



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 fourth periodic report of Botswana*

1. The Committee considered the fourth periodic report of Botswana (CEDAW/C/BWA/4) at its 1677th and 1678th meetings (see CEDAW/C/SR.1677 and CEDAW/C/SR.1678), held on 1 March 2019. The Committee's list of issues and questions is contained in CEDAW/C/BWA/Q/4, and the responses of Botswana are contained in CEDAW/C/BWA/Q/4/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its fourth periodic report. It also appreciates the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/BOT/CO/3/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as 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 Nationality, Immigration and Gender Affairs, Ngaka Ngaka, and the Permanent Representative of the Permanent Mission of Botswana to the United Nations Office and other international organizations in Geneva, as alternate head of delegation, Athaliah Molokomme, and included representatives of the Ministry of Presidential Affairs, Governance and Public Administration, the Coordinating Office for Persons with Disabilities under the Office of the President, the Ministry of Local Government and Rural Development, the Ministry of Health and Wellness, the Ministry of International Affairs and Cooperation, the Ministry of Basic Education and the Ministry of Defence, Justice and Security.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's third periodic report (CEDAW/C/BOT/3) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its seventy-second session (18 February–8 March 2019).



(a) Anti-Human Trafficking Act, in 2014, in which the definition of exploitation was revised and fines and prison sentences for human trafficking offences were increased;

(b) Married Persons Property Act, in 2014, which allows persons married under customary law to opt for civil law for the administration of their properties;

(c) Interpretation (Amendment) Act, in 2013, which sets the legal age of maturity at 18 irrespective of sex;

(d) Legal Aid Act, in 2013, aimed at increasing access to justice, including for women;

(e) Employment (Amendment) Act, in 2010, which establishes a minimum pay of half salary for women on maternity leave and prohibits discrimination in the workplace.

5. 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 of the following:

(a) National policy on gender and development, in 2015, and its national operational plan, in 2018;

(b) National action plan to combat trafficking in persons for the period 2017–2020, in 2017;

(c) National development plan 11 for the period 2017–2023, in 2016, which includes gender mainstreaming and the prevention of gender-based violence;

(d) National vision 2036, in 2016, in which gender equality is recognized as a key element of social development;

(e) National strategy to end gender-based violence in Botswana for the period 2014–2020;

(f) Five-year comprehensive strategy to prevent and control cervical cancer for the period 2012–2016, in 2012;

(g) Affirmative action policy for communities in remote areas, in 2012, which provides alternative approaches to poverty eradication, of which the beneficiaries are mostly women;

(h) HIV/AIDS strategy targeted at women for the period 2012–2016;

(i) Policy on inclusive education, in 2011, aimed at retaining girls and children with special needs in schools;

(j) Poverty eradication framework, in 2011, which incorporates a gender equality perspective;

(k) Communication strategy on child sexual abuse, in 2010, aimed at raising awareness among children, families and communities of the signs and effects of child sexual abuse and promoting accessible support services for children.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified the Southern African Development Community Protocol on Gender and Development, in 2017.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto**

(substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. 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). It invites Parliament, in line with its mandate, to take necessary steps regarding the implementation of 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

9. The Committee notes with appreciation that the State party has translated the Convention into Setswana and that it has carried out increased public outreach and awareness-raising campaigns on women's rights. The Committee reiterates its previous concern, however, that the provisions of the Convention and the Optional Protocol thereto are not sufficiently known in the State party, including among women, in particular in rural areas.

10. **The Committee recommends that the State party:**

(a) **Ensure the dissemination of the present concluding observations, the Convention, information on the procedures under the Optional Protocol and the Committee's general recommendations among all stakeholders, including the Government, Parliament and the judiciary;**

(b) **Intensify efforts to raise awareness among women of their rights under the Convention and the Optional Protocol, emphasizing measures to reach women in rural and remote areas, through cooperation with the media and civil society organizations.**

Legal status of the Convention and legal framework

11. The Committee notes that the State party has a dual legal system in which customary and statutory law are both applicable and that the Customary Law Act provides that customary law is valid only to the extent to which it "is not incompatible with the provisions of any written law or contrary to morality, humanity or natural justice". It is concerned, however, that some elements of customary law are not in compliance with the Convention. The Committee is also concerned that inadequate capacity and resources have delayed the process of incorporating the Convention into national legislation and that there is no timetable for the completion of the process. It is further concerned that the State party has not ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

12. The Committee calls upon the State party:

(a) **To carry out a thorough gender analysis of all laws in the State party in order to identify all customary laws that are incompatible with the Convention so as to bring them into compliance with statutory laws and the Convention;**

(b) **To seek and utilize technical support from national and international partners, as appropriate, in accelerating its efforts to fully incorporate the Convention into its national legislation to ensure that the legislation complies with the Convention;**

(c) **To consider ratifying the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.**

Definition of discrimination against women

13. The Committee remains concerned that the prohibition of discrimination provided in section 15 of the Constitution does not include a comprehensive definition of discrimination against women in line with article 1 of the Convention.

14. **The Committee reiterates its previous recommendation (CEDAW/C/BOT/CO/3, para. 10) and draws the attention of the State party to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere. It recommends that the State party adopt in the Constitution and other national laws, without delay, a comprehensive definition of discrimination against women, covering all prohibited grounds of discrimination, encompassing direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention.**

Access to justice

15. The Committee commends the measures taken to increase access for women to justice, including the adoption of the Legal Aid Act in 2013, the establishment of Legal Aid Botswana and the operation of mobile courts in rural areas. Nevertheless, the Committee is concerned about the lack of access to justice for women, owing to the ad hoc way in which the transfer of cases from customary courts to civil courts is determined, and the lack of access to legal aid for women living in poverty, women with disabilities and rural women.

16. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Amend the Customary Courts Act to introduce a defined system of transfers of civil or criminal proceedings from customary courts to civil courts for cases in which women are discriminated against or their rights are violated;**

(b) **Ensure that legal aid is available and accessible to all women, in particular women living in poverty, women with disabilities and women in rural areas;**

(c) **Remove all barriers to accessing justice faced by women.**

National machinery for the advancement of women

17. The Committee welcomes the establishment of the Gender Affairs Department within the new Ministry of Nationality, Immigration and Gender Affairs and the establishment of the national gender machinery satellite offices. It notes that the State party has increased funding and staff for the national machinery for the advancement of women notwithstanding general budgetary constraints and that the National Gender Commission has a clear mandate to monitor and evaluate the implementation of

gender policies. The Committee remains concerned, however, about the lack of adequate gender-responsive budgeting and technical capacity in the national machinery for the advancement of women and the absence of similar mechanisms at the local level.

18. **The Committee recommends that the State party:**

(a) **Continue to intensify its efforts to reinforce the capacity of the national machinery for the advancement of women and to implement a gender-responsive budgeting approach in the allocation of public resources in the national budget;**

(b) **Strengthen the mandate, budgetary allocations and technical capacity of gender committees at the district level to support gender mainstreaming at the local level.**

National human rights institution

19. The Committee notes the information provided by the State party's delegation that the draft amendment to transform the Office of the Ombudsman into a hybrid national human rights institution is scheduled to be tabled in Parliament at its July 2019 session. It remains concerned, however, about the delay in adopting the bill.

20. **The Committee recommends that the State party adopt, without delay, the bill to establish an independent hybrid national human rights institution compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a mandate to promote and protect women's rights, in line with commitments made in the context of the third review cycle of the universal periodic review mechanism of the Human Rights Council (A/HRC/38/8, para. 7).**

Temporary special measures

21. The Committee recalls its previous concluding observations (CEDAW/C/BOT/CO/3, para. 21) and, notwithstanding the economic empowerment programmes for women in the State party, reiterates its concern with regard to the limited understanding of temporary special measures and how they are used to achieve substantive equality between women and men in all areas covered by the Convention. The Committee is concerned that women are underrepresented or disadvantaged in certain areas, such as participation in public life and access to education, health care and housing. It is further concerned about the reluctance of politicians to introduce quotas for the representation of women in Parliament.

22. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Adopt temporary special measures with time-bound targets, including the adoption of quotas, accompanied by sanctions for non-compliance, in all areas, including political and public life, education, health and housing, and allocate sufficient resources to achieve substantive equality between women and men;**

(b) **Intensify efforts to raise awareness among relevant government officials, parliamentarians, employers and the general public of the nature of temporary special measures and on their importance in accelerating the achievement of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged.**

Stereotypes and harmful practices

23. The Committee acknowledges the efforts made by the State party to combat discriminatory gender stereotypes and harmful practices, including the adoption of the national policy on gender and development. It also notes that the number of women traditional leaders has increased, which is a positive change in social and cultural norms in the State party. The Committee is concerned, however, about the persistence of harmful practices, including child marriage, and deep-rooted stereotypes regarding the roles and responsibilities of men and women in the family and the community. It is further concerned about the lack of mechanisms to monitor and evaluate the implementation of the national policy on gender and development, with a view to changing such stereotypes and harmful practices.

24. The Committee recommends that the State party:

(a) **Ensure effective implementation of the national policy on gender and development through a comprehensive strategy to eliminate discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society;**

(b) **Continue its efforts to engage with relevant actors, including tribal chiefs, religious and community leaders, government officials and parliamentarians, on the negative impact of discriminatory stereotypes on the enjoyment by women of their rights;**

(c) **Reinforce awareness-raising campaigns targeting families and communities on the harmful effects of child marriage on the health and development of girls and its criminal nature;**

(d) **Monitor regularly and review the measures taken to eliminate discriminatory gender stereotypes and harmful practices so as to assess their impact, with a view to introducing specific measures aimed at eliminating them.**

Gender-based violence against women

25. The Committee notes the State party's legislative and policy measures to combat violence against women and girls, such as the adoption of the national strategy to end gender-based violence in Botswana for the period 2014–2020. However, it is concerned about the following:

(a) The high prevalence of gender-based violence against women and the toleration of domestic violence, resulting from deep-rooted patriarchal attitudes;

(b) The fact that the provisions under the Domestic Violence Act (2008), including the definition of domestic violence and sexual harassment, are not in accordance with the Convention and that there is no legislation that specifically criminalizes sexual violence;

(c) The fact that marital rape is not recognized by law as a criminal offence;

(d) The low numbers of investigations, prosecutions and convictions of perpetrators in cases of gender-based violence against women and girls;

(e) The insufficient number of shelters for women and girls who are victims of gender-based violence and the lack of medical and psychological rehabilitation services for them;

(f) The high rate at which women who are victims of domestic violence withdraw those complaints;

(g) The lack of data on protection orders issued and on the rate of compliance.

26. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Effectively implement the national strategy to end gender-based violence for the period 2014–2020 and allocate adequate resources to ensure its implementation in a coordinated and effective manner;**

(b) **Review and amend the Domestic Violence Act to bring it into line with the Convention and its general recommendations and develop a law on gender-based violence;**

(c) **Revise the Penal Code (2005) to explicitly criminalize marital rape;**

(d) **Strengthen the judicial system, including through additional financial, technical and specialized human resources, with a view to handling cases in a timely, gender-sensitive and non-discriminatory manner, and ensure that all cases of gender-based violence against women are promptly and effectively investigated and that perpetrators are prosecuted and adequately punished;**

(e) **Establish State-owned shelters within the 2018/19 fiscal year, strengthen existing shelters run by non-governmental organizations and ensure that medical treatment, psychosocial rehabilitation and legal assistance are adequately provided to victims of gender-based violence;**

(f) **Establish a confidential and gender-sensitive complaint mechanism for victims of gender-based violence and witnesses;**

(g) **Ensure the effective enforcement of protection orders and systematic data collection on the number of protection orders issued and the number of orders violated.**

Trafficking and exploitation of prostitution

27. The Committee is concerned that the State party is a source, destination and transit country for trafficking in women and girls for purposes of sexual and labour exploitation. It is particularly concerned about the following:

(a) The fact that section 9 of the Anti-Human Trafficking Act provides for the imposition of a fine as a sanction against a perpetrator of trafficking in persons;

(b) The delay in conducting a comprehensive study on the extent and forms of trafficking in persons in the State party;

(c) The lack of information on the implementation of the national action plan to combat trafficking in persons for the period 2017–2020;

(d) The limited capacity of shelters for women and girls who are victims of trafficking;

(e) The vulnerability of women, in particular women living in poverty, unemployed women, rural women and women with disabilities, to trafficking.

28. **The Committee recommends that the State party:**

(a) **Amend, without delay, section 9 of the Anti-Human Trafficking Act to remove fines as a possible sentence for the crime of trafficking in persons and ensure that traffickers are adequately punished;**

(b) **Conduct a comprehensive study on the extent and forms of trafficking in women and girls in the State party;**

(c) **Effectively implement the national action plan to combat trafficking in persons for the period 2017–2020 and provide information on its results in its next periodic report;**

(d) **Strengthen the capacity and resources of existing shelters for victims of trafficking and improve access to victim protection services, including counselling and legal services, for victims of trafficking;**

(e) **Take measures to protect vulnerable groups, including women living in poverty, unemployed women, rural women and women with disabilities, from trafficking, including by carrying out awareness-raising campaigns among them on available, accessible services and job opportunities, and increase the early detection capacity of law enforcement personnel to promptly identify victims of trafficking and to facilitate the referral of victims to the appropriate services;**

(f) **Enhance bilateral, regional and international cooperation to prevent trafficking by exchanging information and harmonizing legal procedures to prosecute traffickers, in particular with neighbouring States and other relevant States in the Southern African Development Community.**

29. The Committee notes with concern the result of a survey conducted by the Ministry of Health and Wellness in 2012 indicating that women in prostitution were at the highest risk of HIV/AIDS in the State party. It is further concerned about the lack of information on available rehabilitation services for women in prostitution, on exit programmes for women wishing to leave prostitution and on a proper and efficient mechanism to prevent girls who drop out of school from engaging in prostitution.

30. **The Committee recommends that the State party:**

(a) **Intensify measures to reduce the disproportionately high prevalence of HIV/AIDS among women, including migrant women in prostitution, ensure access for women in prostitution to health services and combat their stigmatization and social ostracism;**

(b) **Provide assistance, rehabilitation and reintegration programmes for women and girls who are exploited in prostitution and provide information on the impact of economic empowerment programmes and poverty reduction programmes in increasing income-generating opportunities for women who wish to leave prostitution;**

(c) **Adopt targeted measures to prevent women and girls in vulnerable situations, including girls who drop out of school, from entering into prostitution.**

Participation in political and public life

31. The Committee welcomes the State party's achievements in attaining a 42 per cent representation of women in the public sector. It is concerned, however, about the following:

(a) The low representation of women in Parliament, the House of Chiefs and local government as well as in decision-making positions, in particular in higher courts and at the international level;

(b) The systematic barriers such as negative cultural attitudes and the absence of a quota system in Parliament;

(c) The limited impact of existing capacity-building programmes for women who stand for election.

32. The Committee recommends that the State party:

(a) **Introduce temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, including quotas and reserved seats, and provide incentives for political parties to nominate women candidates;**

(b) **Conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public on the importance of having women participate in political life and occupy decision-making positions;**

(c) **Strengthen capacity-building programmes for women wishing to enter political life and encourage the media to ensure that women and men who are candidates or elected representatives receive equal visibility, especially during election periods, and provide women candidates with specific funds for their election campaigns.**

Education

33. The Committee recalls its previous concluding observations ([CEDAW/C/BOT/CO/3](#), para. 32) and commends the State party on its achievement of de facto equal access for men and women to all levels of education and the provision of free education and accommodation for children and young people through the back-to-school programme. Nevertheless, the Committee is concerned about the following:

(a) Reports of sexual abuse and harassment of girls perpetrated by teachers and the violence girls face on their way to and from school and the lack of information on the number of prosecutions undertaken and sanctions imposed against the perpetrators of sexual abuse of girls in educational settings;

(b) The absence of anti-bullying policies and the fact that, on account of the Education Act (1967), the Education (Corporal Punishment) Regulations (1968) and the Children's Act (2009), corporal punishment is legal in all settings;

(c) The high rates of teenage pregnancy and school dropout among girls;

(d) The fact that the re-admission policy requires that pregnant girls who drop out of school wait six months before they can return and that it expects pregnant girls to enter into technical training instead of general education;

(e) The lower rate of enrolment among women and girls than men in studies in the fields of science, technology, engineering and mathematics;

(f) The language barriers at school faced by children whose mother tongue is not English or Setswana;

(g) The insufficient resources available for the effective implementation of the policy on inclusive education.

34. The Committee recommends that the State party:

(a) **Continue its efforts to facilitate escorts for children on their way to and from school, as well as the establishment of a hotline for children to report abuses, and provide information on the number of prosecutions of and sentences imposed on perpetrators, including teachers, of sexual abuse against girls in educational settings in its next periodic report;**

(b) **Develop a national anti-bullying policy to provide safe and inclusive educational environments free from discrimination, harassment and violence;**

(c) **Revise the Education Act, the Education (Corporal Punishment) Regulations and the Children's Act to prohibit corporal punishment in all settings;**

(d) **Intensify efforts to reduce the number of girls dropping out of school by facilitating re-entry, including through the back-to-school programme, and ensure mandatory, age-appropriate and evidence-based sexual and reproductive health education in school curricula for girls and boys;**

(e) **Review the re-admission policy and remove discriminatory provisions against pregnant girls and young mothers to enable them to continue their education;**

(f) **Continue its efforts to encourage girls and young women to choose non-traditional fields of study and professions, including through the implementation of a technical and vocational education training policy;**

(g) **Ensure access to teacher aid for children, including indigenous girls, whose mother tongue is not English or Setswana;**

(h) **Allocate sufficient human, technical and financial resources to implement the policy on inclusive education and conduct early intervention, assessment and school placement with regard to girls with disabilities.**

Employment

35. The Committee welcomes the adoption of the Employment (Amendment) Act in 2010 and notes that the State party plans to table the revised Act, which will include provisions on equal pay for women and men for work of equal value and the prohibition of sexual harassment, in Parliament in 2019. The Committee remains concerned, however, about the following:

(a) The lack of information on the monitoring of policies and programmes on employment and on the findings emerging from assessments of the level of implementation of such policies and programmes, including the enforcement of the provision of maternity leave in the private sector under the Employment (Amendment) Act, as well as the lack of specific data on women with disabilities;

(b) The lack of statistical data on the number of women with disabilities in employment;

(c) The high unemployment rate among women and the unequal division of family responsibilities between women and men;

(d) The lack of accessible and affordable childcare facilities;

(e) The concentration of women in the informal sector and that women in that sector continue to be excluded from labour and social security protections, including pension benefits.

36. **The Committee recommends that the State party:**

(a) **Establish mechanisms for the monitoring, evaluation and impact analysis of employment policies and programmes, including the enforcement of the provision of maternity leave in the private sector under the Employment (Amendment) Act;**

(b) **Provide data disaggregated by disability on the number of women with disabilities who have been employed in the public and private sectors in its next periodic report;**

(c) **Consider ratifying the Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organization in order to promote equal sharing of domestic and family responsibilities between men and women;**

(d) **Increase the number of affordable and accessible childcare facilities throughout the State party to ensure the equal participation of women in the labour market;**

(e) **Review its pension and social benefit schemes in order to ensure equal access for women and men and extend their coverage to women working in the informal economy.**

Health

37. The Committee notes the State party's efforts to improve access for women to health care and health-related services, especially with regard to the prevention of HIV/AIDS and cervical cancer. Nevertheless, it is concerned about the following:

(a) The high turnover rate among health professionals and the lack of access for women to post-partum care, which also contribute to the high rate of maternal and child mortality;

(b) The criminalization of abortion except in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment under section 160 of the Penal Code and the limited access for women to abortion services;

(c) The limited awareness among health professionals and midwives of gender-sensitive procedures for victims of gender-based violence and the referral of such victims to other services;

(d) The lack of knowledge among women and girls about contraceptive methods and the limited access for women and girls to sexual and reproductive health services, including free screening for cervical cancer.

38. **The Committee recommends that the State party:**

(a) **Increase efforts to reduce the incidence of maternal and child mortality, including by promoting staff retention in health-care services with the use of additional remuneration and incentives, increase mobile health posts in communities in which no health-care facility exists to provide free primary post-partum care for women and girls;**

(b) **Amend section 160 of the Penal Code to decriminalize abortion, not only in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment but in all other cases, and ensure access for women to high-quality abortion and post-abortion care as well as confidentiality in the administration of such care;**

(c) **Provide training for health professionals and midwives on gender-sensitive approaches to treating victims of gender-based violence and on the referral of victims to other services;**

(d) **Continue its efforts to raise awareness among communities, and among women and girls, of available contraceptive methods and accessible sexual and reproductive health services, including cervical cancer screening, and increase access for women and girls to such services.**

Economic empowerment of women

39. The Committee appreciates the numerous initiatives in the State party to enhance the economic empowerment of women, such as initiatives to support the participation of women in trade, to organize income-generating projects and to provide short-term loans in cooperation with partners. The Committee is concerned, however, about the disproportionate levels of poverty among women and the limited access for women to land and housing. It is also concerned about the lack of participation of women in economic development projects and the absence of information on the status of the policy on gender in agriculture and rural development. It is further concerned about the low representation of women in decision-making positions in sports.

40. The Committee calls upon the State party:

(a) **To increase awareness among women of their rights concerning access to land and housing, including the right to have access to a land tribunal to challenge abuses in land allocation and to benefit from a housing scheme for low-income people;**

(b) **To promote the participation of women in the development and implementation of economic development policies, programmes and initiatives and provide information on the impact of the policy on gender in agriculture and rural development in its next periodic report;**

(c) **To remove the obstacles limiting access for women to decision-making positions in sports and adopt measures, including temporary special measures, to encourage women to occupy such positions.**

Rural women

41. The Committee acknowledges the State party's efforts to reduce poverty in rural areas and improve services such as sanitation. It is concerned, however, about the underrepresentation of rural women in appointed political positions, including in village development committees, and the lack of general knowledge among rural women of social security, education, health-care services, local development programmes and laws and policies relating to women's rights.

42. In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) **Ensure that rural women have equal opportunities to participate in political and public life, in particular in decision-making processes at the community level, including in village development committees;**

(b) **Continue to strengthen the national gender machinery satellite offices to provide adequate information for rural women on laws, policies, programmes and available services with regard to their rights;**

(c) **Encourage women to exchange good practices and build partnerships with other communities.**

Disadvantaged groups of women

43. The Committee notes with concern the marginalization faced by indigenous women with respect to their political rights and the loss of their cultural and tribal identities. The Committee is also concerned about the lack of equal access to free antiretroviral treatment for members of disadvantaged groups, including indigenous women, women prisoners, women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women. It is further concerned about the

detention in transit centres of migrant women and girls, who are often separated from their male family members.

44. The Committee recommends that the State party:

(a) **Develop and implement a strategy to address the specific needs of indigenous women in all areas covered by the Convention, including in public and political life, and to protect their cultural and tribal identities;**

(b) **Review and remove obstacles faced by indigenous women, women prisoners, women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women in gaining access to public services and obtaining free antiretroviral treatment;**

(c) **Ensure access to education and health, sanitation and legal services for migrant women and girls in or outside of transit centres and adopt an alternative solution in order to prevent the separation of family members.**

Impact of climate change and natural disasters on women

45. The Committee notes that the Ministry of Environment, Wildlife and Tourism adopted a gender mainstreaming approach in 2014. It notes with concern, however, the absence of information on whether a gender perspective is fully reflected in policies and programmes on disaster risk reduction and climate change and whether women have opportunities to participate in the policymaking and decision-making processes with regard to such initiatives.

46. In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:

(a) **Ensure that a gender perspective is integrated into national policies and programmes on disaster risk reduction and climate change in order to ensure that the needs and concerns of women are fully reflected;**

(b) **Ensure that women are included in the planning, decision-making and implementation processes concerning policies on disaster risk reduction, post-disaster management and climate change.**

Marriage and family relations

47. The Committee recalls its previous concluding observations ([CEDAW/C/BOT/CO/3](#), para. 41) and reiterates its concern about the dual legal system of statutory and customary law applicable to marriage and family relations and the delay in the amendment of the Abolition of Marital Power Act, the Deeds Registry Act, the Matrimonial Causes Act and the Marriage Act, as well as in the repeal of section 15 (4) of the Constitution. It also notes with concern that customary courts do not treat men and women equally and that an adoptive parent is able to marry his adopted daughter once she turns 16 under the Adoption of Children Act (1952).

48. The Committee calls upon the State party:

(a) **To review and amend the Abolition of Marital Power Act, the Deeds Registry Act, the Matrimonial Causes Act and the Marriage Act and repeal section 15 (4) of the Constitution, as recommended in the Committee's previous concluding observations ([CEDAW/C/BOT/CO/3](#), para. 42);**

(b) **To ensure that the customary justice system operates in a gender-sensitive manner;**

(c) **To amend, without delay, the Adoption of Children Act to remove the provision that allows an adoptive parent to legally marry his adopted daughter once she reaches the legal age of marriage.**

Data collection

49. The Committee is concerned about the general lack of statistical data disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which are necessary for accurately assessing the situation of women, determining the magnitude and nature of discrimination, making informed and targeted policies and systematically monitoring and evaluating progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

50. **The Committee calls upon the State party to develop capacity-building measures and establish a programme for funding gender-related activities to improve the collection of data disaggregated by sex and other relevant factors, 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. In this regard, the Committee draws attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women.**

Amendment to article 20 (1) of the Convention

51. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

52. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination

53. **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 at all levels (national, regional and local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.**

Technical assistance

54. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

55. **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 therefore 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, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.**

Follow-up to the concluding observations

56. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 20, 26 (a) and (e) and 28 (a) above.**

Preparation of the next report

57. **The Committee requests the State party to submit its fifth periodic report, which is due in March 2023. The report should be submitted on time and cover the entire period up to the time of its submission.**

58. **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.