



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

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

### **Ninety-first session**

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Item 4 of the provisional agenda

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

## **Replies of Botswana to the list of issues and questions in relation to its fifth periodic report<sup>\*, \*\*, \*\*\*</sup>**

[Date received: 28 April 2025]

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\* The present document is being issued without formal editing.

\*\* The present document was submitted to the conference services for processing after the deadline owing to its late receipt from the State Party.

\*\*\* Only paragraphs 1 to 140 of the replies are contained in the present document and have been translated, in line with current liquidity management measures. The original English version of the submission in its entirety may be accessed from the web page of the Committee.



## **Replies to the list of issues and questions (CEDAW/C/BWA/Q/5)**

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

#### **Reply to paragraph 1**

1. Though the COVID-19 interventions did not specifically mainstream gender, there was a multi-sectoral Committee established to guide on specific matters such as those affecting children, women and Persons with Disabilities. Economic support through subsidies were availed and were given to small, medium and micro enterprises (SMME) which also benefited women in the informal sector. In addition, the Government provided food baskets to disadvantaged families.
2. Community organisations mobilised donations and contributions targeting new mothers. Retailers were granted permission to open the children's section only for one week. Strengthening and Utilizing Response Groups for Emergencies (SURGE) initiative by World Health Organisation (WHO) was also introduced. Security personnel was increased in service points and a long-term impact was job creation of Safety, Health and Environment (SHE) personnel who are still employed in Government and Private Sector.
3. The COVID-19 response also introduced Virtual platforms for education as well as in the work place. Meetings were also conducted online and shift work was introduced at a later stage of the pandemic. The Health Sector also introduced telehealth programming for Health Workers and the public. In addition, there was establishment of Toll Free numbers and help lines from Service providers such as Botswana Police Service, Ministry of Justice and Civil Society Organisations working in the GBV area. However the Health Sector recruited Retired Nurses and Temporary Emergency Responders to augment the existing personnel and meet the demand for services during the lockdown. The extra personnel provided screening and other essential services and furthermore women and girls were given commodities that could last a longer period.
4. Botswana developed the National Health Emergency Response Operation Plan (NHEROP) in 2024 to assist in future emergencies. The Inter-Ministerial Committee on Gender Based Violence was also formulated to specifically address GBV. The Ministerial segment is supported by a multi-sectoral Technical Team.
5. To address the loss of jobs and failure of resuscitation of business, the Government introduced financial programmes such as Chema Chema and Temo and Thuo Letlotlo to assist women to start businesses. Furthermore, social programmes such as Ipelegeng were revamped to admit more beneficiaries who are mostly women.
6. Beyond the COVID-19 Response Plan, which funded the immediate pandemic response, the government approved a budget of BWP 1.3 billion for the COVID-19 Industry Support Facility (ISF) in September 2020 (National Development Bank, 2022b). Various amounts were allocated to sector-specific support schemes to cushion affected businesses.
7. With lessons learnt from the COVID-19, Government continues to strive towards equal representation of women in various national and local structures.

## Visibility and legal status of the Convention

### Reply to paragraph 2 (a)

8. Government has intensified efforts on strengthening knowledge on the Rights of women and girls under the Convention and the Optional Protocol through continuous community dialogues on multiple traditional media and fora as well as social media by using simplified language to relay the provisions of the convention and its optional protocol. This public education while targeting the population at large, has a special focus on women and young girls particularly those residing in rural and hard to reach areas.

### Reply to paragraph 2 (b)

9. The Ministry of Justice, in partnership with UNICEF and the British High Commission (UK in Botswana) hosting a five-day training workshop in July 2024 for Judicial Officers, the Ombudsman, Academia, Teachers, Civil Society Prosecutors, Police Officers, and Social Workers handling children's cases. The training was part of the national roadmap on child-friendly justice system and reflects global commitments to child justice system.

10. The Government of Botswana in collaboration with International Organisation for Migration (IOM) capacitated 37 Immigration Officials on Anti Human Trafficking. The Botswana Police Service continues to train in-service officers covering a broad spectrum of gender mainstreaming approaches, with specific focus on understanding mainstreaming entry points and their relevance to legal and international frameworks. The training covered 50 Senior Superintendents and Assistant Superintendents.

### Reply to paragraph 2 (c)

11. In cases adjudicated by the regional court, judges have referred to CEDAW to bolster arguments against gender-based violence, emphasizing the state's obligations to protect women and ensure justice in cases of violence and discrimination. The case of *Lameck v. Lameck* (2017) demonstrated that the Botswana Justice System does make reference to the CEDAW. This was a divorce case involving issues of property division and the protection of women's rights in marriage. In passing judgment, the court acknowledged CEDAW's principles in its decision, emphasizing the need for equitable treatment in marital property rights and conducting a gender-sensitive analysis of the circumstances of both parties.

## Definition of discrimination

### Reply to paragraph 3

12. Botswana's labor laws prohibit discrimination based on many factors, including race, color, sex, disability, and religion. The Disability Act of 2024 prohibits discrimination against persons on the grounds of disability and promotes equal opportunities for Persons With Disabilities including: work, accommodation, education, access to goods, services, facilities and land.

## **Access to justice**

### **Reply to paragraph 4**

13. The Customary Courts Act was amended in 2017 to confer to any person the right to transfer a case from Customary Court to Magistrate Court. On this note, Legal Aid Botswana in partnership with Non-Government Organisations (NGOs) continue to provide legal assistance to women who desire to transfer their matter from Customary Courts to Common law courts.

## **Women and peace and security**

### **Reply to paragraph 5**

14. Botswana is cognisant of the role of women in realising sustainable peace and security. The country subscribes to the ideals of the United Nations Security Council Resolution 1325 on Women, Peace and Security, the African Union Strategy for Gender Equality and Women's Empowerment and the SADC Regional Strategy on Women, Peace and Security.

15. Botswana has commenced steps towards development of the National Action Plan. To date, a preliminary meeting was held in July 2024. Participants were from the Ministries of: Youth and Gender Affairs, International Relations and Justice and Correctional Services. The Botswana Defence Force and Botswana Police Service also participated. The next steps will be a benchmarking exercise with the Republic of Namibia and Zimbabwe who offered to support Botswana to develop the National Action Plan. It is worth noting that Botswana requires technical and financial support to develop and implement the National Action Plan on Women, Peace and Security.

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

### **Reply to paragraph 6 (a)**

16. The Government has committed to intensify efforts for gender mainstreaming across all sectors and institutionalise Gender Responsive Budgeting to ensure that priority areas such as GBV are addressed through adequate resourcing. Regarding the human, technical and financial resources, the Government has established a dedicated Ministry of Youth and Gender Affairs, in part to ensure that the Gender portfolio receives the attention it deserves. A new functional structure is currently being developed.

### **Reply to paragraph 6 (b)**

#### **Achievements**

17. According to the 2024 Global Gender Gap Index wherein 146 countries were assessed, Botswana's overall rank is number 57 with 0.730 points. b) On the sub-index of Educational Attainment and Health and Survival, Botswana is ranked number 1 amongst other countries with 1.000 and 0.980 points respectively. Under the sub-index of Economic Participation and Opportunity, Botswana is ranked number 2 with 0.854. These rankings could be attributed to various opportunities including and policy reforms, establishment of appropriate structures to monitor implementation and the availability of resources.

18. To improve women's access to finance, as at September 2023, the Citizen Entrepreneurial Development Agency (CEDA) funded 11, 796 women-owned businesses, 7 890 youth-owned businesses and 115 businesses owned by Persons With Disabilities (PWDs) with USD445 thousand, USD140 million and USD150 thousand, respectively.

19. To build capacity of women on entrepreneurial skills, the Government of Botswana in partnership with UN Women and De Beers Group of Companies are implementing the EntreprenHER programme. As at February 2024, the Programme benefitted 621 women entrepreneurs and implementation continues until 2026.

### **Challenges**

20. The 2022 Population and Housing Census estimated that 66.5% of Botswana's population now resides in urban areas representing a notable increase from 64% in 2011. With regard to gender, poverty levels were higher among female-headed than the male-headed households, at 55% and 45% respectively.

21. According to the Quarterly Multi-Topic Survey (quarter 1, 2024) employment was at 49.3% for males and 50.7% females. In the formal sector, females were 54% and males 46%. In the informal sector, there were 44% females and 56% males. Unemployment rate was at 51.6% females and 48.4% males. The manufacturing sector employs 52.8% men and 47.2% women. This gender distribution indicates that women's enterprises are generally smaller and concentrated in traditional subsectors.

22. According to the 2018 National Relationship Study, GBV prevalence stands at 37% women and 21%. The 2019 Violence Against Children Study (VAC) on the other hand indicates that physical violence is the most common form of violence against children with 28.4% female and 43.0% male children experiencing it before the age of 18 years. The Study further revealed that 9.3% female and 5.5% male children suffered sexual violence prior to the age of 18 years.

23. As per the 2023 World Population Review, male suicide rate is four times higher than that of females in Botswana that is: 26.3 and 6.4 per 100 000 population. As per the 2023 Botswana Psychiatric Outpatient Report, 52.4% men and 47.6% women are prone to mental health illness. It is worth noting that Mental health and GBV have a strong linkage which require intensive cognisance and special attention.

24. The 2024 Global Gender Gap Index under the Political Empowerment sub-index, ranks Botswana number 125 with 0.088 points demonstrating disparity in women in political leadership positions.

### **Reply to paragraph 6 (c)**

25. The Government increased the Gender Mainstreaming budget from USD300 thousand in 2023/2024 to USD530 thousand in 2024/2025. The funds covered gender mainstreaming in public institutions (Police, Defence Force and Prisons Service) and Civil Society.

## **National human rights institution**

### **Reply to paragraph 7**

26. Botswana was admitted as a member of the Network of African Human Rights Institutions (NANHRI) with effect from 6<sup>th</sup> May 2024, at the General Assembly held on the same date at Geneva, Switzerland. Further, the Office of the Ombudsman is a

member of the Global Alliance of National Human Rights Institutions (GANHRI) by virtue of being a human rights Ombudsman effective 3<sup>rd</sup> July 2023 pursuant to the commencement of the amended Ombudsman Act No. 22 of 2021. The office is yet to apply for accreditation. By virtue of its membership, the Office of the Ombudsman participated at the GANHRI Annual Meeting and Conference which was themed “*The Human Rights of Women and Girls: Promoting Gender Equality and the Role of National Human Rights Institutions*” which was held from the 10<sup>th</sup> -12<sup>th</sup> March 2025 in Geneva, Switzerland.

27. The Office of the Ombudsman is an independent department under the Ministry of Justice and Correctional Services. Its operations including the budget are separate from the Ministry (Section 23(1) of the Ombudsman Act). The Office has been placed under the Ministry for administrative purposes especially of utilizing the Minister of Justice and Correctional Service who presents the budget of the institution before Parliament. Similarly, relations between the Ombudsman and the Executive is constructive in that the Ombudsman executes its mandate without influence from the latter. The independence of the Ombudsman is fortified by Sections 11 and 19 of the Ombudsman Act. Section 11 prescribes that the Ombudsman shall not be subject to the control or direction of any person or authority in the discharge of his functions whereas Section 19 enjoins the Ombudsman to execute his functions without fear or favour and undue influence from any person or authority.

**Warranted financial provision has been as follows for the past five years**

<i>FINANCIAL YEAR</i>	<i>RECURRENT BUDGET</i>	<i>DEVELOPMENT BUDGET</i>
2021/2022	P35 090 040.00	P6 500 000.00
2022/2023	P43 642 730.00	P4 000 000.00
2023/2024	P50 404 600.00	P6 060 000.00
2024/2025	P71 630 690.00	P9 444 999.00
2025/2026	P66 584 100.00	P10 200 000.00

28. The institution continues to make strides in enhancing its visibility both locally and abroad. In July 2024, the Office hosted the Second International Ombudsman Expo which was attended by more than 500 participants including Human Rights Institutions across the world. Further, the Office undertakes public outreach and awareness programmes across the country which includes Ombudsman clinics, sensitization on human rights and administrative justice, best administration practice training to head of departments etc. The Office of the Ombudsman operates four offices located in different regions, viz, Francistown office which was operationalized in 2002, Maun office started its operations in 2015, Tsabong office was operationalized in 2019 whereas the office headquarters is situated in Gaborone. In addition, plans are under way to establish another office in Palapye during this current financial year.

<i>FINANCIAL YEAR</i>	<i>GABORONE</i>	<i>FRANCISTOWN</i>	<i>MAUN</i>	<i>TSABONG</i>	<i>TOTAL</i>
2021/2022	88	26	22	9	145
2022/2023	111	61	52	5	229
2024/2025	95	42	93	26	232

29. Lastly, the tabulated information hereunder, depicts the number of cases received by the Office of the Ombudsman from women in the past years disaggregated by regions. The categories of complaint lodged by women have no specific

annotations to sex and/or gender but general and premised mostly on poor service delivery.

## **Temporary special measures**

### **Reply to paragraph 8**

30. The Government of Botswana will continue the collaboration with Civil Society to capacitate the different political parties and other leadership structures at community level on the importance of equal representation across all level as well as adopting special measures where there is under representation of women or men.

## **Gender stereotypes**

### **Reply to paragraph 9**

31. The National Gender Machinery, Men Sector, Women Sector, District Gender Committees and Civil Society working with Men and Boys continue to undertake public education focusing on addressing gender stereotypes and promoting positive masculinity amongst men and boys. These take the form of community dialogues and conversations amongst different groups of women and men and girls and boys across the country.

32. Noting that there are pockets of Child marriages, the Minister responsible for Gender in 2024 engaged with the concerned communities to raise awareness on the dangers of child marriages. He emphasised that child marriages are a violation of the Children's Rights and are in conflict with the Marriage Act and Children's Act. He further cautioned that those that continue with the act will be brought to book.

33. Data to be sourced from Social Protection Services.

34. As stated under 9 above.

### **Reply to paragraph 10**

35. Government has since 2016 been constantly engaging with Religious Leaders on Gender equality and women's empowerment including GBV prevention and management. Government in collaboration with Botswana Christian Health and AIDS Intervention Programme (BOCHAIP) are undertaking capacity building in 8 Districts which are the hotspots for GBV. The training is guided by the Manual – GBV Prevention and Response Training for Faith Leaders.

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

36. Women constitute the majority of Membership of the IMC especially at technical level. This therefore ensures that their voices are heard at the initial stages of planning the National Response. In addition, actions of the IMC are informed by needs assessment and feedback from the District Gender Committees and other structures such as the Civil Society, Dikgosi and Faith Based Organisations and target women and men and girls and boys as per their locality.

**Reply to paragraph 11 (a)**

37. Government is currently considering review of the Domestic Violence Act to strengthen it and align it with other pieces of legislation that address GBV.

**Reply to paragraph 11 (b)**

38. Though the Penal Code does not explicitly list Marital rape, it is an offense in Botswana following enactment of the Abolition of Marital Power Act.

**Reply to paragraph 11 (c)**

39. The Botswana Police Service facilitates effective enforcement of protection orders issued by courts. The table below shows the number of orders enforced.

<i>Year</i>	<i>No. of Orders</i>
2021	1 575
2022	1 744
2023	1 756

**Reply to paragraph 11 (d)**

40. Though Government does not operate and shelters, it continues to provide financial support to the ones run by CSOs. For the financial year 2024/2025, the shelters were allocated a total of USD580 thousand.

**Reply to paragraph 11 (f)**

41. In Botswana, all recorded marriages whether under Customary or Common Law are for persons above 18 years and there are no records of child marriages since they take place in private.

**Reply to paragraph 11 (g)**

42. Botswana Police Service collects sex disaggregated data on gender-based violence. In addition, data is managed through the Crime and Criminal Recording System. The Courts also keep data through the Case Management System. Other GBV Service providers also keep administrative data.

**Reply to paragraph 11 (h)**

43. The consultant engaged to support the ongoing comprehensive Criminal Justice Sector review has produced its report on the December 2024. The Report is currently under consideration.

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

44. The Anti- Human Trafficking (Amendment) Act was passed into law and commenced in the February 2024. It addresses legislative deficiencies and recognises current challenges, provided for corporate criminal liability and ensures



accountability not on the part of the individual but also Corporations. The penalties of trafficking have been are stringent.

### **Reply to paragraph 12 (a)**

45. The Comprehensive Study on the extent and forms of trafficking in Women and girls is pending subject to the availability of funds.

### **Reply to paragraph 12 (b)**

46. The previous Anti-Human Trafficking National Action plan timeframe spanned for five years from 2018-2022. Its outcomes are as follows:

- Harmonised efforts amongst all stakeholders by reinforcing members of the Prohibition and Technical Committee;
- The act was reviewed and identified gaps closed. This resulted in the development of a bill addressing major deficiencies;
- Enhanced capacity of actors to assist and protect Trafficking in Persons (TIP) Victims by training NGO's, Members of the Judiciary, Business Botswana, village Leadership and Political Leaders (Council members).

47. The Anti-Human Trafficking National Plan (2023-2028) was launched on the 23 October 2023. The Anti-Human Trafficking Operational Frameworks (Standard Operating Procedures, Communication Strategy, Trainer's guide and referral mechanism) have been developed and launched. Additionally, planned awareness campaigns and targeted anti-human trafficking trainings have been conducted.

### **Reply to paragraph 12 (c)**

48. The Ministry of Local Government and Rural Development has an existing Memorandum of Understanding with a non-governmental organisation approved to provide shelter for trafficked victims. The development of a National Referral Mechanisms entails a guideline on provision of services through a victim centred approach. Victims continue to receive basic needs, legal assistance, psycho-social counselling and skills training.

### **Reply to paragraph 12 (d)**

49. A National Referral Mechanism and Anti-Human Trafficking Training Manual Guide has been developed to train law enforcement officers on victim-centred treatment and total of 419 Law Enforcement officers (Police, Prosecutors, Immigration Officers and Social Workers) have been trained on victim identification, human trafficking and Anti-Human Trafficking Act.

### **Reply to paragraph 13 (a)**

50. According to the Feasibility of oral HIV self-testing (HIVST) in female sex workers conducted in Gaborone, Botswana in 2021, two hundred Female Sex Workers (FSW) were screened. Their average age was 34 years (range 18-59), and 115 (58%) were HIV-positive. Eighty-five (42%) tested HIV-negative at entry and were eligible to take part in the HIVST pilot study. All 85 (100%) agreed to take home HIVST kits. Sixty-nine (81%) of these 85 participants had a follow-up visit, 56 (81%) of whom

reported performing HIVST at a mean of three and half months after the initial visit. All 56 participants who performed HIVST reported negative HIVST results. Fifty (73%) of the 69 participants who took HIVST kits home shared them with others. Of the 50 women sharing HIVST kits, 25 (50%) shared with their non-client partners, 15 with a family member, 8 with friends, and 3 with a client. One participant did not test herself but shared both her test kits. Most participants 53/56 (95%) found oral HIVST very easy to use whilst 3/56 (5%) felt it was fairly easy.

51. The Study concluded that: Oral HIVST is feasible among FSW in Gaborone, Botswana. The majority of FSW used the HIVST kits themselves and also shared extra HIVST kits with other individuals.

52. To combat Gender Based Violence (GBV) in the context of health and HIV/AIDS, the Draft Comprehensive National Plan to Remove Human Rights and Gender Related Barriers to HIV and TB Services includes interventions aimed at reducing gender inequalities, harmful gender norms and gender-based violence. Government continues to collaborate with GBV service providers to reduce vulnerability to HIV and GBV.

### **Reply to paragraph 13 (b)**

53. Nkaikela Youth Group is not the only organization funded to empower women engaged in sex work to exit the trade as well as prevent vulnerable women and girls particularly out of school groups from entering sex work. Other organisations including Silence Kills Support Group, Sisonke, Nothing Without Us Society also do similar work. Other organisations also augment this work especially those implementing DREAMS program, funded by USAID and coordinated by NAHPA. The grant from NAHPA does not support exit from the trade but HIV prevention, treatment and care programs, which encompass economic strengthening interventions that mitigate GBV for women.

### **Reply to paragraph 13 (c)**

54. Covered above.

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

### **Reply to paragraph 14 (a)**

55. The President appointed **50% females** as Specially Elected Members of Parliament. These include a young female who is also the Minister of Youth and Gender Affairs.

### **Reply to paragraph 14 (b)**

56. Efforts are on-going to raise awareness about Women in Diplomacy, promote gender equality in foreign policy and celebrate contributions of female diplomats to diplomacy and global governance, the Ministry of International Relations has embarked on a number of initiatives which include the following:

- Production of a Special edition of the Moemedi magazine in 2021 under the theme Women in Diplomacy.

57. The publication celebrated the achievements of women in the field of diplomacy and in particular focused on the work of Botswana women in Foreign Service and international organisations. It also illuminated the contributions of esteemed women who served as Botswana's Foreign Affairs Ministers. The publication addressed a range of issues, including underrepresentation as well as barriers to gender parity in various spheres including leadership and decision-making. It also highlighted the impact that women have in addressing issues of global interest and concern, such as those of international trade; health; human rights; peace and security; gender equality, sustainable development; electoral management and political leadership. Furthermore, woven throughout the publication was the thread that reiterated the importance of having the global community promote inclusive gender representation and deliver on the goal of attaining gender equality by 2030.

#### **Joint Public Diplomacy Media Campaigns in collaboration with local radio stations**

58. In 2022, the Ministry in partnership with Gabz FM Radio Station, launched a six months programme on "Advancing Botswana National Interests Abroad Through Economic Diplomacy" Seven (7) women Heads of Mission participated in the programme. The programme was launched by the then Permanent Secretary also a woman.

59. Government in partnership with other stakeholders has also conducted several capacity building training programmes to improve the representation of women in media by promoting policies and ethical codes that support gender equality. In 2022 the World Association of News Publishers trained over 60 Botswana women in newsroom management under its leadership Programme.

60. The Programme also identified sexual harassment in the newsrooms and Online violence against women journalists as impediment to professional growth and one of the key reasons for many women journalists leaving the profession.

61. Since 2020, Gender Links Botswana has been running media capacitation programmes to train and equip journalists with tools to cover gender and women in politics. In 2023, The Media Institute of Southern Africa (MISA)-Botswana, in collaboration with Fredrick Ebert Stiftung (FES), ran media workshops on Elections and Gender sensitive reporting.

62. Government has made strides in representation of women in decision-making positions in the Public Sector which stands at 44% compared to 56% for men at managerial level positions. To raise awareness on the importance of electing women into decision making positions a Training Manual for Women in Politics in Botswana has been developed and translated into Setswana. This was done through the support of UNDP.

#### **Reply to paragraph 14 (c)**

63. Government in collaboration with other stakeholders conducted capacity building for 15 aspiring women politicians in preparation for the 2024 General Elections. UNDP in partnership with the Gender Affairs Department have developed a training manual for Women in Politics in Botswana which is used for training.

#### **Reply to paragraph 14 (d)**

64. There are limited workplace facilities to support care such as the University of Botswana.

**Reply to paragraph 14 (e)**

65. Botswana enacted legislation addressing hate speech, including provisions that apply to online expressions. The Penal Code criminalises expressions that incite hatred based on race, ethnicity, or religion. Specifically, Section 92 of the Penal Code states that any person who utters words or publishes writings that are threatening, abusive, or insulting with the intent to stir up enmity or hatred among the people of Botswana is committing an offense.

**Education**

66. The Ministry of Child Welfare and Basic Education in collaboration with UNICEF have sanctioned a consultancy to develop an Anti-Bullying Policy to address challenges of violence in schools. The National Cyber Bullying Policy is in place enforced by Law enforcement agencies. However, the Ministry has embarked on the development of a National Child Online Protection Policy which is expected to be delivered by March 2026.

**Reply to paragraph 15 (a)**

67. The review of the Education Act is on-going. The Draft Bill will be presented to Cabinet in 2025. The proposed Bill does make provisions for the abolition of corporal punishment in schools.

**Reply to paragraph 15 (b)**

68. The Ministry responsible for education has guaranteed spaces to take back to school girls who have dropped due to various reasons. For early unintended pregnancy cases the girls are allowed to attend school during pregnancy. After delivery, the young mothers are allowed to attend school once they are certified fit by Medical Practitioners. The Ministry works in collaboration with Parents and Teachers Associations, Non-Governmental Organisations and community based leadership to reach out to parents to support their children to re-enter school. Furthermore schools also run learner empowerment programmes and Parent Child Communication dialogues, Connect With Respect (CWR), Peer Approach Counselling by Teens (PACT) Clubs and Circles of Support Program to mitigate against non-supportive parents. Legal action is taken for parents reported to be negligent as per the Children's Act of 2009. The Ministry is collaborating with development partners to review Admissions and Re-entry Policy in schools to embrace the need for girl's to easily be re-admitted in the education system.

69. Back to School Program by Bana ba Letsatsi organization. This program is meant to prepare children who have previously dropped out of school to go back to mainstream schools after completing their one year OSEC program at BBL. The program also introduces/prepares children who have never been to mainstream schools due to child neglect by either parents or guardians. Depending on the home environment, some children are enrolled at boarding schools to avoid students are provided with this, as well as transport to and from school, toiletries, and bedding.

**Reply to paragraph 15 (c)**

70. Comprehensive Sexuality Education is an integral part of the school curriculum at all levels. Learners are provided with age appropriate, gender and culture sensitive content according to their needs. The programme adopts a whole systems approach.

Otherwise the delivery is spiral in approach starting from lower to upper level. The Ministry is working in collaboration with private sector and development partners for its effective delivery.

71. In Botswana, the integration of mandatory, age-appropriate Comprehensive Sexuality Education (CSE) into the school curriculum has been a collaborative effort involving government ministries, international organizations, and local stakeholders. In 2013, Botswana, along with other East and Southern African countries, affirmed its commitment to scaling up CSE and youth-friendly sexual and reproductive health services for adolescents and young people. This commitment aimed to provide young people with accurate information to make informed decisions about their sexual and reproductive health.

72. Effective delivery of CSE requires well-trained educators. To address this, initiatives have been undertaken to empower guidance and counselling teachers, especially in remote areas. For instance, a four-and-a-half-day CSE training was conducted for 23 guidance and counselling teachers in the Okavango Sub District. This training aimed to fast-track the implementation of structured CSE sessions in schools, addressing information gaps on sexual and reproductive health and rights.

### **Reply to paragraph 15 (d)**

73. From primary education level, learners are exposed to a broad-based curriculum emphasising on literacy, numeracy and basic life skills acquisition. It is from this initiative that learners are guided to take subjects of their interests through guidance provided by their parents and the career guidance programme offered at all levels. The subjects are a cluster of related areas of learning. At secondary education level the different areas of learning clustered at primary become standalone subjects with an addition of some practical subjects to facilitate basic life competencies.

74. To deal with issues of stereotypes, the Ministry in collaboration with stakeholders have deliberate efforts to deal with issues of stereotypes from primary school level through the Career Guidance initiatives such as Career Fairs, Job Shadowing, Take A Child to Work, Learner Profiling and Girl in Science. There are currently 2 245 (40.9%) of females enrolled in vocational institutions (brigades and certificate offering) in the following fields of study Construction, Auto motive, Agriculture, Electrical and Arts.

### **Reply to paragraph 15 (e)**

75. Some Key Initiatives for addressing inclusive education for girls with disabilities: Review of Special Education Policy: Currently the Ministry has reviewed the special education policy to address the systemic inequalities in the delivery of equitable education for learners with disabilities. A draft has been submitted and in the process for approval.

76. Diagnostic Assessment: The Ministry has prioritised training of educational psychologists and currently have 17 officers on post graduate training. Further the establishment of the Maun Center for Special Education is a major milestone in decentralization and capacity building to ensure timely provision of diagnostic assessments and schools placements for girls with disabilities. Two assessment centers are earmarked under the NDP 12. The Ministry also outsources services to private service providers to strengthen its capacity.

77. Training and Professional Development: The Ministry provides targeted pre-service and in-service training to school administrators, educators and support staff

on inclusive education practices to ensure effective inclusion and accommodation of girls with disabilities. Further, there are teachers who have been trained in special education and offer support to learners both in regular and special education units.

78. Support Services: As part of supporting the inclusion of girls with disabilities, learners are offered the support based on their unique needs and these supports may range from provision of support personnel (teacher aides, scribes, braillists, sign language interpreters), access arrangements and assistive technologies to ensure autonomy and full participation during teaching and learning as well as testing. Learners with disabilities are also provided with transport to ensure accessibility.

Budget allocation: There is budget allocation in the different departments that support the implementation of inclusive education. The Ministry also offers an annual subvention to nine (9) NGOs that offer education, care and rehabilitation of girls with disabilities.

79. Partnerships: The Ministry values partnerships with other Ministries, Private Sector and civil societies to ensure early identification and provision of comprehensive support for girls with disabilities

80. Government is also working with Development Partners, Civil Society Groups and other stakeholders to empower PWD especially women and girls. UNFPA supported the Botswana Association for the Blind and Partially Sighted (BABPS) to implement Comprehensive Sexuality Education (CSE) for over 130 young people with visual impairment. The Programme is implemented in 4 educational institutions serving young PWDs. Other Civil Society groups like the Botswana Network for Mental Health have trained PWD (Hearing Impaired) on mental health issues. (Beijing)

### **Reply to paragraph 15 (f)**

81. The Ministry has programmes designed to deal with minority groups living in disadvantaged settings. Such programmes as Out of School Education and Training for Children/ Adults, Satellite schools, Mobile schools, provision of hostels in some schools, use of local language as a medium of instruction at lower primary, provision of other social nets services such as feeding and those related to social and health.

### **Employment**

82. Following the rationalisation of Ministries in 2023, the Botswana government established the Department of Employment Services under the Ministry of Labour and Home Affairs. The Department of Employment Services is responsible for the coordination of employment policies and programmes, labour migration and registration and placement of jobseekers. The monitoring and evaluation of the employment policies is also placed under the Decent Work Steering Committee, a tripartite structure responsible for the implementation of the Botswana Decent Work Country Programme and other policies under this programme.

### **Reply to paragraph 16 (a)**

83. The Ministry of Transport and Infrastructure through its Department of Road Transport Services provides various road transport services. It is responsible for the implementation of two main sets of legislation namely: Road Traffic Act and Road Transport (Permits) Act.

84. The Ministry acknowledges the existence of the community of people with peculiar needs. Even though the Ministry has not yet fully mainstreamed the national policy for PWDs and Gender into its regulatory framework (RTA and RTPA), due care and attention is paid to provide all customers with ease of access to all our services on equitable basis.

### **Reply to paragraph 16 (b)**

85. The labour law review exercise is at an advanced stage. The Employment and Labour Relations Bill has been presented to the Economic Committee of Cabinet. The Bill has yet to be presented to Cabinet and subsequently tabled before Parliament during the next Parliamentary session. The Bill has considered the provisions of the Maternity Protection Convention, 2000 (No 183) of the International Labour Organisation.

### **Reply to paragraph 16 (c)**

86. The Domestic Workers Convention, 2011 (No. 189) and Workers with Family Responsibilities Convention 1981 (No. 156) of the International Labour Organisation is one of the prioritised conventions for ratification by the Southern African Development Community (SADC). As a member of SADC, Botswana is aligned and committed to the ratification of the Convention. Consultation with social partners and critical stakeholders is ongoing towards ratifying Convention No. 189 and No.156. It is important to highlight that the Labour Law review exercise has taken into consideration the provisions of the afore-cited Conventions.

### **Reply to paragraph 16 (d)**

87. The Ministry of Local Government and Traditional Affairs is a Government at Local level which provides all Social services to the citizens of the country. The Ministry has been decentralized and has 31 district councils across the country and provide the following childcare services:

- Day Care and Child Care Centres which are licenced through councils for ease monitoring. The Day Care Centres are provided by faith based organizations, NGOs, private business, councils and government. For increase of access in remote areas there are play groups for children for early stimulation. Children and community members have access to services for people with disabilities across the country through referrals;
- The centres for people with disabilities are provided by the Non-Governmental and Community Based Organizations. Councils provide grants to such organizations.

88. These interventions will also promote quality early stimulation, support for school readiness for primary school education, together with laying the foundation for lifelong sustainable socio-economic development.

89. The Government of Botswana ensures that children's facilities including health care and education are accessible to children including those with special needs. However there are some facilities that specifically cater for children with disabilities.<sup>1</sup>

<sup>1</sup> Source: <https://bcd.org.bw/access-disability-services/>.

**Reply to paragraph 16 (e)**

90. According to the 2024 Quarterly Multi Topic Survey by Statistics Botswana (1st Quarter): 1 246 Women are employed in the Mining and Quarrying Sector.

**Reply to paragraph 16 (f)**

91. The Decent Work Country Programme has significantly impacted the industrial relations space in the country. The impact is not only felt in the formal employment relationship. The review of labour laws has taken into consideration the provisions of International Labour Organisation and also aligned to national legislation. The Employment and Labour Relations Act will be applicable to all workers including workers in the informal sector. The conditions of service applicable to employee such as family responsibility leave and maternity leave will apply to all workers in the world of work including the informal sector.

92. The programme has promoted the need to mainstream gender perspective into all government initiatives, policies and programmes. The Ministry of Labour and Home Affairs conducted gender mainstreaming workshops targeting social partners, Non-Government Organisations and Government Department to find workable solutions on the best approach to mainstream women affairs into their day to day activities.

93. The has strengthened the inspectorate. The Inspections system is a mechanism through which the rights of vulnerable groups such as children, migrants and women are protected. The Ministry of Labour and Home Affairs conducts regular inspections to check compliance with labour laws and ensure that employers do not abuse vulnerable groups across all sectors of the economy.

**Health**

94. There are incentives or remuneration in place provided to other health care professionals. These allowances cover: paramedic, scarce skill, emergency call and private practice call, ranging from 10% to 40% of basic salary.

**Reply to paragraph 17 (a)**

95. The Botswana government adopted a primary health care model to ensure that health services are accessible to all communities, particularly in rural and underserved areas. The model is designed to ensure equitable, accessible, and quality health care services for all citizens. It is rooted in the principles of universal health coverage and focuses on delivering preventive, curative and rehabilitative health services close to where people live. A radius of 5 to 15 km is established for primary health care services. According to statistics Botswana approximately 84% of the population lives within a 5km radius of a health facility and about 96% resides within a 15km radius. There is a clear referral system connecting lower and higher healthcare facilities, which improves access to quality healthcare services. Botswana offers free health care services throughout the country, with a minimum charge of USD\$0.36 Children under the age of five and elderly people above 65 are exempted from these fees.

**Reply to paragraph 17 (b)**

96. The Presidential Commission of Inquiry into the Review of the Constitution of Botswana as approved by Cabinet on November 2023. Recommendation No. 63 of



Government Paper No 1 of 2023 stipulated the Government position. Whereby, the Ministry of Justice and Correctional Services is required to consider initiating the review of Section 160 of the Penal Code to increase the legal grounds for allowing termination of pregnancy and that the issue be put to a referendum for certainty.

### **Reply to paragraph 17 (c)**

97. The Ministry of Health conducts public education in all media platforms to promote awareness of contraceptive options and sexual reproductive health services inclusive of Comprehensive Sexuality Education (CSE) in school curricula. Furthermore, **51** Youth-Friendly Services (YFS) clinics are in place across the country. Health practitioners have also been capacitated to provide culturally sensitive and adolescent-specific care services. Commodities are also accessible at no cost in public facilities. Mobile health services are deployed as well to rural areas/hard-to-reach areas, to ensure that services are accessible to underserved communities

### **Reply to paragraph 17 (d)**

98. Botswana Healthy and Active Aging Program strategy was developed in 2021. The strategy envisages to have Botswana in which older adults can live a dignified, healthy and productive life. Health care services are available to everyone within the country, with a priority given to elderly individuals and other vulnerable groups who do not que for health services.

## **Economic empowerment**

### **Reply to paragraph 18 (a)**

99. The Government has made strides in mainstreaming gender across agricultural policies, leading to notable achievements like increased female land ownership and benefits from poverty reduction initiatives, though gender inequalities persist, especially in rural areas.

### **Reply to paragraph 18 (b) and (c)**

100. The Ministry of Local Government is a government that is decentralized and has 31 district councils across the country and provides services including economic empowerment programmes for rural communities especially women. The Ministry continues to implement the Local Economic Development (LED) strategy that supports project start ups, and sustainable local economies. There are **32** cooperatives around the country in remote area settlements which are run by young women.

### **Reply to paragraph 18 (d)**

101. The revised Land Policy gives every citizen an equal opportunity to own residential or agricultural land in areas of their choice on state or tribal land. As per the 2022 Census 44.9% of women own agricultural land while 44.5% have access to it.

102. The proportion of male business landowners from the total population owning business land stands at 52.7%. As for the female their proportion is at 47.3%. Ownership of business land by gender 45.8% own land individually while 50.2% jointly

own business land. For those households where there is no certification, females are in the majority at 54.3%.

### **Reply to paragraph 18 (e)**

103. There are several laws in place dealing with or relating to money laundering and terrorism financing in Botswana. In the first place, there are certain core statutes and regulations with a direct impact on money laundering and terrorist financing. These laws and regulations govern the banks, non-bank financial institutions (NBFIs), financial parastatals as well as designated non-financial businesses or professions (DNFBPs).

104. Proceeds of Serious Crime Act (POSCA) together with the Penal Code has been the base legislation for money laundering, financing of terrorism and other financial crimes. POSCA was enacted to address money laundering challenges and associated matters as well as to prevent the offenders of serious crimes from benefiting from the rewards of such crimes.

105. The Corruption and Economic Crime Act was enacted primarily for the formation of the Directorate on Corruption and Economic Crime (DCEC or the Directorate). The Act lays down the powers of the Directorate and the offences punishable under the Act, while it also provides for the prosecution of these offences. The central objective of this Act is to fight and prevent corruption by clothing the Directorate with investigative powers not only to investigate but also to refer suspected cases of economic crime to the Director of Public Prosecutions (DPP).

106. The Banking Act is the primary statute concerning the powers to control and regulate banks. The Act makes no attempt at defining money laundering or terrorist financing. However, closely connected to combating money laundering and terrorist funding, banks are required to keep clear and concise financial records to enable the central bank, the Bank of Botswana, to determine the banks' compliance with the provisions of the Act. Banks are to keep these records for a period of at least five years from the date of last entry

107. Banking (Anti Money Laundering) (Amendment) Regulations, 2013. These regulations stem from the power, in terms of the Banking Act, of the Minister of Finance to make regulations that will ensure the effective application of the Act. The regulations also provide that, should banks contravene any provision of the regulations, they could be liable for a fine not exceeding P10 000.00.

108. Other statutes and regulations relevant to the fight against money laundering and terrorist funding include the Penal Code, the Criminal Procedure and Evidence Act,<sup>7</sup> the National Security and Intelligence Act, the Customs and Excise Act and the Bank of Botswana Act.

### **Reply to paragraph 18 (f)**

109. The Ministry of Sport and Arts endorse Strategy and designated Botswana National Sport Council (BNSC) as oversight of the strategy and Women in Sport Association of Botswana (WASBO) as the implementor of the strategy. For the purposes of reporting on the strategy, WASBO submits reports and are held accountable to BNSC. Gender Focal Persons (GF) at National Sporting Associations (NSAs) report to WASBO as part of the Gender Management System of the Strategy.

## **Reply to paragraph 18 (g)**

110. Government has committed 5% of the 2025/2026 budget towards capacity building and empowerment of women to assume leadership positions as technical officials and administrators in sport. Ten women will be graduating in March, 2025 in Women in Sport Leadership Programme, a course which took eight months. The next cohort will be enrolled in June, 2025.

## **Rural women and girls**

### **Reply to paragraph 19 (a)**

#### **Community-Based Adaptation Projects**

111. Programs such as the Community-Based Natural Resource Management (CBNRM) have been implemented to enhance resilience among rural women, especially in the Basarwa and Nama communities. These projects focus on sustainable land use and resource management, providing women with training in climate-resilient agricultural practices. For instance, women are being trained to cultivate drought-resistant crops, such as sorghum and millet, which require less water and are more resilient to climate fluctuations.

#### **Access to Water and Sanitation Initiatives**

112. In response to drought conditions, initiatives have been put in place to improve water access, particularly in remote areas where the Basarwa and Nama communities reside. The Botswana Water Utilities Corporation has worked to install boreholes and rainwater harvesting systems, enabling women to manage water resources effectively. These systems not only provide access to water but also promote women's roles in community health and agriculture.

#### **Education and Awareness Campaigns**

113. Various NGOs, including Women's Health Network Botswana, have launched campaigns aimed at educating rural women and girls about climate change impacts and adaptation strategies. These campaigns focus on enhancing knowledge about sustainable practices and the importance of involving women in climate action discussions at both community and policy levels.

114. Also the climate change policy of 2021 encourage the integration of gender and climate change into academic curriculum in schools.

#### **Policy Frameworks**

115. Most policies have integrated gender issues:

(a) Climate Change policy, 2021: calls for gender integration in all actions relating to mitigation and adaptation as it recognizes that women are mostly affected by effects of climate change. It also promotes empowering communities especially women with disability to actively participate in the implementation of climate change response measures at rural areas;

(b) National Action Program to combat Desertification, Land Degradation and Drought, 2022: The policy recommends actions to protect women and other vulnerable groups from effects of land degradation and desertification. It proposes actions for sustainable livelihoods through use of non-timber forest products.

**Reply to paragraph 19 (b)**

116. Youth in rural areas are encouraged to access all social services which include education, culture, economic empowerment programmes. The Miss and Mr Remote Area Development Programme (RADP) initiative gives young women and men to participate in a beauty pageant and winners are funded to be venture into entrepreneurship.

117. The government and NGOs have facilitated networking programs that connect rural women and girls from different communities. For example, initiatives like the Botswana Women's Council have organized workshops and forums where women share their experiences in agricultural practices, health, and community resilience strategies. This exchange promotes learning from successful practices, especially in areas such as traditional medicine and sustainable farming techniques.

**Mentorship Initiatives**

118. Mentorship programs have been established that link women from the Basarwa and Nama communities with women from other rural areas. These initiatives, supported by organizations like Oxfam, focus on transferring knowledge and skills related to disaster preparedness and climate adaptation. For instance, women who have successfully implemented water conservation techniques share their methods with peers in other communities.

**Collaborative projects**

119. Collaborative projects, such as Rural Women's Development Project, aim to foster partnerships across different communities. For example, women from different ethnic backgrounds work together on agricultural cooperatives, thus sharing resources, skills, and knowledge, which strengthens community bonds and enhances resilience to climate change.

**Reply to paragraph 19 (c)****Participatory Policy Frameworks**

120. The National Policy on Gender mandates the inclusion of rural women in policy-making processes. Community consultations are conducted to gather input from women in rural areas, ensuring their perspectives are integrated into relevant legislation. For example, consultations for the National Climate Change Policy included forums specifically targeting women from the Basarwa and Nama communities.

**Capacity Building for Leadership**

121. Programs aimed at building leadership skills among rural women, such as the Women's Leadership Program by the Botswana Gender Commission, empower women to take active roles in community governance and policy advocacy. Successful participants are encouraged to represent their communities in local councils and development boards.

**Establishment of Gender Focal Points**

122. the Ministry of Environment and Tourism, has appointed gender focal points to ensure that gender issues are prioritized. For example, the focal point is tasked with

integrating gender considerations into the National Development Plan and specific climate change initiatives.

### **Community Engagement**

123. Local Disaster Risk Management Committees: In communities across Botswana, women play key roles in local DRR committees. For example, in Lobatse, women have been instrumental in developing community action plans that prioritize issues like access to clean water and food security. Their input is vital in ensuring that these plans are gender-sensitive and address the specific needs of women and girls.

### **Monitoring and Evaluation Frameworks**

124. The establishment of community-based monitoring and evaluation frameworks allows rural women to assess the implementation of policies affecting their lives. This includes engaging women in reviewing the effectiveness of programs such as the Remote Area Development Programme (RADP), ensuring their voices are heard in evaluations and adjustments.

### **Reply to paragraph 19 (d)**

125. The Remote Area Development Programme (RADP) aims to improve the living conditions of the remote communities, particularly the Basarwa and Nama, by addressing issues such as poverty, lack of access to services, and marginalization. This is done through the promotion of social justice. Over and above this programme there is the Affirmative Action Framework for Remote Area Communities which aimed at accelerating development in recognized remote area settlements. The program includes components focused on education, health, and economic development, all in the effort to promote resilient families.

### **Affirmative Action Framework**

126. The Affirmative Action Framework within the RADP emphasizes the importance of including women's rights and gender equality in all interventions. Specific measures include:

- Targeted Support for Women's Initiatives: Initiatives under RADP specifically support women-led projects, such as those focused on sustainable agriculture and artisanal crafts, providing access to training and funding;
- Gender-Responsive Policies: The framework mandates that all RADP projects undergo gender impact assessments to ensure that interventions do not disproportionately affect women and girls. For example, projects providing solar energy access are evaluated for their potential to empower women in rural households.

### **Women's Rights and Gender Equality Framework**

127. The RADP incorporates a gender equality framework that ensures women's participation in leadership roles within the program. Women from the Basarwa and Nama communities are encouraged to take part in decision-making bodies associated with RADP projects. This has been evident in community-led initiatives where women have assumed leadership roles in managing local resources and development projects.

**Outcomes and Future Directions**

128. Monitoring reports indicate that women's involvement in RADP-related initiatives has led to improved household incomes and empowerment. For instance, women involved in cooperative farming enterprises have reported increased yields and income, allowing them to invest in their children's education and health. Going forward, it is essential to strengthen training programs and funding mechanisms that specifically target women to ensure sustained empowerment and resilience.

**Climate change****Reply to paragraph 20 (a)**

129. Covered under 19 above.

**Reply to paragraph 20 (b)****Inclusion of Women's Rights and Gender Equality**

130. The strategy includes specific objectives aimed at promoting gender equality. For instance, under the adaptation section, it highlights the need for targeted interventions that support women farmers in accessing climate-resilient seeds and sustainable agricultural practices. This is crucial, as women comprise about 70% of the agricultural workforce in Botswana.

**Implementation Status**

131. Community-Based Adaptation Projects: An example of implementation is the Community-Based Natural Resource Management (CBNRM) program, which actively involves women in managing local resources. Women have been trained to lead sustainable tourism initiatives that directly contribute to climate adaptation, such as eco-friendly lodges that conserve biodiversity while providing income.

132. According to the latest reports, the strategy has led to the establishment of climate-smart agricultural practices, where women farmers have adopted techniques that enhance food security while minimizing environmental impacts.

**Partnerships and Funding**

133. Botswana has partnered with international organizations, such as the Global Environment Facility (GEF), to secure funding for gender-responsive climate projects. One notable project is focused on enhancing resilience against drought in rural areas, specifically targeting women through training programs that teach water conservation and management techniques.

**Challenges and Areas for Improvement**

134. Despite progress, challenges remain. For instance, access to financing for women-led initiatives is often limited. The Botswana Gender and Climate Change Network, formed to address these issues, advocates for more inclusive funding mechanisms that prioritize projects led by women. Additionally, there is a need for greater awareness and education around gender issues in climate policies. Ongoing advocacy from women's organizations, such as Women's Empowerment for Leadership Development (WELD), aims to address these gaps through outreach and education efforts.

## Disadvantaged groups of women

### Reply to paragraph 21 (a) and (b)

135. Comprehensive anti-discrimination laws do not exist to protect lesbian, bisexual and transgender women and intersex persons. Following advocacy by SOGIE rights groups such as LEGABIBO, there was a recommendation in Constitutional Amendment Bill 2023 that only sought constitutional protection for intersex persons; this bill did not pass in parliament. It is speculated that this was owed to protests by anti-gender movement groups such as Evangelical Fellowship of Botswana.

136. At the 43<sup>rd</sup> Universal Periodic Review of the UN Human Rights Council, Botswana was urged to strengthen protections for indigenous peoples, safeguard their land rights, prevent forced relocation and ensure access to quality education and public services. One of the measures to address the human rights issues of indigenous persons in Botswana is the establishment of an Inter-Ministerial Committee to develop a framework for sustainable solutions to the human rights issues faced by Basarwa indigenous persons, including those in the Central Kalahari Game Reserve (CKGR).

137. The sustainable solutions will address the needs of indigenous women and girls which include discrimination access to justice and to basic services and land rights. The Inter-Ministerial Committee consists of the Permanent Secretary to the Ministry of Justice and Correctional Services, the Permanent Secretary to the Ministry of Local Government and Traditional Affairs, the Permanent Secretary to the Ministry of Lands and Agriculture, Permanent Secretary to the Ministry of Environment and Tourism, the Permanent Secretary to the Ministry of Water and Human Settlement, the Permanent Secretary to the Ministry of Transport and Infrastructure, Permanent Secretary to the Ministry of Child Welfare and basic Education, the General Counsel, the Attorney General or her representatives and two representatives of Basarwa community.

138. Regarding the protection of the rights of lesbians, gays, bi-sexuals, trans-gender, intersex, queer, aromantic, agenda and associates (LGBTIQ+), the Constitution of Botswana guarantees the right to equality and non-discrimination for all people in Botswana. Following the 2021 landmark decision of Attorney General of Botswana versus Letsweletse Motshidiemang (civil appeal no. CACGB 157-19) in which the Court of Appeal upheld a High Court judgement decriminalised same sex relations, the Constitution (Amendment) Bill of 2024, introduced constitutional amendment clauses, to provide protection against discrimination for intersex persons and people with disabilities. While civic groups have raised considerable concerns with the broader constitutional review progress, the proposed protection for intersex persons suggests a positive momentum towards better LGBTIQ+ protections in Botswana.

139. In addition, since the Court of Appeal in the landmark case of Attorney General versus Letsweletse Motshidiemang and another declared Section 164 (a) and (c) of the Penal Code unconstitutional, the Penal Code (Amendment) Bill NO 29 of 2022 was tabled in Parliament, with the objective to delete section 164 (a) and (c) of the Penal Code. The bill was deferred to allow for intensive interrogation of the constitutional review of the issues raised with his ministry regarding the bill. Government seeks to satisfy itself that the views and concerns of all stakeholders pertaining to the interpretation of the Constitution were considered and the provisions of the Revision of Laws Act had been thoroughly interrogated and made clear. Central to the issues is the separation of powers. The constitutional issues that have been raised within Government are with regard to Section 86 of the Constitution as read with Section 87 and the Interpretation Act. On the other hand, the Lesbians, Gay and

Bisexuals of Botswana (LEGABIBO) has requested that Government should withdraw the bill on the basis that where the provisions of an Act had been struck down by a court of law, Parliament was not constitutional empowered to debate whether or not to delete the provisions.

140. There is opportunity to resolve the constitutional issues raised in this matter as there is political will. The Government of Botswana has declared through its President, Advocate Gideon Duma Boko, that it is has adopted the Human Rights Based Approach to Development, which places human rights at the centre of development. This is one of the strengths of our human rights system in Botswana.

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