



**Questionnaire to Governments**

**On Implementation of the Beijing Declaration and Platform for Action  
(1995)  
And the Outcome of the Twenty-Third Special Session of the  
General Assembly (2000)**

**For preparation of regional review and appraisals  
in the context of the 15<sup>th</sup> anniversary of the adoption of the Beijing  
Declaration and Platform for Action in 2010**

**Submission by the Botswana Government**

**Women' Affairs Department  
Ministry of Labour and Home Affairs.**

**Part One. Overview of the achievements and challenges in promoting  
gender equality and women's empowerment. (3 pages)**

Botswana is committed to the principle of gender equality. There is a strong political commitment to empower women as well as to eliminate all forms of discrimination against them.

### **Policy framework**

The policy framework has been established to facilitate the process of gender empowerment. This includes the Policy on Women in Development (1996), the National Gender Programme Framework (1998), Vision 2016, and regional and international instruments. The key regional instrument that Botswana is party to is the SADC Declaration on Gender and Development (1998) and its Addendum on Violence Against Women (1999). The international instruments include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified in 1996; the Convention on the Rights of the Child (CRC) (1996) the Optional Protocol to the CEDAW (2006).

### **Gender Management Systems**

The country has been able to create Gender Management Systems which have contributed to the current successes in gender and development initiatives, particularly the development of the policy framework. These structures include the Women's Affairs Department (1996), the Botswana National Council on Women (1999), Inter Party Caucus of Women Politicians and the Gender Focal Persons in government ministries.

### **Study of All Laws Affecting the Status of Women**

In 1997, the Government commissioned a study on Laws Affecting the Status of Women in Botswana. This study aimed at providing the basis for law and policy reviews to ensure Botswana's compliance with CEDAW and the standards set therein. Several workshops were held after the submission of the report in September 1998 to disseminate the results to the broader stakeholders. It was in line with the reports recommendations of the report that some laws were reviewed and amended, for example the following:

- The Domestic Violence Act 2008
- The Abolition of the Marital Power Act, 2004
- Marriage Act, 2001
- Deeds Registry(Amendment) Act, 1996
- Criminal Procedure And Evidence (Amendment) Act, 1997
- Employment (Amendment) Act, 1996
- Affiliations Proceedings (Amendment) Act, 1999
- Public Service (Amendment) Act, 2000
- Penal Code (Amendment)Act,1998
- Citizenship (Amendment)Act,1995

The amendments of these laws have significantly contributed to women empowerment socially, economically and politically. They have also contributed to the balancing of power relations and equity in decision making under the jurisdiction of the Common Law. However, intensified public education remains a priority. The CEDAW report was submitted in 2008 to the CEDAW Committee.

### **Women's Empowerment**

Government has managed to provide seed funding amounting to P6million to a significant number of women groups and NGO's to develop sustainable income generating projects in remote areas of the country. This is in addition to other programmes in other ministries aimed to empower citizens.

### **Study on the Socio-Economic Implications of Violence Against Women**

In 1999, Government commissioned the study on the Socio-Economic Implications of Violence Against Women in Botswana. The study documented the effects of violence on women ranging from poor physical and emotional health, poor self esteem, low self-confidence, chronic fear, low productivity at work, abuse of alcohol and drugs, maternal and infant deaths, disability, to being helpless and suicidal. The study findings have contributed to the education on gender based violence and the enactment of the Domestic Violence Act (2008).

### **Gender Mainstreaming Pilot Project**

The Women's Affairs Department piloted gender mainstreaming in the following four Ministries in 2002/03: Finance and Development Planning; Labour and Home Affairs; Local Government; and Trade and Industry. As part of the process gender policies and action plans for each of the ministries were developed. The Department is working in collaboration with the ministries in monitoring the implementation of the Action Plans. In 2005/2006, gender mainstreaming was further extended to the Ministries of Agriculture and Education. In 2007/2008, 2008/2009 the exercise enrolled the Ministry of Health and Lands and Housing. Plans are to enrol other ministries as time goes on.

Beyond the ministries gender mainstreaming advocacy efforts are beginning to bear fruits. Different government agencies have started mainstreaming gender as reflected in the Rural Development Policy, the Energy Policy, the Land Policy, and the Sports and Recreation Policy, and the policy on Vocational Education and Training.

### **Government / UNDP "Programme Support Document" (PSD)**

The PSD was developed in 1997 as a joint initiative between the Government of Botswana and UNDP. It focused on institutional capacity development of key line ministries and departments including Women's Affairs Department (WAD) in the Ministry of Labour and Home Affairs. A key component of WAD's institutional capacity development was related to policy development, gender mainstreaming, and technical support for civil society organisations and other sectors. The strengthened

capacity enabled the department to train Gender Focal Point persons, address issues of women in politics and gender based violence. The implementation of PSD ended in 2003 and has since been replaced by a new PSD that focuses more on gender sensitive programme planning and execution.

### **The Involvement and Participation of Civil Society Organisations**

In 2003 PSD mentioned above was reviewed and based on the outcomes it was extended to October 2006. The assistance provided benefited several NGOs, faith-based organisations, community-based organisations and women's groups that were identified as the National Gender Programme implementing partners. The key organisations include the Women NGO Coalition, Women Against Rape, Emang Basadi and the Women's Shelter Project. Their involvement and participation has contributed to significant achievements in the implementation of the National Gender Programme Framework (1997), the African Platform of Action (1994) as well as the Beijing Platform for Action (1995).

The Women's Affairs Department continues to build and strengthen institutional capacity of other sectors through skills training, technical assistance in programme development and financial assistance. The Department is in the process of facilitating standardisation of training programmes to ensure quality through the development of standard modules. Some of beneficiaries are:

- Gender Focal Points/Persons in the different sectors.
- Members of the Botswana National Council on Women.
- Senior Government officials including Permanent Secretaries.
- Political leaders including Members of Parliament, Local Government, Local Authorities
- Ntlo ya Dikgosi
- Civil society organisations
- Development partners
- Selected communities
- Members of different Workers Unions
- The private sector
- Parastatals

Other significant achievements include the first recruitment of women into the National Army in 2008. This was a milestone in the history of the nation and it showed a general acceptance of the ability of women in careers that were predominantly occupied by men. There is a slight increase in the proportion of women in decision making which stand at 44.5% (2009) from the 2002 results which showed that only 30% of the decision makers were women.

Despite the achievements made there are still many obstacles that hinder the advancement of the status of women. Botswana operates under the dual legal

system of the common law based on the Roman Dutch and Statutory law and the Customary law of the peoples of Botswana. The status of women, especially married women under these legal systems has always been that of a minor. It has been difficult to establish a comprehensive and multi-sectoral framework, which will involve active participation of all stakeholders to implement the Policy on Women in Development. The placement of the Women/Gender Machinery is not at a level to enable it to facilitate the coordination and gender mainstreaming of all policies, programmes and projects as emphasized in the Beijing Declaration and Platform for Action. Still the concept of gender and its translation is still not fully understood in many sectors. The participation of the civil society on gender issues is limited because of their lack of resources. Male involvement in efforts to promote women's empowerment is limited. The country still lacks a comprehensive affirmative action plan on promoting gender equality in all organizations, including women representation in parliament. Gender issues are still perceived as the responsibility of Women's Affairs Department. Discussions are advanced on the draft National Gender Policy, which is the next developmental step following the National Women in Development Policy of 1996.

## **Part Two:**

### **Progress in implementation of the Critical Areas of Concern of the Beijing Platform for Action and the further initiatives and actions identified in the 23<sup>rd</sup> Special Session of the General Assembly.(10 pages)**

This part discusses progress made in implementation of the national programming areas of the critical areas of concern as presented in line of priority which are: Women and Poverty including economic empowerment of women; Women in Power and Decision Making, Education and Training of Women; Women and Health; Violence Against Women including Women's Human Rights; and the Girl Child as a cross cutting area. It will further highlight the status of the recently recommended issues with likelihood for gender impact.

#### **Critical area : Women and Poverty including economic empowerment**

Since 1995, the Botswana Government, Non-Governmental Organizations (NGOs) and Community Based Organization (CBOs) developed and implemented economic programmes. This section identifies policies and programmes that were meant for addressing women's poverty and economic empowerment needs.

#### **The Women's Affairs Department Economic Empowerment programme**

The Government of Botswana identified poverty as one of the key issues that inhibit women from making a meaningful contribution to the socio- economic development of the country. In order to address this situation the Women's Affairs Department started an economic empowerment programme that aims to empower women for their advancement in all spheres of development. The programme's objectives are to;

alleviate poverty among women through economic empowerment; create employment for women through small enterprises; facilitate the participation of women's groups, NGOs, CBOs and women entrepreneurs in all activities that promote, expose and enhance their social and economic status as well as to promote collaboration and networking among women's groups, CBOs, NGOs and entrepreneurs with the view to strengthening market size.

The Women's Affairs Department embarked on two strategies, namely;

**i).** the disbursement of grants to Women Non Governmental Organisations, Community Based Organisations and Groups to enable them start income generating projects which are viewed as more practical solutions to empowering women and also having the potential for addressing the strategic gender needs in the long term. It enables them to have employment outside the home, have ownership rights and participate in decision making outside the home.

**ii).** the National Women's Expositions. These were initiated in response to the disparities that exist between women and men in the trade and economic sphere. The strategy is deemed effective in terms of driving women from the private to the public sphere, which paves a way for their work to be appreciated, acknowledged and documented. Expositions and participation of women entrepreneurs at International trade fairs such as WIB-SADC Fairs and Global Expo are viewed as marketing strategies for women's products.

The following National Policies on Economic Opportunities have been in place.

**Financial Assistance Program (FAP):** This was the first national economic policy that deliberately targeted the gender inequality in economic development through the establishment of additional production activities. For instance it stated "women should give 10% collateral to the funds they requested for projects while men gave 15%".

**Small, Medium and Micro Enterprise Program (SMME):** This was a loan program introduced when FAP was stopped in 1997. The stated purpose of SMME was to promote an enabling environment for survival of economic activities that also promote attainment of important social goals such as the reduction of poverty and the encouragement of broader and more equitable access to economic empowerment. The specific target groups of SMME included "Female entrepreneurs."

**Citizen Entrepreneurship Development Agency (CEDA):** Unlike FAP and SMME policies which had stated a commitment to women's empowerment by identifying women as a target group, CEDA has gone back to the economic strategy of being gender neutral. The requirement is that citizens should have business plans that are

“viable, sustainable, should have the potential to add value to the national economy and should have a market for their products.”

**National Master Plan for Agricultural Development (NAMPAAD):** This is the revised National Food Strategy established by Government to offer credit for agricultural purposes. Given that most farm producers are women this program empowers them.

**Integrated Field Services (IFS):** this program was established in 1987 through the merger of the Botswana Enterprise Development Unit, the Rural Industrial Office cadre program and the Business Advising Service. IFS provide business management marketing and technical service to small scale business and manufacturing related informal sector business. Most of their clients are women.

**Other Programs:** Some NGO’s and CBO’s have specific programs that provide funds, technical skills and education for economic empowerment projects for women (e.g. the Global Fund, Women’s Finance House, etc.) There are other Government ministries that work with women with a view to empowering them and these include Departments of Non Formal Education, the Ministry of Agriculture, and the Department of Social Services.

### **Livestock Infrastructure Management and Development (LIMID) Programme**

The program started in April 2007 and its objectives are to promote food security through improved productivity of cattle and small stock; Improve livestock management; Improve range resource utilization and conservation; Eliminate destitution by providing resources to the poor and to provide infrastructure for safe and hygienic processing of poultry products.

Through this programme poor resource farmers are assisted to purchase small stock, tswana chicken and to start guinea fowls production.

### **Integrated Support Programme for Arable Agriculture Development (ISPAAD)**

The major components of the Integrated Support Programme for Arable Agriculture Development includes Cluster fencing, Provision of potable water, Provision of seeds, Provision of fertilizers, Facilitation of access to Credit and establishment of Agricultural Service Centres. The primary objectives of the programme are to increase grain production and to promote food security at household and national level.

### **Non-Government organizations (NGO’s)**

**Women’s Finance House Botswana (WFHB)** was established with the vision of economically empowering disadvantaged women and developing their

entrepreneurial skills. Its activities include savings mobilization schemes; micro loans for working capital and provision of basic training in management and accounting skills.

**Young Women's Christian Association:** This was established in 1962. The mission of this Association is to develop women and the youth holistically by providing a forum for them to share skills and experiences through local fund raising to address their socio-economic and political challenges. Some of the activities are income generating and employment creating projects. YWCA also runs an adolescent mothers project that aims at readmitting girl children who dropped out of school due to pregnancy so that they could continue with their education. The project also provides some day care services to babies whose mothers' have been enrolled into the programme.

**Botswana Community-Based Organizations (CBO's).** Out of the 42 CBO's registered with BOCOBONET only five organizations were owned by women addressing poverty and economic empowerment project, while the rest were community projects.

**Women's Cooperatives/Groups:**

These are the Women's cooperatives that engage in income generating products such as marketing of Ilala baskets in Ngamiland; collecting processing and marketing of various Veld Products (for example, Morula fruit processing as evidenced by products such as marula jam and Face products from morula oil; grapple plant or sengaparile (Desert Claw) in Kweneng and Kgalagadi districts, thatching grass and craft marketing country wide, bee keeping, herbal tea production such as mosukojwane), pottery; and salt production. Some of the women's groups such as the "Kgetsi ya Tsie" have not only increased membership for example, from 9 people to 1000 but have also initiated a micro credit and saving scheme for the members. Other groups all over the country are engaged in the growing of vegetables, bakery pottery, etc.

**Community income generating activities:** In addition to the Women's economic empowerment activities, Most CBO's have engaged in community-based economic projects that have the potential to benefit women. For example; eco-tourism activities such as the Wildlife Management Quota system in Ngamiland and Chobe districts, the Nata Sanctuary, Community tourism e.g. photographic tourism, agro-forestry, commercial hunting through joint venture.

**Critical area: Women in Power and Decision Making Position**

The equal participation of women and men in decision making is necessary to provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning. Unfortunately, this is one area where the country has recorded achievements in

women in decision making positions and regression on women in political representation.

There is a slight increase in the proportion of women in decision making in the public sector which stands at 44.5% in 2009 from the 2002 results which showed only 30%. Some of the factors that could have facilitated this achievement include, among others, Botswana's ratification to the international, regional and national gender instruments.

In a concerted endeavor to achieve a goal of equal participation of women and men in decision making the Women's Department in collaboration with Civil Society Organizations has embarked on lobbying, public education, advocacy and social mobilization for the election of women politicians.

Other major achievements include the Inter Party Caucus of Women Politicians which was established in 1998 in order to encourage women to participate in issues of politics; the development of a gender disaggregated database for senior management positions in the public and private sector and appointment of women to positions that were traditionally the reserve of men, for, example, the Attorney General, Governor of the Bank, Director of Public Prosecution. Individual Organisations and political parties also made marked progress in this area as follows;

- Inclusion of 30% representation of women in constitutions of the Botswana National Front (BNF) and Botswana Congress Party (BCP)
- The Botswana Democratic Party (BDP) introduced Bulela Ditswe system which affords women an opportunity of standing at Primary Elections without hindrances.
- Botswana Congress Party manifesto under 'Women in Development' commit to 'the renaissance of women's role in social, economical, cultural and political arenas'.
- 2005 – Emang Basadi held two post election reviews and way forward conferences in Francistown and Gaborone
- Emang Basadi spearheaded the revision and updating of **Women's Manifesto**
- Women in Media Association founded 2005 and continue to conduct gender and media capacity building workshops for the Media Practitioners.
- The Botswana Caucus of Women Politicians formulates and runs leadership training project
- Emang Basadi Political Education Project intensifies
- Emang Basadi Annual Women Achievement Awards established

### **Critical area: Education and Training of Women**

In education and training the main concern has been that although there were more females enrolled at Primary and Junior Secondary School, female enrolment decreased at Senior Secondary School and Tertiary Institutions. The reasons for these disparities of access were that boys outperformed girls in national examinations that formed the basis for selection for advancement to upper levels of education and

that many girls dropped out of school due to pregnancy. There was also a concern that female enrolment in Vocational and Technical Institutions never exceeded 35%. Factors contributing to low enrolment in Vocational Training and Science relating subjects includes gender biased teaching materials, gender biased stereotyping during the socialization in the family, at school and in the communities.

The government set out as one of its main strategies to mainstream gender into all sections of the education to achieve the following; equity in educational access, retention; to enhance the quality of life of students and teachers; curriculum materials that are gender sensitive; equal participation of male and female students across subjects and choice of careers; equal participation of female and male teachers in the teaching of all subjects and teaching pedagogies that empower girls and boys.

The following policies and programmes were also put in place: Policy on re-admission of girls and boys affected by pregnancy; Sexual Harassment Policy at the University of Botswana; The University of Botswana Science Programme Targeting Girls; Diphilana Project for teen mothers; The YWCA Teen Mothers' Programme

Statutes on the school age group were also reviewed and are as follows:

- ◆ Male under 12 incapable of having sexual intercourse
- ◆ Incest punishable by maximum life imprisonment
- ◆ Female under 14 lacks capacity to get married
- ◆ Female under 16 cannot consent to sexual intercourse
- ◆ Abduction of females is a crime
- ◆ Females under 21 protected from being procured for purposes of prostitution
- ◆ Under 14 children cannot take up employment

Enrollment patterns show remarkable improvement in equity in access at secondary and tertiary institutions. Teacher training colleges enroll more females than males. In Tertiary institutions, females are predominantly enrolled in the Humanities where their careers are limited to teaching and other lowly paid service jobs. Measures to address teenage pregnancy have included sex education in the schools. In the CJSS, sex education comes under the umbrella of life skills education. Topics in life skills education appear mainly in Science, Moral Education, Religious Education, and Guidance and Counseling syllabi. Topics covered are on personal moral issues, children's rights, child abuse and sexual abuse, sexual behaviour, reproduction, family life education and family planning, teenage pregnancy, abortion, population growth and sexually transmitted disease.

### **Critical area: Women and Health**

The nation's Vision 2016 would like us to be a healthy nation as we reach 2016.

The 1994 International Conference on Population and Development in Cairo explicitly recognized certain sexual and reproductive rights as basic human rights (UN, 1995). Additionally, the 1995 United Nations Fourth World Conference on Women that was in Beijing, China reaffirmed earlier consensus and advocated for the need to eradicate all forms of discrimination and violence against women with particular focus on the Girl Child lead to wide spread violation of health and human rights. These recognized that the power disparity between females and males largely contributes to the violation of health and human rights that have severe consequences. These include early or child marriage, sexual violence and coercion.

The government put in place policies and programmes to address the health issues which include

- The National Health Policy (1995) which gives an individual the right to access health services. It also emphasizes that regardless of financial status all citizens are assured equitable distribution of health resources.
- The family planning general policy guidelines and services standards reviewed – gives individuals who are sexually active the right to be given information so as to make informed choices of the contraceptive method without anybody's consent, except permanent methods in cases of married couples.
- Provision of prevention of cancers of Reproductive Health. For now only services for Prevention of cancer of the cervix are available on a limited scale.
- Provision of youth friendly services which are now introduced Districts. This is aimed to improve access to health facilities by Girl and Boy Child.
- To increase choice on contraceptive method, male and female condoms are available in Health Facilities.
- Introduced post abortion counseling services within hospitals.
- Sexual Reproductive Health Services are available in Health facilities and Management of Obstetric Care is available in Health facilities 24 hours, whereby Health workers are on night duty or on call. It improves access to emergency Obstetric Care.

### **National AIDS Coordinating Agency (NACA)**

- Achieved provision of Anti-retroviral (ARV) in most of our Health Facilities,
- Prevention of Mother-to-Child Transmission (PMTCT) is available in all our facilities.
- Support is provided to specific HIV programmes by NACA.

Indicators achieved/utilization of Maternal Child Health/Family Planning (MCH/FP) services

<b>INDICATOR</b>	<b>1984 BFHS I</b>	<b>1988 BFHS II</b>	<b>1996 BFHS III</b>
Ante Natal Clinic (ANC) attendance	90%	92.4%	94.1%
Supervised deliveries	66%	77.5%	87.0%
Post natal care	54%	71.0%	85.2%
Total fertility rate	6.5%	5.0%	4.3%
Teenage pregnancy	23%	23.5%	16.6%
Women knowing a method	75%	95%	97.4%
Women ever using a method	-	56.0%	69.8%
Women currently using a method	-	29.7%	41.7%

### **Critical area: VIOLENCE AGAINST WOMEN INCLUDING WOMEN'S HUMAN RIGHTS**

According to the Beijing Platform for Action (1995) violence against women broadly refers to 'any act of gender based violence that result in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts as coercion or arbitrary deprivation of liberty, whether occurring in public or private life'.

Different forms of gender based violence are occurring in Botswana. These include murder-suicides which rose from 46 in 2003, 56 in 2004 and 68 in 2005 (Botswana Police Statistics, 2005).

Prior to the Beijing Conference and after this conference, a cocktail of measures have been taken in Botswana to respond to the escalating gender violence. Although these efforts were useful, violence against women and children is one area where the National Gender Machinery and its collaborating partners have not been successful due to a plethora factors. Although there is no policy on gender violence as yet, there are several pieces of quasi-policy and legal documents that serve as a blue print for dealing with some aspects of gender violence in the country. These include regional and international agreements which Botswana is party to. The elements of the policy/legal framework are as follows:

- i. The policy on Women in Development and the National Gender Programme Framework
- ii. Vision 2016
- iii. The amendment of the Public Service act which outlaws sexual harassment
- iv. The SADC Addendum to the Declaration on Gender and Development. The Addendum seeks to prevent and eliminate violence against women and children.
- v. The UN Convention on the Elimination of all Forms of discrimination Against Women(CEDAW)

- vi. The Commonwealth Integrated Approach to Combating Gender Based Violence
- vii. The police have resolved to arrest any person who threatens to 'kill' his/her partner or any other person.
- viii. Cases of rape are now heard in camera
- ix. Gender neutrality in the definition of rape
- x. In 1995 the Penal Code was amended to introduce stiff penalties against perpetrators.
- xi. The Domestic Violence Act (2008)

**The following are legal measures that the Government has put in place to eliminate all forms of discrimination against women and create a gender balance.**

**(a) The Citizenship Act 1995**

The Government amended the Citizenship Act in 1995 to allow Botswana women married to spouses of foreign origin to pass citizenship to their children. The Citizenship Act was further amended in 2003 to the following effect:-

- A citizen of Botswana who has acquired the citizenship of another country as a consequence of marriage shall; upon renouncing such citizenship and applying to resume citizenship of Botswana, be reinstated as a citizen of Botswana;
- Where the law of the country of a citizen's spouse requires that the foreign spouse of its citizen should be registered as a citizen of that country, or the law of that country automatically confers citizenship on the foreign spouse of its citizen, a citizen of Botswana shall not cease to be a citizen of Botswana if he/she does not, by a voluntary and formal act, acquire the citizenship of his/her spouse's country notwithstanding the requirement of registration; or if after contracting marriage, he/she continues to live in Botswana.

**(b) The Mines and Quarries Act 1996**

The Government amended the Act in 1996 by removing restrictions placed on women to work underground in mines, thereby creating equal opportunities for women and men to work in the mining industry.

**(c) The Criminal Proceedings and Evidence Act 1997**

The Government amended the Act to provide for the mandatory hearing in camera of sexual offences such as rape. This provided women with the privacy required and opportunities to limit discrimination and stigmatisation following the incidence of rape.

#### **(d) The Deeds Registry Act 1996**

The Act was amended in 1996 to:

- Allow women, whether married in community of property or not to execute deeds and other documents required or allowed them to be registered in the deeds registry without their husbands' consent.
- Allow for immovable property to be transferred or ceded to a woman married in community of property and to allow the woman to form her separate estate, whereby a condition of the bequest or donating it is excluded from the community and marital power.
- Ensure that where immovable property not excluded from the community is registered in the name of a spouse married in community of property, neither spouse may, irrespective of when that property was so registered; alone deal with such property unless he/she has the consent in writing, of the other spouse or has been authorized by an order of court to deal therewith.

#### **(e) The Penal Code 1998 and 2004**

The Penal Code Act was amended in 1998 to make the offence of rape gender sensitive and deny bail to persons accused of the offence. The amendment introduced a minimum sentence of 10 years imprisonment and a mandatory HIV testing for persons convicted of rape. In the case where rape was accompanied by violence, and or the rapist was unaware of their HIV+ status a minimum sentence of 15 years with corporal punishment was introduced. Where the convicted person was aware of their HIV status, the minimum sentence was set at 20 years imprisonment with corporal punishment.

The Penal code was further amended in 2004 to provide that notwithstanding any provision in any enactment which provides for the imposition of statutory minimum period of imprisonment upon a person convicted of an offence, a court may, where there are exceptional extenuating circumstances which would render the imposition of the statutory minimum period of imprisonment totally inappropriate, impose a lesser and appropriate penalty.

#### **(f) The Affiliations Proceedings Act 1998**

The Government amended the Affiliations Proceedings Act in 1998 to make it possible for a person other than the mother to institute legal proceedings under the Act for child support and maintenance. It also made it possible for legal action to be brought against the mother and extended the time limit after the birth of a child within which an action can be instituted.

#### **(g) The Public Services Act 2000**

The Public Service Act was amended in 2000 to recognize sexual harassment as misconduct in the workplace and introduced appropriate penalties. The difficult is

compounded by the fact that there is no universally accepted definition of sexual harassment and that contradictions exist between Common Law and customary practices of regarding what may constitute sexual harassment.

**(h) The Marriage Act 2001**

The Marriage Act was amended in 2001 to make it illegal for any person under the age of 18 to marry. The amendment further stipulated that no minor below the age of 21 years may marry without the consent of parents or legal guardian. The amendment provided for the registration of Customary, Muslim, Hindu and other religious marriages

**(i) The Abolition of Marital Power Act 2004**

The Act was enacted in 2004 and consequently abolished the Common Law principle of marital power which positioned the husband as the head of the family with powers over his wife including legal representation and administration of the wife's property. This was replaced it with equal powers of spouses married in community of property to dispose off assets held in a joint estate.

The Act made the spouses married out of community of property jointly liable for household necessities with provision for joint acquisition of other property. It has also abolished the Common Law principle of unity of matrimonial domicile and allowed married women to acquire domicile of their choice and replaced the domicile of dependency of minor children with a "place the child is most closely connected". The act has equally abolished the Common Law position of the husband as the sole guardian of minor children and replaced it with joint guardianship of both parents.

**(j) Miscellaneous Amendments Bill, 2005**

A statute Law (Miscellaneous Amendments) Bill has been drafted to align a number of Acts with the Abolition of Marital Power Act. The bill amends:

- the Pensions Acts;
- the married Persons Property Act;
- the Matrimonial Causes Act;
- the Administration of Estates Act;
- the Deeds Registry Act and
- the Companies Act.

**(k) Domestic Violence Act, 2008**

The Act provides for the protection of survivors of domestic violence and for matters connected therewith

**Part Three: Institutional development. (four pages)**

**Instruments for the Promotion of Gender Equality**

The National Gender Machinery is guided by national, regional and international instruments for the promotion of gender equality. These instruments include the following:-

### **The Policy on Women in Development.**

In 1996, the Government promulgated the National Policy on Women in Development. The policy provides a multi-sectoral framework to address women in development issues.

Its primary focus is on the:

- Elimination of all negative economic and socio-cultural practices and inappropriate laws that are a barrier to achieving equality and a non-discriminatory environment.
- Enhancement of women's health. This is anticipated to be achieved through improved reproductive health and adequate access to services.
- Promotion of gender sensitive education and skills development.
- Promotion of gender awareness and mainstreaming in development planning process to ensure women issues are adequately addressed.

The Department has reviewed this Policy and the draft National Gender Policy is in place.

### **The National Gender Programme Framework and Plan of Action (1998).**

This document provide the long term vision for gender and development in Botswana and is aligned to Vision 2016, and the Policy on Women in Development. It has taken on board the recommendations of the UN Fourth World Conference on Women (1995). The framework addresses six critical issues adopted by Botswana from among the twelve in the Beijing Platform for Action (1995), which are:

- Women and poverty, including economic empowerment
- Women in power sharing and decision-making
- Education and training of women
- Women and health
- The girl-child
- Violence against women, including women's human rights

The National Gender Programme Framework has further articulated specific strategies for the implementation of the six critical areas of concern. The strategies include a vigorous resource mobilization, development of appropriate policies and programmes, effective coordination of interventions, capacity development through training, research and evaluation, development of effective information and management systems and lobbying and advocacy.

### **Advocacy and Social Mobilisation Strategy (1999)**

In 1999 a comprehensive Advocacy and Social Mobilisation Strategy for the National Gender Programme was developed. The strategy advocates for consensus building,

resource mobilisation, and sustained political commitment to the National Gender Programme.

### **A popular version (1999)**

A popular version of the National Gender Programme was also produced with the intention to serve as an outreach advocacy tool to build public consensus on gender issues around the six critical issues.

### **International and regional instruments**

The international and regional instruments include the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW which was signed in 1996; the Gender and Development Declaration by Heads of State or Government of the Southern African Development Community (SADC) which was signed in 1997 and the Prevention and Eradication of Violence Against Women and Children; An addendum to the 1997 Declaration on Gender and Development by SADC Heads of State or Government and The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination.

### **National Machinery to Support Gender Mainstreaming**

Botswana has demonstrated a strong political commitment to create a meaningful national framework and machinery to promote gender equality and to eliminate all forms of discrimination against women.

In 1981, a Unit was established in the Ministry of Labour and Home Affairs to facilitate the promotion of equal opportunities for women and men and to coordinate the interventions on the elimination of all forms of discrimination against women in Botswana. In 1991, the unit was upgraded to a division and in 1996 to a department. The Government has provided both human and financial resources and has set up a nationwide infrastructure to ensure effective operations of the department. Currently the department has decentralised services to eight stations, Francistown and Ghanzi (2000 ), Maun and Tsabong ( 2004 ), Serowe and Kasane (2007), Kanye and SelebiPhikwe (2008). The financial allocation to the Department has steadily increased from P6 million in 2003/2004, to P7,809,900 in 2004/2005 and to 8,063,190.00 in 2005/2006. The Department is charged with the responsibility of facilitating the integration of women in national socio-economic development processes through the promotion of gender sensitive policies, programmes, projects, laws and women's empowerment. In practical terms the department is assisting other sectors in:

- Formulating and interpreting gender and development policies or components thereof and the establishment of performance standards.
- Providing technical assistance in the development of gender sensitive sectoral policies, procedures and planning strategies.
- Monitoring and evaluating all development projects undertaken by partner organisations.

- Promoting effective information dissemination on gender and development that is appropriately packaged to make it relevant, useful and user friendly.
- Coordinating and facilitating capacity building through training on gender and development.
- Coordinating and conducting research relating to gender and development to address gender disparities in national development.

### **The Botswana National Council on Women (BNCW)**

To strengthen institutional capacity for the implementation of gender related activities including CEDAW, the Government established the Botswana National Council on Women (BNCW) in 1999. The Council is the highest policy advisory body on all matters relating to gender and development. One of the key roles of the Council is to advise the Minister responsible for women and gender issues on policy matters relating to how other sectors are mainstreaming gender issues in their development activities.

The Council operates through six Technical Sub-Committees that provide advice and assistance in the implementation of the National Gender Programme Framework. The Sub-Committees address the following six critical areas of concern.

- Women and poverty, including economic empowerment
- Women in power sharing and decision-making
- Education and training of women
- Women and health
- The girl-child
- Violence against women, including women's human rights

### **Gender Focal Points (persons)**

As part of gender mainstreaming in other development sectors, Gender Focal Points/ persons (GFPs) have been appointed. Their responsibility is to ensure that policies, development and training programmes initiated by their respective ministries or sectors are gender sensitive. However, lack of adequate skills and experience particularly in gender mainstreaming remains a key barrier for the Focal Points Persons. In addition, gender responsibilities are seen as an add-on to the staff's normal duties and hence not usually given the high priority they deserve. The challenge is compounded by lack of sufficient awareness and institutional support.

### **Women's Non-government Organisation Coalition.**

The Non-government Organisation Coalition was charged with the responsibility of facilitating the integration gender analysis in the mandates, programmes and activities as well as playing a critical role in advocating for women's empowerment. The Coalition has since experienced some problems is not as effective.

### **University of Botswana Gender Policy Programming Committee (GPPC)**

This GPPC charged with the responsibility of facilitating the inclusion of gender analysis in the academic arena including areas such as research.

### **Study of All Laws Affecting the Status of Women**

In 1997, the Government commissioned a study on Laws Affecting the Status of Women in Botswana. This study aimed at providing the basis for law and policy reviews to ensure Botswana's compliance with CEDAW and the standards set therein. Several workshops were held after the submission of the report in September 1998 to disseminate the results to the broader stakeholders. The report has informed the review of several statutes as discussed in Part I, Article 2 above.

### **Study on the Socio-Economic Implications of Violence Against Women**

In 1999, Government commissioned the study on the Socio-Economic Implications of Violence Against Women in Botswana. The study documented the effects of violence on women ranging from poor physical and emotional health, poor self esteem, low self-confidence, chronic fear, low productivity at work, abuse of alcohol and drugs, maternal and infant deaths, disability, to being helpless and suicidal. The study findings have contributed to the ongoing discussions on the proposed "Domestic Violence Bill".

### **Gender Mainstreaming Pilot Project**

The Women's Affairs Department piloted gender mainstreaming in the following four Ministries in 2002/03: Finance and Development Planning; Labour and Home Affairs; Local Government; and Trade and Industry. As part of the process gender policies and action plans for each of the ministries were developed. The Department is working in collaboration with the ministries in monitoring the implementation of the Action Plans. In 2005/2006, gender mainstreaming was further extended to the Ministries of Agriculture and Education. Plans are at an advanced stage for rolling out the gender mainstreaming exercise to Ministries of Foreign Affairs, Health, Environment, Wildlife and Tourism, and Lands and Housing.

Beyond the ministries gender mainstreaming advocacy efforts are beginning to bear fruits. Different government agencies have started mainstreaming gender as reflected in the Rural Development Policy, the Energy Policy, the Land Policy, and the Sports and Recreation Policy, and the policy on Vocational Educational and Training.

Attempts were made to pilot the "Gender Responsive Budget Analysis" Project in the Ministry of Labour and Home Affairs and Local Government respectively in 2002 to 2003. However, the project came to an end when the lead agency (who?) experienced organisational development problems and eventually closed operations.

### **Government / UNDP “Programme Support Document” (PSD)**

The PSD was developed in 1997 as a joint initiative between the Government of Botswana and UNDP. It focused on institutional capacity development of key line ministries and departments including Women’s Affairs Department (WAD) in the Ministry of Labour and Home Affairs. A key component of WAD’s institutional capacity development was related to policy development, gender mainstreaming, and technical support for civil society organisations and other sectors. The strengthened capacity enabled the department to train Gender Focal Point persons, address issues of women in politics and gender based violence. The implementation of PSD ended in 2003 and has since been replaced by a new PSD that focuses more on gender sensitive programme planning and execution.

### **The Involvement and Participation of Civil Society Organisations**

In 2003 PSD mentioned above was reviewed and based on the outcomes it was extended to October 2006. The assistance provided benefited several NGOs, faith-based organisations, community-based organisations and women’s groups that were identified as the National Gender Programme implementing partners. Some of these key organisations include the Women NGO Coalition, Women Against Rape, Emang Basadi and the Women’s Shelter Project. Their involvement and participation has contributed to significant achievements in the implementation of the National Gender Programme Framework (1997), the African Platform of Action (1994) as well as the Beijing Platform for Action (1995).

Over the years information dissemination and sensitisation on gender issues has taken the form of annual campaigns, and commemorations of important events such as the International Women’s Day and the Sixteen Days of Activism Against Violence on Women and Children. The Government of Botswana has continued to support these and other initiatives that promote the objectives of CEDAW through provision of financial, human and technical resources for events in urban and rural areas.

### **Part Four: Remaining challenges and actions to address them. (three pages)**

Botswana still faces challenges on the field of gender and development that need to be addressed. These challenges hinges on issues of institutional mechanisms, gender mainstreaming, resources, authority and partnerships.

### **Gender management systems**

The gender management systems in place are weak due to human and financial capacity constraints. For example, the Gender Focal Points are expected to play a role in gender mainstreaming in departments, but their responsibilities are still regarded secondary or marginal to the core business of these departments.

Gender training is ineffective because is still carried out as a "once off" event without follow-ups partly due to capacity constraints. Training is also not well planned and coordinated to produce the desired effect. Core skills such as lobbying, advocacy and social mobilization have not been taught to gender activists.

Despite the commendable gender sensitization efforts made by the Women's Affairs Department and its collaborating partners, gender is still to be internalized by the national leadership, the society and even some people working in the National Gender Machinery.

One of the greatest challenge is the implementation of the national policy and in particular the mainstreaming of a gender perspective into development planning and decision making processes. The implementation of the Policy on Women in Development requires the establishment of a comprehensive and multi sectoral framework, which will involve active participation of all stakeholders. Gender issues are still perceived as the responsibility of Women's Affairs Department. Discussions are advanced on the draft National Gender Policy, which is the next developmental step following the National Women in Development Policy of 1996. The advancement of women and the achievement of gender equality call for the strengthening of institutional mechanisms at all levels. Therefore, the Women/Gender Machinery should be placed at the highest level to be able to facilitate the coordination of all policies, programmes and projects as emphasized in the Beijing Declaration and Platform for Action.

Placement of the Department in an implementing Ministry of Labour and Home Affairs poses a challenge for the coordination and mainstreaming of gender issues. The Department will implement its mandate better if its status is elevated to a Directorate or an Agency. The other alternative will be to place the Department under a coordinating Ministry like the Office of the President. The Department is not well resourced and as such cannot fulfill some of its obligation which include to fast track the rolling out of gender mainstreaming into the Economic empowerment process.

- The lack of a coordinating body for women Civil Society Organisations has impacted negatively on the activities of the Women's Affairs Department. The decline of gender/civil society activism means the gender network has lost the capacity to bring its influence to bear on critical actors which are supposed to confront situations that give rise to gender inequalities. This problem has been compounded by inadequate funding for the Botswana Women's NGOs which resulted in closure or collapsing of some organizations such as the Botswana Women's NGO Coalition.
- The concept of gender and its translation is still not fully understood in many sectors. Women and men in Botswana still remain in the trap of unequal rights and the major obstacles that hinder progress, especially for women at all levels. The cultural norms and values are perpetuated by society.
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The issue of under representation of women at executive level in government, private sector and professional institutions still remains a challenge as indicated by failure to achieve the SADC recommended 30% target of women in political and decision making structures by 2005. The campaign strategies of Political Parties disregard special circumstances of female candidates, namely; access to finances, domestic duties and responsibilities, roles in community activities, cultural dictates and taboos. The Women NGO's have advocated for enshrining in policies special dispensation practices such as Affirmative Action in recruitments, appointments, promotions and advancement and, affording women priority in technical and leadership training opportunities.

Lack of gender disaggregated information on the impact of programs on poverty alleviation and economic empowerment efforts in Botswana . There is paucity of disaggregated data in institutions, including where it is imperative, for example Poverty alleviation and Economic empowerment programmes such as the Citizen Entrepreneurship Development Agency.

Lack of male involvement in efforts to promote women's empowerment is one of the major obstacles faced by the country. Generally, the issue of gender equality and equity is perceived to be a woman's issue and not men's.

Another challenged that has remained largely unabated is gender-based violence. The proportion of rape and femicide cases appear to be on the increase despite the information, education and communication that the country has undertaken to rid them off. Lack of nationally representative data about the extent and various forms of violence presents another challenge.

The proportion of female-headed households which is characterized by limited access to and control over productive resources such as land, cattle and business opportunities is high.