

SADC GENDER PROTOCOL BAROMETER BASELINE STUDY

BOTSWANA



Woman Botswana
bushman woman_botswana

Photo: Gender Links

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LIST OF ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
BCP	Botswana Congress Party
BDP	Botswana Democratic Party
BNF	Botswana National Front
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CSO	Central Statistics Office
FPTP	First Past the Post
GFP	Gender Focal Point
GMS	Gender Management System
HIV	Human Immuno Deficiency Virus
IEC	Independent Electoral Commission
SADC	Southern African Development Community
SARDC	Southern African Research and Documentation Centre
UN	United Nations
UNDP	United Nations Development Fund
WAD	Women's Affairs Department
WIDSAA	Women in Development Southern Africa Awareness (SARDC)

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SADC Summit Alliance Meeting Speaker

Photo: Gender Links

Executive Summary

Synopsis

In August 2008, heads of state of the Southern African Development Community (SADC) signed the Protocol on Gender and Development that contains 28 targets for achieving gender equality by 2015. The Protocol, that brings together all existing regional and international commitments to gender equality but gives them specific targets and time frames, is a key monitoring tool for members of the Southern Africa Protocol Alliance that brings together some 40 NGOs from around the region.

For this inaugural Southern African Gender Protocol Alliance Baseline Study, Gender Links Botswana collected baseline data across the articles included in the SADC Protocol on Gender and Development adopted during the August 2008 Heads of States Summit held in Johannesburg, South Africa. The focus areas of the research are as follows:

- Article 4-11 Constitutional and Legal Rights
- Article 14 Education and Training
- Article 15–19 Productive Resources and Employment, Economic Empowerment
- Article 20-25 Gender-based Violence
- Article 26 Health
- Article 27 HIV and AIDS
- Article 32 -36 Implementation

Objectives:

- To collect baseline data on the key provisions of the SADC Protocol on Gender and Development.
- To use this accurate and updated baseline data to develop lobbying and advocacy tools targeting national governments and regional bodies to deliver on the Protocol commitments.
- To use this research data to enable civil society to track the progress made by SADC member states towards achieving the set targets in the SADC Protocol on Gender and Development.

The SADC Gender Protocol Barometer baseline study was undertaken in June and July 2009 and coordinated by the Gender Links office in Gaborone. The research method was quantitative and contained the collection of statistical data on the articles specified in the SADC Protocol on Gender and Development. Through the project, the Alliance hopes to identify and collect legal and policy documents, interview strategic role-players to generate the inaugural SADC Gender Barometer.

Findings

Botswana fared average in the gender score card compiled by different stakeholders working in the gender sector. In some areas, such as providing HIV/AIDS treatment to all citizens and the securing of equal enrolment in schools for boys and girls, the country is performing very well. The scorecard clearly shows

there are many areas of concern though. In supporting women to access and benefit from productive resources and employment and stimulate economic empowerment, the government is not undertaking sufficient measures to secure this. This is mainly caused by Botswana's negative attitude towards affirmative action measures for women. Also, concerning the prevention of gender violence and treatment for survivors, challenges prevail. Up-scaling of awareness building efforts are required and there is the need for more inter-sectoral collaboration between the legal, medical social and psychological service providers to survivors of gender violence.

The last comprehensive review of discriminatory laws in Botswana took place in 1998, commissioned by the Ministry of Labour and Home Affairs, Women's Affairs Department. As most discriminatory laws were amended, it became clear from the study that the major challenge lies with the customary law. For example, even though women formally have equal right to property now, in practice, this is not always the case due to customary laws traditions and other socio-economic barriers.

Women are underrepresented at the decision-making level and there are no legislated quotas in place to increase women's participation. Few political parties have voluntary quotas and they are not implementing them effectively. Botswana's electoral system, First Past the Post (FPTP), limits women's potential to access power. Little has been done to review the system to widen women's opportunity to participate in the elections as candidates and decision makers.

In Botswana school enrolment levels are high but cultural and social influences still affect the equal access for girls to education and therewith retention is the biggest challenge. Another contributing factor here is the HIV/AIDS pandemic, which forces increasingly more girls and women to care for sick family members, compromising their attendance at school. Progression of females to tertiary and higher levels of education is also a concern as the nature of the education system is reputed to be gender insensitive. This leads to lower levels of achievement in the higher levels of education by women.

In the national Policy on Women in Development (1995) and the National Strategy for Poverty Reduction (2003), there is recognition that tackling poverty requires a focus on increasing women's access to formal employment as well as other productive activities and opportunities. Over time women's unemployment has remained higher than men and women dominate the informal sector, which is unstable and limits their chances of economic empowerment. The National Policy on Gender and Development of 2008 makes note of the fact that despite the positive changes in legislation, women still have limited access to and control over productive resources.

Gender-based violence is a serious threat to the attainment of gender equality in Botswana. There were a reported 1596 cases of rape and attempted rape in 2007, and 101 cases of murders of women by intimate partners. Research shows that most violence against women in Botswana is domestic; the perpetrators are often

partners, family members or close acquaintances. Most cases of domestic violence revolve around the maintenance of men's economic and social control over women (Mookodi 2004). A study on the handling of GBV by the Botswana Police Service concludes that police officers need more specific training in handling of GBV cases to secure a safe environment for survivors of gender-based violence to report, as at the moment this is not always guaranteed.

In Botswana's mid-review of the National Development Plan 9, the fight against HIV/AIDS is addressed as the most critical issue. The Botswana government is scaling up inputs into the health system which has been weakened by emerging health problems, and the impact of HIV and AIDS. Botswana has made good progress in providing universal access to treatment and care for men and women living with HIV and AIDS as ARV treatment is provided free to citizens. The graph below highlights progress made with regards to women on PMTC – Botswana fares well compared to other SADC countries. The government also provides for an orphan support programme and a community home based care programme, but women and girls are burdened with home based care, which is limiting their ability to participate in productive activities. Currently there seems to be no drive to increase shared responsibility of care work with men. More is required to address prevention of HIV and AIDS, including ensuring equal rights within marriage, protection of women and girls from violence and abuse, and promoting women's rights in general. Although awareness of HIV and AIDS is high, there is a challenge to engage traditional structures so that some negative traditional and cultural beliefs that increase women's vulnerability to HIV and AIDS can be eliminated.

Botswana has not yet signed the protocol, having reservations concerning the mandatory language of the protocol and the commitment to its timeframes. Despite ongoing lobbying activities by the gender sector in Botswana, there is no direct sign of intent to sign the protocol. The president of Botswana, Sir Ian Khama, has declared on several occasions though that he will support women in decision-making positions and is committed to achieving gender equality.

Botswana's gender management system comprises the Botswana National Council on Women in Development, the Women's Affairs Department (WAD) in the Ministry of Labour and Home Affairs, Gender Focal Points in all ministries and District Gender Committees and Officers but gender mainstreaming within government has still to take root.

Botswana female politicians

Photo: Gender Links

BotsWomenpoliticians42_LM_120209



Table one: SADC Gender Protocol Score Card for Botswana

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
ARTICLES 4 - 11: CONSTITUTIONAL AND LEGAL RIGHTS		
✓ Endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices.	4	There is no specific mention of gender equality and equity in the constitution of Botswana and this is not on the agenda. The Bill of rights protects equal rights - sec. 3 and 15 in the constitution protects the rights of women and men.
✓ Review, amend and or repeal all discriminatory laws.	6	Not all, the major challenge is customary law reform as it contradicts equality measures of the constitution.
✓ Abolish the minority status of women.	5	Yes according to modern law, but in Customary Law women are still minors; as common law excludes marriages under customary law. Registration of customary marriages is encouraged.
ARTICLES 12-13 : GOVERNANCE (REPRESENTATION AND PARTICIPATION)		
✓ Endeavour to ensure that 50 percent of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.	4	At policy level, the current government has no legal instrument in place to support women in decision-making positions and no affirmative action policy in place. There seem to be no endeavours undertaken to ensure that the target is reached. Botswana does not recognise affirmative action, including the ruling political party. In 2008, when the new president came to power, women were removed from cabinet and replaced by men.
ARTICLE 14: EDUCATION AND TRAINING		
✓ Enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education in accordance with the Protocol on Education and	6	The revised national policy on education provides that equal access is in place, but it is not a law, and equity is not as expected. In practice, retention is not always

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
Training and the Millennium Development Goals.		secured due to the effect of socio-economic circumstances. There are support mechanisms in place for girls that dropout of school.
✓ Adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence, amongst others.	6	<p>There is a gender & HIV/AIDS policy in the Ministry of Education, incorporating GVB and stereotypes, but implementation should be accelerated.</p> <p>An aspect that requires urgent attention is the relations between teachers and students. A programme should be in place to protect vulnerable children, such as the girl child and orphans.</p>
ARTICLES 15-19: PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT		
✓ Ensure equal participation by women and men in policy formulation and implementation of economic policies.	3	There are no measures or mechanisms to ensure equal participation.
✓ Conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.	2	There have been no records of any time use studies taking place yet, but CSO and WAD are planning to start undertaking activities in this area.
✓ Adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account the contribution of women in the formal and informal sectors.	2	The policy grants equal access, but does not take into consideration the gender dimension and has no affirmative action measures in place.
✓ Review national trade and entrepreneurship policies, to make them gender responsive.	2	No review has taken place and the trade policy is not gender responsive. As most women are working in the informal sector and macro-economic policy is not gender sensitive, is limiting women's access to resources and opportunities in the economy.
✓ With regard to the affirmative action provisions of Article 5, introduce measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.	1	There are no affirmative action measures in place.

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
✓ Review all policies and laws that determine access to, control of, and benefit from, productive resources by women.	6	Women lack the key to large productive resources, such as land and equipment, and energy and technology. Although they are allowed to access and are not excluded from land ownership, they are hardly represented in the large resource sectors as land and industry. Even though women have equal access to land now, in practice this is still not guaranteed due to persistent cultural customs.
✓ Review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy.	6	The employment act does not discriminate but has no special dispensation for women and there are no policies to ensure. Recently, the government introduced employment laws to protect domestic workers, but there are no mechanisms to enforce this.
ARTICLES 20-25: GENDER BASED VIOLENCE		
✓ Enact and enforce legislation prohibiting all forms of gender-based violence.	5	Laws to prevent GBV are enacted, such as the Domestic Violence Act. There are difficulties in enforcement as there are inadequate physical and financial resources to ensure the enforcement of such. No implementation programmes and enforcement of these are in place. The new National Development Plan 10 does have a chapter on the Women's Affairs Department, including measures to prevent GBV. Responsibility for implementation of the Domestic Violence Act is not clear. In addition, law enforcement officers do not reflect gender-sensitivity and awareness of the pertinent issues.
✓ Ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of	4	A comprehensive, integrated approach to GBV is not yet enforced. The Botswana Police Service attempts to

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
sexual assault.		<p>provide support services, but protection, medical care and psychosocial treatment are still inadequate.</p> <p>Comprehensive services for GBV need to be strengthened. There is still need to develop and test protocols for comprehensive care in existing health care and police settings.</p> <p>Only a few NGO's provide shelter, legal and counselling services. HIV testing only occurs when there is sexual violence, but there is no central office in place to take responsibility and ensure this treatment of the survivors. WAD is working on plans for a referral system to alter the disconnection in services available for survivors.</p>
✓ Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence.	5	Review of the Penal Code took place in 1998 and focussed on issues in relation to rape as well as strengthening enforcement mechanisms and sentencing provisions. The Children's Act has been reviewed and included stiffer sentences for sexual abuse of children.
✓ Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society.	2	There is no specific law against human trafficking and sex work is neither legalized nor de-criminalised, but NGO's provide services and support to sex workers.
✓ Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.	4	It is recognised in the Public Service Act but very few ministries are making mention of this in their respective policies. In society there is no debate around this issue or support to implement such policies. Some institutions have incorporated sexual harassment policies, such as the University of

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
<p>✓ Adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by half by 2015.</p>	4	<p>Botswana and the Bank of Botswana.</p> <p>There have been attempts for a National Action Plan (NAP) on GBV that recognises an integrated approach; but it is not enforced, no mechanisms and networking structures are in place. Also efforts have been made by NGO's and police task forces. The NAP is adopted but implementation has to be accelerated.</p>
ARTICLE 26: HEALTH		
<p>✓ Adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care.</p>	5	<p>The health policy is silent on gender and is under review, but efforts are being made to mainstream gender and HIV in the policy. The sexual and reproductive health policy recognises gender. There is a need to broaden the scope of this health policy. There are plans to strengthen mainstreaming gender in the health programmes.</p>
<p>✓ Reduce the maternal mortality ratio by 75%.</p>	4	<p>Measures for reduction are slow.</p>
<p>✓ Develop and implement policies and programmes to address the mental, sexual and reproductive health needs of women and men.</p>	5	<p>Mental, sexual and reproductive health policy is in place, but implementation is slow. There is urgent need for provision of health care for women in institutional settings like prisons etc.</p>
<p>✓ Ensure the provision of hygiene and sanitary facilities and nutritional needs of women, including women in prison.</p>	6	<p>There are some services available for women in prisons through clinics. Not all groups are covered, such as foreigners.</p>
ARTICLE 27: HIV AND AIDS		
<p>✓ Develop gender sensitive strategies to prevent new infections.</p>	5	<p>To prevent new infections, Botswana has a National Strategy Framework on HIV/AIDS, but achieving behavioural change seems to be the greatest challenge. The government is undertaking different campaigns to promote behavioural change, but their</p>

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
		effectiveness has not yet been proven. Considering the rising new infections rate, the strategies should be reviewed to be more gender specific as well as gender sensitive.
✓ Ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls.	8	There is equal and free access to treatment for all. But in remote villages services are limited.
✓ Develop and implement policies and programmes to ensure the appropriate recognition, of the work carried out by care givers, the majority of whom are women; the allocation of resources and psychological support for care-givers as well as promote the involvement of men in the care and support of People Living with HIV/AIDS.	2	<p>This is not ensured, women are over burdened with the care work and men are not participating adequately in this. There is a framework for Community Home Based Care Centres, but these are run mainly by women and girls with insufficient facilities or resources. Care work is not recognised officially. The government provides an allowance of 150 pula for women who volunteer for this work; but this is not sufficient making it difficult to look for other work to cover costs.</p> <p>The national framework on HIV should be reviewed to make it more gender sensitive. The burden falls mainly on elderly women; few young people and men are involved.</p>
ARTICLE 28: PEACE BUILDING AND CONFLICT RESOLUTION		
✓ Put in place measures to ensure that women have equal representation and participation in key decision-making positions in conflict resolution and peace building processes, in accordance with UN Council Resolution 1325 on Women, Peace and Security.	2	<p>There are no measure is place to ensure participation. Botswana has not yet signed or ratified the Protocol to the African Charter on Human and Peoples' Rights or the Rights of Women in Africa, which provides for women's right to peace, and protection of women in armed conflict.</p> <p>Women's participation in peace building and conflict</p>

SPECIFIC TARGETS TO BE ACHIEVED BY 2015	SCORE /10	COMMENT
		resolution is not addressed in the 1995 Policy on Women in Development. These issues must be mainstreamed in Botswana's national gender programme with gender mainstreaming strategies at every level.
ARTICLES 29 - 31: MEDIA, INFORMATION AND COMMUNICATION		
<p>✓ Take measures to promote the equal representation of women in ownership of, and decision-making structures of the media, in accordance with Article 12.1 that provides for equal representation of women in decision-making positions by 2015.</p>	3	<p>The Gender and Media Baseline Study (GMBS) conducted in 2003 by Gender Links and the Media Institute of Southern Africa (MISA) showed that women constituted a mere 16% of news sources in the Botswana media.</p> <p>According to the study, the only topic category in which women's voices predominated was in the gender violence category. Women's voices were least heard in mining and agriculture; sports and political topic categories (only 10% of the total).</p> <p>Women's views and voices still seem to a large extent excluded from the news and especially from political coverage. Very few media houses have gender policies in place, and top management in media is still largely male dominated.</p>

TOTAL = 115 / 280 x 100 = 55 %

COUNTRY CONTEXT

Country Profile

Botswana is a landlocked country situated in southern Africa, surrounded by South Africa in the south, Namibia in the west, Zambia in the north and Zimbabwe in the northeast. The capital city is Gaborone and Botswana's surface covers an area of 582,000 sq km. The 2005/06 Labour Force Survey estimated the population of Botswana at 1, 702,829 people and is growing at the rate of 3.5% per annum. According to the survey, the population is made of 46.9% male and 53.1% female. The number of households are estimated at 515 294. The population is heavily skewed towards the urban areas namely, Gaborone, Francistown, Selibi-Phikwe and Lobatse. The population of Gaborone is approximately 250 000 people (BEDIA 2008).



The official language of Botswana is English and the native language is Setswana. Botswana has numerous ethnic groups; Bangwato, Bakgatla, Balete, Bangwaketse, Bakwena, Batawana, Barolong and Batlokwa are considered to be the main ethnic groups. Other ethnic groups include Basarwa, Bakgalagadi, Batswapong and Bakalaka (Gender Links 2009). Botswana have a three-tier settlement system made up of nucleated villages, cattle posts and lands (CSO, 2005). Most of their activities take place in the village, pastoral farming takes place in the cattle posts and the lands are used for arable farming.

Botswana is considered one of the most stable democracies in the SADC region, with a number of positive indicators of development in terms of people's ability to access basic rights, such as health and education services. The Botswana economy is heavily dependent on mining, and increasingly there is a focus on diversification of the economy, through tourism and other sectors. Diamonds are the main source of foreign exchange followed by beef, which is exported, to the European Union. The diamonds constitute 50% of government revenue, 33% of Gross Domestic Product and 70% of foreign exchange (www.botswanadirect.co.bw). After a slight decline of about 1.5% in the previous year, Botswana's real GDP per capita grew to P13 995.5 in 2006/07 from P13 287.7 in 2005/06. Botswana's macroeconomic policy is able to maintain a stable and manageable inflation an exchange rate in order to improve Botswana's competitiveness in international markets and contribute to the broader national objective of achieving diversified and sustainable economic growth (BEDIA 2008).

Human Development Report 2007/2008 ranks Botswana 124th in the world in terms of the Human Development Index, measuring average achievement in three basic dimensions of human development: a long and healthy life, knowledge and a decent standard of living. Botswana continues to rank above most SADC countries in terms of this measure; however, she ranks lower than South Africa, Seychelles and Mauritius (BEDIA 2008).

CONSTITUTIONAL AND LEGAL RIGHTS *Article 4-11*

Constitutional and affirmative action provisions

The Protocol provides that by 2015, all countries shall endeavour to enshrine gender equality and equity in their Constitutions and ensure that these are not compromised by any provisions, laws or practices. State parties are to implement legislative and other measures that eliminate all practices which negatively affect the fundamental rights of women and men. They are also to introduce affirmative action measures

The Botswana Constitution under section 3 guarantees equality before the law. Discrimination is prohibited in Section 15, and subsection 3 specifically outlaws discrimination on the basis of sex or gender. Section 15 of the Constitution was amended in 2005 by adding the term 'sex' to the list of descriptions that define the expression 'discriminatory'. However, even before the 2005 amendment of the Constitution, the Court of Appeal decision of Attorney General v Dow 1992 BLR (119), was that the omission of the word 'sex' from the definition of the expression 'discriminatory' was neither intentional nor made with the object of excluding sex based discrimination.

There is legislation that deals with matters of personal law and there is no discrimination on the basis of gender or sex. For example, the Adoption of Children's Act (Cap. 28:01) does not discriminate on the basis of gender on who is eligible to adopt, and the Matrimonial Causes Act (Cap. 29:06) provides that any of the parties to the marriage may bring an action of divorce.

There is no affirmative action in law. The opposition parties do promote affirmative action, but this principle is not being implemented. Affirmative action is not popular or generally accepted in Botswana. People believe it is inconsistent with the equality principle and that opportunities are available to all. For example, the ruling party BDP has always resisted quotas based on this argument.

Box 1: Practices that discriminate against women

A general practice/rule is that women do not automatically become heirs to the estate of their deceased parent. The effect of this practice is to discriminate against women in inheritance matters and this contributes to their impoverishment. There are some campaigns undertaken by civil society organizations aimed at eradicating civil society practices.

Table two: Analysis of Gender Equality Clauses in the Constitution

Provides for non discrimination generally	Provides for non discrimination based on sex specifically	Provides for non discrimination on the basis of sex and others e.g. marital status, pregnancy (list these)	Provides for the promotion of gender equality; please give examples	Has other provisions that relate to gender equality, e.g. bodily integrity	Has claw back clauses	Addresses the issue of contradictions between the Constitution, provisions, laws and practices.	Provides for affirmative action
YES	YES	YES	NO	NO	YES	NO	NO
<p>Section 15 (1) and (2)</p> <p>15. Protection from discrimination on the grounds of race, etc. (1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect. (2) Subject to the provisions of subsections (6), (7) and (8) of this section, no</p>	<p>Section 3</p> <p>3. Fundamental rights and freedoms of the individual. Whereas every person in Botswana is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his or her race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and</p>	<p>Section 15 (3)</p> <p>15. Protection from discrimination on the grounds of race, etc. (3) In this section, the expression "discriminatory" means affording different treatment to different persons, attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political</p>	n/a	n/a	<p>Section 15 (4), (5), (6), (7), (8) and (9).</p> <p>(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision- (a) for the appropriation of public revenues or other public funds; (b) with respect to persons who are not citizens of Botswana; (c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law; Copyright Government of Botswana (d) for the</p>	n/a	n/a

<p>person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.</p>	<p>freedoms of others and for the public interest to each and all of the following, namely- (a) life, liberty, security of the person and the protection of the law; (b) freedom of conscience, of expression and of assembly and association; and (c) protection for the privacy of his or her home and other property and from deprivation of property without compensation, the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such</p>	<p>opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.</p>			<p>application in the case of members of a particular race, community or tribe of customary law with respect to any matter whether to the exclusion of any law in respect to that matter which is applicable in the case of other persons or not; or (e) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society. (5) Nothing contained in any law shall be held to be inconsistent with or in contravention of</p>		
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	<p>limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.</p>				<p>subsection (1) of this section to the extent that it makes reasonable provision with respect to qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established directly by any law. (6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorized to be done by any such provision of law as is referred to in subsection (4) or (5) of this section. (7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such</p>		
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					<p>description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13 and 14 of this Constitution, being such a restriction as is authorized by section 9(2), 11(5), 12(2) 13(2), or 14(3), as the case may be.</p> <p>(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.</p> <p>(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section-</p> <p>(a) if that law was in</p>		
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					force immediately before the coming into operation of this Constitution and has continued in force at all times since the coming into operation of this Constitution; or (b) to the extent that the law repeals and re-enacts any provision which has been contained in any written law at all times since immediately before the coming into operation of this Constitution.		
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Source: Constitution of Botswana, 2009

Discriminatory Legislation

The SADC Protocol provides that by 2015 SADC countries shall have reviewed, amended or repealed all discriminatory laws and specifically abolish the minority status of women:

The last comprehensive review of discriminatory laws in Botswana took place in 1998, commissioned by the Ministry of Labour and Home Affairs, Women's Affairs Department. The report reviewed all statutes and subsidiary legislation affecting women and all relevant United Nations Conventions and other documents concerning women, especially the Convention on the Elimination of all Forms of Discrimination Against Women, with the view to assessing the extent to which the laws of Botswana comply with the United Nations standards.

Botswana acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 13th August 1996. The Convention provides the legal framework for eliminating discrimination and promoting equality on the basis of gender. Article 1 of the Convention defines "discrimination against women" as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The Article defines "discriminatory" along the same lines with the definition under section 15(3) of the Constitution (AG's Chambers 2009).

Women's Affairs Department commissioned a consultancy in July 1997. The terms of reference of the study were, *inter alia*, to review all statutes and subsidiary legislation affecting women and to review all relevant United Nations Conventions and other documents concerning women, especially CEDAW, with the view to assessing the extent to which the laws of Botswana comply with the United Nations standards (AG's Chambers 2009).

The Citizenship Act was amended in 1995 to allow Botswana women married to foreign spouses to pass citizenship to their children. The amendment was based on the celebrated case of *Unity Dow v Attorney General*. The Mines and Quarries Act was amended in 1996, by removing restrictions placed on women to work underground in mines. The amendment of the Criminal Procedure and Evidence Act was to provide for the mandatory hearing of sexual offences to be on camera. The Deeds Registry Act was amended in 1996 to allow women, whether married in community of property or not, to execute deeds and other documents required or permitted to be registered in the deeds registry without their husband's consent (WAD 2009).

The Penal Code was amended to make the offence of rape gender neutral and introduced minimum sentences of 10 years. Furthermore, where the act of rape is accompanied by violence resulting in injury to the victim, the minimum sentence is 15 years. It introduced mandatory HIV testing for persons convicted on rape and in the case of the convicted person being aware of his HIV status at the time of the offense, the minimum sentence is 20 years imprisonment with corporal punishment. The challenge here is that the definition of rape excludes marital rape and the High Court has held that denial of bail to a person accused of rape is unconstitutional (WAD 2009).

The Public Service Act was amended to recognise sexual harassment as misconduct, which can attract penalties under the Public Service Act. This amendment does, however, not cover the private sector. In 2001, the Marriage Act was amended to provide that no person below the age of 18 years may marry and that no minor below the age of 21 years may marry without the consent of his parents or guardian. It also provided for the registration of Customary, Muslim, Hindu and other religious marriages (WAD 2009).

The Abolition of the Marital Power Act took place in 2004; it abolished the common law principle of marital power and replaced it with equal powers of spouses married in community of property to dispose of the assets of the joint estate. It made a spouse married out of community of property jointly liable for household necessities and made provision for joint acquisition of property by spouses married out of community of property. Also, it abolished the common law principle of unity of matrimonial domicile and allowed married women to acquire domicile of choice. The common law principle of domicile of dependency of minor children was replaced with a place the child is most connected with and the common

law position of the husband as the sole guardian of minor children was abolished and replaced with joint guardianship of both parents (WAD 2009).

The Abolition of Marital Power is not applicable to customary and religious marriages though, which is a concern for women married under customary and religious marriages, as they are being denied the protection afforded to women married under the civil law. The abolition of the husband as the head of the family is a sensitive issue, as it has been interpreted as going against the Christian values of the society (WAD 2009).

Cohabitation

Both Common and Customary laws do not accommodate for cohabitation of women and men, as it is assumed that disputes between partners that are not married cannot be heard in Customary Courts. The current laws also do not protect the spouses or their children (WNGOC/SARCD 2005).

Table three: Remaining discriminatory legislation

Discriminatory legislation	Action being taken	Comments
Only under customary law		

Source: Year

Access to Justice

The Protocol provides for equality in accessing justice

Table four: Access to Justice

Access to justice provision	On a scale of 1-10 with 1 very low and 10 very high how would you score your country	Provide an explanation
Equality of treatment of women in judicial and quasi judicial proceedings	6	Formally there is no different treatment, but in practice this is not guaranteed. Poor women are marginalized in terms of treatment, services, lack of access to information and accessing legal representation.
Equal contractual rights	7	In practice, customary law may limit this and also when one is not married in community of property.
The right to acquire and hold rights to property	8	In principle women have the right to property, but in practice it is a challenge because of customary laws, traditions and other economic barriers.
Encouraging women to exercise their legal capacity	6	Although women are encouraged, they have limited access to information and services and this limits them from exercising their legal capacity.
Ensuring equality of women complainants in the criminal justice system	5	Formally there is no different treatment, but in practice the police judiciary offices make it difficult for women to access justice and maintenance.
Equal representation in the courts, including traditional courts	2	There are few women in the formal and traditional court systems.
Accessible and affordable legal services for women	3	There is no government legal aid available, only limited NGO and UB legal clinic services, which are in the urban areas.

Source: Gender Links 2009

Marriage and family laws; widows and widowers; the girl and boy child

The Protocol makes reference to the following specific legislative provisions: Marriage and family rights and the rights of widows; elderly women; the girl child; women with disabilities.

Marriage and family laws

The key marriage and family laws in Botswana are:

- Marriage Act
- Married Persons Property Act
- Matrimonial Causes Act
- Abolition of Marital Power Act.

Equality in marriage has been enhanced by the Abolition of Marital Power Act (Cap.29:07), which has eliminated the restrictions which the marital power principle placed on the legal capacity of a wife, her property and the common law position of the husband as head of the family. The Act also provides that a woman may have a domicile of choice and does not tie her domicile to that of her husband. The challenge is that this Act does not apply to marriages under customary and religious law.

Laws such as the Deeds Registry Act and Married Persons Property Act protect property rights of both men and women in marriage. The Constitution (Amendment) Bill 2009 has been published, which seeks to increase the number of specially elected MPs from 4 to 8. This could potentially open opportunities for the appointment of more women to Parliament, if it is passed in July 2009.

Botswana has neither signed nor ratified the Convention on the Rights of Persons with Disabilities (it came into force in April 2008). The 1995 Policy on Women in Development has a gap in that it does not address mainstreaming of gender and disability issues in policy and practice. Disability and poverty are indirectly addressed under the Destitute Programme, where a minimum assistance (food baskets) is provided for destitute persons, but gender is not a consideration in programme development and delivery.

Widow's and widowers' rights

Under Botswana's common law and statute law either spouse can inherit from the other if a will is in place. However, the Succession (Rights of the Surviving Spouse and Inheritance Family Provisions) Act (Cap. 31:03) amends the law of intestate and declares the surviving spouse of a person who died intestate, an intestate heir and guides on how that person may inherit. This Act does not apply to estate of any person who dies either wholly or partly intestate and where the rights of succession are determinable in accordance with customary law. Where a spouse dies without a will (intestate), and does not fall within the confines of the Succession Act (Rights of the Surviving Spouse and Inheritance Family Provisions), customary law rules apply.

Considering that there are different tribes in Botswana, customary law rules of inheritance are not uniform and may vary from one tribe to the other. Customary rules of inheritance in some instances are precarious and require harmonisation so that the surviving spouse has full rights and is not vulnerable to being disinherited.

The girl and boy child

The Children's Bill, 2009 was published on the 9th January 2009. The Bill seeks to give effect to Botswana's obligation under the United Nations Convention on the Rights of the Child and the African Charter on the rights and welfare of the child. The Bill reiterates the principle that the best interest of the child must be paramount. The Bill prohibits various acts such as abduction, sexual abuse, exploitation and trafficking of children.

Child welfare is also a key policy intervention area in Botswana. Access to education is being hampered by the introduction of cost sharing which limits access to education by children from poor families. There are child headed households as young as 12-14 years, and in this age category there are twice as many males as female heads of households. Child labour is being practiced in Botswana, with 6.9 percent of 7-13 year olds, and 12.5 percent of 14-17 year olds being employed in 2005/06.

Orphan care is under the Short Term Plan of Action (STPA), which has been in existence since 1999. It caters for immediate needs, as well as education and health services and psychological support. It

requires strengthening to cater for the long term needs of vulnerable children. Sexual abuse of girl children, particularly harassment in schools is an urgent concern and requires strong policy intervention.



Primary care-givers, Botswana
bots girls tea clip2

Photo: Gender Links

Table five: Marriage and Family Laws, the Girl and Boy Child

Provision	Yes/No	Explain
Marriage		
No person under the age of 18 shall marry	Yes	
Every marriage takes place with the full consent of both parties	Yes	
Every marriage including civil, religious, traditional or customary is registered	Yes	Except for customary marriages
Parties have reciprocal rights and duties towards their children including when spouses separate, divorce or have marriages annulled.	Yes	Except for customary marriages
Maintenance orders are enforced	Yes	Enforcement mechanisms weak
Married women and men have the right to decide whether to retain their nationality or acquire spouse's nationality.	Yes	
Widows and widowers		
Widows are not subjected to inhuman, humiliating or degrading treatment	No	
A widow automatically becomes guardian or custodian of her children, unless otherwise determined by a court of law.	Yes	
A widow shall have the right to live in the matrimonial house after her husband's death.	Yes	Unless married community
A widow shall have access to employment and other opportunities.	No	There is no right to employment for anyone in Botswana, but no discrimination
Widows shall have the right to an equitable share in the inheritance of her husband's property.	Yes	Except under some customary laws
Widows shall have the right to remarry any person of their choice.	Yes	Except under some customary laws
Widows shall be protected from all forms of violence and discrimination	Yes	Except under some customary laws
Girl and boy child		
Eliminating all forms of discrimination against the girl child.	Yes	Except under some customary laws
Girls have the same rights as boys and are protected from harmful cultural attitudes	Yes	Except under some customary laws
Girls are protected from all forms of economic exploitation, trafficking, violence and sexual abuse.	Yes	There is no explicit provision for girls
Girl children have access to information, education, services and facilities on sexual and reproductive health and rights.	Yes	

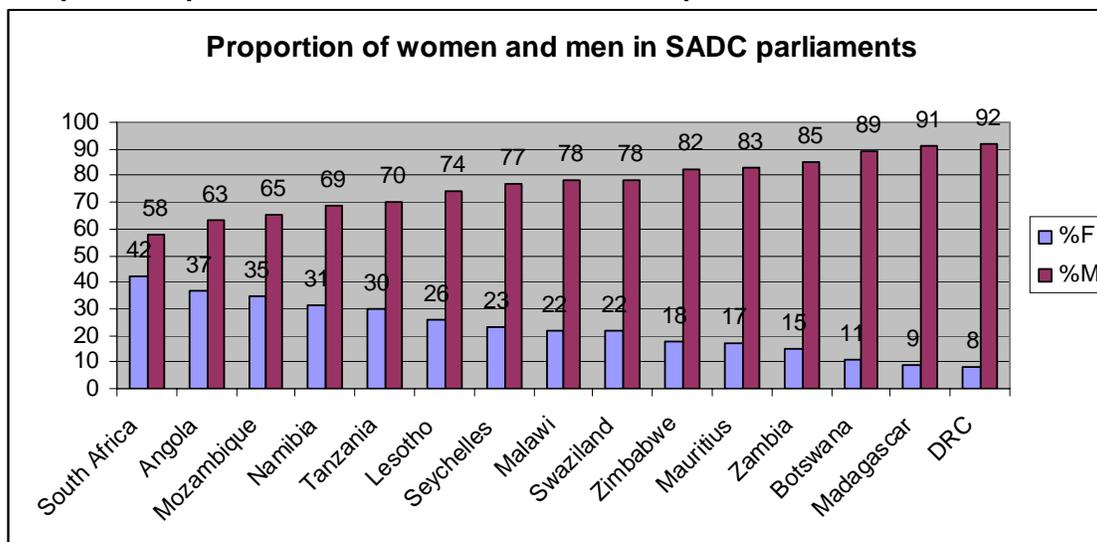
Source: Gender Links 2009

GOVERNANCE *Article 12-13*

The SADC Protocol provides that member states should endeavour to ensure that 50% of decision-making positions in all public and private sectors are held by women including through the use of affirmative action measures.

Women comprise 52.4% of the population of Botswana, and also constitute the majority of voters during elections; yet there are only 11% in parliament, 19.4% represented as councillors. The private sector has a better track record of women in decision-making. The graph and table below indicate Botswana's poor comparison with other SADC countries with regards to women in parliament.

Graph 1: Proportion of women and men in SADC parliaments



Source: Gender Links Regional Barometer Report, 2009

Global and regional ranking of women parliamentarians

Country	% Women in lower or single house	Global rank	SADC Rank
South Africa	44.5%	3	1
Angola	37.3%	9	2
Mozambique	34.8%	15	3
Tanzania	30.4%	23	4
Namibia	26.9 %	21	5
Lesotho	25%	38	6
Seychelles	23.5%	41	7
Malawi	20.5%	52	8
Mauritius	17.1 %	66	9
Zimbabwe	16%	77	10
Zambia	15.2%	77	10
Swaziland	13.8%	83	12
Botswana	11.1%	95	13
DRC	8.4%	108	14
Madagascar			

Source: www.ipu.org

There is no legislated quota to increase women's participation in decision-making through the electoral system. Few political parties have voluntary quotas and they are not implemented effectively.

The electoral system, First Past the Post (FPTP), limits women's potential to access power. Little has been done to review the system to widen women's opportunity to participate in the elections as candidates and decision makers. Extensive awareness-raising nationally and within political parties is required for the voting public to vote for women.

Gender and Political Parties

Table six: Representation of Women and Men in the Executive Committee

PARTY	HEAD		TREASURER		SECRETARY GENERAL		FOURTH TOP POSITION		FIFTH TOP POSITION		SIXTH TOP POSITION	
	M	F	M	F	M	F	M	F	M	F	M	F
Botswana Democratic Party	x		x		x		x		x		x	
Botswana National Front												
Botswana Congress Party /BAM	x			x	x		x			x	x	

Source: BDP website, BCP website, June 2009

Botswana Democratic Party (BDP)

The BDP is Botswana's ruling party. It does not have a quota for women, and is not supportive of affirmative action. The former chairperson of the BDP women's wing, Tebelelo Seretse, argues that quotas for women address the symptoms not the causes and therefore focuses on initiatives to support women's empowerment in increasing the gender representation of women in positions of power (Therisanyo, 2007b). Women of the BDP are encouraged to contest for offices of power in the party's structures, parliament and local government (Gender Links, 2009).

The former chairperson of the BDP, Botlogile Tshireletso, has stated that the party is making measured progress as it leads in women empowerment initiatives. Women constituted 21% in the 2005-2007 central committee (Therisanyo, 2006). She also emphasises that "gender equity should not be made an urban area talk shop, far removed from the realities facing women in rural areas and that the spirit of self esteem should be inculcated in the girl child as real empowerment is mental" (Therisanyo, 2007a). Seretse stresses that the BDP's women's wing intends to "inculcate that women can do anything they aspire at a tender age and not let cultural stereotypes shackle them, so that they may replace those who will be retiring from politics" (Therisanyo, 2007a and Gender Links, 2009).

Although the party is not supportive of quotas, the BDP government can take credit for several actions undertaken for the empowerment of women at the national level. In 2004, the government spent P5 million on gender sensitisation workshops; P6 million on financial assistance to NGO, CBOs and Women's Groups and more than 90% of requests on gender training had been honoured (BDP, 2004). The former president of Botswana, Festus Mogae, showed his commitment to increasing women's representation by using his prerogative to appoint three women to the four available slots (Therisanyo, 2007b and Gender Links, 2009).

Botswana National Front (BNF)

The BNF is the main opposition party in the country, which is doing well in the urban areas. Its constitution states that 30% of the members of the Central Committee shall be women, which is an important indicator of commitment towards achieving gender equality within the party. In 2008, six of 18 (33.3%) members of the Central Committee of the BNF were women, and therewith is in line the BNF's quota in that area. However, the party has not always translated this commitment into fielding women candidates in safe seats (Gender Links 2009).

Botswana Congress Party (BCP)

The BCP is the second most popular opposition party after the BNF. It was formed as a faction from the BNF. The BCP is the fastest growing opposition party in the country (Gender Links, 2009). On issues of gender equality, the BCP is committed to "the renaissance of women's roles in social, economic, cultural and political arenas through strengthening legal instruments to protect women by the abolition of customary and modern laws that discriminate against women" (BCP, 1999). According to the party's

constitution, 30% of the governing body of the party, the Central Committee, shall be women. Like the BNF, the BCP has not yet put measures in place for achieving the stipulated 30%; but in the BCP's current Central Committee, 26% of the members are women (Gender Links, 2009).

Women's Wings

A critical review of the 2004 elections was undertaken by the BCWP and the Women's NGO Coalition, which found that very few women hold positions in mainstream political structures. It appeared that even though women's wings were in place to facilitate the participation of women, they remained marginalized. They mainly served to facilitate for the party needs in the areas of fund raising, choir development and other campaigning activities. To address these challenges for the participation for women within the key political party structures, the Botswana Caucus on Women in Politics was established, with the aim to create a more conducive environment for women to be able to compete equally with their male counterparts (WNGOC/SARDC 2005).

Table seven: Gender in Political Party Manifestos

PARTY	QUOTA AND NATURE/ NO	WOMEN SPECIFIC PROJECTS	GENDER MAINSTREAMED IN MANIFESTOS
BDP	No	-	<p>The BDP makes mention of Gender Equity in its manifesto under the chapter of 'Achievements Since 2004'. It states the following 4 achievements:</p> <ul style="list-style-type: none"> - Eliminated all forms of discrimination against women by amending laws such as the marital power in common law marriages in order to achieve gender equity - Women have since been admitted into the ranks of the Botswana Defence Force - The BDP continues to promote the entry into high positions in the public and private sectors by women - Empowerment for the girl child through continued education and mentoring programmes has raised the girl child attendance in school and had a positive impact on reducing teenage pregnancy. <p>In the section on the 'BDPs promises for 2009 and beyond', there is no mention of gender of women empowerment.</p>
BNF		-	<p>In its 2009 manifesto, BNF states that equality is an expression of equal worth of all people and calls for equality between men and women. The BNF is opposed to an order of things whereby rights, obligations and tasks are allocated according to sex. The manifesto states that the BNF wishes to achieve gender equality and that men and women must have equal rights, obligations and opportunities. Furthermore, the belief is expressed that men should be equally involved in the care of children and the home, and that women should be free to participate in political and trade union activities and other national issues. The BNF promises to apply the principle of affirmative action to put women in positions of leadership and responsibility within the shortest time possible under the circumstances.</p>
BCP/BAM		-	<p>In the 2009 manifesto BCP/BAM promises under the section of 'Uplifting the disempowered' to:</p> <ul style="list-style-type: none"> - promote gender equality by strengthening legal instruments to protect women - facilitate economic participation of women - strengthen health services for women - make education and training more accessible for women - promote political participation of women - work towards the establishment of an anti-sexist society

PARTY	QUOTA AND NATURE/ NO	WOMEN SPECIFIC PROJECTS	GENDER MAINSTREAMED IN MANIFESTOS

Source: BDP, BNF and BCP/BAM Party Manifesto's 2009

Gender in electoral processes

Botswana is a multi-party democracy. Since independence, Botswana has been using the first-past-the-post (FPTP) electoral system for both parliamentary and local government elections. The president is the head of state and is indirectly elected. The president of the party with a majority of elected members in parliament assumes the office. This system has seen to it that the Botswana Democratic Party (BDP) remained the ruling party ever since independence (Gender Links, 2009).

As has been observed elsewhere, FPTP does not allow for diverse representation of the population and therefore hampers the gender equality campaign. The general elections in Botswana are held every 5 years with the members of parliament and councillors directly elected. Since independence, the elections have been freely and fairly contested. In fact, this is one key factor that has led to Botswana being described as the 'shining example of democracy' (Gender Links, 2009).

As the opposition parties remain divided and unable to gain a majority, this is weakening the voice of the opposition thereby compromising the democracy of the country. Weak opposition in the country is also due to party factionalism (Gender Links 2009). Party factionalism is not a new phenomenon in Botswana. In 1966, the BPP split to form the BNF and the BNF itself has undergone factionalism to form at least seven different parties itself (Gender Links, 2009 and www.aceproject.org).

Governance and Elections

Elections in Botswana are a responsibility of the Independent Electoral Commission (IEC, 2005). The IEC was established in 1997 to manage the electoral process and to provide civic and voter education with the aim of increasing participation and voter turnout during elections. The IEC faces a great challenge of voter apathy among Botswana in its endeavour to increase people's participation in the electoral process. The IEC has identified cultural, historical, social and political problems as the causes of voter apathy. The youth has been identified as the most apathetic section of the Botswana society (IEC, 2002).

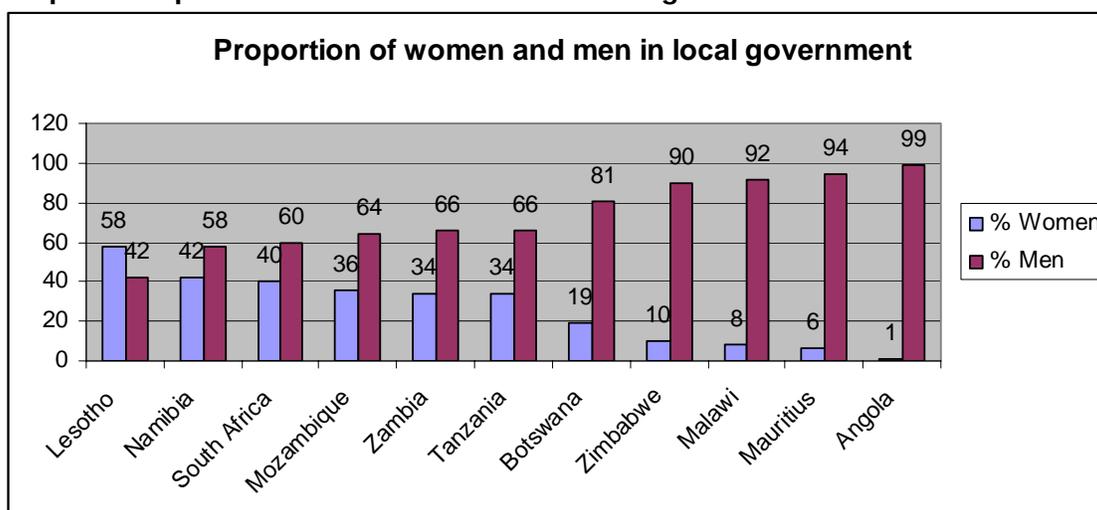
Even though more women are voting as compared to men, more of the women are now becoming apathetic (IEC, 2005). According to Maundeni (2004) Botswana's democracy is compromised since the IEC does not have a mandate to issue the writ of elections, as these are a responsibility of the President and the Minister of Local Government. The President and the Minister of Local Government have explicit political interests. The President issues the writ of parliamentary elections and the minister of local government issues the writ for local elections (Gender Links 2009).

Representation of women

Botswana is signatory to a number of regional and international gender instruments that provide the basis for the increased or equal representation and participation of women in decision-making positions. Amongst the significant instruments are the 2005 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Beijing Platform for Action (BPFA) and the International Covenant on Civil and Political Rights (Gender Links, 2009).

In the 2004 elections only four women out of 57 constituencies were elected, and the President nominated three more women as specially elected members of parliament (Dube, 2005). It has been noted that the special nomination of women into parliament is not adequate since only women from the ruling party are elected neglecting women from the opposition parties (Madisa, 1999). Local government is no exception with regard to the under representation of women. In 1999 there was a mere 15% representation of women in local government (Molokomme, 1999). From the 591 councillors in the country today, 115 (19%) of them are women. The representation of women in the local government needs as much attention as that of women in parliament. All indications point to the urgent need for some critical actions for the upcoming general elections in October 2009, if the representation of women is to increase (Gender Links, 2009). The graph below shows Botswana's modest comparison with the region.

Graph 2: Proportion of women and men in local government



Source: Gender Links Regional Barometer Report, 2009

The Constitution of Botswana does not have a provision for a quota to increase women's representation. However, some parties such as the Botswana National Front (BNF) and Botswana Congress Party (BCP) voluntarily include the minimum 30% quota in either their constitutions or election manifestos. The BDP does not have a quota to increase women's representation, but women are encouraged to contest for office in the party's structures, parliament and local government. Women constituted 21% of those in the 2005-2007 BDP Central Committee. The table below highlights this point and Botswana fares poorly compared with other SADC countries with regards to female representation in parliament.

Gender and voters

Gather statistics from the electoral commission showing how many women and men are on the voters roll and the breakdown by age, and showing how many women and men have voted in the last two elections.

Table eight: Women and men registered to vote

2004 elections				Upcoming election			
Women	Men	Total	% Women	Women	Men	Total	% Women
311265	239148	550413	57	315614	241134	556748	57

Source: IEC, 2008

In 2004 General Elections 550,413 voters registered for elections. Out of this figure 311,265 registered voters were women. It is assumed that out of the 421,272 who cast their vote, more women than men voted. This premise is deduced from the fact that more than half of the registered voters were women.

Election Outcomes

Table nine: Candidates Fielded at National Level

PARTY	1999				2004			
	M	F	TOTAL	%W	M	F	TOTAL	% W
BDP	34	6	40	15	50	7	57	12
BNF					38	4	42	9
BCP	35	3	38	8	48	2	50	4
TOTAL					136	13	149	9

Source: BDP, BNF, BCP Office 2009

Table ten: Candidates Fielded at Local Level

PARTY	1999				2004			
	M	F	TOTAL	%W	M	F	TOTAL	% W
BDP			409				490	
BNF					292	56	348	16

PARTY	1999				2004			
BCP	287	11	298	4				
TOTAL								

Source: BDP, BNF, BCP Office 2009

Analyse the results of the last two elections for both national and local government as follows:

Table 11: Election Results National

PARTY	1999				2004			
	M	F	TOTAL	%W	M	F	TOTAL	% W
BDP	28	6	34	18	38	7	45	16
BNF			6				12	
BCP			1				1	
TOTAL			38				58	

Source: BDP Office 2009 and IEC Election Report 1999 and 2004

Table 12: Election Results Local

PARTY	1999				2004			
	M	F	TOTAL	%W	M	F	TOTAL	% W
BDP			303				335	
BNF			80				105	
BCP			13				32	
TOTAL			396				472	

Source: IEC Election Report 1999 and 2004

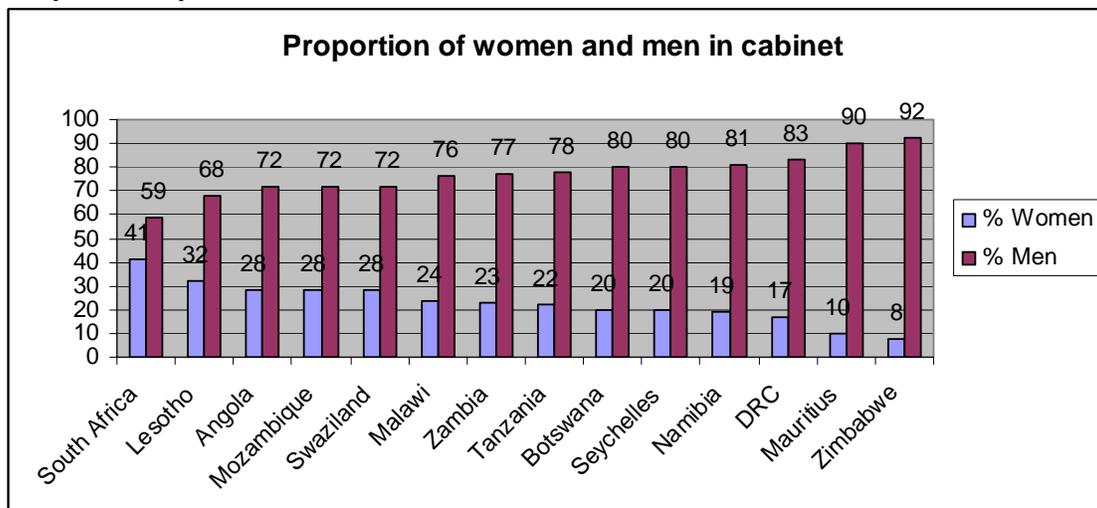
Alternative table:

Table 13: Women in Parliament and Cabinet

	Female parliamentarians	Total parliamentarians	% of women Parliamentarians	Female Ministers	Total Ministers	% of women ministers
1992	3	44	7	3	20	15
1997	4	44	9	3	20	15
2002	8	44	18	6	22	27
2004	4	57	7	4	20	20

Source: BIDPA (2008)

Graph 3: Proportion of women and men in cabinet



Source: Gender Links Regional Barometer Report, 2009

As reflected in the graph above, Botswana compares below average with the rest of the SADC region with regards to women in cabinet positions.

In the 2004 election, 19 female candidates contested parliamentary seats and only 4 were directly voted into Parliament. The rest of women in Parliament came through the special nomination process. Whilst the proportion of women in local government increased from 15% in 1999 to 19% in 2004, the representation of women in parliament dropped by 7.1%, from 18.2% in 1999 to 11.1% in 2004.

Based on the outcome of primary elections at the beginning of the year, the prognosis for the 2009 elections is not good. In the ruling Botswana Democratic Party (BDP) three women out of the 66 women that contested the primary elections won as parliamentary candidates. In the case of the opposition Botswana Congress Party (BCP) four women have been nominated as parliamentary candidates. There are 57 parliamentary seats. Parties often field women candidates in seats that are not safe. In 2004 elections seven women stood for the ruling party and only four won. With only two elections to go before 2015 (in 2009 and 2014), Botswana is still far from achieving the 50% mark.

The Public Service

Table 14: Women and Men in the Public Service

	No women	No of men	Total	% women	% men
Permanent secretaries/DG	11	13	24	46	54
Senior managers	10	36	46	22	78
Total	21	49	70	30	70

Source: WAD 2002

Overall, decision makers in the Government of Botswana reflect 30% female and 70% male. A slight increase in women decision-makers can be found at lower levels, there are no special measures in place to support more women in higher decision-making positions.

Participation

The Protocol provides that State Parties shall ensure the equal participation of women and men in decision-making by putting in place policies, strategies and programmes covering the various aspects in the table below:

Table 15: Enhancing Participation of Women in Public Life

Measure of participation	On a scale of 1-10 with 1 very low and 10 very high how would you score your country	Explanation
Leadership and gender sensitivity training or mentorship	6	Extensive gender sensitive training has been facilitated by civil society supported by donors
Support structures for women in decision-making	2	There are no such structures in place
Establishment and strengthening of structures to enhance gender mainstreaming	5	Gender vocal points established in different ministries
Changing discriminatory attitudes and norms of structures and procedures	6	Attempts are made, but are not sufficient
Inclusion of men in gender related activities including community mobilization	5	Attempts are made, but are not sufficient

Source: Gender Links 2009

EDUCATION AND TRAINING *Article 14*

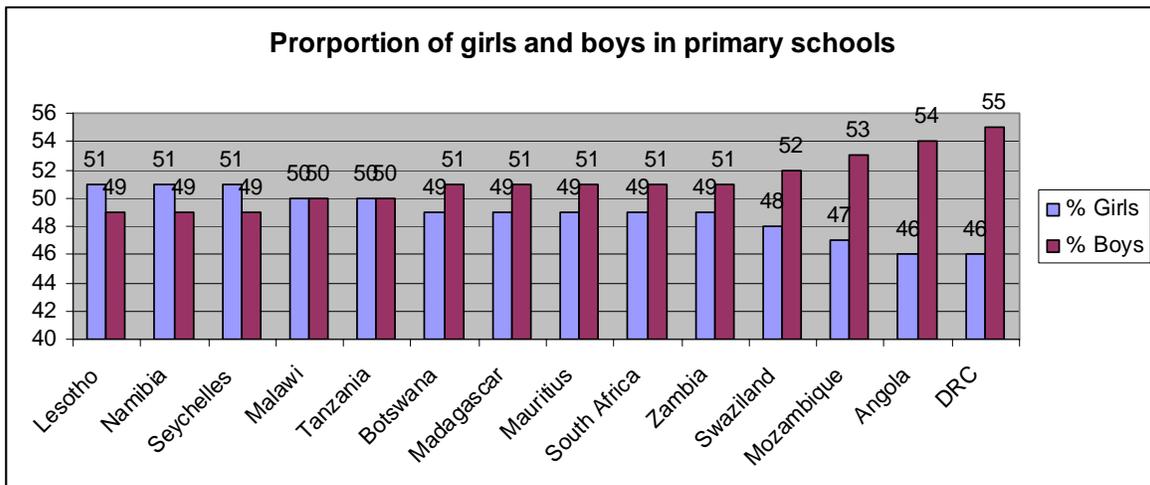
Enrolment and Retention

The Protocol provides that state parties shall enact laws that promote equal access to and retention in primary, secondary, tertiary, vocational and non-formal education

In Botswana school enrolment levels are high and the enrolment of girls matches or exceeds that of boys at all levels, except vocational training. There is a policy of cost sharing where parents pay 5% of the cost to government, which may prohibit attendance, particularly from poor families. Cultural and social influences however still affect the equal access for girls to education and therewith retention is the biggest challenge. Another contributing factor here is the HIV/AIDS pandemic, which forces increasingly more girls and women to care for sick family members, compromising their attendance at school (WAD 2002).

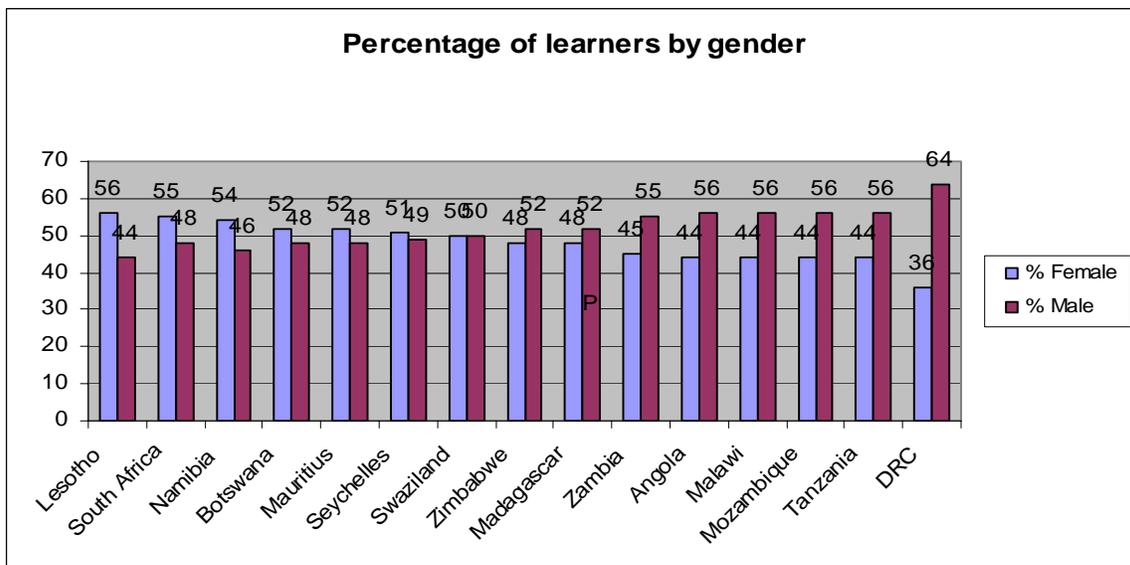
Progression of females to tertiary and higher levels of education remains a challenge as the nature of the education system is cited as gender insensitive. This leads to lower levels of achievement in the higher levels of education by women (WAD 2002). The three graphs below reflect that even though education enrolment is low for girls in Botswana, compared to the SADC region, Botswana is still above average in primary, secondary and tertiary education levels.

Graph 4: Proportion of girls and boys in primary schools



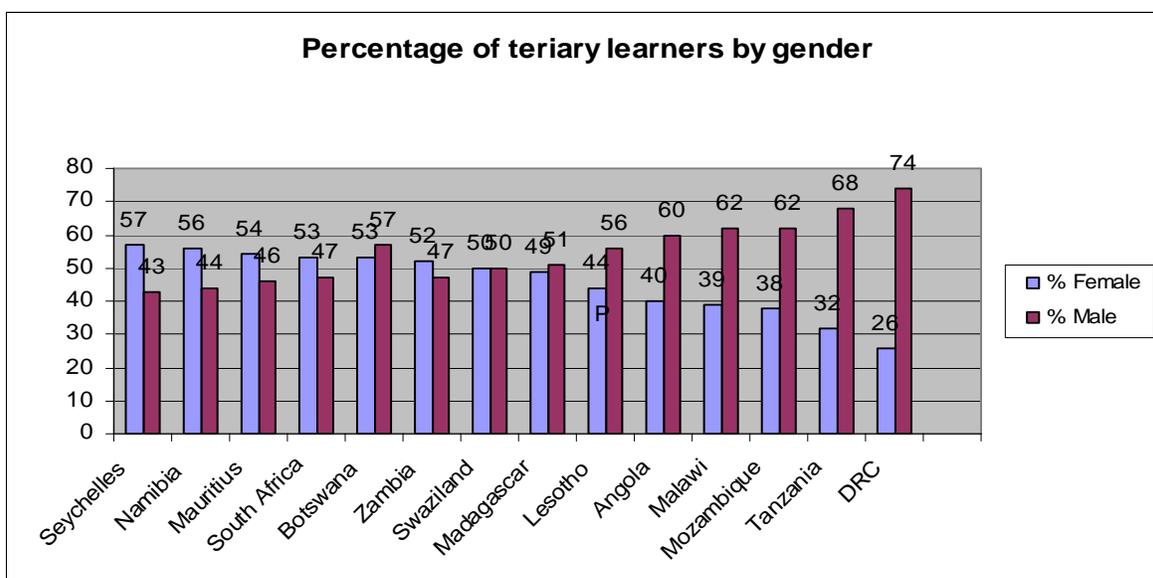
Source: Gender Links Regional Barometer Report, 2009

Graph 5: Percentage of learners in secondary education



Source: Gender Links Regional Barometer Report, 2009

Graph 6: Proportion of women and men in tertiary education



Source: Gender Links Regional Barometer Report, 2009

The main policy that guides the education sector is the Revised National Policy on Education (1994) that acknowledges the gender gaps and challenges in the education system. It further recognises Special Education Needs and the unique circumstances and concerns of out-of-school youth. However, the differences in the levels of vulnerability of girl and boy children who are out of school and those with special needs are not highlighted.

There is a Pregnancy Policy in place to reintegrate young girls who fall victim to teenage pregnancy back into the education system. The existence of this policy is evidence of the Ministry of Education's commitment to addressing the vulnerability of girl-children but its implementation, monitoring and evaluation need to be accelerated. Also, the Diphilana Continuing Education Project was designed to enable pregnant girls to continue their education.

The Ministry of Education also has an Equal Opportunities Policy which aims at ensuring the promotion of equality of opportunity for all learners and students stakeholders of the ministry. The policy explicitly states that no individual shall be discriminated against on the basis of their race, religion, social status, sex, marital status and location. A Life-Skills Programme is implemented in schools through the Guidance and Counselling Programme which includes gender and aims to contribute to the fight against HIV and AIDS.

Table 16: Access and Enrolment in Education Sector 2006

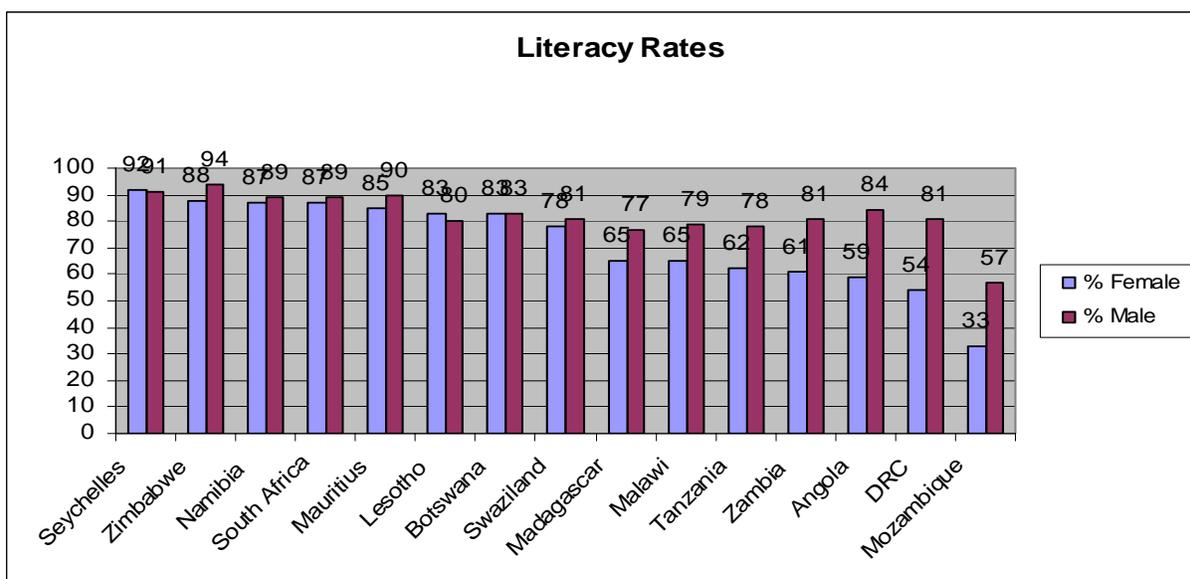
Type of data	Boys/men	Girls /girls	Total	% women/ girls	% men/ boys
Literacy rate 2003	79,8%	81,87%	80,93%	-	-
Literate population age 12-70 years 2003	433674	526892	960566	55	45
Enrolment					
Primary School	168152	162265	330417	49,1	50,9
Secondary School	78864	85337	164201	52	48
Tertiary level	7601	8638	16239	53	47
Vocational and technical training	7698	5003	12701	39,4	60,6

Dropout					
Primary School			3941		
Secondary School			3320		
Tertiary level			-		
Vocational and technical training			-		

Source: CSO 2003 / 2006

It can be concluded from the data that enrolment is high for girls, but no gender disaggregated data were found available for the dropout rates. The CSO Education Statistics report mentions though that most of the dropouts are caused by desertion (81.9% at primary level and 52% at secondary level). At secondary school, the dropout rate caused by pregnancy is 31.7% (1054 cases), which indicates that a large part of the female students are having unprotected sex. A significant concern is the fact that at primary level, there were 115 reported cases (2.9%) of girls dropping out due to pregnancy. The report notes that in 2006 at primary level, 81.9% of the pupils who dropped out, re-entered the school system (CSO 2006). In addition, the literacy level of females in Botswana is slightly above average for the SADC region as indicated in the graph below.

Graph 7: Literacy rates



Source: Gender Links Regional Barometer Report, 2009

Performance

Table 17: Pass Rates

	% boys/men	% girls/women
Primary	65	35
Secondary	36	64
University	-	-
Vocational	-	-

Source: CSO 2008

The difference between the dropout rates for boys and girls at the different levels is significant. The 2008 Education statistics do not specify the reasons for dropout, but the 2006 statistics report shows clearly that at the second level, one of the main reasons for dropping out of girls is pregnancy. Overall, desertion is the main reason for dropping out at primary level, and remains to contribute mostly to the dropout rate at secondary level.

Challenging Stereotypes

The Protocol requires that by 2015 state parties adopt and implement gender sensitive educational policies and programmes addressing gender stereotypes in education and gender-based violence.

The challenges to include gender stereotyping in education curricula/materials remains high. The Guidance and Counselling Primary and Secondary Curriculum Guidelines acknowledge gender throughout their guidelines. The Mission Statement of the Guidance and Counselling Division of the Department of Curriculum Development and Evaluation show a gender perspective as reflected in the statement that guidance and counselling services will be provided to all pupils/students regardless of race, ethnic background, gender, economic status, religion and life orientation. However, the mechanisms for monitoring and evaluating are silent on gender disaggregated data.

The Guidance and Counselling Division of the Ministry of Education engaged with the University of Botswana for the development of video and career booklets to encourage girls into science-based careers. These are distributed to secondary schools and female role models are used in the booklets and video. Also, a Girls Education Movement (GEM) has been initiated with UNICEF with the objective of breaking gender stereotypes and empowering girl-children with life-skills.

Table 18: Gender disaggregated data on school administration

Staff category	No women	No men	Total	% women	% men
Principals					
Teachers					
School governing bodies					

Source: Year

Table 19: Women and Men in University Faculties – University of Botswana

Faculty	No women	No men	Total	% women	% men
Humanities	1982	1129	3108	64	36
Science	480	1245	1725	28	72
Business	1138	803	1941	59	41
Social Sciences	1493	1043	2536	59	41
Health Sciences	193	161	354	55	45

Source: CSO 2006

It is only in the Faculty of Science that women are underrepresented. Research shows that prevailing perceptions on traditionally 'male' jobs, such as engineering, are persistent. The National Development Plan 9 does not recognise a gender dimension in its educational section and more should be done to break through the stereotyping of boys and girls in traditional roles and choice of career.

Box two: Gender stereotypes in vocational education and training

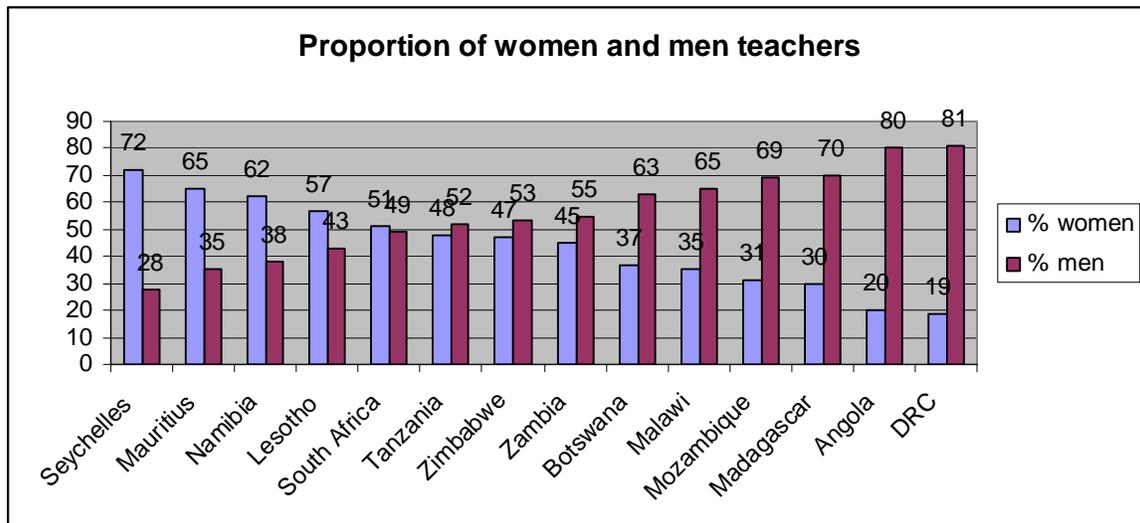
An opinion study done by FINACCO in 2003 amongst male and female instructors at training institutions showed that some of the responses by the instructors were still in line with the traditional stereotypes of girls not being able to do 'a man's job'. Some of the responses included:

- 'There are biological limits to what girls can and can not do'
- 'The girls do not like courses like building and carpentry because they make them dirty, and they are heavy and physically demanding. They like white collar jobs and not blue collar jobs and working outside in the rain'
- 'Engineers are supposed to be men'
- 'Boys do not want to do typist, secretarial courses because they say they are for girls. It is natural for girls to do these typist, secretarial courses or jobs'

The research found that most educational material work with the he-form and use a gender biased vocabulary, for example the use of terms like manpower and foreman when physique is required (FINACCO 2003).

The Department of Vocational Education and Training Code of Practice states that the department is committed to promoting equality of opportunity for all its students, staff and community in all aspects of institutional and professional life, to ensure that no one is discriminated against on the grounds of race, ethnic origin, religion, gender, marital status, disability, age or social position. As is evident in the graph below, Botswana fares below average in representation of women in the education profession.

Graph 8: Proportion of women and men teachers



Source: Gender Links Regional Barometer Report, 2009

Gender Violence in Schools

Physical abuse of children by teachers is occurring on far too wide a scale and at all levels. Corporal punishment is utilized in an attempt to improve achievement not only to punish bad behaviour. This includes male teachers hitting female students. This is not in line with a nation that aspires to be 'compassionate, just and caring' and 'moral and tolerant' as declared in Vision 2016. Bullying of girls by boys is a common phenomenon in schools and sexual abuse of girl children by teachers and other civil servants is extensive.



Botswana school girls
bots schoolgirls

Photo: Gender Links

In 2005, the Botswana Girl/Boy Education Movement (G-BEM) was formally launched to coincide with the end of the 16 Days of Activism Against Gender-based Violence. G-BEM believes that issues of gender violence manifest themselves right from early childhood, and therefore, joined the Botswana society in fighting this scourge. G-BEM advocates for a child-friendly, gender-sensitive rights-based environment for children in- and out-of-school. This initiative is a collaborative effort of the Ministry of Education, the Women's Affairs Division, UNICEF and the Girl/Boy ChildNetwork, a conglomerate of civil society organisations concerned with issues of the girl and boy child (UNICEF 2005).

No specific studies have been undertaken to investigate the extent of gender-based violence in school, so this would be highly recommended. Sexual violence and harassment in schools is a critical area to undertake action as it limits girls' potential to achieve the highest possible level of education.



Cynthia Akva #16, Stop Gender Based Violence
stop gv2

Photo: Gender Links

PRODUCTIVE RESOURCES AND EMPLOYMENT, ECONOMIC EMPOWERMENT *Article 15–19*

Women and Men in Economic Decision-making

The Protocol provides that state parties shall, by 2015, ensure equal participation by women and men in policy formulation and implementation of economic policies.

In the national Policy on Women in Development (1995) and the National Strategy for Poverty Reduction (2003), there is recognition that tackling poverty requires a focus on increasing women's access to formal employment as well as other productive activities and opportunities.

Over time women's unemployment has remained higher than men and women dominate the informal sector, which is unstable and limits their chances of economic empowerment.

Women are overburdened due to their multiple roles and most of their work is undervalued as well as unpaid. This lessens their opportunities to engage in productive activities. The Botswana government has no policy to mainstream gender into the budget process; resources are allocated to the Women's Affairs Department (WAD) for special programmes targeted at women's empowerment but this is inadequate.

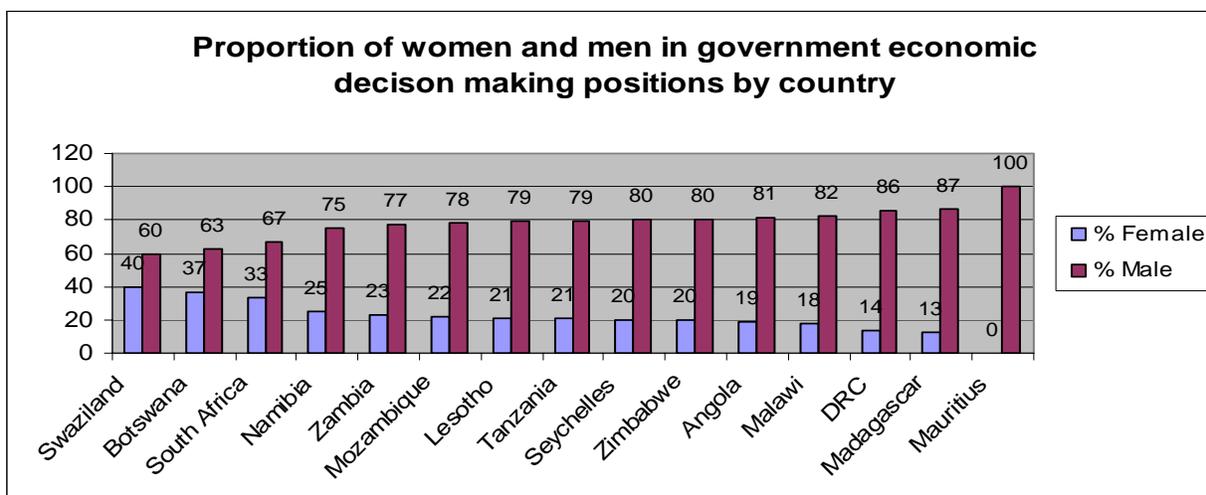
Table 20: Women and Men in Economic Decision-making

	Name	MALE	FEMALE
Minister of Finance and Development Planning	Hon. B. Gaolathe	X	
Assistant Minister of Finance and Development Planning	Hon. K. J. Rakhudu	x	
Permanent secretary/DG	S. Tumelo	x	
Minister Of Labour and Home Affairs	Hon. P. L. Siele	x	
Permanent secretary	S. N. Tsiane		x
Minister of Trade and Industry	Hon. D. N. Moroka	x	
Assistant Minister of Trade and Industry	Hon. G. D. Lefhoko	x	
Permanent secretary/DG	B.K. Molosiwa	x	
Governor of the central or reserve bank	L.K. Mohohlo		x
Deputy governor of the reserve bank	O.A. Motshidisi	x	
Botswana Export Development and Investment Authority (BEDIA) CEO	D. Makgato-Malesu		x
TOTAL	11	8	3
PERCENTAGE		70%	30%

Source: Gender Links 2009

There are no affirmative action policies in place to equally involve more women in the economic decision-making sector. In the public sector these positions are still mostly occupied by men, but there are some positive examples of these positions held by women, such as the Attorney-General and the Governor of the Bank of Botswana.

Graph 9: Proportion of women and men in government economic decision making positions by country



Source: Gender Links Regional Barometer Report, 2009

As reflected in the graph above, Botswana ranks second in the SADC region in terms of women in government economic decision making positions, the gap between the genders appears less pronounced than some other countries.

Table 21: Private Sector and Parastatal Leadership

	Women	Men	Total	% women	% men
Private sector	119	320	439	27	73
Board members	20	122	142	14	86
Head of the Company	5	32	37	14	86
Parastatals	45	106	151	30	70
Board members	29	58	87	33	67
Head of the Company	1	9	10	10	90

Source: WAD 2002

Gender Budgeting

The Protocol provides that State Parties shall ensure gender responsive budgeting at the micro and macro levels including tracking; monitoring and evaluation.

As present there are no existing gender budgeting initiatives in place. An attempt was made in 2002 when the NGO Coalition was contacted to pilot a Gender Responsive Budget Analysis Project in the Ministries of Labour and Home Affairs and Local Government.

Time Use

The Protocol provides that by 2025, state parties shall conduct time use studies and adopt policy measures to ease the burden of the multiple roles played by women.

In Botswana no time use studies have been undertaken, but the Women's Affairs Department is looking into planning of such with the Central Statistics Office. This is critical to address the burden placed on women by the multiple roles they are executing, without any remuneration.

Economic Empowerment

The Protocol provides that state parties shall by 2015 adopt policies and enact laws which ensure equal access, benefits and opportunities for women and men in trade and entrepreneurship, taking into account

the contribution of women in the formal and informal sectors; Review national trade and entrepreneurship policies, to make them gender responsive; Introduce affirmative action measures to ensure that women benefit equally from economic opportunities, including those created through public procurement processes.

Trade and Entrepreneurship

The removal of protectionist trade policies to link Botswana's economy to the global markets, seem to have a negative effect on the participation of women in trade, as local female producers are challenged to compete with foreign products sold at lower rates. As women's access to markets is restricted and they are largely represented in the informal sector, this stagnates women's economic participation. The development of skills and knowledge to be able to compete in the global economy is crucial for women (WAD 2002).

Most strategies and programmes by the government to support economic empowerment of women have come to a halt. A programme by UNDP and the Botswana government that provided economic assistance to economic empowerment programmes ended in 2003. Other programmes to support SME enterprises were stopped and replaced by the Citizenship Entrepreneurial Development Agency (CEDA) (WAD 2002). However, CEDA does not have any policies in place to stimulate women's economic empowerment, as they work from the equality principle that all citizens have equal access to resources.

The Women's Affairs Department organises an annual Women's Expo, an exhibition that provides women with a platform to market their products. Women's NGO's in Botswana are working to stimulate women's participation by providing education but the critical factor is that women continue to be burdened by the multiple roles they have to fill (WAD 2002). Policy's have not yet taken into account the gender aspect and have to be adjusted to be able to provide for women in order to increase their economic participation.

Informal Trade

The CSO Informal Sector Survey of 2007 shows that the number of informal sector businesses in Botswana are estimated at 40421, which is an increase of 72.3% compared to the survey of 1999 – 67.6% of the informal businesses are run by women, compared to 32.4% by men. Most of the businesses can be found in the 'Wholesale & Retail Trade' industry (40.5%), followed by 'Real Estate' (20.3%) and 'Manufacturing' (12.2%). Interestingly, female ownership dominated in nearly all categories, except for 'Construction' and 'Health & Social Services'. The survey found that as most informal businesses are likely to be run by persons without or with little education, the level of education contributes to the choice of operating in the informal sector (CSO 2007).

Table 22: Informal Sector Businesses by Industry and Sex of Owner

Industry	Male	Female	Total
Agriculture	519	563	1082
Manufacturing	1009	3905	4915
Construction	1432	70	1502
Wholesale & Retail	3638	12745	16384
Hotels & Restaurants	680	2877	3557
Transport & Communications	1319	1315	2634
Financial	37	100	137
Real Estate	3538	4671	8210
Education	17	74	91
Health & Social work	320	112	431
Other Community services	740	740	1479
Total	13249	27172	40421

Source: CSO 2007 Informal Sector Survey Report

Procurement

Affirmative action measures to enable women to access and benefit equally from economic opportunities are lacking. In a study by the Ministry of Finance and Development Planning in 2007, it was recognised that the economic status of women demands more attention and that there is a need for further gender disaggregated data in this area. Furthermore, the study acknowledged that the majority of large scale investments, including those by the Botswana Development Corporation (BDC), Citizen Entrepreneurship Development Agency (CEDA) and National Development Bank (NDB) are going to men and the local business environment is still dominated by men (Ministry of Finance and Development Planning 2007).

Property and Resources

The SADC Protocol provides that by 2015 state parties shall review all policies and laws that determine access to, control of, and benefit from, productive resources by women.

The National Policy on Gender and Development of 2008 makes note of the fact that despite the positive changes in legislation, women still have limited access to and control over productive resources. It has been documented in the National Population Policy Review of 2007 that almost 50% of households are female headed, and that the majority of poor people and poor households are female headed (Ministry of Labour and Home Affairs 2008). There are no special policies in place for women to access credit.

Gender and Land Ownership

Table 23: Women Ownership of Land

	Number	% of women's ownership
Female	186699	46,13%
Male	218007	53,87%
Total	404706	100%

Source: BIDPA 2009

The total of land owners in Botswana is stated at 404.706, of which 186.699 (46.13%) are women. The lack of balance in landownership can be contributed to the fact that in customary law inheritance of the land is though the man (BIDPA, 2009). Therefore, unmarried women have no direct access to land or cattle as these resources are allocated via the male head of the family and have no direct control or access to productive resources. The right to land for women is secured though in Common Law, after the review of all discriminatory laws in 1998.

Employment

The Protocol provides that by 2015, state parties shall review, amend and enact laws and policies that ensure women and men have equal access to wage employment in all sectors of the economy. It also provides for equal pay for equal work; eradication of occupational segregation; maternity and paternity benefits.

Table 24: Women and Men in Employment

	No of women	No of men	Total	% women	% men
Employed	257388	281762	539150	48	52
Unemployed	63546	50876	114422	56	44
Self employed	-	-	-	-	-

Source: CSO 2005/06 Labour Force Report

The overall unemployment rate is 17.6% (women 19.9% and men 15.3%). The CSO 2005/06 Labour Force report shows that the percentage of unemployed women is considerably higher. For this age group the female unemployment rate is 31.8%, while for their male counterparts in the same age group this is 23.3%.

Table 25: Employment Levels of Women and Men across Key Occupations

Sector	No of women	No of men	% women	% men
Agriculture	62561	98802	39	61

Sector	No of women	No of men	% women	% men
Mining and quarrying	1716	12457	12	88
Manufacturing	19962	16010	55	45
Electricity and Water	1537	2626	37	63
Construction	4476	23111	16	84
Wholesale and retail trade	49478	27924	64	36
Hotels & Restaurants	10898	3770	74	26
Transport & communication	5555	10496	35	65
Finance	5406	3018	64	36
Real estate	9701	15554	38	62
Public Administration	15036	22312	40	60
Local Government	10582	12227	46	54
Education	28063	15182	65	35
Health	8609	5393	61	39
Other Community activities	5342	5213	51	49
Private Households	18027	7208	71	29
Foreign Mission	439	456	49	51

Source: CSO 2005/06 Labour Force Report

Women dominate significantly in the wholesale and retail sector, hotel and restaurants, education and private households. It is evident from this data that men are still a large majority in the traditionally male dominated sectors such as construction, mining and agriculture and transport, but also in the real estate and public administration sector. CSO states in a recent briefing that the share of women in wage employment in the non-agricultural sector decreased in 2008 to 41%, after increasing for a few years from 38% in 2004 (CSO 2009).

Country indicators of wealth and income, 2002

Country	HDI rank	GDP per capita	Female income	Male income	Female as % male
Angola	161	2187	-	-	
Botswana	126	7184	5418	9025	60%
Comoros	137	1588	1136	2038	56%
Lesotho	132	2031	1223	2853	43%
Madagascar	-	-	-	-	-
Malawi	163	943	506	726	70%
Mauritius	67	10017	5332	14736	36%
Mozambique	170	854	705	1007	70%
Namibia	122	6431	2019	5068	40%
South Africa	107	9401	5888	13024	45%
Swaziland	125	4492	2557	6479	39%
Seychelles	47	12508	-	-	
Zambia	153	780	562	995	56%
Zimbabwe	128	2635	1946	3324	59%

As reflected in the table to the left, Botswana women earn significantly less than their male counterparts, even though their real workloads tend to be greater.

Source: UNDP Human Development Report, 2002: 150-1; 222-225

Table 26: Conditions of Employment

Provision	Yes/No	Provisions
Maternity leave	Yes	Provision is made for maternity leave totalling 12 weeks (6 weeks before and 6 weeks after confinement) after the employer has been presented with a certificate signed by a doctor, medical nurse or a midwife. An

		additional 2 weeks maternity leave may be granted on account of illness. During maternity leave a maternity allowance of not less than 25% of the employee's basic pay or 50 thebe for each day of absence, whichever is greater, is payable.
Paternity leave	No	-
Sexual harassment	Some	It is recognised in the Public Service Act covering the public sector, but very few ministries are making mention of this in their respective policies. Some institutions have incorporated sexual harassment policies, such as the University of Botswana and the Bank of Botswana.
Night work		If the working week is 5 days, then the working day may not be more than 9 hours and a period of rest totalling 1-hour should be provided during the day. If the working week is more than 5 days, then the working day may not be more than 8 hours or more than 48 hours in a week. A break of at least 30 minutes must be given after 5 consecutive hours of work. A rest day of not less than 24 consecutive hours, normally including Sunday, must be given in every period of 7 consecutive days. Shift workers must be given a rest day of at least 30 consecutive hours in a period of 7 consecutive days.
Same retirement age and benefits for women and men		

Source: Employment Act - CAP 47:01, 2009

GENDER-BASED VIOLENCE *Article 20-25*

Extent of Gender-based Violence

The Protocol aims to reduce current levels of gender-based violence by half by 2015.

Gender-based violence is a serious threat to the attainment of gender equality in Botswana. In 2007, 1596 cases of rape and attempted rape were reported, and 101 women were murdered by intimate partners. Key forms of GBV include rape, assault, emotional and financial abuse, incest, defilement or (sexual molestation of girls), sexual harassment and femicide. Research shows that most violence against women in Botswana is domestic; the perpetrators are often partners, family members or close acquaintances. It also shows that most cases of domestic violence revolve around the maintenance of men's economic and social control over women (Mookodi, 2004). A study conducted by Modie-Moroka (2007) on intimate partner violence in Botswana found greater than one-third lifetime exposure to IPV among respondents. Thirty four percent of the respondents reported that they had been in a relationship that they perceive as abusive before. Women are more likely to report having been in an abusive relationship than men.

The Penal Code stipulates a maximum life sentence for rape, but such sentences are rarely pronounced and a provision to automatically deny bail to rape respondents was declared unconstitutional in 1998. Botswana's criminal law makes no provision for marital rape (PHR 2007).

The criminal justice system is inadequate and penalises crimes in a generalised way without addressing the gender dimension. There is a minimum sentence of 10 years for rape with an additional 5 years where the perpetrator knowingly infected the survivor with HIV.

The gap in gender sensitive laws is closing with the enactment of the Domestic Violence Act (Act No. 10 of 2008). The Domestic Violence Act seeks to afford protection to victims through the civil justice system, and the intention is that this Act compliments the criminal justice in place. There is currently no law dealing with the trafficking of persons. There are no victim support units in the police service, and there exists only one women's shelter in the country. Much more is required to improve services for survivors.

The Botswana National Action Plan (2007) is in place to end GBV, but stills needs to be popularised and put into action, including the provision of adequate resources. There is not enough outreach and awareness-raising on GBV, and the campaigns are mostly led by women's centred organisations, particularly during 16 Days of Activism against GBV. Men in Botswana have been increasing their participation in the response to GBV, particularly through the Ministry of Health. There is a National Strategy and Programme of Action for Male Involvement in Sexual and Reproductive Health and Rights, the Prevention of HIV/AIDS and Gender-based Violence for 2007-2012.

The Women's Affairs Department together with UNIFEM are executing an extensive baseline study on the link between gender-based violence and HIV/AIDS. The research showed that in general, victims and survivors classified all service providers, with the exception of the health sector, unhelpful to the plight of victims of GBV. It also notes that there is no policy that mandates individuals, communities and government to take coordinated corrective action against perpetrators and provide rehabilitative support services for survivors of GBV.

Table 27: Gender Violence Statistics

No of reported rape cases in 2007	2211
No of rape cases that get withdrawn	
% rape cases withdrawn	
Number of convictions	
% conviction rate	

Source: Botswana Police Service 2008

Overall, specific data on gender-based violence are lacking. The WAD/UNIFEM research found that poor record keeping generally (highly incomplete and not computerised); and keeping records of cases of violence, including domestic and gender-based violence especially, poses a major challenge in trying to measure the extent of gender based violence.

Reports from the Botswana Police Service, in 2008, show that women in Botswana experience increasingly varied manifestations of GBV. Exact figures on rape and related offences are often unavailable or unreliable as most cases go unreported. The Botswana Police Service Report also states, due to the patriarchal nature of the criminal justice system and its agents, with laws that are rooted in traditional attitudes on the roles of men and women, most women would find it difficult to report domestic violence in the first place. The Police study found that in some cases, the perpetrator was in the same room as the victims whilst reporting, officers had negative attitudes towards the victim and not all cases were attended by female officers due to constraints in the number of female police officers (BPS 2008).

The Botswana Police Service concluded that police officers need more specific training in the management of GBV cases. Even though the Domestic Violence Act was passed in 2008, domestic violence is still not considered to be a serious crime and the response of the legal system to GBV remains inadequate (BPS, 2008).

Table 28: Number of Reported GBV Cases between 2003 and 2007

Offence	2003	2004	2005	2006	2007
Passion killing	54	56	85	62	101
Rape	1506	1517	1540	1534	1596
Defilement	303	320	319	324	391
Indecent assault on females	92	107	91	324	391
Defilement of imbeciles	16	18	31	29	17
Incest on females	4	5	6	8	8
Total Reported GBV cases	1975	2023	2072	2072	2211

Source: Botswana Police Service 2008

The table above shows a rise in the number of reported cases of GBV in Botswana. A survey by the Botswana Police Service on the handling of GBV notes that, of the 15 police stations they identified in 2008, there was a total of 1820 police officers employed, and only 433 (30,7%) were female. This means that when a women wants to report a violence-related case, there is a high possibility that there will be no female officer available to attend to her, contrary to what is legally required (BPS 2008).

Response and Support

The SADC Protocol provides that by 2015 state parties shall: Enact and enforce legislation prohibiting all forms of gender-based violence; Ensure that laws on gender-based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault; Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence; Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to the victims, with the aim of re-integrating them into society; Enact legislative provisions, and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.

There are a few NGOs such as Kagisano Women's Shelter, Women against Rape, Emang Basadi, Botshabelo, Child Line, YWCA, WLSA and Ditshwanelo providing services to survivors of gender-based violence - these are often found only in urban areas. Services to survivors of gender-based violence are less accessible especially to survivors and victims in rural and remote area settlements.

Most shelters and counselling services are provided by NGOs. Government does not grant legal aid services for those affected by gender-based violence. However, a number of police stations do have specialised units that deal with gender-based violence and there is a move to roll out more, especially to rural areas (NAP 2007).

While services for victims of gender-based violence are available to survivors, WAD notes that there are major shortcomings in as far as stakeholder coordination and victim referral is concerned. The poor stakeholder coordination and victim referral results in poor victim follow up and limits victim's access to critical services such as psychosocial support (WAD/UNIFEM 2009).

Table 29: GBV Response and Support

Provisions	What is in place?	What needs to be put in place?
Laws/ policies		
Legislation prohibiting all forms of GBV.	National Gender Programme Framework; Domestic Violence Act; Penal Code.	Legislation on gender-based violence, including marital rape.
Ensuring that all perpetrators of GBV are brought to book.	Penal code.	As the number of unreported cases is significant, measures need to be put in place to encourage women to report.
Comprehensive testing, treatment and care of survivors of sexual offences - emergency contraception.	Primary health care system provides for testing, treatment and care.	In remote rural areas where these services are not regularly available (mobile clinics), survivors do not have immediate access to testing, treatment and care.
Access to Post-Exposure Prophylaxis for survivors of GBV.	Through primary health system.	
Prevention of sexually transmitted infections.	Awareness building programmes on prevention of sexually transmitted diseases; HIV/AIDS Policy; National Strategic Framework on HIV/AIDS 2003/09; Free distributions of condoms by the government.	More effective strategies on behavioural change.
Social and psychological rehabilitation of perpetrators of gender based violence?	Rehabilitation programme in prisons.	More effective counselling programmes for perpetrators.* Also need to consider awareness building and training in the school curriculum.
Review of criminal laws and procedures on sexual offences and GBV to eliminate gender bias and ensure that justice and fairness are accorded to the survivor.	Review of the laws and Penal Code was adjusted.	More effective programmes for service providers and greater gender sensitivity to create a safer space for reporting.
Human trafficking		
Specific legislation to prevent human trafficking.	Signed CEDAW	Legislation needs to be put in place specific to human trafficking.
Mechanisms to eradicate national, regional and international human trafficking networks.	-	Develop and implement strategies to eradicate human trafficking networks, to include public awareness of the issue.
Harmonised data collection on trafficking.	-	
Capacity building, awareness raising and sensitization campaigns on trafficking.	-	
Sexual harassment		
Adopt laws, policies, programmes that define and prohibit sexual harassment.	There is a policy in place for the public sector.	Need for enforcement and assertiveness building amongst women to increase reporting.
Gender balance in bodies	-	

Provisions	What is in place?	What needs to be put in place?
adjudicating sexual harassment cases.		
Support services		
Cases on GBV to be heard in a gender sensitive environment.	It is a legal requirement to provide gender sensitive environment for reporting.	As this is often not the case, due to insufficient female staff and awareness on GBV, more recruitment and training needs to be undertaken to secure a safe environment for reporting.
Special counselling services		
Dedicated and sensitive services provided by police units; health; social welfare.	The primary health care system provides for testing, treatment and care.	Survivors of GBV that require medical attention face challenges in the areas of transport by the police service due to shortages, and the overcrowded nature of clinics. More resources have to be allocated to supply for the above.
Accessible information on services available to survivors of gender based violence.	Information on which services are available and where is limited.	
Accessible, affordable and specialized legal services including legal aid to survivors of gender based violence.	Government does not grant legal aid services for those affected by gender-based violence.	Legal Aid services have to be put in place to support survivors of GBV in reporting process.
Specialised facilities, including support mechanisms, for survivors of GBV.	Services to survivors of violence are offered by the police, medical personnel, psychosocial support and the Judiciary.	Coordination and information sharing between the stakeholders is insufficient and needs to be improved.
Rehabilitation and reintegration facilities for survivors of GBV.	Psychosocial support.	More resources need to be allocated to secure effective follow up of counselling.
Training of service providers		
Gender sensitisation training for all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare and health officials?	The Botswana Police Service is being trained on gender during their college training.	More effective training is required to sensitise service providers on the gender dimension of the issues they are dealing with.
Community sensitization programmes for survivors of gender based violence.	In this area NGO's have undertaken many activities and WAD runs workshops on gender-based violence for communities but the coverage is limited.	More effective training on grassroots level needs to be put in place to address the underlying causes of GBV, often rooted in traditional beliefs and practices.
Formal training programmes for service providers.	Botswana participated in the process of dealing with GBV manual by the Commonwealth and training was executed.	

Overall, up scaling of awareness building efforts on GBV are required and remaining challenges have to be addressed. For example, mandatory HIV testing for accused persons before sentencing poses a difficulty because rape cases take long to be decided and an infection may have occurred after the alleged rape but

before the conviction. Verification of the victim's evidence is not a statutory requirement but a practice developed by the courts and it makes it difficult for a conviction to be secured. Section 160(2)(a) of the Penal Code legalizes abortion when the pregnancy is a result of rape, defilement or incest. However, it is required that the abortion be done within 16 weeks and by a medical practitioner being 'satisfied on evidence', which makes it impossible for the abortion to be done (WAD 2009).

The Botswana Police Service recognises the need for more inter-sectoral collaboration between the legal, medical social and psychological service providers (BPS 2008).

Prevention

The Protocol provides for measures, including legislation to discourage traditional and cultural practices that exacerbate GBV and to mount public campaigns against these

In 1999, a Study on the Socio-Economic Implications of Violence Against Women was commissioned by Women's Affairs Department, to document forms, the extent and economic implications of gender violence. Much more needs to be done to discourage traditional beliefs and practices that contribute to the persistence of gender violence despite efforts that have been made. The Botswana National Action Plan to End Gender Violence addresses several actions to be undertaken in the areas of awareness raising and prevention programmes. These include to create a critical mass of boys and men involved in ending gender-based violence, a comprehensive and participatory radical transformation education programme and to use the 16 Days campaign to measure progress, demand accountability and raise awareness. During the 16 Days of Activism in 2008, many activities were undertaken to raise public awareness on the issues of gender violence, but these efforts need to be continued throughout the year, as cultural beliefs and practices are changing at a slower pace than the formal legal environment. NGO's are offering training to media on reporting on gender violence.

The National Strategy and Programme of Action for Male Involvement in Sexual and Reproductive Health and Rights, the Prevention of HIV/AIDS and Gender-based Violence, has a clear objective concerning the prevention of gender violence. Its aim is to reduce to 50% in the year 2012 the incidence of negative SRH practices and GBV due to cultural beliefs and practices by males, and to increase to 80% by 2012 the proportion of boys and men who have participated in education and training sessions on gender and male involvement issues and the prevention of GBV (Ministry of Health / UNFPA 2007).

Integrated Approaches

The SADC Protocol on Gender and Development calls on states to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender-based violence by 2015.

- *Does your country have a National Action Plan to End Gender Violence or is there a strategy available in your country to curb all forms of gender-based violence?*
X Yes
- *Has the National Action Plan been adopted?*
X Yes

The Botswana National Action Plan to End Gender Violence was developed by stakeholders from government, civil society, the police, and the university, as a response to the call by the UN Secretary General, in his 2006 global report on violence against women and children, for all countries to develop comprehensive, multi-sector plans to end this scourge. The plan is structured according to the 1998 Addendum to the SADC Declaration on Gender and Development for the Eradication of Violence Against Women and Children. This National Action Plan was initiated as it was recognised that the current work undertaken to end gender violence is largely fragmented. The plan notes that there is a women's sector group convened by the Women's Affairs Department as well as the BOCONGO Gender Sector but there is not much coordination on gender violence issues. Therefore a multi-sector national action plan was compiled to provide a coordinating framework (NAP 2007). Implementation of the plan has to be accelerated.

HEALTH, HIV AND AIDS *Article 26-27*

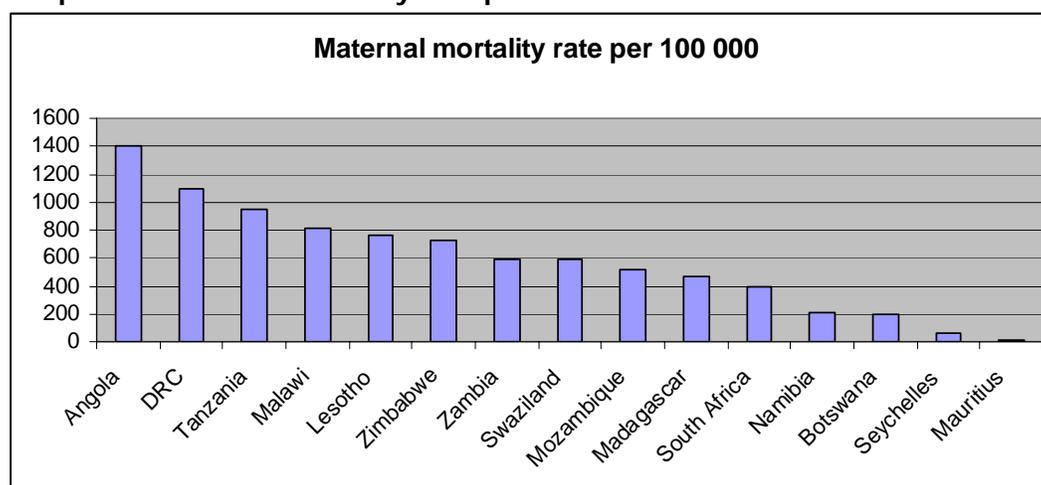
The Protocol provides for state parties to by 2015, adopt and implement legislative frameworks, policies, programmes and services to enhance gender sensitive, appropriate and affordable quality health care; reduce the maternal mortality ratio by 75% and ensure the provision of hygiene and sanitary facilities.

General

In Botswana's mid-review of the National Development Plan 9, the fight against HIV/AIDS is addressed as the most critical issue. The Botswana government is scaling up inputs into the health system which has been weakened by emerging health problems, and the impact of HIV and AIDS. There has been a shift from Maternal and Child Health (MCH) to comprehensive Sexual and Reproductive Health Programmes (SRH). While the MCH focuses on women of reproductive age, it does not explicitly address gender equity and equality issues, the SRH programme makes the promotion of human rights and gender equality the basis for access to reproductive health (UN Botswana 2007).

The maternal mortality ratio increased to 193.4 per 100 000 births in 2007, from 139.8 in 2006 (CSO 2009). The Safe Motherhood Programme aims to strengthen safe motherhood services and a maternal morbidity and mortality audit system was put in place to determine maternal mortality rates in hospitals (Ministry of Finance 2006). Much more is required to tackle maternal mortality. However, it should be noted that compared to the SADC region, Botswana still reflects lower rates of maternal mortality as seen in the graph below.

Graph 10: Maternal mortality rate per 100 000



Source: Gender Links Regional Barometer Report, 2009

Table 30: Key Sexual, Reproductive and Health Indicators

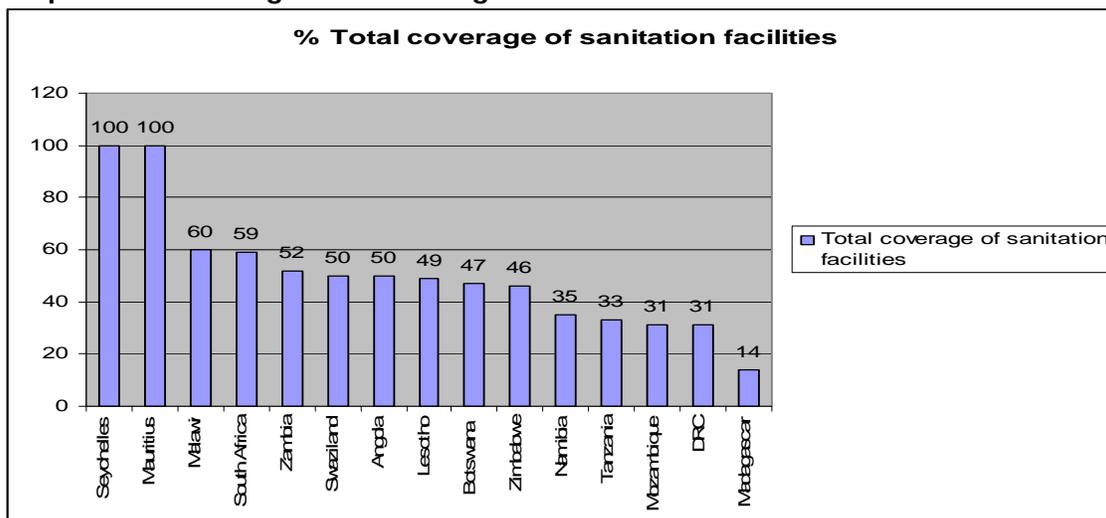
Indicator	Country statistic/policy	Comment
Current maternal mortality rate (Lifetime Chance of Death from Maternal Causes (1 in how many))	193,4 per 100.000 births	Ratio for 2007 according to CSO
% Births attended by Skilled Personnel	99,4	Births attended by doctors, nurses or midwives in 2007 according to CSO
% Contraceptive use among sexually active women	44,4	For women 15-49 years, according to the World Bank's Africa Development Indicators Report of 2008/09
% Contraceptive use among married women	-	
No of deaths annually as a result of illegal abortions	-	Data no available

Country policy on abortion	Lack of data as abortion is illegal and only permitted on certain medical grounds	Abortion is illegal in Botswana and only permitted on certain medical grounds, which include: to save the life of the woman, to preserve physical or mental health, or after a case of rape or incest. The abortion may only be carried out in a government hospital or private hospital or clinic registered for that purpose. An abortion after rape or incest must be approved in writing by two practitioners.
Total Coverage of sanitation facilities	47%	Percentage of population with sustainable access to improved sanitation, according to the World Bank's Africa Development Indicators Report of 2008/09.
Urban coverage	60%	
Rural Coverage	30%	

Source: CSO 2007 and World Bank 2008

As seen in the graph below, Botswana compares below average with regards to sanitation coverage in the country.

Graph 11: Percentage total coverage of sanitation facilities



Source: Gender Links Regional Barometer Report, 2009

Family Planning/Contraceptive Usage

The Maternal and Child Health/Family Planning (MCH/FP) approach is mainly aimed at mothers and younger children, excluding youth. The Ministry of Health developed an Adolescent Sexual and Reproductive Health Implementation Strategy in 2003, to address the specific needs of adolescents and herewith reverse the negative trend of high rates of unprotected sex, HIV infections and premature parenting. Research shows that even though 97% of girls 15-19 surveyed knew at least one modern method of contraception and where to get it, only 22% among those who were sexually active reported using at least one method. Contraceptive use varied per the level of education, as the prevalence rate is

over 40% among women who had secondary or tertiary education and 17% among women with no education (Ministry of Health, 2003).

The government provides free condoms which are widely available. The female condom was introduced in Botswana in 2002 but usage is still low due to lack of knowledge and negative conceptions among the general public. In 2008, it was reported that between April and June, 274608 male condoms and only 4203 female condoms were distributed (Mmegi, 2008). The Ministry of Health has been undertaking campaigns to promote the re-branded female condom known as 'bliss' through road shows, distributing flyers and posters, and is planning television advertisement.

Box three: Termination of Pregnancy

Abortion is illegal in Botswana and only permitted on certain medical grounds, which include saving the life of the woman, to preserve physical or mental health, or after a case of rape or incest. The abortion may only be carried out in a government or private hospital or clinic registered for that purpose. An abortion after rape or incest must be approved in writing by two practitioners.

Research shows that bureaucratic delays and limited access to health clinics are still encouraging illegal backstreet abortions. Although official data is lacking, the UN reports that illegal abortions are common and physicians often refuse to authorise abortions that fall under the law. There seem to be many obstacles in obtaining permission for an abortion. The absence of a clear definition of 'acceptable evidence' that a pregnancy is the result of rape or incest, poses a challenge as interpretation is inevitable. Approved institutions where abortion can be preformed are scarce, with shortages of medical staff, and especially for rural women, accessing these institutions is difficult (UN 2009).

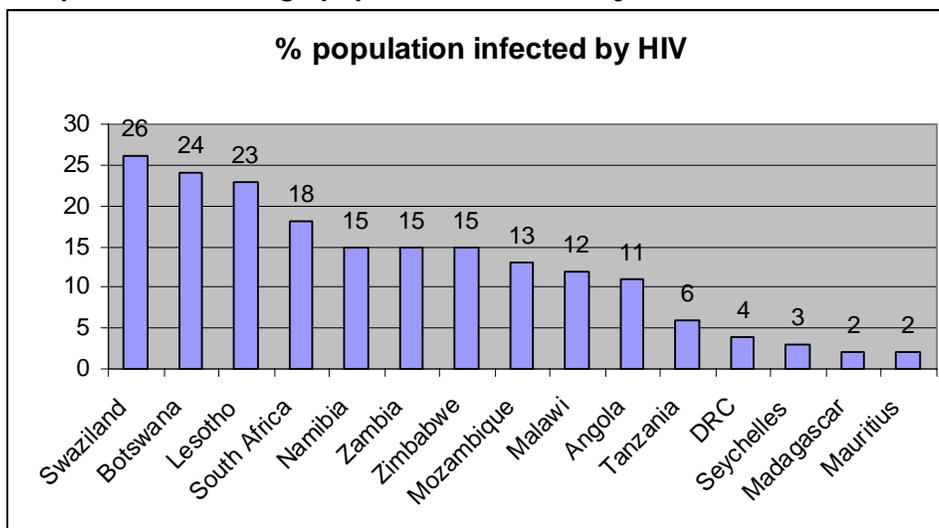
There is not much public debate taking place on the issue of abortion. Most Batswana agree with the current policy as it falls in line with the Christian values of the society and traditionally it is encouraged to have children.

HIV and AIDS Article 27

General

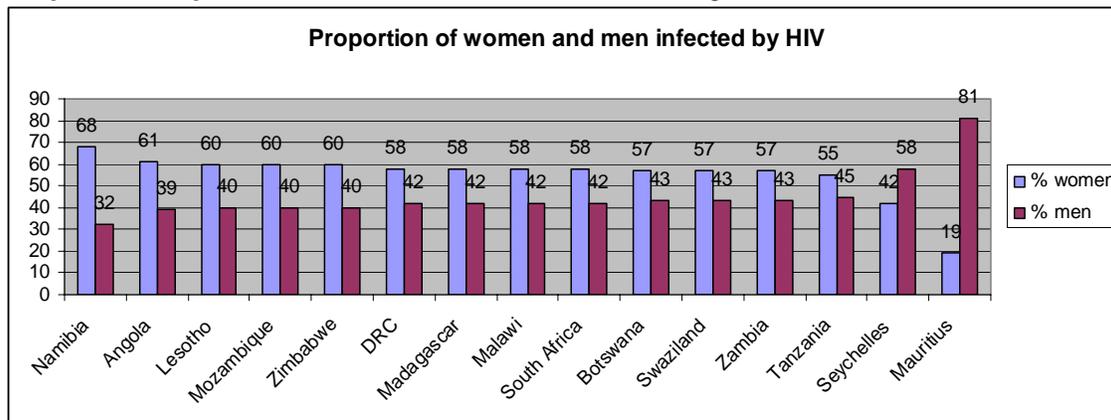
The Botswana AIDS Impact Survey II (BAIS II) Statistical Report of 2005, states that the national HIV prevalence is 17.1%. It shows that the HIV prevalence is significantly higher amongst females (19.8%) than males (13.9%). The National Policy on Gender and Development also makes note of the fact that no decline has been achieved yet amongst pregnant women, which could be caused by the fact that women are still not able to negotiate safe sex. As indicated in the graphs below, Botswana ranks second in the SADC region in terms of numbers of the population infected with HIV; and women are more infected than men – although less so when compared to other countries in the region.

Graph 12: Percentage population infected by HIV



Source: Gender Links Regional Barometer Report, 2009

Graph 13: Proportion of women and men infected by HIV



Source: Gender Links Regional Barometer Report, 2009

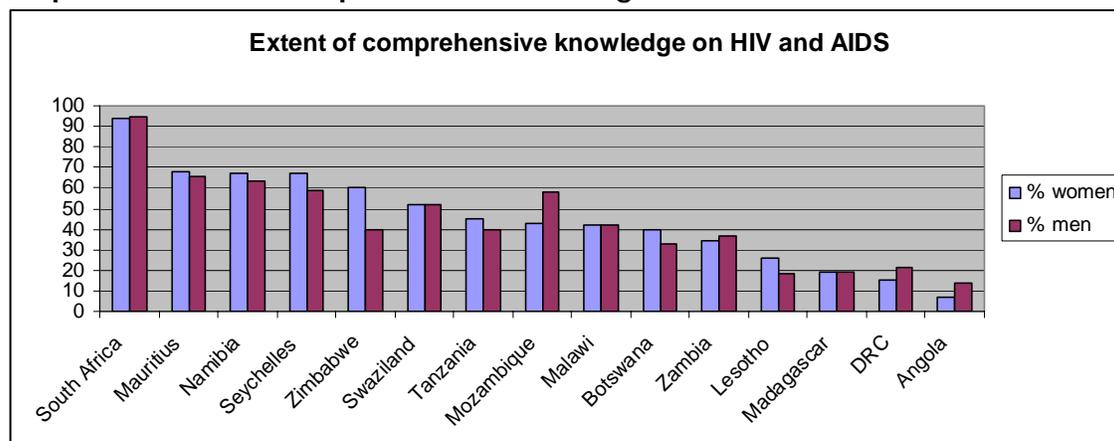
In the 2006/07 budget, BWP 650 million was allocated to the HIV/AIDS programme, which is 52.3% of the budget allocated to the Ministry of the State President. A concern noted by the Ministry of Gender and Development to this budget is that there is a scarce allocation of any budget lines for gender related issues and concern (WAD 2008).

In 2007, UNAIDS and the World Health Organisation (WHO) estimated between 280 000 and 310 000 adults and children were living with HIV in the country. Of this group, between 160 000-180 000 were women (15 years and above). During that year between 6600- 17 000 people died of AIDS (WHO 2008).

More is required to address prevention of HIV and AIDS, including ensuring equal rights within marriage, protecting women and girls from violence and abuse, and promoting women's rights in general. Although awareness of HIV and AIDS is high, there is a challenge to engage traditional structures so that some

negative traditional and cultural beliefs that increase women’s vulnerability to HIV and AIDS can be eliminated. The graph below indicates that Botswana is below average with regards to comprehensive knowledge of HIV/AIDS in the SADC region.

Graph 14: Extent of comprehensive knowledge on HIV/AIDS



Source: Gender Links Regional Barometer Report, 2009

Table 31: Key Gender, HIV and AIDS Indicators

	% women	% men	Total
Extent of comprehensive knowledge on HIV and AIDS	-	-	-
HIV infection	57	43	300000
Voluntary Counselling and Testing	-	-	273676
On ARV treatment	-	-	93000
HIV positive pregnant women receiving PMTCT	95		10450

Source: WHO 2008

Prevention

The Protocol requires that by 2015 state parties shall develop gender sensitive strategies to prevent new infections, taking account of the unequal status of women, and in particular the vulnerability of the girl child as well as harmful practices and biological factors that result in women constituting the majority of those infected and affected by HIV and AIDS.

Botswana has a national HIV and AIDS policy which recognises the need for the promotion of gender equality to enhance women's social and economic status, and to empower them for more effective participation in decision-making about safer sex (Ministry of Health 1998). In 2007, a mid term review of the National Strategic Framework for HIV/AIDS emphasised the need to increase prevention efforts in Botswana; in response the National AIDS Coordination Agency (NACA) developed the 'National Operational Plan for Scaling Up HIV Prevention in Botswana 2008-2010' (NACA 2009). A national campaign was developed to address the issue of 'multiple concurrent partnerships', which focuses on creating awareness of the importance of behavioural change, specifically targeting young people.

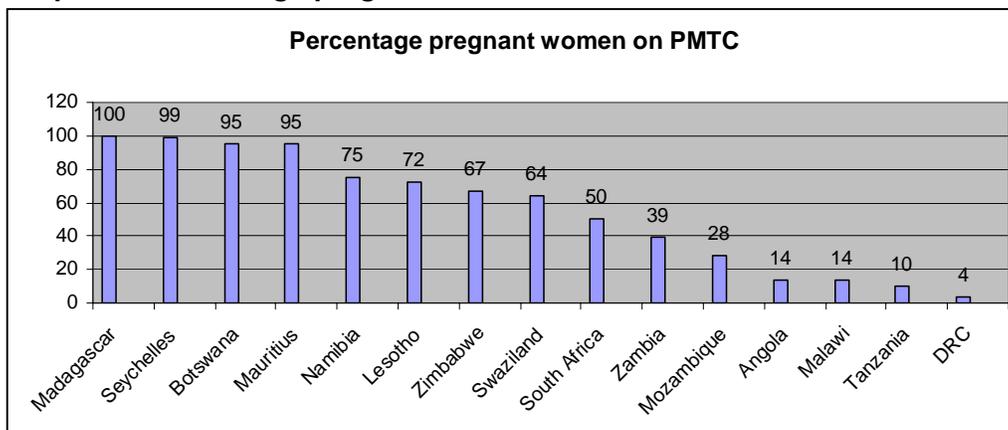
NACA's National Campaign Plan identifies young women as one of the main target groups, as they often engage in multiple concurrent partnerships with older men, for personal or material gain, or for advancement in education or employment (NACA 2009). The plan notes the increasing trend of older men taking advantage of the stats they obtained by gender, age and relative wealth to have sexual relations with young girls. It recognises the concern that these relationships are further disempowering women to negotiate safe sex, and this is a major barrier in HIV prevention.

PMTCT

The Prevention of Mother to Child Transmission (PMTCT) programme is in place and since 2001 their services have been available in all public health facilities. There has been an increase in testing amongst

pregnant women from 64% in 2003 to 83% in 2004, which will most likely contribute to the implementation of routine and rapid HIV testing in all antenatal settings. AZT treatment has increased from 36% in 2003 till 61% in 2004 (Ministry of Finance 2006). The graph below highlights Botswana's favourable position in the region with regards to PMTCT for pregnant women.

Graph 15: Percentage pregnant women on PMTCT



Source: Gender Links Regional Barometer Report, 2009

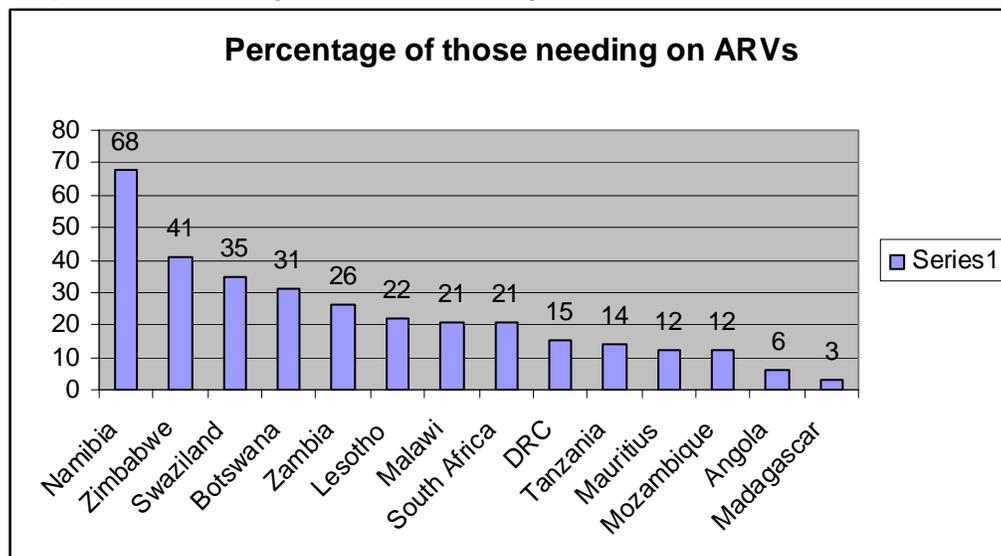
The National HIV/AIDS policy recognises as one of the effects of the epidemic the increase in orphaned children, and therewith the increase in the demand of social welfare services to meet their basic needs. The policy does not cover specific services for orphans and vulnerable children affected by HIV and AIDS but the government does provide for an orphan support programme.

Treatment

The Protocol calls on state parties to ensure universal access to HIV and AIDS treatment for infected women, men, boys and girls

Botswana has made good progress in providing universal access to treatment and care for men and women living with HIV and AIDS. UNAIDS/WHO reports that in 2007, between 100 000-130 000 people needed ART, and between 86 000- 99 000 people received ARVs. ART coverage is between 69%-91% (WHO 2008). Botswana is also doing well in preventing mother to child transmission as 95% of pregnant women received ART to prevent mother to child transmission in 2007. ARV treatment is provided free to citizens. Although Botswana does have reasonable coverage of ART, it appears compared to the region, there are still many in need of ARVs (see graph below).

Graph 16: Percentage of those needing ARVs



Source: Gender Links Regional Barometer Report, 2009

The government also provides for an orphan support programme and a community home based care programme, but women and girls are burdened with home based care, which is limiting their ability to participate in productive activities. Currently there is no drive to increase shared responsibility of care work with men.



Women playing games, Botswana
bushman women playing games_botswana

Photo: Roger de la Harpe, Africa Imagery

Care Work

During May 2009, GEMSA conducted a policy audit of care work in Botswana. GEMSA aimed to evaluate current and future provisions for care-givers in the country, to identify policy gaps, and to provide recommendations on how stakeholders can strengthen the care work programme. Ultimately, the findings from this report will contribute to a model home-based care policy for the Southern African Development Community (SADC) region.

To accurately reflect on conditions in the country, GEMSA held three focus group meetings and a series of interviews. Researchers identified participants through desktop research and discussions with organisations involved in care work. The first meeting brought together 10 community home-based care (CHBC) organisations. The second focus group drew 6 civil society organisations involved in gender and HIV/AIDS, such as the Botswana Network of AIDS Service Organisations (BONASO), the Botswana Network on Ethics Law and HIV/AIDS (BONELA) and Women in Action (WIA). GEMSA also conducted an interview with a representative from the Joint United Nations Programme on HIV/AIDS (UNAIDS). In addition, GEMSA held several interviews with government employees. The third focus group brought together 5 health workers and 1 home-based care coordinator. GEMSA also interviewed the Gaborone district CHBC coordinator.

The research revealed that Botswana has had a CHBC programme since the early 1990s. The guideline, which the government later revised in 1996, continues to be used today. In addition, to support the work of volunteers, the government provides a monthly transportation allowance and clinical supplies. The CHBC programme has succeeded in impacting people infected and affected by HIV and AIDS. However, given the changing AIDS epidemic, the current programme relies too heavily on an outdated guideline. The government needs to broaden the focus of CHBC to address the needs and wellbeing of volunteers.

ISSUE	POLICIES	OPPORTUNITIES	RECOMMENDATION
Remuneration	<p>At present only donor organisations provide financial incentives for CHBC volunteers working at NGOs.</p> <p>The government feels that by remunerating care-givers, they would destroy the spirit of volunteerism.</p> <p>It is unclear whether the government has the capacity to provide a sustainable income to volunteers.</p>	<p>The government is currently reviewing the CHBC programme. During this evaluation they could explore and strategise on providing volunteers with incentives and request ideas and feedback from stakeholders.</p>	<ul style="list-style-type: none"> Engage stakeholders in a discussion on fair, sustainable government provisions. Assess the CHBC budget to see how the government can restructure it to better accommodate, and potentially pay, care-givers. Explore the possibility of developing a system where only a few volunteers receive payment, based on the number of hours and services provided. Explore other incentives such as free health care and food packages.
Training/ professional recognition	<p>The government currently has no mandated, minimum level of training. Nurses train CHBC volunteers at the clinics on issues of tuberculosis, adherence, diet and how to care for patients. As new issues arise, the clinic provides care-givers</p>	<p>The government is currently reviewing the CHBC programme. During this evaluation they could explore and strategise on new training programmes and</p>	<ul style="list-style-type: none"> Consider moving towards a standardised, mandated training programme. Clinics should provide greater clarity on their training sessions. Explore the possibility of accrediting training to help professionalise

	<p>refresher courses but this is ad hoc and unregulated.</p> <p>Many care-givers working for NGOs receive training from either clinics or other civil society organisations.</p>	<p>request ideas and feedback from stakeholders.</p>	<p>CHBC and create a career path within the sector.</p>
<p>Logistic and material support</p>	<p>The government provides CHBC volunteers with a transportation allowance of P151 per month (roughly USD 22) and clinical supplies.</p>	<p>The government is currently reviewing the CHBC programme. During this evaluation they could explore and strategise on new provisions for care-givers and request ideas and feedback from stakeholders.</p>	<ul style="list-style-type: none"> • Improve management and evaluation of systems to accurately predict community needs. • Promote smoother, more efficient communication between departments to minimise backlogs. • Provide clear guidelines on transportation reimbursement and explore alternative forms of transport such as bicycles. • Scrutinise the CHBC budget to make room for new concessions for volunteers. • Fund provisions that have the most meaningful impact on the lives and work of CHBC volunteers.
<p>Psychosocial support</p>	<p>The government provides psychosocial support through supervisors at the clinics or through the social welfare officers.</p> <p>As part of Ministry of Health's monitoring of CHBC, government representatives often visit volunteers to discuss their challenges.</p> <p>CHBC organisations often facilitate discussions for volunteers to share their challenges and frustrations.</p>	<p>The government is currently reviewing the CHBC programme. During this evaluation they could explore and strategise on strengthening psychosocial support for caregivers and request ideas and feedback from stakeholders.</p>	<ul style="list-style-type: none"> • Increase the capacity of nurses and social workers who are often overstretched and suffering from burnout. • Implement a report back session with volunteers on concerns raised during evaluations. • Incorporate stress management and exercises on how to cope with the loss of patients in volunteer training. • Encourage peer counselling so volunteers can support one another.
<p>Gender equality</p>	<p>The CHBC guidelines do not address the gender disparity in CHBC.</p>	<p>The government is currently reviewing the CHBC programme. During this</p>	<ul style="list-style-type: none"> • Communities should approach and sensitise men on issues of equality from an early age.

		evaluation they could explore and strategise on strengthening the gender balance in CHBC groups and request ideas and feedback from stakeholders.	<ul style="list-style-type: none">• The Ministry of Health should actively recruit and engage men in volunteering. They should also raise awareness on sharing responsibilities in care work.• Improve volunteer incentives.• Sign the SADC Protocol on Gender and Development.
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Primary care-giver with orphaned extended family members, Botswana
bots family2

Photo: Gender Links

SUMMARY OF KEY QUANTITATIVE FINDINGS FOR BOTSWANA MEDIA HOUSES

Glass Ceiling

CATEGORY	% BOTSWANA		% REGION	
	Female	Male	Female	Male
Percentage of employees by sex	42	58	41	59
OCCUPATIONAL LEVELS				
Non-permanent	38	62	36	64
Semi-skilled	92	8	55	45
Unskilled	67	33	51	49
Skilled technical	32	68	45	55
Professionally qualified	28	72	31	69
Senior management	39	61	28	72
Top management	30	70	23	77
Board of directors	24	76	28	72
CONDITIONS OF EMPLOYMENT				
Freelance	22	78	43	57
Part-time	100	0	23	77
Full-time, fixed-term contract	25	75	37	63
Full-time open-ended contract	51	49	42	58
DEPARTMENTS				
<i>Percentage of women and men in:</i>				
Finance & administration	67	33	54	46
Editorial	36	64	42	58
Advertising/Marketing	38	62	57	43
Human resources	81	19	44	56
Production	50	50	30	70
Technical/IT	0	100	16	84
Design	38	62	31	69
Printing & distribution	50	50	24	76
BEATS				
<i>Top three beats covered by women</i>				
Religion	100	0	52	48
Entertainment/arts/culture	100	0	42	58
Health	100	0	59	41
<i>Top three beats covered by men</i>				
Economics/Business/Finance	0	100	39	61
Labour	0	100	36	64
Science and Technology	0	100	39	61
Agriculture	0	Botswana	41	Region
POLICIES				
Existence of a gender policy		20	16	59
		100		

Existence of a sexual harassment policy	60	28
Need for improving gender policies	60	68

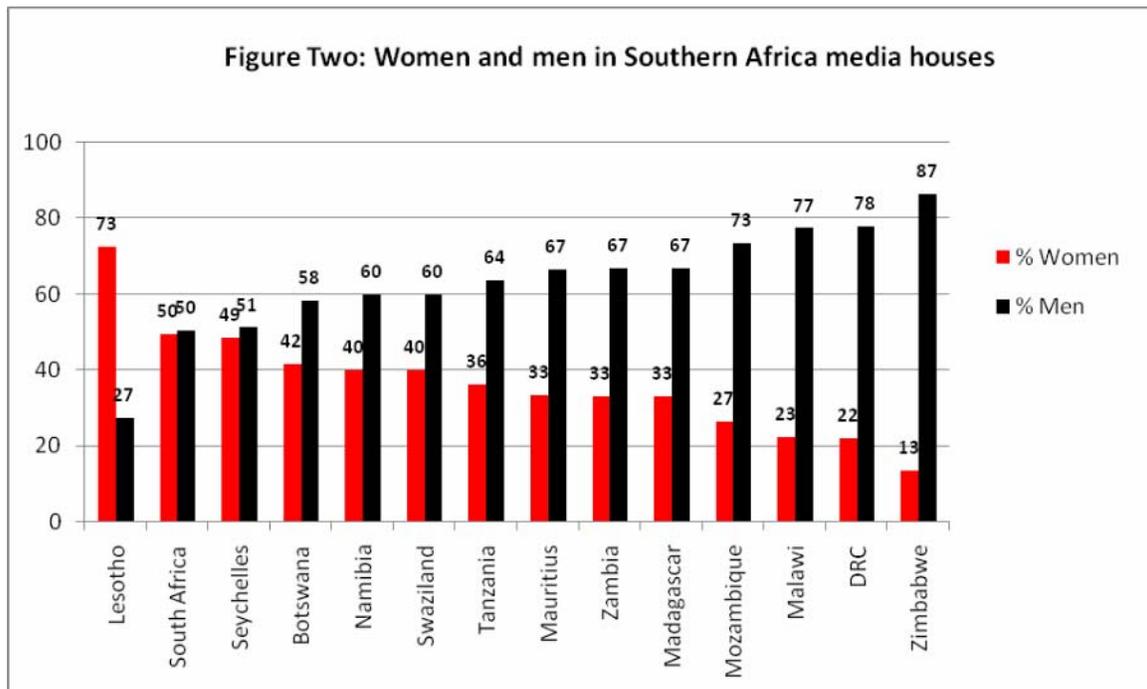
Women’s Federation (IMWF), through the Gender and Media Diversity Centre (GMDC).

The centre is a partnership between media-development organisations and training and higher-learning institutions for the “collection and connection” of knowledge, and “collaboration” to advance gender equality and diversity in media across the globe. The GMDC has also facilitated partnerships around the fourth Global Media Monitoring Project (GMMP), and second Gender and Media Baseline Study (GMBS) to take place in 2009/2010.

The study took place in the context of the August 2008 Southern African Development Community (SADC) Protocol on Gender and Development, which urges the media and all decision-making bodies in the region to achieve gender parity by 2015. The gender protocol also calls for the mainstreaming of gender in all media laws, policies and training. It urges the media to give equal voice to women and men, challenge gender stereotypes and ensure balance and sensitivity in all coverage - especially that relating to gender violence.

In Botswana the study is based on research in five media houses, with a total of 886 employees. Researchers conducted in-depth case studies of two media houses, and interviewed six journalists/senior managers/editors for their perspectives on the results. A further 33 staff responded to perception questionnaires. As seen in the graph below, Botswana has fairly strong female representation in media houses compared with other countries on the SADC region.

Graph 17: Women and men in Southern Africa media houses



Source: Gender Links Regional Barometer Report, 2009

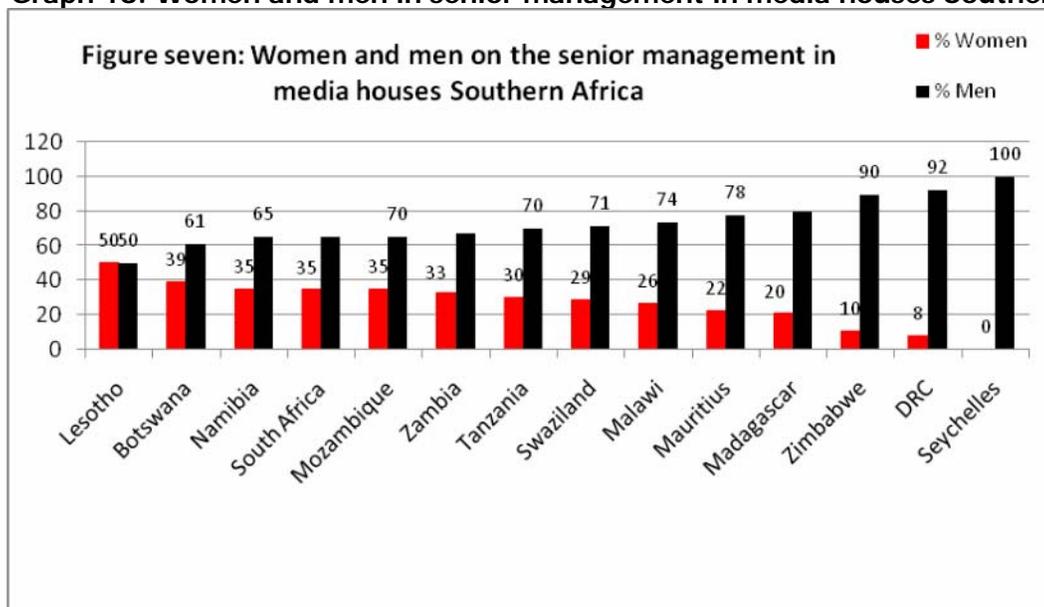
In total, 126 media houses (about half of all media houses¹) in 14² of the 15 countries of the Southern African Development Community (SADC) representing 23 684 employees participated in the research. Some 463 respondents filled in perception questionnaires. Relevant regional comparisons are made throughout the report. This report should be read in tandem with the regional report: *“Glass Ceilings: Women and Men in the Southern African Media.”*

Keabonye Ntsabane, Co-ordinator of the Gender Links Botswana office, undertook the research in Botswana as well as case studies and profiles with the assistance of Roos van Dorp, Gender Links Botswana Programme Assistant. Sikhonzile Ndlovu, GL media literacy co-ordinator, compiled this report. GL executive director

Colleen Lowe Morna and deputy director Kubi Rama edited the final report with assistance from freelance editor Helen Grange.

From the graph below it is evident that Botswana fares very well compared to the region with regards to female leadership and management in media houses.

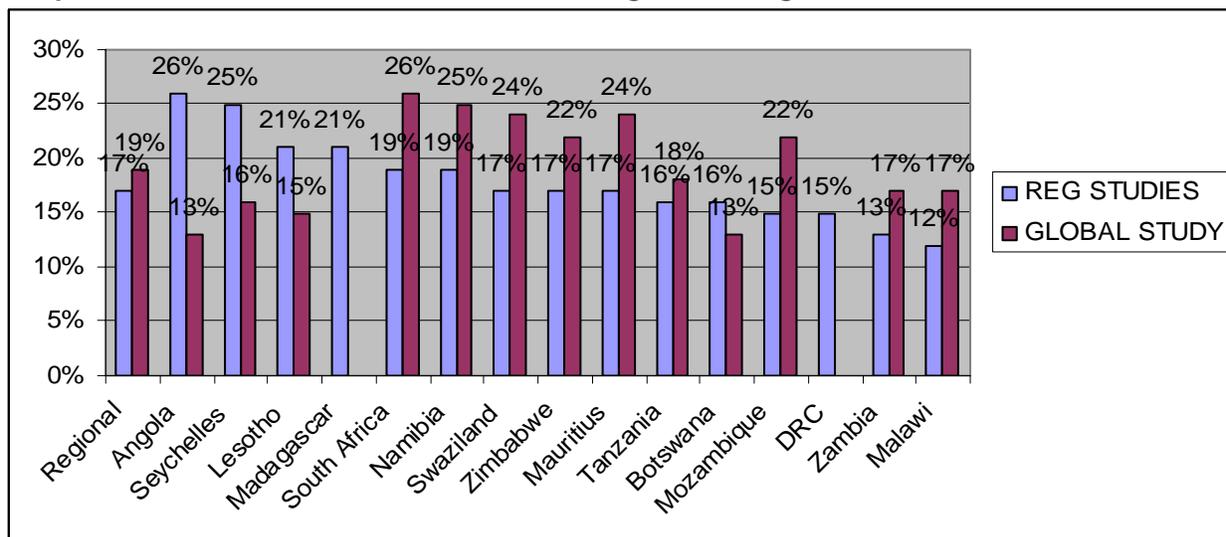
Graph 18: Women and men in senior management in media houses Southern Africa



Source: Gender Links Regional Barometer Report, 2009

Botswana has few women sources in media with only 6%; women are relatively weakly presented in media compared to other countries in the SADC region. See graph below.

Graph 19: Women sources in all countries, regional and global studies



Source: Gender Links Regional Barometer Report, 2009

Gender and Media Baseline Study

Summary of key findings

The key findings of the research can be summarised as follows:

- ***Women's views and voices are grossly under-represented in the Botswana media:*** Women constituted 16 percent of news sources, slightly lower than the regional average of 17 percent, and the global average in the GMMP of 18 percent.
- ***Best and worst performers:*** BTV had the highest proportion of women sources (24 percent), and Mmegi the lowest, at seven percent.
- ***There are no significant differences between private and public media:*** Although public TV had the highest proportion of women sources, this was almost double the figure for public radio- Radio Botswana- at 11 percent. The private media also demonstrated considerable variation from the Voice, with 21 percent women sources to Mmegi, with only seven percent women sources.
- ***Women in the media still carry their private identity more than men:*** Of all the sources identified in terms of a relationship, women (five percent) were more likely to be identified as the wife, daughter, mother, girlfriend, or in relationship to a husband, son, father, boyfriend. In contrast, less than one percent of the male sources were labelled in a relationship such as husband, son or father. The comparative regional figures are 11 percent for women and two percent for men.
- ***Older women, more than older men, are virtually invisible:*** Women in the 20-43 year bracket are much more likely to be accessed as sources of news in the electronic media (11 percent) than in the 35-49 year category (four percent). In contrast, the largest proportion of male sources (38 percent) falls in the 35-49 year category. Women are even less heard in the print media in both age groups, and especially in the 35-49 year category, where again men are the most vocal.
- ***Women in certain occupational categories are virtually silent:***
- ***Gender equality is hardly considered newsworthy:*** The only stories on gender equality that featured in the media during the monitoring period concerned gender violence.
- ***Men's voices dominate in most of the hard news categories:*** Both in the region and in Botswana, women constituted less than fifteen percent of news sources in the politics, sports, disaster, war and conflict categories.
- ***But Botswana fared better than the region in some hard news categories:*** An interesting feature in Botswana is the fact that women constituted 24 percent of sources on economics- double the figure for the region. This may be a reflection of the critical role that women play in small and medium scale enterprises. Women also constituted a relatively higher proportion of sources on health and HIV/ AIDS (30 percent) compared to other topic categories.
- ***The highest level of representation of women in the Botswana media is as TV reporters:*** As in the rest of the region, there is no professional news category in Botswana in which women media practitioners predominate. It is significant, however, that whereas in the region the highest proportion of women media practitioners is in the TV presenter category (45 percent), in Botswana the highest proportion of women media practitioners are TV reporters (48 percent).
- ***Male and female TV media practitioners have to be young!*** Botswana journalists in TV are young. The majority fall within the age category of 20-34 years. There are no Botswana television presenters or reporters or in the age group 50-64 years. There are no female TV presenters in the age category 35-49 years, and there are only four percent male TV reporters in this category. Data could not be obtained for the ages of radio reporters. The available data suggests that there is a strong bias in the electronic media in Botswana towards youthfulness- both for women and men. This differs from the region, where there are sharp gender disparities in the older age brackets, with numbers of women declining dramatically in these brackets in contrast to their male

counterparts. The fact that women and men are equally affected in Botswana is a positive comment on gender, though not on the way that age is viewed by the society.

- ***Botswana has the highest proportion of women in the region in the print media:*** Women wrote 41 percent of the articles in the survey, compared to the regional average of 22 percent. This, and the high percentage of women TV reporters, is a positive reflection of the fact that the mainstream media in Botswana has come a long way towards recognising that women media practitioners have brains and skills- not just their looks- to offer the profession.
- ***Gender disparities in beats are not as marked in Botswana as they are elsewhere in the region:*** Because of the greater gender balance that appears to have been achieved in the newsrooms of Botswana compared to the rest of the region, the gender disparity in beats is also not as marked as in other parts of the region. It is particularly significant that women constituted the majority of those reporting on economics, disaster, war and conflict, media and entertainment, health and HIV/ AIDS as well as sustainable development. Women came close to achieving parity with men in the politics beat. They were, however, outnumbered by men in other traditionally male beats such as mining and agriculture, sports and human rights. It is interesting that men also produced more stories than women on gender violence.
- ***The qualitative analysis*** yielded several examples of blatant and subtle sexist reporting. By far the largest number of stories fell in the category of gender blind – stories that are the poorer for failing to recognize the gender dynamics that are at play in every day situations.
- ***There is urgent need for gender training of male and female media practitioners:*** The fact that women appear to play an active role in generating news in Botswana, yet the editorial content is still so imbalanced from a gender perspective points to the need for gender sensitivity training for both male and female journalists in the country.

IMPLEMENTATION *Article 32 -36*

Signing

Botswana has not yet signed the protocol, as it has reservations concerning the mandatory language of the protocol and the commitment to its timeframes. Despite ongoing lobbying activities by the gender sector in Botswana, there is no direct sign of intent to sign the protocol. The president of Botswana, Sir Ian Khama, has declared on several occasions though that he will support women in decision-making positions and is committed to achieve gender equality.

Currently, the Gender & Development Sector is continuing with its lobbying activities and is addressing the issue with different stakeholders, such as parliamentarians and heads of NGO's. They have requested for a meeting with the president to urge him to sign before the next SADC Heads of States Summit in 2009. During district-level workshops by Gender Links and BALA, councillors have expressed their support. Reports in the media have also been putting pressure on the government urging them to sign. The SADC Parliamentary Forum Regional Women's Caucus also visited Botswana recently to lobby the president to sign.

Implementation Mechanisms and Processes

Botswana's gender management system comprises the Botswana National Council on Women in Development, the Women's Affairs Department (WAD) in the Ministry of Labour and Home Affairs, Gender Focal Points in all ministries and District Gender Committees and Officers.

Gender mainstreaming within government has still to take root, as WAD is underfunded. It is difficult to drive the gender equality agenda in the country; reporting on regional and international commitments such as CEDAW is inconsistent. The government of Botswana has reported that it is committed to the promotion of gender equality, by increasing the WAD budget from \$200.000 to \$1.2 million for the financial year of 2008/09 and through the establishment of gender structures in the districts (Ministry of Labour and Home Affairs 2008).

The government is required to send annual reports to the SADC Secretariat on the status of gender equality in the country, as well as reporting to Summit on progress.

Table 32: National Gender Machinery and Processes

Component	Yes /No	Comments
National Gender Policy	Yes	Policy of Women in Development 1996
Gender ministry	Yes	Women's Affairs Department (under Ministry of Labour and Home Affairs)
Gender focal points in all line departments	Some	Gender Focal points have been established in Ministries and this is expected to promote ownership of the Policy on Women in Development (WAD 2002)
Gender structure in parliament	No	

Active collaboration with civil society	Yes	Civil Society organised in the Gender & Development Sector
Plan for domestication/popularisation of the Protocol?	Ongoing	Roadmap by the Gender & Development sector
National action plans with measurable time frames	-	Botswana has not signed yet
Analysis of baseline data against a which a report will have to be submitted in 2010	-	n/a
Preparedness for first report next year	-	n/a

Mechanisms and institutions established to promote the advancement for women further include:

- Policy on Women in Development in 1996
- Formulation of the National Gender Programme Framework in 1998
- Women's Affairs Department in 1997
- BOCONGO Gender & Development Sector
- University of Botswana Gender Policy Programme Committee (GPPC)
- Botswana National Council of Women (BNCW) in 1999
- Establishment of gender structures and committees in the districts.

CONCLUSIONS

Botswana has not yet signed the protocol, so is not committed to its timeframes, but the country has committed itself to the timeframes of Vision 2016. Vision 2016 identifies certain goals to be achieved by Botswana which include the establishment of an educated, informed nation, a prosperous, productive and innovative nation and a compassionate, just and caring nation. Gender is not integrated in this document, but to be able to achieve these goals, the gender dimension cannot be ignored. As is clear from the study, Botswana has been undertaking many initiatives to support measures to achieve gender equality, but some areas still require urgent attention.

More needs to be done to support women in accessing and benefiting from productive resources and employment, as well as stimulating the economic empowerment of women. The challenges in the prevention of gender violence and treatment for survivors need to be addressed. Up scaling of awareness building efforts are required and there is a call for more inter-sectoral collaboration between the legal, medical social and psychological service providers to survivors of gender violence.

Women are underrepresented at the decision-making level and there is no legislated quota in place to increase women's participation, which makes it very unlikely that Botswana will reach the 50-50% representation target by 2015. Little has been done to review the system to widen women's opportunity to participate in the elections as candidates and decision-makers.

Gender-based violence is a serious threat to the attainment of gender equality in Botswana. As most cases of domestic violence revolve around the maintenance of men's economic and social control over women, the support for economic empowerment of women is vital. Another critical issue is the fight against HIV/AIDS. Botswana has made impressive progress in providing universal access to treatment and care for all citizens living with HIV and AIDS; but women and girls are still burdened with the care work at home, which is limiting their ability to participate in educational and productive activities. Currently there seems to be no drive to increase shared responsibility of care work with men. More is required to address prevention of HIV and AIDS, including ensuring equal rights within marriage, protecting women and girls from violence and abuse, and promoting women's rights in general. Although awareness of HIV and AIDS is high, there is a challenge to engage traditional structures in an attempt to eliminate some negative traditional and cultural beliefs that increase women's vulnerability to HIV and AIDS.



Botswana Street Market
bots street market2

Photo: Gender Links

ANNEX A: LIST OF DOCUMENTS ACCESSED AND SUBMITTED

Document	Accessed and reviewed	Copy of document
Country Constitution	x	x
Model legislation on any article		
Gender Policy	x	x
HIV and AIDS Policy	x	x
Trade Policies	x	
Entrepreneur Policies		
Procurement Policies		
Health Policies	x	
Labour Policies	x	
Education Policies	x	x
Economic Policy	x	
Micro finance policy/ charter		
Land Policy	x	x
Skills Development Policy		
Trafficking law / policy	-	-
UN documentation	x	x
All legislation – GBV, AA,	Domestic Violence Act 2008	x
Election related data – reports on election results, voter registration lists, amongst others.	x	x

ANNEX B: List of contributors to the SADC Gender Protocol Score Card for Botswana

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