersectional, disability-inclusive and available in the Indigenous languages of Botswana.

Constitutional and legislative framework and definition of discrimination against women

12. The Committee notes the State Party's ongoing efforts to amend its Constitution and legal framework, as well as the forthcoming adoption of a gender equality law. However, it notes with concern:

- (a) The lack of a constitutional definition of discrimination against women, in line with the Convention, and the exemptions from equal treatment in section 15 (4) of the Constitution (for non-citizens), customary law, marriage, divorce and other matters of personal law, as well as the limited participation and consultation of women during the ongoing review of the Constitution;
- (b) The lack of a comprehensive and cohesive legal framework on gender equality and women's rights, as well as on discrimination based on sexual orientation, gender identity, gender expression or sex characteristics;
- (c) Persistent customary laws and practices that discriminate against women and are incompatible with the Convention.

13. The Committee recommends that the State Party:

- (a) **Amend its Constitution and other legislation to include a definition of discrimination against women that encompasses direct and indirect discrimination in the public and private spheres and intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, article 2 (a) on the incorporation of the principle of equality of men and women in national constitutions, and article 2 (e) on the accountability of State and non-State institutions, and establish a formal and inclusive mechanism for the participation and consultation of women during the ongoing review of the Constitution, including younger women, women with disabilities, Indigenous and rural women, lesbian, bisexual, transgender and intersex women and other women facing intersecting forms of discrimination;**
- (b) **Develop comprehensive anti-discrimination legislation that includes sexual orientation, gender identity, gender expression or sex characteristics as prohibited grounds of discrimination;**
- (c) **Ensure that constitutional guarantees of equality and ordinary legislation supersede any contrary customary laws and continue good practices such as discussions with traditional leaders on upholding women's and girls' rights under parallel legal systems.**

Women's access to justice

14. The Committee notes with concern:

- (a) The lack of information on the implementation of the reform regarding the transfer of cases from customary to magistrate courts, as well as on measures to

monitor and address gender bias and discriminatory attitudes among customary court judges;

(b) Persistent barriers to women's access to justice, particularly sexist and discriminatory stereotypes and the need to increase the number of women in the judiciary;

(c) That despite the services provided by Legal Aid Botswana and the legal clinic run by the University of Botswana, women do not have full access to free legal aid, including for criminal and family court proceedings and before customary courts;

(d) The lack of comprehensive capacity-building for the judiciary, including customary court judges, and for law enforcement officers on the Convention, as well as the absence of programmes to increase women's awareness of their rights and the legal remedies available to claim them;

(e) The absence of a strategy to ensure access to justice for women with disabilities, as well as the lack of a justice system that is disability-inclusive;

(f) That several laws of the State Party, including the Penal Code, the Criminal Procedure Code and Evidence Act and the Prisons Act, include provisions that allow corporal punishment, the use of reduced diet as a disciplinary measure, that caning is a penalty imposed by customary courts and that the State Party retains the death penalty on its books.

15. The Committee recommends that the State Party:

(a) **Conduct a comprehensive assessment on women's access to justice in the customary court system that identifies gender bias and discriminatory attitudes on the part of customary courts and flaws in the transfer of cases from customary to magistrate courts, and develop a plan to overcome such challenges;**

(b) **Develop time-bound policies and training manuals and leverage existing practices, such as discussions with traditional leaders, so as to remove cultural and other barriers to women's access to justice, and introduce measures to ensure 50-50 parity in the judiciary;**

(c) **Establish a comprehensive and disability-inclusive legal aid system that provides women with legal representation and assistance in all civil, family and criminal law proceedings before both magistrate and customary courts;**

(d) **Incorporate continuous and culturally sensitive capacity-building on women's rights and gender equality for the judiciary, including customary court judges, as well as on gender-sensitive investigation methods and trauma-informed interviewing;**

(e) **Develop an action plan to ensure that the justice system is disability-inclusive and that all judicial facilities are accessible, provide procedural and age-appropriate accommodations and sign language interpretation, and recruit judges, court clerks and public defenders with disabilities to the judiciary;**

(f) **Adopt legislation prohibiting corporal punishment as a sentence, without exceptions, and implement the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, and take the necessary steps towards the abolition of the death penalty and establish a formal moratorium on executions pending its full abolition.**

National machinery for the advancement of women

16. The Committee notes the numerous efforts of the State Party to strengthen its national machinery for the advancement of women, including by adopting the National Policy on Gender and Development, the gender-responsive budgeting system and conducting a Gender Responsive Public Financial Management assessment. However, it is concerned at the lack of:

- (a) A formal mandate with sufficient legal foundation and authority for the National Gender Commission to address its political, socioeconomic and regulatory responsibilities;
- (b) A cohesive institutional and legal framework, governance instruments and systems to effectively mainstream gender and intersectionality across all policies and programmes, reflected by the unclear distinctive mandates between offices such as the National Human Rights Unit under the Ministry of Justice, the National Human Rights Coordinating Committee, and the National Gender Commission, operating under the Ministry of Youth and Gender Affairs, as well as the lack of mechanisms to regularly monitor and evaluate gender-related policies;
- (c) Funding for civil society organizations working on women's rights and gender equality.

17. **The Committee recommends that the State Party:**

- (a) Accelerate processes to restructure and strengthen the legal foundation, authority and mandate of the national gender machinery and its institutions;
- (b) Conduct a review of its laws, policies and institutions with gender-related mandates to ensure effectiveness and avoid duplication, allocate adequate funding and ensure that future reforms of the national machinery mainstream gender and intersectionality, incorporate gender-responsive budgeting and independent assessments and produce disaggregated data on performance and results;
- (c) Allocate adequate earmarked funding to enable civil society organizations to participate in the implementation of the Convention and of public policies for the advancement of women's rights and gender equality.

National human rights institution

18. The Committee notes the enactment in 2021 of the Ombudsman (Amendment) Act that granted the Office of the Ombudsman a mandate to investigate human rights violations, and welcomes the admission of Botswana as a member of the Network of African National Human Rights Institutions in 2024, as well as steps towards its accreditation by the Global Alliance of National Human Rights Institutions. However, it notes with concern that the State Party does not yet have a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

19. Recalling its prior concluding observations (CEDAW/C/BWA/CO/4, para. 20.), the Committee recommends that the State Party ensure that the Office of the Ombudsman is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights and that it is accessible for all women and girls, including for women with disabilities, and provide it with a mandate to protect and promote women's rights and gender equality.

Temporary special measures

20. The Committee notes with concern:

- (a) The insufficient understanding of temporary special measures as a key tool to achieve substantive equality of women and men, and of their time-bound and non-discriminatory nature;
- (b) The lack of temporary special measures to achieve substantive equality of women and men in areas where women, particularly rural women and women with disabilities, are underrepresented, such as education, employment, health, economic life, housing, renewable energy, climate change, technology and artificial intelligence;
- (c) The absence of analysis on the gendered impact of public policies, such as the Poverty Eradication Programme, which has significantly benefited women.

21. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures and recalling its prior concluding observations (CEDAW/C/BWA/CO/4, para. 22), the Committee recommends that the State Party:**

- (a) **Take specific steps to promote a comprehensive and systematic understanding among State officials, members of Congress and traditional and religious leaders of the non-discriminatory nature and transformative value of temporary special measures and of the consequences of a failure to use such measures as a tool to advance substantive equality between women and men;**
- (b) **Introduce temporary special measures such as preferential treatment, targeted recruitment, hiring and promotion and quota systems in all sectors, particularly in education, employment, health, mining, economic life, housing, renewable energy, climate change, technology and artificial intelligence, where women are underrepresented, and conduct a comprehensive review of its legal and institutional framework to identify and eradicate gender bias, customary laws and practices that impede 50-50 parity in all aspects of life;**
- (c) **Analyse the gendered impact of public policies, including the Poverty Eradication Programme.**

Gender stereotypes

22. The Committee positively notes some initiatives aimed to engage men and boys in challenging patriarchal attitudes and stereotypes, and the partnership of the Ministry of Youth and Gender Affairs with Ntlo ya Dikgosi (traditional leaders) and representatives of faith-based movements to address gender imbalances in power relations and structural barriers to gender equality. However, it remains concerned at:

- (a) Persistent discriminatory cultural norms, including in customary law, which negatively affect women and girls, promote male dominance and female subordination, reinforce unequal power relations and unequal access to economic opportunities and legitimize gender-based violence against women and girls;
- (b) The lack of effective targeted outreach programmes for religious leaders, youth, men and boys and community leaders to challenge gender stereotypes and foster non-violent masculinities;
- (c) The need for a comprehensive strategy to engage the private sector, including the film industry and creative arts, in addressing and countering gender stereotypes, the culture of silence around and the underreporting of gender-based violence against women.

23. The Committee recommends that the State Party:

- (a) Leverage and strengthen existing practices, such as dialogues with traditional and religious leaders and the private sector, and develop similar spaces so as to reach wider audiences for devising a comprehensive strategy on the equality of women, men, girls and boys at all levels of society, aimed at eliminating patriarchal attitudes and gender stereotypes, and allocate sufficient resources for its implementation and monitoring;
- (b) Develop a comprehensive capacity-building and outreach strategy targeting religious leaders, youth, men and boys and community leaders to challenge gender stereotypes and foster non-violent masculinities, that includes measurable indicators, and collect data to assess the effectiveness of such strategies in shifting attitudes and reducing gender-based violence against women;
- (c) Establish a comprehensive strategy to engage the private sector, including the film industry and creative arts, in addressing and countering gender stereotypes, the culture of silence around and the underreporting of gender-based violence against women.

Harmful practices

24. The Committee notes with concern the prevalence of child marriage in the State Party, particularly in Indigenous communities, that the minimum age of marriage does not apply to customary and religious marriages, and the lack of disaggregated statistical data on child marriage.

25. The Committee recommends that the State Party adopt and enforce a legal age of marriage of 18 years for both women and men, without exceptions, require civil registration of all customary and religious marriages, and systematically collect disaggregated data on the prevalence of child marriage.

Gender-based violence against women and girls

26. The Committee positively notes the multiple initiatives of the State Party to address gender-based violence, including the creation of specialized courts to expedite gender-based violence cases, an Inter-Ministerial Committee on Gender-Based Violence and a Gender-based Violence National Action Plan (2020–2030). However, it notes with concern the high prevalence of gender-based violence against women and girls and:

- (a) The lack of a comprehensive legal framework and statistics on gender-based violence, the absence of legislation specifically criminalizing sexual violence and the lack of information on the effectiveness of the Sexual Offenders Registry;
- (b) The absence of comprehensive capacity-building for law enforcement officers on gender-sensitive investigation and interviewing methods in gender-based violence cases, and the lack of clarity on the results and renewal of the national action plan on gender-based violence;
- (c) The lack of alignment of the Domestic Violence Act with the Convention and its limited implementation, particularly regarding protection orders and access to victim support services, as well as the reliance on mediation by customary courts in domestic violence cases;
- (d) The stigmatization of women who report gender-based violence, particularly rape, due to deeply entrenched patriarchal norms that seek to legitimize

domestic violence and the underreporting of cases due to stigma, family pressure or lack of trust in the justice system;

(e) Limited access for survivors of gender-based violence to shelters and psychosocial counselling, the lack of rehabilitation programmes for perpetrators and the prolonged nature of criminal proceedings;

(f) The growing prevalence of cyberviolence, including trolling, cyberbullying, and the non-consensual sharing of intimate images, that target women and girls, including women and girls in public life, women activists, journalists, and lesbian, bisexual, transgender and intersex women.

27. The Committee recommends that the State Party:

(a) **Conduct a review of its laws, policies and institutions that address gender-based violence so as to align them with the Convention, specifically criminalize all forms of sexual violence, strengthen victim support services, ensure that reports of gender-based violence are effectively investigated and that perpetrators are prosecuted and adequately punished, develop a centralized, coordinated and publicly accessible system for data collection on gender-based violence, and track and assess the effectiveness of the Sexual Offenders Registry;**

(b) **Provide regular and mandatory capacity-building on gender-responsive handling of gender-based violence cases, including gender-sensitive investigation and interviewing methods, and renew and provide information on the results of the national action plan on gender-based violence;**

(c) **Review and amend the Domestic Violence Act to align it with the Convention, ensure its application by the courts and police, in particular by issuing and monitoring protection orders, and reduce the reliance on mediation by customary courts in domestic violence cases;**

(d) **Strengthen engagement with community and religious leaders, men and boys, to address the criminal nature of domestic violence, as well as the cultural norms and practices that legitimize gender-based violence, and encourage the reporting of cases through awareness-raising campaigns;**

(e) **Expand the availability of shelters, psychosocial counselling and legal aid for survivors of gender-based violence, particularly for rural women and girls and those in underserved areas;**

(f) **Develop procedures to prevent all forms of technology-facilitated gender-based violence, including through laws and regulations that explicitly penalize such offences, such as deep fake pornography and the non-consensual sharing of intimate images, and set up mechanisms to hold social media platforms and online distributors accountable for failing to monitor, measure, report, delete or block criminal content from their platforms, and align the Cybercrime and Computer Related Crimes Act (2018) with the United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes (2024).**

Trafficking in women and girls and exploitation of prostitution

28. The Committee notes with concern:

(a) The delay in undertaking a comprehensive study on the extent and forms of trafficking in women and girls within, from and to the State Party, which undermines the State Party's effective response to the gendered dynamics in

trafficking in women and girls, including in cases of cyberenabled trafficking, forced criminality, romance scams and false employment that increase women and girls' risk of sex and labour trafficking, in line with the national legal and policy framework and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) The lack of comprehensive data disaggregated by age, forms and patterns of trafficking on the number of prosecutions, convictions, sentences or acquittals, as well as data on the number of women and girls subjected to trafficking and those utilizing protection services;

(c) The need for clear guidance procedures on how to reduce the risk of refoulement, including how to effectively apply the principle of non-refoulement to women and girls who are victims of trafficking;

(d) The exploitation of women and girls in prostitution, especially women facing intersecting forms of discrimination, such as rural women and girls, women living in poverty, girls and women having dropped out of school, refugee, asylum-seeking and migrant women, as well as information received that children in the Dukwi Refugee Camp are exposed to sexual exploitation.

29. The Committee recommends that the State Party:

(a) Establish a timeline and allocate earmarked funding to develop a comprehensive study on the extent and forms of trafficking in women and girls and, based on its outcomes, implement survivor-centred and trauma-informed responses that are aligned with the Convention and the Trafficking in Persons Protocol and monitor the effectiveness thereof against gender-based indicators, and intensify efforts to ensure effective accountability for all forms of trafficking in women and girls, including cybertrafficking and trafficking for forced criminality, adopt a strategy to address the recruitment of victims through the use of cyberspace and social media, and raise awareness of the risks of online recruitment among potential victims;

(b) Develop a data collection system that tracks forms, trends and patterns of trafficking and exploitation of prostitution, compile data disaggregated by age, location and disability on the number of trafficked women and girls, their use and the availability of protection services and on the number of investigations, prosecutions and convictions in trafficking cases, and provide such information in its next periodic report;

(c) Conduct awareness-raising campaigns in rural and underserved areas, refugee camps and detention centres on the services and protection available to victims of trafficking, strengthen early identification and the referral of trafficking victims to appropriate services, address the socioeconomic factors that expose women and girls to trafficking and ensure respect for the principle of non-refoulement, whenever relevant in trafficking cases;

(d) Decriminalize women in prostitution and provide exit programmes, including alternative income-generating opportunities, for women and girls who wish to leave prostitution.

Equal participation in political and public life

30. The Committee takes positive note of efforts to increase women's representation in high-level government positions, including the appointment of four women as ministers, that the President of the Court of Appeal, the Permanent Secretary to the President and the Attorney General are women, and that women hold 44 per cent of

director-level posts in the public sector and 34 per cent of appointed council positions. However, it notes with concern:

- (a) That despite the establishment of the Parliamentary Caucus on Women, women held only 8.9 per cent of parliamentary seats and accounted for 15 per cent of nominations for local councillors in 2024;
- (b) That notwithstanding the fact that 66.67 per cent of the staff of the Ministry of International Relations are women, women's representation in international diplomacy, the foreign service, multilateral forums and in international and regional decision-making bodies remains low;
- (c) The lack of targeted measures to increase the very low representation of women facing intersecting forms of discrimination, including young women, rural women and women with disabilities, in governance and decision-making processes;
- (d) The persistent barriers for women's participation in political and public life, such as patriarchal norms, centralized party control, limited visibility in the media and the lack of family-friendly workplaces and childcare support in public office, and that nomination practices are not subject to parity standards;
- (e) The lack of measures to ensure the participation of women, including women from diverse backgrounds, in the development and implementation of the national action plan on women and peace and security.

31. In line with general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems, the Committee recommends that the State Party:

- (a) **Implement temporary special measures to increase women's representation in elected office at both the national and local levels, including through targeted campaign financing and training for women candidates, parity quotas and a comprehensive review of the electoral law to repeal provisions that inadvertently promote men;**
- (b) **Amend its Constitution and legislative frameworks to institutionalize 50-50 parity between women and men in all spheres of decision-making, adopt a parity strategy for all levels and branches of government and take the necessary measures to ensure a systemic and increasing role and representation of women in diplomacy, including in international security affairs;**
- (c) **Adopt legislative and other measures, such as awareness-raising campaigns and financial incentives, to ensure equal access for women, in all their diversity, to leadership roles in all areas of governance and decision-making in political and public life and the private sector, ensuring that women leaders from diverse backgrounds serve as role models;**
- (d) **Implement a strategy to remove barriers that hinder women's participation in political and public life, particularly those stemming from control exerted by political parties over representatives and candidates for election, the media and the lack of policies to reconcile family and professional life;**
- (e) **Officially recognize women's crucial role as a driving force of sustainable peace in conflict prevention, management and resolution, and ensure parity at all stages and levels of decision-making on peace and security, including in the national action plan on women and peace and security.**

Nationality

32. The Committee notes with concern:

- (a) The need to enhance birth registration, in particular for children of rural women, women belonging to ethnic minorities and refugee and asylum-seeking women, and to ensure continued compliance with universal birth registration;
- (b) Discriminatory provisions on nationality providing that children born out of wedlock can only obtain their mother's nationality, as well as the burdensome and reportedly discriminatory application process for the naturalization of foreign spouses of Botswanan women;
- (c) The lack of a comprehensive institutional and legal framework to protect refugee and asylum-seeking women and girls from statelessness.

33. **The Committee recommends that the State Party:**

- (a) **Develop a strategy to ensure continued compliance with universal birth registration that includes the deployment of mobile registration units to rural and remote areas and to refugee reception centres;**
- (b) **Repeal all discriminatory laws, procedures and practices for acquiring nationality, raise awareness and provide capacity-building to the judiciary on landmark cases such as *Attorney General v. Unity Dow*, of 1992, and the *Sithabile Pauline Mathe v. Attorney General*, of 2022, consider extending the protection provided by such judgments to all women and girls, and review the procedure for obtaining citizenship by marriage;**
- (c) **Ensure the right of women and girls to apply for statelessness determination, incorporate the Office of the United Nations High Commissioner for Refugees standards for the registration of refugees, stateless persons and asylum-seekers into its domestic legislation, and ratify the 1961 Convention on the Reduction of Statelessness.**

Education

34. The Committee notes with concern:

- (a) The prevalence of corporal punishment in school settings;
- (b) Difficulties faced by Indigenous girls, including access to education in their mother tongue, the lack of curriculum content on Indigenous cultures and the practice of institutionalization of Indigenous girls from remote areas in hostels, far from their families;
- (c) The lack of measures to ensure access to education for women and girls with disabilities;
- (d) The unequal implementation of programmes to support young mothers and girls affected by child marriage to return to school;
- (e) The limited implementation of the National Child Online Protection Policy and National Anti-bullying Policy, and the need to strengthen the protection of women and girls from sexual harassment in educational settings;
- (f) The persistent barriers that deter women and girls from enrolling in non-traditional fields of study, such as science, technology, engineering and mathematics and information and communications technology.

35. The Committee recommends that the State Party:

- (a) Amend the Education Act to repeal provisions allowing corporal punishment in educational settings and to explicitly prohibit the practice;
- (b) Expand the 2023 decision to provide education in minority languages at the primary level to all Indigenous languages, ensure that Indigenous girls are provided with access to education in their own languages, in a manner appropriate to their cultural methods of teaching and learning, develop curricula that reflect Indigenous cultures, history and knowledge systems, in consultation with Indigenous women and girls, discontinue the practice of institutionalization of Indigenous girls from remote areas and develop alternatives that do not require girls to leave their communities, such as establishing two-teacher schools, providing transportation to schools or enabling distance learning through the use of information and communications technology;
- (c) Review the Special Education Policy and all educational policies to repeal any provisions that promote and/or allow a segregated learning environment, and provide access to inclusive education to women and girls with disabilities by ensuring that educational facilities are physically accessible and equipped with the necessary learning materials and assistive devices, providing reasonable accommodation for all types of disabilities and recruiting teachers with disabilities;
- (d) Streamline the implementation of policies and procedures for the re-admission of young mothers and girls affected by child marriage to schools;
- (e) Effectively implement school safety policies, including the National Child Online Protection Policy and National Anti-bullying Policy, and ensure that they protect women and girls from sexual violence and exposure to pornographic materials, as well as from bullying and online violence;
- (f) Increase efforts to encourage girls and women to choose non-traditional fields of education and career paths, including science, technology, engineering and mathematics and information and communications technology.

Employment

36. The Committee notes with concern:

- (a) The persistent horizontal and vertical segregation in both the public and private sectors;
- (b) The lack of legal protection from sexual harassment in the workplace, employment discrimination against lesbian, bisexual, transgender and intersex women, and the persistent gender pay gap;
- (c) The concentration of women in the informal economy, in unpaid domestic and care work and in low-paying precarious jobs, without access to social protection and labour rights, and the limited access to employment for women with disabilities.

37. The Committee recommends that the State Party:

- (a) Adopt legislative and other measures to eliminate horizontal and vertical occupational segregation;
- (b) Criminalize sexual harassment in the workplace, prohibit employment discrimination against lesbian, bisexual, transgender and intersex women, conduct equal pay surveys and regular labour inspections to enforce the principle of equal remuneration for work of equal value, and ratify the Workers

with Family Responsibilities Convention, 1981 (No. 156) and the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization;

(c) Facilitate the transition of women from informal to formal employment, extend the coverage of labour and social protection to women in the informal economy and unpaid work, as well as self-employed women, and enhance access to employment for women with disabilities through accessible workplaces, training facilities, public transportation, footpaths and the designation of pedestrian areas.

Health

38. The Committee notes with concern:

- (a) That the maternal mortality ratio of Botswana is more than twice the average for upper-middle-income countries, the poor quality of prenatal, perinatal and postnatal care and that birth clinics are inadequately equipped, the limited availability of skilled birth attendants, the lack of commodities and equipment for the management of obstetric complications, and referral delays;
- (b) The criminalization of abortion and the high rates of unsafe abortion;
- (c) That despite progress in reducing mother-to-child transmission, women continue to be disproportionately affected by HIV/AIDS;
- (d) The lack of comprehensive and age-appropriate education on sexual and reproductive health and rights.

39. The Committee recommends that the State Party:

- (a) Strengthen measures to counter maternal mortality, including by improving access to prenatal, perinatal and postnatal care and emergency obstetric services and by addressing the root causes of maternal mortality, such as obstetric complications resulting from early pregnancy and unsafe abortions, allocate adequate human, technical and financial resources to birth clinics and ensure the availability of skilled birth attendants throughout its territory;
- (b) Establish a clear timeline to decriminalize abortion in all cases, with a view to legalizing voluntary, safe and accessible abortion;
- (c) Strengthen access to education on HIV prevention and modern contraceptives in remote communities, as well as to free antiretroviral treatment;
- (d) Provide education on sexual and reproductive health and rights in schools, including in faith-based schools, ensuring that it is age-appropriate and addresses responsible sexual behaviour, provide free contraceptives to prevent early pregnancy and sexually transmitted infections and train teachers to provide sexuality education in a gender- and culturally sensitive manner.

Economic benefits and accountability for women's socioeconomic rights

40. The Committee takes note of the pilot project entitled “EntreprenHER” and other initiatives aimed at increasing women's business skills. However, it notes with concern:

- (a) The low participation of women in the mining sector, which is the largest source of gross domestic product in the State Party, as well as reports of high levels of corruption and illicit financial flows, which further limit women's access to the mining sector;

- (b) That high interest rates, restrictive loan conditions and short repayment periods prevent women from engaging in entrepreneurship and scaling up their businesses;
- (c) The lack of a gender perspective in the preparation of a new national development plan and economic diversification strategies, as well as women's limited access to such emerging opportunities as the digital economy, artificial intelligence and green energy;
- (d) The absence of measures for the domestic implementation of the Guiding Principles on Business and Human Rights, particularly in relation to the digitization of business operations and to the development of environmental, social and governance and environmental and social impact assessment policy frameworks to guide private sector investments;
- (e) Women's limited participation in sports, including in leadership, coaching, competitive sports, recruitment and selection processes, and the limited access to sports and recreational activities for rural women and girls and women and girls with disabilities.

41. The Committee recommends that the State Party:

- (a) **Develop targeted recruitment policies and temporary special measures to increase women's participation in the mining sector, as well as a national strategy to counter corruption, investigate and prosecute corruption cases, and introduce mandatory due diligence mechanisms in the national financial system and public registries of companies and trusts to combat illicit financial flows, particularly by wealthy individuals and businesses;**
- (b) **Develop the digital economy, mobile money and financial technology (fintech) schemes and entrepreneurship and financial literacy programmes for women, partner with financial institutions to introduce gender-responsive e-commerce and credit policies, including low-interest and collateral-free loans, encourage the development of mobile and digital banking tools to reach women with limited mobility or access to infrastructure and collect gender-disaggregated data on the design, use and evolution of the digital economy;**
- (c) **Ensure 50-50 parity in all preparatory phases of the national development plan, incorporate a gender perspective into economic diversification strategies and promote women's access to such emerging opportunities as the digital economy, artificial intelligence and green energy;**
- (d) **Develop a national plan on business and human rights that is in line with the Convention and with the Guiding Principles on Business and Human Rights, and ensure that it is also applicable to the digitization of business operations and the development of environmental, social and governance and environmental and social impact assessment policy frameworks;**
- (e) **Strengthen efforts to increase the participation of women and girls, including those with disabilities and rural women and girls, in recreational and professional sports, enhance funding and investment in women-dominated sports, train more women in management skills in relation to sports and ensure that they benefit equally from any economic and financial benefits generated through sports.**

Climate change and disaster risk reduction

42. The Committee takes positive note of the State Party's efforts to incorporate a gender perspective into climate change adaptation and mitigation policies. However,

it remains concerned about the disproportionate effects of climate change on women, particularly rural women, women with disabilities and internally displaced, refugee, asylum-seeking and migrant women.

43. The Committee recommends that the State Party:

- (a) **Collect disaggregated data on the impact of climate change and natural disasters on women and girls;**
- (b) **Conduct a review of its laws, policies and institutions on climate change to ensure that they incorporate a gender perspective, avoid overlap and duplication, address the specific and unique needs of women and girls and build their resilience and effective adaptation to climate change;**
- (c) **Increase women's awareness of climate change and disaster risk management and develop leadership programmes to empower women to participate effectively in climate change decision-making, including in the creation and operation of new funding arrangements for responding to loss and damage.**

Women facing intersecting forms of discrimination

Indigenous women

44. The Committee welcomes the establishment of an Interministerial Committee to address the rights of Indigenous peoples and the steps taken to implement the 2006 judgment in *Roy Sesana and others v. Attorney General*, particularly the decision to allow Basarwa burial on their ancestral land of the Central Kalahari Game Reserve and to consider the restitution of the ancestral lands of the Basarwa Indigenous People. It further commends the State Party for acknowledging that land is more than a resource, but a foundation for the cultural identity, dignity and socioeconomic empowerment of Indigenous Peoples. However, it notes with concern the unjustifiably delayed implementation of the *Roy Sesana* judgment, and that Indigenous women continue to face discrimination in seeking to control their traditional lands and resources and in gaining access to health and public services.

45. The Committee recommends that the State Party expedite the implementation of the High Court's decision in *Roy Sesana and others v. Attorney General* and adopt laws and policies to recognize and protect Indigenous women's collective rights to their traditional lands and resources and ensure their access to health and public services.

Rural women

46. The Committee notes with concern rural women's limited participation in decision-making processes related to agricultural and rural development, as well as their underrepresentation in local governance and traditional leadership structures, including on village development committees.

47. The Committee recommends that the State Party promote the participation of rural women in all decision-making processes affecting them and ensure their participation in the forthcoming national agriculture policy, the Gender in Agriculture Strategy and in development projects of international organizations, such as the World Bank, and those of non-State actors, as well as encourage rural women to exchange good practices and build partnerships with other communities.

Asylum-seeking and refugee women

48. The Committee takes positive note of the State Party's decision to release detainees from the Francistown Centre for Illegal Immigrants and relocate them to the Dukwi Refugee Camp, and of the ongoing review of its refugee and asylum laws to align them with international standards. However, it notes with concern:

- (a) That the domestic legal framework on refugees and asylum-seekers is yet to be aligned with the Convention;
- (b) The lack of implementation of the relevant recommendations in the report of the Working Group on Arbitrary Detention on its country visit to Botswana, in 2022;
- (c) That the State Party retains its reservation on article 17 of the Convention relating to the Status of Refugees, barring refugees and asylum-seekers from obtaining work permits, which has a disproportionate impact on women and exposes them to heightened risks of sexual exploitation and trafficking.

49. **The Committee recommends that the State Party:**

- (a) **Repeal the Refugees (Recognition and Control) Act of 1968, replace it with the Refugees (Recognition and Management) Act of 2024 and ensure that the new legislation incorporates the expanded refugee definition from the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, of 1969, extending international protection to women and girls fleeing events seriously disturbing public order, recognize the right to legal representation during the refugee status application process, ensure individualized screening procedures for international protection and the use of detention as a last resort, decriminalize irregular entry and establish a mechanism for individuals to appeal asylum decisions;**
- (b) **Develop a national plan for the implementation of the recommendations set out in the report of the Working Group on Arbitrary Detention on its country visit in 2022, especially the gender-responsive recommendations;**
- (c) **Withdraw its reservation to article 17 of the Convention relating to the Status of Refugees as a measure to protect women asylum-seekers and refugees from sexual exploitation and trafficking, and to enable their economic integration in host communities.**

Women and girls with disabilities

50. The Committee notes the adoption of the Persons with Disability Act of 2024, which provides for the establishment of the Disability Coordination Office and the National Disability Council. However, it notes with concern:

- (a) The application of the medical model of disability in the State Party, including for purposes of identification and certification of disabilities, which is based on ableist perception of persons with disabilities, including women and girls, that leads to their social exclusion and discrimination;
- (b) Provisions of the Bail Act (2024) that fail to recognize the full legal capacity of persons with disabilities, including women and girls, and remain silent on decision-support mechanisms for bail applicants with disabilities;
- (c) The lack of disaggregated data concerning the exercise by women and girls with disabilities of their human rights.

51. The Committee recommends that the State Party:

- (a) Adopt the human rights model of disability and ensure its gender-responsive application;
- (b) Introduce legal provisions to replace substitute decision-making with supported decision-making frameworks in all aspects of life of women and girls with disabilities;
- (c) Improve data collection systems on the situation of women and girls with disabilities.

Lesbian, bisexual, transgender and intersex women

52. The Committee notes with concern:

- (a) The persistent discrimination against lesbian, bisexual, transgender and intersex women in the State Party;
- (b) That the State Party retains section 167 of the Penal Code, which criminalizes acts of gross indecency, and the failure to repeal sections 164 (a) and (c) of the Penal Code despite the 2019 and 2021 judgments decriminalizing same-sex relations between consenting adults.

53. The Committee recommends that the State Party:

- (a) Build on such existing practices as dialogues and workshops with traditional and religious leaders to destigmatize and address discrimination against lesbian, bisexual, transgender and intersex women;
- (b) Repeal Sections 164 (a) and (c) and 167 of the Penal Code that criminalize same-sex relations between consenting adults as acts of gross indecency.

Marriage and family relations

54. The Committee notes that the Convention was cited in the *Attorney General v. Unity Dow* case, of 1992, which was a landmark international case for women's rights and underscored the complementary nature of the Convention and the African Charter on Human and Peoples' Rights. However, it notes with concern:

- (a) That despite the land act reforms of 2019 that granted equal access to land for women, significant challenges persist in their implementation, and women's unequal rights to joint property in marriage and to inheritance;
- (b) While noting the remarks made by the delegation of the State Party, that it has a dual system for personal status law guided by the "choice of law" principle, whereby women have the option to present a case on adoption, marriage and divorce, burial or devolution of property upon death before civil or customary courts and that women often face discriminatory proceedings before customary courts;
- (c) That the safeguards in the Marriage Act only apply to civil marriages and exclude customary or religious marriages;
- (d) The limited authority and resources of the "village child committees", comprising the kgosi or kgosana (traditional leader) and a girl representing the girls of a community, to protect the rights of girls.

55. The Committee recommends that the State Party:

- (a) Conduct a study on the implementation of the 2020 Revised National Land Policy, which granted married women equal rights to land and property

rights, that incorporates women’s experiences, identifies gaps and loopholes and makes recommendations for its effective application;

(b) **Review its dual legal framework on personal law matters to identify and remove discriminatory and outdated provisions that are incompatible with the Convention, and implement temporary special measures to ensure the equal representation of women in the interpretation of the constitutional guarantees of equality under law and in the interpretation of the law on personal matters;**

(c) **Conduct training for women to ensure that they make an informed decision when using the “choice of law” principle, and that they are fully aware of the rulings on women’s rights delivered by of customary and civil courts on women’s rights, and provide capacity-building in customary courts to ensure that those courts apply customary laws in conformity with the Constitution, and that ordinary legislative frameworks are interpreted in such a way that traditional standards are reconciled with the Convention;**

(d) **Carry out awareness-raising campaigns so that women are fully aware that the safeguards of the Marriage Act do not apply to customary or religious marriages;**

(e) **Strengthen the mandate and resources of “village child committees” in order to enable them to protect and promote girls’ human rights under the Convention.**

Data collection and analysis

56. The Committee notes with concern the absence of comprehensive and disaggregated data covering all areas of the Convention.

57. **The Committee recommends that the State Party avail itself of technical assistance to develop a system for the collection of comprehensive, sex-disaggregated, intersectional and disability-inclusive data covering all areas under the Convention and include such data in its next periodic report.**

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

58. **The Committee encourages the State Party to ratify, as soon as possible, the Optional Protocol to the Convention and to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

59. **In view of the thirtieth anniversary of the Beijing Declaration and Platform for Action, the Committee calls upon the State Party to reaffirm its implementation and to re-evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.**

Dissemination

60. **The Committee requests the State Party to ensure the timely dissemination of the present concluding observations, in the official languages of the State Party, to the relevant State institutions, including the Government, the Parliament, the judiciary and traditional and religious leaders, to enable their full implementation.**

Ratification of other treaties

61. The Committee notes that the adherence of the State Party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee encourages the State Party to ratify the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance to which it is not yet a Party.

Follow-up to the concluding observations

62. The Committee requests the State Party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a), 27 (a), 17 (a) and (b) and 55 (b) and (c) above.

Preparation of the next report

63. The Committee will establish and communicate the due date of the sixth periodic report of the State Party in line with a future clear and regularized schedule for reporting by States Parties (see General Assembly resolution [79/165](#), para. 6) and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State Party. The next periodic report should cover the entire period up to the time of its submission.

64. The Committee requests the State Party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.