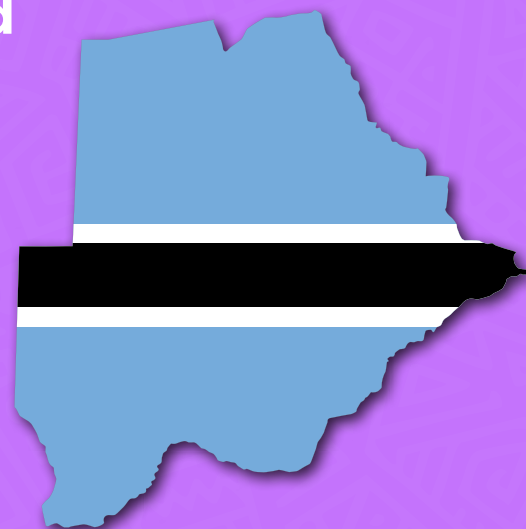


Ending violence against women and girls in Eastern and Southern Africa

Botswana

Country context: According to UNFPA, over 67% of women in Botswana have experienced abuse. This is over double the global average. However, the 2023 Afrobarometer report insists that the true extent of GBV may be unknown due to underreporting.



Regional frameworks ratified/acceded/signed

- **African Charter on Human and Peoples' Rights** - 17 July 1986
- **African Charter on the Rights and Welfare of the Child (ACRWC)** - 10 July 2001
- **Revised Southern African Development Community (SADC) Protocol on Gender and Development** - Signed and acceded - 10 May 2017
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 1 December 2023

National legal framework

Constitution 1996 (revised 2016)

The Constitution of Botswana guarantees equal protection under the law and prohibits inhuman or degrading treatment or punishment.

Key provisions

- Section 3 guarantees the right to life, liberty, personal security, and protection of the law without discrimination, including on the basis of sex.
- Section 7 prohibits torture, inhuman or degrading punishment or treatment, which may encompass forms of violence against women and girls, such as intimate partner violence or sexual assault.
- Section 15 prohibits laws or actions that result in discriminatory treatment based on race, tribe, place of origin, political opinion, colour, creed, or sex.

Domestic Violence Act, 2008

The Act provides civil remedies for survivors of domestic abuse.

Key provisions

- Section 2 defines domestic violence to include physical, sexual, emotional, psychological, and economic abuse, harassment, stalking and unlawful entry.

- Economic abuse includes depriving the survivor of access to food, shelter, or shared property.
- Sexual abuse includes any conduct that degrades, humiliates, or violates sexual integrity.
- According to Sections 10 and 11, the Court may grant protection orders, including restraining orders and tenancy and occupation orders, to protect survivors of domestic violence.
- Section 19 makes it an offence to violate protection orders, punishable by a fine of P5,000 or 2 years' imprisonment.

Children's Act, 2009

Protects children from various forms of abuse and provides mechanisms for redress.

Key provisions

- Upholds the principle of the 'best interest of the child.'
- Sections 5 and 6 guarantee every child's right to survival, parental care, development and protection.
- Section 8 defines "harm" to include physical, sexual, emotional, and psychological abuse.
- Rights guaranteed under the Bill of Rights for children (Part III) include the right to life, the right to health, and the right to privacy.

2. Laws and policies on ending violence against women and girls in Botswana

- Section 25 considers a child to be in need of protection if they are abused, neglected, abandoned, or exposed to domestic violence, drug abuse, or exploitative environments.

Penal Code (Amendment) Act, 2021

The Penal Code criminalises various forms of violence, including sexual violence.

Key provisions

- Section 141 defines rape as unlawful carnal knowledge of another person causing penetration by a sexual organ or instrument, without consent or where consent is obtained by force, threats or intimidation, or even by impersonating a person's spouse.
- Section 142 (1), the penalty for rape is a minimum term of 20 years' imprisonment and a maximum of life imprisonment.
- Section 142(2), if the rape involves violence that causes harm, the penalty is a minimum of 25 years' imprisonment to life imprisonment with or without corporal punishment.
- Section 142(4), if the perpetrator was aware that they were HIV positive at the time of the rape, the penalty is a minimum of 30 years or life imprisonment with corporal punishment.
- Section 143, the penalty for attempted rape is a minimum sentence of 15 years' imprisonment or life imprisonment with or without corporal punishment.
- Section 146(3) criminalises indecent assault and acts that insult a woman's modesty (e.g., offensive gestures, words, or invasion of privacy), and the penalty is imprisonment of up to 1 year.

Sexual Offenders Registry Act, 2021

Establishes a national registry of sexual offenders to prevent them from accessing vulnerable populations.

Key provisions

- Section 7 establishes the Sexual Offenders Register, which contains the names of sexual offenders in Botswana and those registered outside Botswana for sexual offences.
- The Register informs an employer whether an employee has been convicted of a sexual offence, including relevant authorities dealing with foster care, kinship, care-giving and adoption.
- According to Section 13, it is an offence for an employer to employ a person who has been convicted of a sexual offence punishable by a fine not exceeding P300,000 or imprisonment for a term not exceeding 5 years.

- Section 19 empowers courts to issue post-release supervision orders of a sexual offender where there is a need to protect the public from harm from the sexual offender and prevent sexual offenders from committing further sexual offences.
- According to Section 21, the Court may declare a person a dangerous sexual offender if the person has more than one conviction of a sexual offence, has been convicted of a sexual offence accompanied by violence or threat of violence and has been convicted of a sexual offence against a vulnerable person.

Policy frameworks

Vision 2036

- Explicitly prioritises gender equality as a pillar of national progress.
- Commits the government to domestic, international and regional treaties related to women's rights and implements educational and outreach programs aimed at shifting cultural norms that perpetuate GBV.

Anti-Human Trafficking National Action Plan 2023-2028

- Provides a framework to enhance Botswana's national response to human trafficking.
- Encourages multi-sectoral collaboration amongst all Government departments, non-governmental organisations, civil society, development partners and the private sector.

Support services and mechanisms

- **Gender and Child Protection Branch:** A specialised arm of the Botswana Police Service trained to handle GBV and child protection cases.
- **Ministry of Health Protocols:** promote survivor-centred healthcare in GBV cases.
- **Botswana Gender-Based Violence Prevention and Support Centre (BGBVC):** Offers shelter, counselling, clinical care, legal assistance, and community outreach to prevent GBV.
- **Community outreach and sensitisation programs:** Run by civil society and government institutions to improve GBV awareness and reporting.
- **Specialised GBV Courts:** fast-track GBV cases.

3. Laws and policies on ending violence against women and girls in Botswana

Legal gaps and implementation challenges

- Marital rape is not criminalised, creating a gap in the legal protection of women.
- The Domestic Violence Act of 2008 provides civil remedies like protection orders, but it does not establish criminal penalties for acts such as emotional or psychological abuse, making prosecution difficult in such cases.
- Protection orders are inconsistently enforced.
- Social stigma, fear of retaliation, and institutional distrust discourage survivors from reporting.
- Survivor-blaming attitudes persist within communities and enforcement bodies.



Scan to learn more about laws and protections **ending violence against women and girls in Botswana.**