



Home Office

Country Policy and Information Note **Botswana: Women fearing gender-** **based violence.**

Version 2.0

January 2025

Contents

Executive summary	4
Assessment	5
About the assessment	5
1. Material facts, credibility, and other checks/referrals	5
1.1 Credibility.....	5
1.2 Exclusion	5
2. Convention reason(s)	6
3. Risk	6
4. Protection.....	8
5. Internal relocation	9
6. Certification.....	9
Country information	10
About the country information	10
7. Demography	10
8. Legal and policy context.....	12
8.1 International instruments	12
8.2 Domestic protection from discrimination	12
8.3 Domestic protections from violence	13
8.4 Policies and programmes	14
9. Political rights.....	18
10. Socio-economic position	18
11. Societal attitude to gender-based violence (GBV)	19
12. Prevalence of GBV	21
13. State protection.....	27
13.1 Botswana Police Service	27
13.2 Judiciary	29
14. Legal aid	31
15. Civil society organisations (CSOs).....	32
16. Freedom of movement	33
Research methodology	34
Terms of Reference	35
Bibliography	36
Sources cited	36
Sources consulted but not cited	37
Version control and feedback	38

Feedback to the Home Office.....	38
Independent Advisory Group on Country Information	38

Executive summary

The constitution provides for equal rights between men and women, and non-discrimination based on gender. There are also laws in place to protect women from gender-based violence (GBV) and policies introduced to address GBV including the government's adoption of Vision 2036, which aims for elimination of all forms of GBV.

However, customary law discriminates against women and despite the various measures to protect women's rights, gender inequality and negative patriarchal socio-cultural practices persist.

GBV is reportedly widespread. Source estimates range from a third to two-thirds of all women experience GBV in their lifetimes. GBV is most often likely to be perpetrated by an intimate partner. However, accurate, reliable, and up to date data is limited. Similarly, GBV includes a wide range of various physical, psychological, emotional, and sexual acts, each with varying degrees of severity.

Women do not form a particular social group within the meaning of the Refugee Convention.

Women are not likely to be at risk of GBV from non-state actors amounting to persecution or serious, although individuals may face discrimination and violence.

Protection is likely to be available.

Internal relocation is likely to be viable.

Where a claim is refused, it is likely to be certified as 'clearly unfounded'.

All cases must be considered on their individual facts, with the onus on the person to demonstrate they face persecution or serious harm.

[Back to Contents](#)

Assessment

About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, in **general**, a woman:

- is likely to face a real risk of persecution/serious harm by non-state actors because of her gender.
- can obtain effective protection from the state (or quasi state bodies)
- can relocate within a country or territory to avoid persecution/serious harm.
- if a claim is refused, it is likely to be certified as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

[Back to Contents](#)

1. Material facts, credibility, and other checks/referrals

1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#)
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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[Back to Contents](#)

1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be

excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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[Back to Contents](#)

2. Convention reason(s)

- 2.1.1 Women do not form a particular social group (PSG) in Botswana within the meaning of the Refugee Convention. This is because while they share an innate characteristic that cannot be changed – being female – they do not have a distinct identity in Botswana.
- 2.1.2 Women have the same civil, legal and political rights as men, albeit they face some discrimination in customary law, and few are involved in politics. Women also have parity to men education, economic opportunity, and health outcomes. Although patriarchal attitudes persist and there is societal discrimination, this is not to the extent that as a group they are perceived as being different by the surrounding society (see [Legal and policy context](#), [Political rights](#), and [Socio-economic position](#)).
- 2.1.3 In the absence of a link to one of the 5 Refugee Convention grounds necessary for the grant of refugee status, the question is whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).
- 2.1.4 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

3. Risk

- 3.1.1 Although individual women may experience discrimination and violence, particularly from intimate partners, in general a woman is not likely to face gender-based violence from non-state actors which amounts to persecution or serious harm. The onus is on the person to demonstrate otherwise.
- 3.1.2 The constitution and penal code provide women with protections from discrimination and violence. However, spousal rape is not a crime and customary laws discriminate against women in relation to marriage, inheritance and property rights. In addition to the law, the government has put in place policies and programmes to uphold and advance women's rights and eliminate discrimination and GBV (see [Legal and policy context](#)).

- 3.1.3 Despite the legal protections, policy measures and programmes negative patriarchal socio-cultural practices persist. The UN Development Programme observed that gender inequalities and discrimination against women were socially accepted norms. The government acknowledges that ‘negative socio-cultural practices assert male dominance over women and foster a culture of silence, fear and impunity.’ However, societal attitudes appear sympathetic to protecting women’s rights. Afrobarometer found in surveys reported in 2023 that the majority of Botswanans recognise gender-based violence (GBV) as the most important issue affecting women, 90% said it was never justified for a man to use physical force to ‘discipline his wife’ and 85% considered GBV a criminal matter not to be resolved within a family (see [Societal attitudes to gender-based violence \(GBV\)](#)).
- 3.1.4 Sources consider GBV – which includes a range of acts and behaviours - widespread, although current reliable data is limited given the lack of published research and likely underreporting of incidents. Amnesty and the US State Department refer to a government report (the WAD-Gender-Links study) published in 2012 based on a survey of round 1,500 women and men, which is the most comprehensive research on GBV in the sources consulted. This report found that 67% of women over 18 had experienced GBV in their lifetimes (see [Prevalence of GBV](#)).
- 3.1.5 The WAD-Gender-Links study found that the most common (around 62%) form of GBV was intimate partner violence, which included economic, emotional, physical, and sexual harm. The report further found that 11% of women reported they had been raped by partners or other members of their communities and 23% experienced sexual harassment at school, work, on public transport or going to a ‘healer’s’ in their lifetime. By approximate comparison, in data reported by the Office of National Statistics relating to the year ending March 2022, around 16.6% of adults over 16 in England and Wales had experienced sexual assault (including attempts) since the age of 16; while 7.9% were a victim of rape (7.7% women, 0.2% men). The WAD-Gender-Links study also found that only one in 9 women reported being raped to the police (see [Prevalence of GBV](#)).
- 3.1.6 However, the WAD-Gender-Links study was based on data collected in 2012 and may no longer reflect the situation at the time of writing. The government’s submission to the UN Committee on Elimination of Discrimination against Women in 2023 stated that around a third of women had experienced GBV, although the underpinning research was not presented. Sources also report that Botswana has a globally high level of reported rapes, around 90 to 100 per 100,000 people but the underlying sourcing is also unclear. However, based on the government’s own figures of reported rapes in 2021 (during Covid 19 when GBV reportedly increased) and the Census 2022 population data, there were approximately 112 rapes per 100,000 people in 2021 (see [Prevalence of GBV](#)).
- 3.1.7 Additionally, some traditional practices continued which may negatively affect women’s rights, including child marriage, polygamy, widowhood rites and the payment of bogadi (payment of cattle or money to brides’ parents). However, there was limited information the scale or severity of these acts and therefore insufficient evidence to conclude that such practices are likely

to lead to persecution or serious harm (see [Prevalence of GBV](#)).

- 3.1.8 There is no evidence of female genital mutilation being practiced in the sources consulted (see [Prevalence of GBV](#)).
- 3.1.9 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).
- 3.1.10 For guidance on the different forms of gender-based harm, see [Gender issues in the asylum claim](#).

[Back to Contents](#)

4. Protection

- 4.1.1 A woman is likely to be able to obtain protection.
- 4.1.2 The government has introduced laws and implemented a range of policies, strategies and programmes to combat GBV. It also has a functioning criminal justice system which is able to detect, prosecute and punish perpetrators of GBV (see [Legal and policy context](#) and [State protection](#)).
- 4.1.3 The US Overseas Security Advisory Council considered the Botswana Police Service (BPS) to be professional, although limited in numbers, and noted it had implemented a media campaign to raise awareness of GBV. In April 2021, the BPS established the Gender and Child Protection (GCP) Branch, a special unit which provides a rapid response to GBV and child related matters. GCP officers have been deployed to all police stations across the country. The BPS has also developed standard operating procedures for handling GBV cases. By 2023 it had trained around a quarter of police officers on GBV and human rights issues. In 2021, the most recent year statistics are available, the BPS registered over 24,000 sexual offences cases, including over 2,100 rape cases (see [Botswana Police Service](#)).
- 4.1.4 The judicial system is generally competent and independent. The government reported that in 2020 the Chief Justice issued a practice directive that all GBV cases are treated as urgent applications and their management expedited. Specialised Courts dedicated to GBV cases have been set up in all magistrates courts. For example, in 2021, the most recent year statistics are available, the magistrates and high courts handled 577 'sexual offences' cases, the large majority of victims were female. Of these cases, 189 (around 33%) led to a conviction and sentencing, 61 were acquitted, and 218 were withdrawn. The remainder were at different stages of the judicial process (see [Judiciary](#)).
- 4.1.5 Some women may be reluctant to seek protection from the state, however, a reluctance to seek protection does not mean it is not available. Legal Aid Botswana, which has several branches across the country, and civil society organisations (CSOs), which receive funding from the government, provide assistance in accessing justice. CSOs, which are generally able to operate freely, also provide victims of GBV with clinical services and shelter, operating at least 2 shelters (see [Legal aid and Civil society organisations \(CSOs\)](#)).

- 4.1.6 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

5. Internal relocation

- 5.1.1 A woman is likely to be able to relocate to avoid persecution or serious harm from a non-state actor.
- 5.1.2 The law provides the right to freedom of movement for all those lawfully residing in the country, and this is generally respected by the state. There was no specific information found in the sources to indicate that women face difficulties in accessing accommodation, transport, education, employment, or healthcare throughout the country. These services are likely to be concentrated in the larger towns, including Gaborone and Francistown City (see [Demography](#) and [Freedom of movement](#)).
- 5.1.3 For further guidance on assessing internal relocation, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#) and [Gender issues in the asylum claim](#).

[Back to Contents](#)

6. Certification

- 6.1.1 Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because a woman is able to obtain effective protection.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

Country information

About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **6 December 2024**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

[Back to Contents](#)

7. Demography

7.1.1 Statistics Botswana (SB), a parastatal organization charged with collecting and disseminating official statistics in Botswana¹, in 'Population and Housing Census 2022 Population Distribution, Structure and Density in Botswana', noted the country has a population of:

'... 2,359,609 ... comprising of 1,150,615 males (48.8%) and 1,208,994 females (51.2%). This yields a national sex ratio of 95 males for every 100 females.

7.1.2 '... Botswana ... tends to have a youthful population, with 1-in-3 people belonging to the under-15 age group ... The national population density has risen to 4.1 in 2022 compared to 3.6 people per sq. km in 2011 ... The Southeastern region, including the capital city [Gaborone], boasts the highest density. The West remains the least populated ... The Eastern region continues to hold the largest share of the population.'² Around two-thirds of the population live in urban areas (cities, towns, and urban villages), one third in rural areas³. Based on the 2022 census, the largest urban areas are:

- Gaborone City (246,325)
- Francistown City (103,417)
- Selibe Phikwe (42,488).⁴

7.1.3 The large majority of people (estimated to be 79%) are ethnic Tswana. Other ethnic groups include 'Kalanga 11%, Basarwa 3%, other, including Kgalagadi and people of European ancestry 7%'.⁵

¹ SB, ['Introduction'](#), no date.

² SB, ['Population and housing census 2022 ...'](#) (Executive summary), May 2024

³ SB, ['Population and housing census 2022 ...'](#) (page 11), May 2024

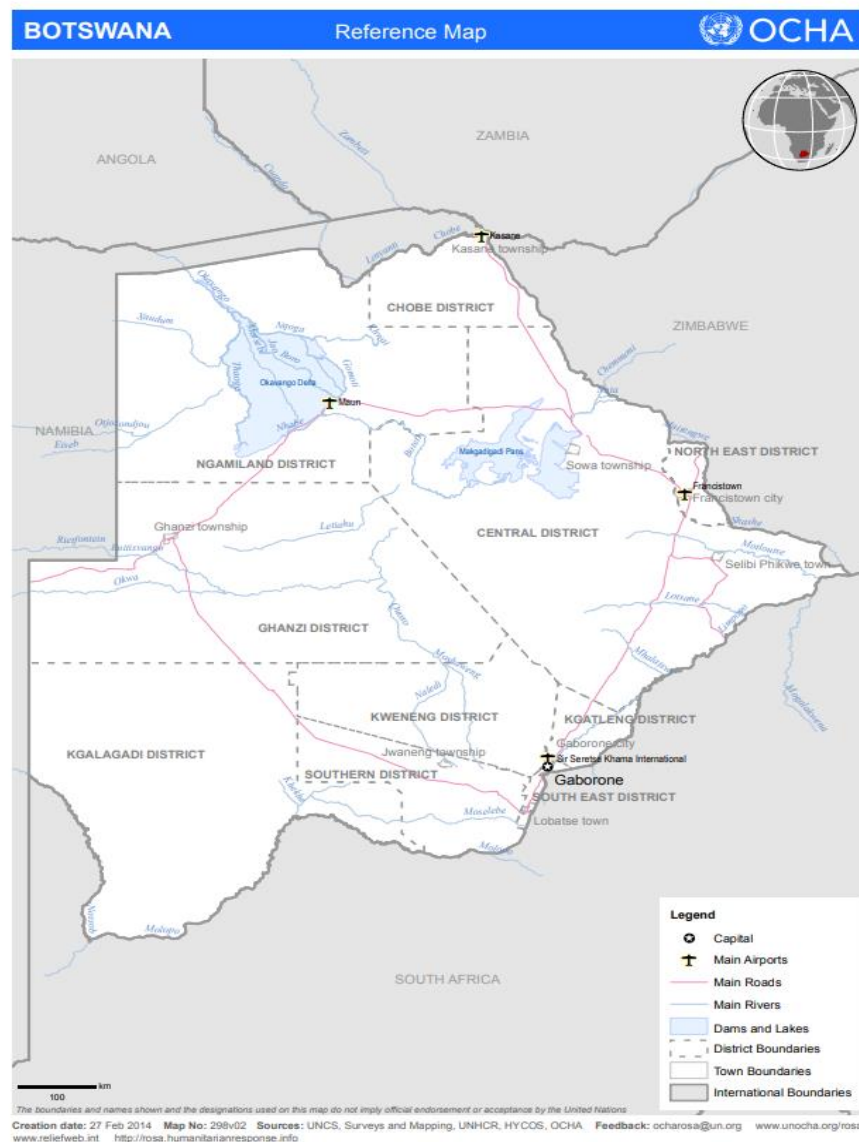
⁴ SB, [Population & Housing Census 2022](#) (Population of Cities- page 2-7), December 2022

⁵ US CIA, [World Factbook](#) (Botswana), updated 30 July 2024.

7.1.4 SB's population and housing census of 2022 provided data that specifically relates to or is about women, including:

- 44.4% of households were headed by women.
- 16.4% of people were married, 70.4% never married.
- 9.7% of women aged 20 to 24 had been married before the age of 15.
- 12.5% of women aged 20 to 24 had been married before the age of 18⁶

7.1.5 The UN Office for the Co-ordination of Humanitarian Affairs (OCHA) produced a map of the country in 2014 showing the country's districts, main cities and towns, roads, and rivers⁷:



[Back to Contents](#)

⁶ SB, 'Population Housing Census 2022: Key Demographics ...' (pages 2 and 3), December 2023

⁷ OCHA, [Botswana: reference map](#), February 2014

8. Legal and policy context

8.1 International instruments

8.1.1 The Botswana government in their National review for implementation of the Beijing platform for action – Beijing +25 (Declaration signed in Beijing in September 1995, with the intention of advancing the goals of equality, development, and peace for all women everywhere in the interest of all humanity), (Botswana national review 2019) , submitted to UN-Women on June 2019, stated: ‘Botswana is ... Party to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention on the Rights of a Child (CRC), and the Southern African Development Community Protocol on Gender and Development (SPGD) among others.’⁸

[Back to Contents](#)

8.2 Domestic protection from discrimination

8.2.1 The US State Department ‘2023 Country Reports on Human Rights Practices: Botswana’ (USSD human rights report 2023) April 2024 noted: ‘Under the constitution women and men had the same civil rights and legal status.’⁹ The constitution also provides for protection from discrimination on a number of different grounds including sex (but not specifically gender or gender identity)¹⁰.

8.2.2 The USSD in their 2022 Country Report on Human Rights Practices: Botswana (USSD report 2022), dated 20 March 2023, noted ‘The law prohibits sexual harassment in both the private and public sectors. Sexual harassment committed by a public officer is considered misconduct and is punishable by termination, potentially with forfeiture of all retirement benefits, suspension with loss of pay and benefits for up to three months, reduction in rank or pay, and deferment or stoppage of a pay raise or reprimand.’¹¹

8.2.3 However, the UN Human Rights Committee in their concluding observations on Botswana’s adherence to the International Covenant on Civil and Political Rights of 24 November 2021 (UNHRC report 2021) was ‘concerned about the persistence of customary laws and practices that discriminate against women, particularly in relation to marriage and family relations, inheritance, property rights and legal guardianship by men of unmarried women ...’¹²

8.2.4 Similarly, Freedom House in their report ‘Freedom in the World 2024 Botswana’ (FH Botswana report 2024), covering events in 2023, noted: ‘Customary law, commonly applied in rural areas, often discriminates against women ... Customary law restricts women’s rights within a marriage. When husbands and wives separate, custody of any children is traditionally granted to the father. Child and forced marriages still occur under customary law.’¹³

8.2.5 While the USSD human rights report 2023 also observed:

⁸ UN-Women, ‘[National Review For Implementation Of The Beijing Platfo...](#)’ (Background) June 2019

⁹ USSD, ‘[2023 Country Reports on Human Rights Practices: Botswana](#)’ (section 6), 22 April 2024

¹⁰ Government of Botswana, [Constitution of Botswana](#) (section 15), 1966 last amended 2021

¹¹ USSD, ‘[2022 Country Reports on Human Rights Practices: Botswana](#)’, (section 6) 20 March 2023

¹² UNHRC, [Concluding observations on the second periodic ...](#) (paragraph 13), 24 November 2021

¹³ FH, ‘[Freedom in the World 2024 Botswana](#)’ (section G) , 29 February 2024

‘Under customary law based on tribal practice ... several traditional laws restricted women’s property rights and economic opportunities, particularly in rural areas. Women increasingly exercised the right to marriage “out of common property,” in which they retained their full legal rights as adults. Although labour law prohibited discrimination based on gender and the government generally enforced the law effectively, there was no legal requirement for women to receive equal pay for equal work’.¹⁴

[Back to Contents](#)

8.3 Domestic protections from violence

8.3.1 The USSD human rights report 2023 noted that:

‘The law criminalized rape without specifying gender but did not recognize spousal rape as a crime. By law, formal courts tried all rape cases and the minimum sentence for rape was 10 years’ imprisonment; the sentence increased to 15 years with corporal punishment if the offender was unaware of being HIV-positive; and increased to 20 years with corporal punishment if the offender was aware of being HIV-positive ...

‘The law prohibited domestic and other violence against women, girls, or men ...’.¹⁵

8.3.2 The FH Botswana report 2024 noted:

‘In 2018, Parliament passed the [Penal Code](#) Amendment Bill, which introduced stronger penalties for rape and raised the age of consent from 16 to 18. Subsequent amendments introduced longer sentences for rape and provide compensation for victims, though women’s rights activists expressed concern over some aspects of the reforms. Other interventions include a sex offenders registry (Sexual Offenders Registry Act 2021)...Parliament in late 2023 was considering a bill that would introduce stricter bail regulations and would allow victims of rape and other serious offenses a say in bail proceedings [no information that the bill had been enacted at the time of writing]’.¹⁶

8.3.3 The government’s submission to the UN Committee on the Elimination of All Forms of Discrimination against Women, received by the committee in August 2023 but dated 1 November 2023 (Government CEDAW report 2023), noted ‘Government continues to implement laws which criminalise domestic violence and provide survivors of domestic violence with protection. Women that are victims of [gender-based violence] GBV have the right to apply for a restraining order from their partners at a magistrate’s court. In addition, where a minor requires protection social workers can apply for a restraining order on their behalf’.¹⁷

[Back to Contents](#)

¹⁴ USSD, [‘2023 Country Reports on Human Rights Practices: Botswana’](#) (section 6), 22 April 2024

¹⁵ USSD, [‘2023 Country Reports on Human Rights Practices: Botswana’](#) (section 6), 22 April 2024

¹⁶ FH, [‘Freedom in the World 2024 Botswana’](#) (section G), 29 February 2024

¹⁷ Government of Botswana, [‘Fifth periodic report ...’](#) (paragraph 84), 1 November 2023

8.4 Policies and programmes

8.4.1 The Botswana national review 2019 stated: 'The Government ... adopted the eleventh National Development Plan (NDP11) in December 2016 following the country's celebration of fifty years of Independence; the National Vision 2036, which seeks to promote prosperity for all by 2036 expressly promotes equal opportunities for women and men, and boys, and girls'.¹⁸

8.4.2 The Botswana national review 2019 noted:

'Botswana continues to put in place measures to effectively implement the Domestic Violence Act (2008). Measures have also been put in place to intensify GBV prevention through awareness raising and educational campaigns at national and community levels through cultural and community dialogues, television and radio discussions, seminars and campaigns including international commemorations. Government has led national consultative fora for Dikgosi/Chiefs and for leaders of faith based organisations as partners in the fight against GBV'.¹⁹

8.4.3 The above report also noted:

'... the Government of Botswana adopted Vision 2036, a follow up strategy to propel its socio-economic and political development into a competitive, winning, and prosperous nation.

'Vision 2036 calls for the elimination of gender discrimination and gender based violence in Botswana society. This is critical to achieve a moral, tolerant, and inclusive nation. Working towards this Botswana has developed the National Strategy towards ending Gender Based Violence in Botswana (2010-2020). This strategy has articulated the guiding goals and objectives of the national multi sectorial approach to GBV response. Government in Botswana GBV Strategy focuses on (i) GBV prevention, (ii) protection, Care and Support of GBV victims and survivors, (iii) National capacity development for the GBV Response, (iv) GBV Strategic information and knowledge management and (V) Coordination and management of the national Response'.²⁰

8.4.4 However, the Botswana Ministry of Finance in collaboration with UN Development Programme (UNDP), in their report Botswana 2022 Voluntary national review report (MoF Botswana report 2022), dated 4 August 2022, noted:

'While the Government has strengthened efforts to prevent and respond to gender inequalities, key constraints include;

'-Inadequate funding for policies and projects that promote SDGs.

'- Absence of a national system to collect, update and disseminate data on the incidence and prevalence of harmful practices.

'- A national gender machinery that operates under a weak legal framework hampering coordination efforts.

¹⁸ UN-Women, ['National Review For Implementation Of The Beijing Platfo...'](#) (Background) June 2019

¹⁹ UN-Women, ['National Review For Implementation Of The Beijing Platform...'](#) (section 1) June 2019

²⁰ UN-Women, ['National Review For Implementation Of The Beijing Platfor...'](#) (section 1) June 2019

'- Capacity gaps in the provision of client centred, quality assured, integrated and sustainable Sexual and Reproductive Health and Rights/HIV and GBV services'.²¹

8.4.5 Afrobarometer, a non-profit which described itself as 'a pan-African, non-partisan survey research network that conducts public attitude surveys on democracy, governance, the economy, and society'²². In its report, 'Botswana see gender-based violence as a priority for government and societal action' (Afrobarometer report 2023) dated 24 January 2023, noted: 'Botswana ... [has] a number of policies [that] have been developed to address GBV. The Domestic Violence Act of 2008 recommends safety shelters to assist victims of GBV.'²³

8.4.6 The Government CEDAW report 2023 stated:

'In recognition of the need for special measures to address inequality between women and men, Government made deliberate efforts to address low representation of women in political office. In that regard, His Excellency the President of the Republic of Botswana made a conscious decision to appoint 67% of the specially elected Members of Parliament as females. Furthermore, His Excellency the President appointed the first female finance Minister, first female President of the Court of Appeal, First Permanent Secretary to the President and the Deputy Permanent Secretary to the President are also females. The Commissioner of Prisons and Commissioner General for Botswana Unified Revenue Service (BURS) are also females. At local level 34% of women were appointed as Councillors.

'In an effort to address gender stereotypes and negative cultural practices, there are ongoing programmes geared towards mobilising male involvement into family and societal matters such as the Men Care Programme, Men in the Kitchen, and Monna Tia. These are implemented by Government and Civil Society Organisations (CSOs) and aimed at promoting positive male masculinity, role models and to curb absent fathers. In addition, different sectors continue to implement Abolition of Marital Act which abolishes men as the head of the family as well as restrictions which the marital power places on the legal capacity of a wife. Furthermore, Botswana continues to strive for promotion of positive aspects of culture through the engagement with relevant actors, including tribal chiefs, religious and community leaders on the negative impact of discriminatory stereotypes on the enjoyment of women's human rights. Government recognises the importance of traditional leaders (Dikgosi) as custodians of culture and continues to engage them. In November 2020, Government in partnership with [United Nations Development Programme] UNDP developed a Training Manual on GBV to standardise capacity building of Dikgosi on GBV.'²⁴

8.4.7 The Government CEDAW report 2023 stated:

'Botswana has committed to accelerating action to eliminate GBV at the Nairobi Summit on the International Conference on Population and

²¹ MoF Botswana, '[Botswana 2022 Voluntary National Review Report](#)' (page 27), 04 August 2022

²² Afrobarometer, '[About](#)', No date

²³ Afrobarometer, '[AD594: Botswana see gender-based violence as...](#)' (Summary), 24 January 2023

²⁴ Government of Botswana, '[Fifth periodic report ...](#)' (paragraphs 14 to 16), 1 November 2023

Development (ICPD 25). Furthermore, Botswana ratified the Southern Africa Development (SADC) Protocol on Gender and Development. An Inter-Ministerial Committee on GBV was also established in 2020 to provide strategic guidance and coordination of national response to GBV. The Botswana Prisons Services also introduced a Programme aimed at promoting rehabilitation and re-integration of GBV perpetrators into the society. In 2021, a Feasibility Study on the Strengthening and Establishment of Safe Havens was completed. Findings and recommendations of the Feasibility Study are currently being considered to inform decisions regarding the needs of GBV survivors.²⁵

8.4.8 The Government CEDAW report 2023 also noted:

‘In an effort to enhance implementation of the National Policy on Gender and Development which is aligned to the CEDAW, Government reconstituted membership of the National Gender Commission in 2022 to strengthen gender mainstreaming across all sectors. An Inter-Ministerial Committee on GBV was also established in 2020 to provide strategic guidance on the national response to Gender Based Violence as well as put in place mechanisms for monitoring the implementation of these efforts. At local level, 28 District Gender Committees were established and trained to lead implementation of the National Policy on Gender and Development.’²⁶

8.4.9 The same report also noted:

‘Government is currently developing a Bill to amend the Anti-Human Trafficking Act of 2014. The Bill introduces provisions that deal specifically with sex trafficking of minors. The penalties range from a minimum mandatory sentence of not less than 30 years and a maximum of life imprisonment with a fine of approximately USD 100 000.00 without the option of a suspended sentence. The Bill was developed following a nationwide consultation led by the Ministry of Justice. This included key stakeholders such as the Law Enforcement, District Officials, Social Workers and other critical front-line officers and partners. To monitor the extent of trafficking in persons as guided by Section 5 (f) of the Anti-Human Trafficking Act, Government established the Human Trafficking (Prohibition) Committee under the Ministry of Justice. The Committee is mandated to “direct and supervise the arrangements of study or research projects and the development of an integrated database system for the benefit of prevention and suppression of trafficking in persons”.’²⁷

8.4.10 The same report stated:

‘Trends in maternal mortality also reveal that the country is off track to meet the SDG target by 2030 when compared to projections. Botswana has made commendable progress towards meeting the objectives of the International Conference on Population and Development (ICPD). While it is important to acknowledge that Botswana still has unmet need for family planning, preventable maternal deaths, GBV and sexual transmission of HIV.

²⁵ Government of Botswana, CEDAW, [‘Fifth periodic report ...’](#) (paragraph 16), 1 November 2023

²⁶ CEDAW, [‘Fifth periodic report submitted by Botswana under articl...’](#) (introduction), November 2023

²⁷ Government of Botswana, CEDAW, [‘Fifth periodic report ...’](#) (paragraph 17), 1 November 2023

Furthermore, even though infant mortality has declined, Botswana still registers high neonatal, infant and under-5 mortality rates.²⁸

- 8.4.11 The Botswana Ministry of Finance in collaboration with UN Development Programme (UNDP), in their report Botswana 2022 Voluntary national review report (MoF Botswana report 2022), dated 4 August 2022, noted: 'Botswana has recorded a mix of progress and setbacks in promoting equality between women and men in different economic, social, and political spheres of the country...an Inter-Ministerial Committee on GBV was established to strengthen coordination on gender issues. This is expected to address fragmented responses to GBV and other gender issues. Reforms are also ongoing within the criminal justice system to expedite the turn-around time for cases as well as provide resources and psychosocial support to GBV survivors. Despite these efforts, the level of GBV still remains high in the country.'²⁹
- 8.4.12 The MoF Botswana report 2022 also noted 'Botswana conducted the first nationally representative study on GBV, the National Relationship study in 2018 that established baselines for some key [Sustainable Development Goals] SDG 5 indicators and targets, thus strengthening evidence-based policy and decision making.'³⁰
- 8.4.13 The Government CEDAW report 2023 stated: 'The Botswana Prisons Services also introduced a Programme aimed at promoting rehabilitation and re-integration of GBV perpetrators into the society. In 2021, a Feasibility Study on the Strengthening and Establishment of Safe Havens was completed. Findings and recommendations of the Feasibility Study are currently being considered to inform decisions regarding the needs of GBV survivors.'³¹
- 8.4.14 The Afrobarometer report 2023 noted: 'The government of Botswana has shown commitment to ending gender-based violence (GBV) and discrimination by formulating policies, strategies, and programmes such as the National Policy on Gender and Development (with a National Gender Commission to monitor implementation), the National Gender-Based Violence Strategy 2015-2020, and the Women's Economic Empowerment Programme ... The government also subscribes to the Sustainable Development Goals (SDGs), including SDG 5 – "Achieve gender equality and empower all women and girls" ... Gender equality is a cross-cutting principle underlying most other SDGs, highlighting that development can only succeed if women and men enjoy its benefits equally.'³²
- 8.4.15 Bertlesmann Stiftung, a German private foundation, in its Transformation Index 2024, Botswana country report, covering events between 2021 and January 2023, (BTI 2024) stated: 'President Masisi's current administration has intensified efforts to promote youth and women's empowerment through

²⁸ Government of Botswana, CEDAW, '[Fifth periodic report ...](#)' (paragraph 243-25), 1 November 2023

²⁹ MoF Botswana, '[Botswana 2022 Voluntary National Review Report](#)', (page 9), 04 August 2022

³⁰ MoF Botswana, '[Botswana 2022 Voluntary National Review Report](#)', (page 24), 04 August 2022

³¹ Government of Botswana, CEDAW, '[Fifth periodic report ...](#)' (paragraph 16), 1 November 2023

³² Afrobarometer, '[Botswana support gender equity, want greater gover...](#)' (Summary), 12 January 2023

targeted policies and programs. These initiatives include substantial investments in tertiary education financing, a national service scheme, a youth development fund, and an internship program.³³

[Back to Contents](#)

9. Political rights

- 9.1.1 The Botswana national review 2019 noted: 'While Botswana has achieved commendable progress in women's participation in governance in the public service, parastatal organisations and private sector, women's representation in political governance remains very low. Currently Botswana has no legislated quotas nor affirmative action.'³⁴
- 9.1.2 The FH Botswana report 2024 observed 'Women have full political rights, but cultural factors and resource constraints limit their participation, and their interests are not necessarily addressed by elected leaders. Only 11 female candidates ran for legislative seats in 2019, a decline from the 17 who participated in 2014. Seven women currently sit in the National Assembly. Women's representation in local bodies is similarly low.'³⁵
- 9.1.3 Bertlesmann Stiftung, a German private foundation, in its Transformation Index 2024, Botswana country report, covering events between 2021 and January 2023, (BTI 2024) stated: '... women continue to encounter obstacles when seeking political representation due to various constraints that hinder their participation in politics. Notably, the absence of quotas reserving a proportion of seats for women remains a challenge in advancing the agenda of women's empowerment.'³⁶
- 9.1.4 Similarly, the USSD report 2023 stated: 'Observers suggested the lack of support from political parties, fundraising challenges, and cultural constraints, including the sexual exploitation of women in politics, limited the number of women in government.'³⁷
- 9.1.5 The same report also noted: 'Outside observers noted many tribes were unrecognized or unrepresented, and women were underrepresented in the traditional chieftaincy system.'³⁸

[Back to Contents](#)

10. Socio-economic position

- 10.1.1 The BTI 2024 noted:
- '... citizens are granted equal access to educational and employment opportunities. The female literacy rate is at 88.01%, while males have a slightly higher rate of 88.93%. The Gender Parity Index [for education], as reported by the World Bank in 2021, stands at 0.98159 [0 equals no parity with men; 1 equals parity], further indicating a relatively balanced gender distribution in education. Additionally, World Bank data shows that in 2021, women made up 47.7% of the labour force in Botswana. This aligns with the

³³ BTI, '[Botswana Country Report 2024](#)' (Political and social integration), 2024

³⁴ UN-Women, '[National Review For Implementation Of The Beijing Platform...](#)' (section 1), June 2019

³⁵ FH, '[Freedom in the World 2024 Botswana](#)' (section G) , 29 February 2024

³⁶ BTI, '[Botswana Country Report 2024](#)' (Welfare Regime), 2024

³⁷ USSD, '[2023 Country Reports on Human Rights Practices: Botswana](#)' (Section 3), 22 April 20024

³⁸ USSD, '[2023 Country Reports on Human Rights Practices: Botswana](#)' (section 3), 22 April 2024

government's commitment to women's empowerment, as is reflected in the increasing number of women occupying senior public positions.³⁹

- 10.1.2 The World Economic Forum, an international advocacy non-government organisation and think tank, in its Global Gender Gap Report 2024 'based on a methodology integrating the latest statistics from international organizations and a survey of executives'⁴⁰, dated June 2024, looked at women's 'Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment' compared to men in 146 countries⁴¹. The report ranked Botswana first in educational attainment and health and survival, second in economic participation and opportunity, out of the countries assessed⁴².

[Back to Contents](#)

11. Societal attitude to gender-based violence (GBV)

- 11.1.1 The Afrobarometer report 2023 stated:

"Some high-profile incidents have tested the government's commitment to ending GBV. In 2018, for example, citizen petitions failed to persuade President Mokgweetsi Masisi to relieve Magang Ngaka of his duties as minister of Nationality, Immigration and Gender Affairs – responsible for anti-GBV efforts – despite the minister's violent public brawl with his wife (Change.org, 2018). More recently, the government has highlighted its commitment to the fight against GBV through policy statements, legal reviews, and implementation of tougher penalties for sexual offences (Republic of Botswana, 2018) ... This dispatch reports on a special survey module included in the Afrobarometer Round 9 (2021/2023) questionnaire to explore Africans' experiences and perceptions of gender-based violence. (For survey findings on gender equality, see Mooketsane, Molefe, Faiaz, & Raj, 2023.) Findings show that Botswana view GBV as the most important women's-rights issue that the government and society must address, overwhelmingly reject the use of physical force to discipline women, consider domestic violence a criminal matter rather than a family affair, are confident that the police treat reported GBV cases seriously. However, many report that violence against women and girls is a common occurrence and that women who report GBV crimes are likely to be criticised, harassed, or shamed by others in the community'⁴³

- 11.1.2 UNDP published a report, 'Inequality in Botswana; An analysis of the drivers and district-level mapping of select dimensions of inequality', in July 2021, based on information obtained from 3 datasets - the Census 2011, Core Welfare Indicator Survey 2009/10 and the Botswana Multi-Topic Household Survey 2015/16 – and interviews with 'key informants from across Botswana; existing academic and policy research' (UNDP report 2021). The report noted: 'In Botswana, gender-based violence (GBV) is rooted in social norms

³⁹ BTI, '[Botswana Country Report 2024](#)' (Welfare Regime), 2024

⁴⁰ World Economic Forum, '[Global Gender Gap Report 2024](#)' (Terms of use ...), June 2024

⁴¹ World Economic Forum, '[Global Gender Gap Report 2024](#)' (page 5), June 2024

⁴² World Economic Forum, '[Global Gender Gap Report 2024](#)' (page 119), June 2024

⁴³ Afrobarometer, '[Botswana see gender-based...](#)' (Summary), 24 January 2023

accepting gender inequalities and discrimination, and often condoned, while leading to vicious cycles of poverty, inequalities, and dependency.⁴⁴

11.1.3 The Afrobarometer report 2023 (Afrobarometer interviewed a nationally representative, random, stratified probability sample of 1,200 adult Batswana in July-August 2022. A sample of this size yields country-level results with a margin of error of +/-3 percentage points at a 95% confidence level⁴⁵). noted:

‘Six in 10 Batswana (59%) consider gender-based violence (GBV) the most important women’s-rights issue that the government and society must address.

‘Half (50%) of citizens say violence against women and girls is common in their community, including 23% who say it is “very common.”

‘Nine out of 10 Batswana (90%) say it is “never” justified for a man to use physical force to discipline his wife.

‘More than four in 10 respondents (42%) say it is “somewhat likely” or “very likely” that a woman who reports being a victim of GBV will be criticised, harassed, or shamed by others in the community.

‘More than eight in 10 Batswana (85%) say GBV is a criminal matter that requires law enforcement involvement, while only 14% see it as a private matter to be resolved within the family.’⁴⁶

11.1.4 In relation to women being criticised, harassed or shamed by others in the community for reporting gender-based violence, the above report also noted ‘While a majority (56%) consider this at least “somewhat” unlikely, only one-third (32%) say it is “very unlikely.” Women are slightly less likely than men to consider such negative responses “very unlikely” (25% vs. 29%)’⁴⁷

11.1.5 The Afrobarometer report 2023 reported that.

- ‘More than three-fourths (77%) of Batswana endorse gender equality in hiring, rejecting the idea that when jobs are scarce, men should be given priority. Women (82%) and highly educated citizens (86%) are especially likely to support equal rights to a job.
- Citizens agree overwhelmingly (91%) that women should have the same right as men to own and inherit land.
- Almost nine out of 10 citizens (86%) say women should have the same chance as men of being elected to political office. However, many also think that if a woman runs for political office, she is likely to be criticised or harassed by others in the community (43%) and to face problems with her family (40%).
- Only 42% of citizens say the government is doing “fairly well” or “very well” in its efforts to promote equal rights and opportunities for women.
- About twice as many (80%) say the government needs to do more to

⁴⁴ UNDP, [‘Inequality in Botswana: An analysis of the drivers ...’](#) (paragraph 6.4), 23 July 2021

⁴⁵ Afrobarometer, [‘AD594: Botswana see gender-based...’](#) (Afrobarometer surveys), 24 January 2023

⁴⁶ Afrobarometer, [‘AD594: Botswana see gender-based violence...’](#) (key findings), 24 January 2023

⁴⁷ Afrobarometer, [‘AD594: Botswana see gender-based...’](#) (Response to GBV), 24 January 2023

advance gender equality'.⁴⁸

[Back to Contents](#)

12. Prevalence of GBV

12.1.1 The Botswana national review 2019 noted:

'... The Botswana National Relationship Study (2018) shows that GBV remains high in Botswana. Thirty-seven (37%) of the women interviewed reported experiencing GBV at least once in their lifetime (emotional, physical and sexual) including partner and non-partner violence. Nearly 30% of women reported experiencing violence over the last year. The study places Botswana within the World Health Organisation (WHO) global GBV estimates which indicate that about 1 in 3 (35%) of women worldwide have experienced some form of violence. The study also reveals that a third (30%) of men reported perpetrating GBV in their lifetime.'⁴⁹

12.1.2 In its summary of the main statistical data relating to GBV, the Afrobarometer report 2023 noted that:

'Botswana lacks official statistics on gender-based violence (GBV) (UN Women, 2023), as its national demographic survey does not include measures of partner violence or sexual violence against women (Statistics Botswana, 2018). The 2017 Botswana National Relationship Study found that 37% of women had experienced GBV, including 28% during the previous 12 months (Republic of Botswana, 2018). The smaller 2011 Gender Based Violence Indicator Study placed the estimate of lifetime GBV victims almost twice as high (67% of women) and reported that almost one in four women had suffered sexual harassment at school or work, on public transport, or in the context of health services (Machisa & van Dorp, 2012). The World Population Review (2023) cites Botswana as having the highest incidence of rape in the world, at 92.93 per 100,000 people. These rates are likely conservative estimates, as victimisation by GBV is often under-reported due to stigmatisation'.⁵⁰

12.1.3 The UNDP 2021 report noted: 'Most key informants highlighted that GBV is a serious issue in Botswana that is not getting the necessary attention from the responsible authorities.'⁵¹

12.1.4 The FH Botswana report 2024 noted: 'Gender-based violence, including domestic violence and rape, is pervasive.' The FH did not provide further detail as to what was meant by pervasive or the source of the information. The FH report also noted: 'Child and forced marriages still occur under customary law. Women can experience harassment for not dressing conservatively.'⁵²

12.1.5 The UNHRC report 2021 observed: 'The Committee is concerned about the high level of violence against women and children, including sexual and domestic violence, which have significantly increased during the coronavirus

⁴⁸ Afrobarometer, '[Botswana support gender equity, want greater gover...](#)' (Summary), 12 January 2023

⁴⁹ UN-Women, '[National Review For Implementation Of The Beijing Platform...](#)' (section 1), June 2019

⁵⁰ Afrobarometer, '[Botswana support gender equity, want greater gover...](#)' (Summary), 12 January 2023

⁵¹ UNDP, '[Inequality in Botswana: An analysis of the drivers ...](#)' (paragraph 6.4), 23 July 2021

⁵² FH, '[Freedom in the world 2024 Botswana](#)', (Section G), 29 February 2024

disease (COVID-19) pandemic, and about the persistence of harmful traditional practices against women and children, including child marriage, polygamy, widowhood rites and the payment of bogadi [or 'lobola'; traditionally cattle but now money to a bride's family].⁵³

- 12.1.6 The Afrobarometer report 2023 noted 'Police and scholars agree that the true extent of GBV is unknown because many attacks on girls and women are never reported. Reasons include fear of the attacker, fear of a negative response by others, or the belief that the authorities won't take the case seriously.'⁵⁴
- 12.1.7 The report further noted: 'While Botswana continues to lack official statistics on GBV, survey findings show clearly that its people recognise violence against women and girls as a top priority for government and societal to address. Citizen attitudes appear to offer a solid basis for action: Most reject the use of physical force against women, consider GBV a criminal matter, and are confident that the police do take issues of GBV seriously.'⁵⁵
- 12.1.8 Amnesty International (AI) in their submission to the UN Universal Periodic Review Working Group on Botswana in May 2023, citing other sources, noted: 'Violence against women in Botswana remains to be at endemic levels with most recent statistics [which refers to a [Genderlinks study published in 2012](#), see below] showing that 67% of women have experienced some form of violence. In April 2021, the Botswana GBV Prevention and Support Centre (a local NGO) reported an increase in violence against women and girls during the Covid-19 pandemic.'⁵⁶
- 12.1.9 The USSD report 2023 noted:
'According to the World Population Review, the incidence of rape was extremely high, at 92.93 per 100,000 persons (2010 data). According to a 2022 report by the Women's Affairs Department in the Ministry of Labour and Home Affairs, 67 percent of women experienced some form of gender-based violence in their lifetime including partner and no partner violence [see Amnesty report above and following paragraph]. A smaller, but still high, proportion of men (44 percent) admitted to perpetrating violence against women ... domestic violence remained a serious problem during the year ... Although statistics were unavailable, media widely reported on cases of violence against women, including several high-profile murder cases ... Sexual harassment, particularly by men in positions of authority, including teachers, was widespread [though detail of the source or what was meant by widespread was not provided].'⁵⁷
- 12.1.10 Both the Amnesty and USSD reports appear to be referring to the Gender Based Violence Indicators Study undertaken in 2011 by the Women's Affairs Department (WAD) in the Ministry of Labour and Home Affairs partnered with the non-government organisation, Gender Links (WAD-Gender-Links study 2012)⁵⁸. The study included a survey of 1,457 households - including

⁵³ UNHRC, [Concluding observations on the second periodic ...](#) (paragraph 13), 24 November 2021

⁵⁴ Afrobarometer, '[AD594: Botswana see gender-based viole...](#)' (Response to GBV), 24 January 2023

⁵⁵ Afrobarometer, '[AD594: Botswana see gender-based violen...](#)' (Conclusion), 24 January 2023

⁵⁶ AI, '[Botswana: Positive reputation belies hidden violations: Amnesty...](#)' (Paragraph 18) May 2023

⁵⁷ USSD, '[2023 Country Reports on Human Rights Practices: Botswana](#)' (Section 6), 22 April 2024

⁵⁸ WAD-Gender-Links, [Gender Based Violence Indicators Study](#) (page 5), 21 November 2012

639 women and 590 men over 18, around 75% aged 18 to 44) – conducted in November 2011 to gather information on prevalence and attitudes towards gender-based violence (GBV), which includes physical, sexual and psychological violence⁵⁹. Although the study is 13 years old and may not accurately describe the situation in Botswana at the time of writing, it continues to be referred to by sources and is the most comprehensive and methodologically robust dataset available in the sources consulted (see [Bibliography](#)).

12.1.11 The WAD-Gender-Links study 2012 stated the following ‘key facts’ set out in chapter 3 of the report’:

- ‘Of all women interviewed in the study, 67.3% had experienced some form of GBV in their lifetime. 44.4% of all men said they perpetrated some form of violence.
- ‘The term Intimate Partner Violence or “IPV” in this study describes physical, sexual, economic, or emotional harm by a current or former partner or spouse.
- ‘The most common form of GBV experienced by women is IPV with 62.3% women reporting lifetime experience and 47.7% of men disclosing perpetration.
- ‘The most common form of IPV is emotional [44.7%] followed by physical [35.2%], economic [28.8%], and sexual violence [14.6%]
- ‘Almost equal proportions of women (11%) said they had experienced, and men (10.7%) said they had perpetrated rape in their lifetime.
- ‘Of all the women interviewed, 16% experienced attempted rape while 2.2% of the men in the sample disclosed attempted rape of a non-partner.
- ‘Almost a quarter of women who were ever pregnant (24%) experienced abuse during their pregnancy.
- ‘Almost a quarter (23%) of all the women interviewed said they had experienced sexual harassment at school, work, in public transport or at the healer's.
- ‘Only 4.7% of women who experienced physical abuse and sustained injuries through an intimate partner sought medical attention, and 7.1% reported the abuse to the police.
- ‘9.9% of all women experienced being forced to have sex with someone who was not their partner and 4.9% of the men said they had done this.
- ‘Only one in nine women raped reported this to the police. One in seven women reported the rape to a medical professional.’⁶⁰

12.1.12 The WAD-Gender-Links study 2012 observed that IPV ‘describes physical, sexual, economic or emotional harm by a current or former partner or spouse.’ The study provided further explanation about how these forms of

⁵⁹ WAD-Gender-Links, [Gender Based Violence ...](#) (pages 37 to 39, 41), 21 November 2012

⁶⁰ WAD-Gender-Links, [Gender Based Violence ...](#) (Chapter-3, page 47), 21 November 2012

violence/abuse were identified and their frequency:

'... emotional abuse was assessed by six questions which asked about experience (or perpetration) of a series of different acts that were controlling, frightening, intimidating or undermined women's self-esteem. Women participants were asked if a male partner had ever insulted them or made them feel bad; belittled or humiliated them in front of other people; threatened to hurt them; stopped them from seeing friends; done things to scare or intimidate them; or boasted about or brought home girlfriends. Men were asked if they had done any of these things to a female partner.

'Forty five percent of ever partnered women experienced, while 38% of ever partnered men perpetrated, emotional IPV at least once in their lifetime.

'... Acts of economic IPV in this study include withholding money for household use, prohibiting a partner from earning an income, taking a partner's earnings, or forcing a partner and children to leave the house in which they were staying.

'Economic violence featured as the third most common form of IPV experienced by women and perpetrated by men. Overall, 29% of women experienced economic abuse and 18% of men disclosed perpetration.

'... The second most common IPV form is physical IPV. Experience of physical IPV in this study was ascertained by asking five questions about whether women had been slapped, had something thrown at them, were pushed, or shoved, kicked, hit, dragged, choked, beaten, burnt, or threatened with a weapon.

'Thirty five percent of ever partnered women in the study experienced physical IPV while 28% of the men perpetrated physical IPV at least once in their lifetime.

'... The study assessed sexual IPV experienced by women using three questions. These covered: if their current or previous husband or boyfriend had ever physically forced them to have sex when they did not want to; whether they had had sex with him because they were afraid of what he might do and whether they had been forced to do something sexual that they found degrading or humiliating.

'Fifteen percent of ever partnered women experienced while seven percent of ever partnered men perpetrated sexual IPV at least once in their lifetime.'⁶¹

12.1.13 The WAD-Gender-Links study 2012 further observed that:

'Nearly one third of women (29%) experienced Intimate Partner Violence (IPV) in the 12 months to the prevalence survey that formed the flagship research tool in this study. In contrast, only 1.2% of Botswana women reported cases of GBV to the police in the same period. Thus, the prevalence of GBV reported in the survey is 24 times higher than that reported to the police. This suggests that levels of GBV are far higher than

⁶¹ WAD-Gender-Links, [Gender Based Violence ...](#) (pages 51 to 54), 21 November 2012

those recorded in official statistics and that women have lost faith in the very systems that should protect them as well as offer redress.⁶²

12.1.14 However, the Government CEDAW report 2023 provided different data on the numbers of women who have experienced GBV from that cited by Amnesty above, noting:

‘... violence against and exploitation of women and girls remains a challenge, with one in three women having experienced GBV in their lifetime, and with women with disabilities two to three times [more likely to be] at risk. Intimate Partner Violence (IPV) accounts for most cases of violence against women (36.5% lifetime experience). Women of reproductive age are more likely to experience IPV than older women, specifically for those aged forty and older while 15% of women who have ever been pregnant experienced GBV during pregnancy. Higher levels of GBV are driven by entrenched gender inequalities and negative socio-cultural practices that assert male dominance over women and girls (patriarchy) fostering a culture of silence, fear and impunity related to GBV.’⁶³

12.1.15 The Government CEDAW report 2023 stated that the Botswana Police Service had registered 18,290 GBV cases in 2020 and 24,432 in 2021. The same report also provided data on the number of rape and defilement offences were reported to the police between 2019 and 2021:

	2019	2020	2021
Rape	2,265	1,919	2,111
Defilement	1,208	1,825	2,033

64

12.1.16 The SB Crime Statistics Report 2020, the most recent data available, published in December 2022, provided data on the numbers of ‘decided criminal cases’ handled by the magistrate courts and the High Courts. The report includes data on sexual offences, which included:

- Rape of a male or female
- Defilement of a boy or girl less than 17 years old
- Sexual offence involving mentally impaired person.
- Aggravated sexual assault.
- Sexual assault (not aggravated)
- Incest
- Child pornography - obstruction of warrant
- Gross indecency
- Attempted rape⁶⁵

⁶² WAD-Gender-Links, [Gender Based Violence ...](#) (Executive summary, page 11), 21 November 2012

⁶³ Government of Botswana, [‘Fifth periodic report ...’](#) (paragraph 171), 1 November 2023

⁶⁴ Government of Botswana, [‘Fifth periodic report ...’](#) (paragraph 201), 1 November 2023

⁶⁵ SB, [‘Crime Statistics Report 2020’](#) (Appendix B), December 2022

Table 7 :Total Number of Offences by Sex of Accused and Verdict -2020 (cont'd)

Offences	All sexes											Total
	Acquitted And Discharged	Case Referred To Regional Magistrate	Cautioned	Committed To High Court	Convicted / Sentencing Postponed	Dismissed For Want To Prosecute	Guilty And Sentenced / Fined	Not Guilty	Stay Of Proceedings	Withdrawn	Not Stated	
Homicide Offences	62	7	1	15	3	31	91	2	-	128	24	364
Sexual Offences	61	10	-	24	3	31	189	-	1	218	40	577
Attempts/ Threats To Murder, Assaults, Harassments, And Related Offences	109	9	-	26	4	31	201	2	-	404	65	851
Dangerous Or Negligent Acts	21	3	-	5	-	5	66	-	1	94	14	209
Kidnapping And Related Offences	9	-	-	2	-	1	5	2	-	4	1	24
Robbery, Extortion And Hijacking	81	-	-	26	1	29	101	-	-	193	34	465
Burglary And Related Offences	63	3	-	7	-	13	51	2	-	113	11	263
Theft And Related Offences	269	10	3	75	2	84	352	18	4	750	93	1,660
Fraud, Deception And Related Offences	23	1	-	3	-	5	36	2	-	161	2	233
Controlled Drug Offences	64	8	-	13	3	12	63	-	-	137	24	324
Weapons And Explosives Offences	8	6	-	2	2	-	20	-	1	45	4	88
Damage To Property And To The Environment	20	1	-	7	1	3	28	-	-	52	9	121
Public Order And Other Social Code Offences	3	-	-	1	1	5	4	-	-	8	24	46
Road And Traffic Offences (NEC)	27	1	-	6	-	15	67	-	2	113	16	247
Offences Against Government, Justice Procedures And Organisation of Crime	87	9	-	25	1	25	132	2	2	263	51	597
Offences Not ElseWhere Classified (NEC)	213	10	-	39	17	69	355	-	-	523	91	1,317
Total	1,120	78	4	276	38	359	1,761	30	11	3,206	503	7,386

66

12.1.17 Xinhua, a Chinese web portal for news and information, in their 'Roundup: Gender based violence cases rise in Botswana, dated 15 April 2021, citing Lorato Moalusi, the chief executive officer of Botswana Gender Based Violence Prevention and Support Centre (BGBVC), a non-governmental organisation noted:

'Globally, Botswana is listed as one of the countries in the world with a prevalence of GBV cases, especially among women, according to Moalusi."It is rated as number two on rape cases globally with 92.90 rape incidents per 100,000 citizens. Figures do not take into account rape incidents that go unreported to the police. Botswana has a rape culture that for a long time went on with impunity, but the country has now responded by putting in place a law on sex offenders registry ...'⁶⁷

12.1.18 The Botswana Gazette, an English language newspaper published in Gaborone, in their article, 'Botswana's Alarming Rate of Rape: A Call for Reform to Include Marital Rape,' dated 8 November 2023 reported 'Botswana, often celebrated for its political stability and economic progress, bears the unfortunate distinction of having the highest reported rate of rape in the world, with 92.3 cases per 100,000 people as of June 2023. While this statistic is deeply troubling in itself, what is even more concerning is the fact that Botswana does not consider marital rape a crime as it remains legal in the country ...

12.1.19 Amnesty International's annual report on human rights in Botswana for 2022

⁶⁶ SB, 'Crime Statistics Report 2020' (page 33), December 2020

⁶⁷ Xinhua '[Roundup: Gender based violence cases rise in Botswana](#)', 15 April 2021

to 2023, dated 28 March 2023, noted: 'In July 2022, police said 349 homicides were reported between January and March; 164 of the victims were women, and 133 cases were due to gender-based violence.'⁶⁸

12.1.20 CPIT was unable to find information on the prevalence of FGM in Botswana in the sources consulted ([Bibliography](#)).

[Back to Contents](#)

13. State protection.

13.1 Botswana Police Service

13.1.1 Interpol in an undated entry on Botswana noted 'The [Botswana Police Service](#) is part of the Ministry of Defence, Justice and Security [with]... a strength of around 9,500 officers, it is headed by a commissioner who is assisted by three Deputy Commissioners in charge of Operations, Support and Criminal Investigations respectively.'⁶⁹

13.1.2 The Overseas Security Advisory Council (OSAC), 'a public-private partnership between the U.S. Department of State's Diplomatic Security Service (DSS) and security professionals from U.S. organizations operating abroad'⁷⁰ noted in its security report for US citizens travelling to Botswana dated 22 January 2024 (OSAC report 2024):

'The [Botswana Police Service](#) is responsible for providing law enforcement service. The Botswana Police College outside of Gaborone hosts the U.S.-led International Law Enforcement Academy (ILEA), a focal point for education and development for law enforcement agencies across Africa. The Botswana Police Service has several district substations located throughout Botswana. The Botswana Police Service is professional, although limited in numbers and essential services to lessen crimes occurring in and around populated and rural areas.'⁷¹The UNHRC report 2021 stated 'The Committee is also concerned ..., about the low level of reporting of cases [of GBV] and about the high rate of withdrawal of complaints. It is further concerned about the insufficient protection and support afforded to victims of domestic violence and their families, including in terms of the number of shelters and the availability of medical, psychological and rehabilitation services. The Committee regrets not having received sufficient information on the number of investigations, prosecutions, and convictions of perpetrators in cases of violence against women and children'.⁷²

13.1.3 The OSAC report 2024 noted:

'Gender based violence (GBV) in Botswana is of concern to the Government of Botswana. Reporting suggests that over 65% of women in Botswana have experienced abuse. The Botswana Police Service has initiated a media campaign against GBV, bringing further attention to this matter.'⁷³

13.1.4 The government in its submission to the UN Human Rights Committee as

⁶⁸ AI '[Report 2022/23; On the global situation of human rights ...](#)' (Discrimination) 28 March 2023

⁶⁹ Interpol, [Botswana](#), no date

⁷⁰ OSAC, '[About us](#)', no date

⁷¹ OSAC, [Botswana Country Security Report](#), 22 January 2024

⁷² UNHRC, [Concluding observations on the second periodic ...](#) (paragraph 13), 24 November 2021

⁷³ OSAC, [Botswana Country Security Report](#), 22 January 2024

part of Botswana's Universal Periodic Review (UPR), dated 17 March 2023, (government UPR report 2023) noted:

'The following measures are implemented by the Botswana Police Service in the fight against GBV:

- Developing competencies of police officers in handling cases.
- Provision of psycho-social support and counselling to victims.
- Collaboration with other stakeholders and referral systems.
- Use of informers.
- Appointment of Gender Focal Point Persons.
- Community Policing (bringing on board the community to assist in policing).
- Community out-reach programmes (public education).
- Anti-GBV campaigns.⁷⁴

13.1.5 The Botswana government CEDAW report 2023 observed: 'The Botswana Police Service established the Gender and Child Protection (GCP) Branch in April 2021 as a special unit to ensure rapid response to Gender Based Violence and Child related matters. GCP officers have been deployed at all Police Stations. To date, a total of 2248 police officers have received training on GBV and human rights through the [Botswana Police Service] BPS in-service programmes.'⁷⁵

13.1.6 The same report also noted:

'The Botswana Police Service (BPS) has deployed trained Gender and Child Protection Focal Persons to deal with Gender Based Violence matters in a gender sensitive manner. In addition, there are 6 child-friendly policing centres ...

'To ensure professional response to GBV issues, the Government through BPS also developed a set of guiding principles aimed at ensuring that officers are committed to integrating GBV into their work and adequately skilled to do so. The following have been carried out in that regard:

(a) Standard Operating Procedures (SOPs) were developed as a standard tool for dealing with GBV and child related cases, to ensure comprehensive, coordinated, and synchronised interventions.

'(b) The Botswana Police Service (BPS) continues to employ science and technology in strengthening its response and interventions to GBV and its emerging complexities, through the introduction of Standardised Forensic Evidence Collection Kits in Sexual Assaults, Use of DNA and DNA databases for cold cases, Use of Digital Forensics for online sexual exploitation cases.

'(c) There is continued capacity building for Police Officers to equip them with knowledge on how to effectively and efficiently handle GBV cases. The

⁷⁴ UNHRC, '[National Report Submitted Pursuant to Human Rights...](#)' (paragraph 120), 17 March 2023

⁷⁵ CEDAW, '[Fifth periodic report submitted by Botswana under...](#)' (Paragraph 68), 1 November 2023

following training workshops were conducted:

‘(d) Gender Based Violence workshops for 572 officers were carried out at the Botswana Police College between the periods of 2020–2022. There were also Child Interviewing Training workshops carried out for 302 officers in between the period of 2020 and 2023.’⁷⁶

- 13.1.7 The USSD human rights report 2023 stated ‘Authorities effectively enforced laws against rape when victims pressed charges, although police noted victims often declined to press charges against perpetrators.’⁷⁷
- 13.1.8 The Government CEDAW report 2023 also noted that ‘In 2020 a total of 345 clients [victims of GBV] were admitted at the 2 shelters in Botswana.’⁷⁸
- 13.1.9 Amnesty International in its report on the human rights situation in Botswana covering 2023 stated: ‘...In January, sex workers said they were sexually assaulted, harassed and had money extorted from them by on-duty and uniformed police and military personnel.’⁷⁹ However, the USSD report 2023 noted ‘The government took steps to identify and punish officials who may have committed human rights abuses.’⁸⁰
- 13.1.10 The USSD report 2023 also noted: ‘The government regularly referred women survivors of gender-based violence to a local NGO that ran shelters for women’.⁸¹

[Back to Contents](#)

13.2 Judiciary

- 13.2.1 The USSD report 2023 noted: ‘The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality, but there were a few reports of executive overreach in a few high-profile cases.’⁸²
- 13.2.2 The FH Botswana report 2024 similarly noted:
‘The judiciary is generally independent and free from interference. Judges have ruled against the government in several high-profile cases in recent years.’ The source added: ‘Calls to improve the transparency, impartiality, and public oversight of the selection and appointment processes for judges persist. While the Judicial Service Commission advertises vacancies and interviews potential members of the High Court, the appointment process for Court of Appeal judges is relatively non transparent.’⁸³
- 13.2.3 The USSD report 2023 also noted:
‘A customary or traditional court system existed in addition to the formal court system. According to traditional practice, a tribal chief presided over most small villages. While customary (traditional) courts enjoyed widespread

⁷⁶ CEDAW, ‘[Fifth periodic report submitted by Botswana unde...](#)’ (paragraph 75-76), 1 November 2023

⁷⁷ USSD, ‘[2023 Country Reports on Human Rights Practices: Botswana](#)’ (Section 6), 22 April 2024

⁷⁸ Government of Botswana, ‘[Fifth periodic report ...](#)’ (paragraph 201), 1 November 2023

⁷⁹ AI, ‘[The State of the World's Human Rights: Botswana 2023](#)’ (Discrimination), 24 April 2024

⁸⁰ USSD, ‘[2023 Country Reports on Human Rights Practices ...](#)’ (Executive summary), 22 April 2024

⁸¹ USSD, ‘[2023 Country Reports on Human Rights Practices: Botswana](#)’ (Section 6), 22 April 2024

⁸² USSD, ‘[2023 Country Reports on Human Rights Practices: Botswana](#)’ (Section 1-E), 22 April 2024

⁸³ FH, ‘[Freedom in the world 2024 Botswana \(Section F\)](#)’, 29 February 2024

citizen support and respect, they often did not afford the same due process protections as the formal court system. Defendants did not have legal counsel, and there were no standardized rules of evidence. The quality of decisions reached in the customary courts varied considerably, and defendants often lacked a presumption of innocence. Tribal judges applied corporal punishment, such as lashings on the buttocks, more often than did formal courts.⁸⁴

13.2.4 With regard to women specifically, the UNDP 2021 report noted:

‘Access to justice for women victims of GBV is a matter of concern: often cases of violence are not reported to authorities, because women are reluctant to do so. Even if the national penal code regulates and pursues GBV there are legal, structural, economic, and social factors that obstacle reporting of cases of GBV to the justice system. A relevant obstacle is the “Forgive and forget syndrome” which sees officers of the traditional court system encouraging women to not pursue the legal action and forgive violent relatives.’⁸⁵

13.2.5 The government CEDAW report 2023 stated:

‘In order to ensure that gender-based violence cases are handled in a timely manner, the Honourable Chief Justice, reacting to the increased rate of GBV Cases and by extension implementing recommendation 26 (d) issued a Practice Directive No.9 of 2020 as an initiative and declared that effective 1st December 2020, [a]ll GBV Cases are treated as urgent applications and be given expedited management, set down and disposal. That such cases shall be prioritised and removed from the normal track of other cases upon registration ...

‘Botswana has also established specialised Courts dedicated to gender-based violence cases and set them up at all Magistrates Courts with a Chief Magistrate. The prosecution rate improved from 51% in 2021 to 68% in 2022.’⁸⁶

13.2.6 The Government CEDAW report 2023 noted: ‘To enhance access to justice, Botswana Police introduced a Gender and Child Protection Branch. In addition, specialised courts to expedite hearing of GBV cases were established by the Administrative of Justice in December 2021.’⁸⁷

13.2.7 The government UPR report 2023 also noted:

‘The Government of Botswana remains committed to implementing all her International, Continental, and Regional human rights obligations, which are domesticated through laws and policies to ensure that women and men fully and equally enjoy their human rights. To this end, Government continues to adopt new laws and establish human rights protection institutions. Examples include the Sexual Offenders Registry Act (2021), the Inter-Ministerial Committee on GBV (2021) and the Special Courts for GBV (2020).’⁸⁸

⁸⁴ USSD, [‘2023 Country Reports on Human Rights Practices: Botswana’](#) (Section 1-E), 22 April 20024

⁸⁵ UNDP, [‘Inequality in Botswana: An analysis of the drivers ...’](#) (paragraph 6.4), 23 July 2021

⁸⁶ CEDAW, [‘Fifth periodic report submitted by Botswana unde...’](#) (paragraph 73-74), 1 November 2023

⁸⁷ CEDAW, [‘Fifth periodic report submitted by Botswana under ...’](#) (paragraph 16), 1 November 2023

⁸⁸ UNHRC, [‘National Report Submitted Pursuant to Human Rights...’](#) (paragraph 122), 17 March 2023

13.2.8 The Crime Statistics Report 2020 stated that there were 577 sexual offences cases decided by the courts, in 531 the ‘accused’ was male, 35 female and 11 the sex was not stated (the data does not include information about the sex of the victim)⁸⁹. The table below sets out the data on verdicts in cases of sexual offence where the accused was male, female, or not stated⁹⁰:

	Sexual offence
Acquitted and discharged	61
Case referred to regional magistrate	10
Cautioned	0
Committed to high court	24
Convicted/sentencing postponed	3
Dismissed for want to prosecute	31
Guilty and sentenced/fined	189
Not guilty	0
Stay of proceedings	1
Withdrawn	218
Not stated	40
Total	577

13.2.9 The FH Botswana report 2024 noted: ‘a toll-free line for gender-based violence victims, an interministerial committee on gender-based violence, and 25 courts dedicated to gender-based violence cases’⁹¹

[Back to Contents](#)

14. Legal aid

14.1.1 The government CEDAW report 2023 stated:

‘The Legal Aid Act of 2013 established Legal Aid Botswana (LAB) which has branches in Gaborone, Francistown, Kasane, Tsabong, Maun and Palapye to provide access to justice by indigent persons in Botswana. The initial support offered was in respect of civil matters. However, Government is currently piloting the expansion of support to criminal matters. In ensuring that legal aid is available and accessible to all particularly indigent women, a total of 6 521 persons were supported between April 2019 and December 2022. Of these beneficiaries, 56% were women of whom 21% were from rural areas. The legal aid services include matters on access to identity documents, child maintenance and support, GBV and medical malpractice cases. These services are delivered through the REAct program supported by the Global Fund, an intervention which trains community reactors and paralegals to document human rights violations of identified key and vulnerable groups and provide information, education and linkage to services including legal aid and health services.’⁹²

[Back to Contents](#)

⁸⁹ SB, ‘[Crime Statistics Report 2020](#)’ (pages 27-29), December 2022

⁹⁰ SB, ‘[Crime Statistics Report 2020](#)’, (page 34), December 2020

⁹¹ FH, ‘[Freedom in the World 2024 Botswana](#)’ (section G) , 29 February 2024

⁹² CEDAW, ‘[Fifth periodic report submitted by Botswana und...](#)’(Paragraph 47-49), 1 November 2023

15. Civil society organisations (CSOs)

15.1.1 The USSD Report 2023 noted: ‘The small number of domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to domestic NGO views on most subjects. The government interacted with and provided financial support to some domestic organizations.’⁹³

15.1.2 The FH Botswana report 2024 noted: ‘Nongovernmental organizations (NGOs), including human rights groups, generally operate without restriction. Under the Societies Act, two-thirds of NGOs’ officers must live in Botswana, and officers must have received a form of clearance from a law enforcement agent. The law also requires NGOs, churches, and clubs to reregister with the government by early 2024.’⁹⁴

15.1.3 The government UPR report 2023 noted:

‘Consistent and regular dialogue between Government and CSOs in issues of human rights has been maintained since the establishment of the National Human Rights Coordination Committee in June 2020. The mandate of this committee, which is co-chaired by the Ministry of Justice and DITSHWANELO – The Botswana Centre for Human Rights (a nominated representative of the CSOs), is to promote meaningful engagement between Government and Non-Governmental Organisations (NGOs) on human rights issues at the national level.’⁹⁵

15.1.4 The same report also noted: ‘With respect to health care providers, there is a comprehensive national plan (2019-2024) to remove human rights and gender related barriers to HIV and TB services. This plan includes interventions to train and capacitate police to collaborate with CSO and health care providers to respond to GBV ... [The] Government also subvents Civil Society Organisations (CSO) which provide safe havens for women who are victims of violence.’⁹⁶

15.1.5 The CEDAW report 2023 noted:

‘In an effort to implement the recommendation, a feasibility study on establishment and strengthening of safe havens [for female victims of violence] was carried out in 2021 to inform the Government on modalities of setting up shelters. In addition, the Government continues to offer financial support of USD 500 000 annually to civil society organisations providing shelters to survivors of GBV. Legal Aid Botswana in collaboration with shelters provides legal assistance.

‘The Botswana Gender Based Violence Prevention and Support Centre in Gaborone provides clinical services particularly Post Exposure Prophylaxis (PEP) for prevention of HIV infection. The shelter also screens and tests for Sexually Transmitted Infections (STIs) and provides HIV Testing and Counselling. In addition, the shelter provides contraceptive mixed methods

⁹³ USSD, [‘2023 Country Reports on Human Rights Practices: Botswana’](#) (Section 5), 22 April 20024

⁹⁴ FH, [‘Freedom in the world 2024 Botswana’](#), (Section E) , 29 February 2024

⁹⁵ UNHRC, [‘Universal Periodic Review – Botswana, National report ..’](#) (paragraph 5) 17 March 2023

⁹⁶ UNHRC, [‘Universal Periodic Review – Botswana, National re..’](#) (paragraph 103,119) 17 March 2023

to prevent unplanned pregnancies. Furthermore, the shelter provides treatment for injuries that could be suffered by victims. These services are provided through the support and guidance of the Ministry of Health.⁹⁷

- 15.1.6 Afrobarometer report 2023 noted: 'there are only five safety shelters in the country, run by two non-governmental organisations'⁹⁸

[Back to Contents](#)

16. Freedom of movement

- 16.1.1 The UNDP 2021 report noted that '... most of the population [live] ... in the south and south-east of the country...'⁹⁹
- 16.1.2 The USSD Report 2023 noted: 'The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.'¹⁰⁰ The FH Botswana report 2024 noted 'Most citizens can move freely within Botswana and travel internationally San people have limited access to their traditional lands in the Central Kalahari Game Reserve...'¹⁰¹
- 16.1.3 No information on freedom of movement for women specifically was found in the sources consulted (see [Bibliography](#)).

[Back to Contents](#)

⁹⁷ CEDAW, '[Fifth periodic report submitted by Botswana unde...](#)'(Paragraph 77-78),1 November 2023

⁹⁸ Afrobarometer, '[AD594: Batswana see gender-based violence as...](#)' (Summary), 24 January 2023

⁹⁹ UNDP, '[Inequality in Botswana: An analysis of the drivers and distri...](#)' (Introduction), 23 July 2021

¹⁰⁰ USSD, '[2023 Country Reports on Human Rights Practices: Botswana](#)' (Section 3), 22 April 2024

¹⁰¹ FH, '[Freedom in the world 2024 Botswana](#)', (Section G) , 29 February 2024

Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used, and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

[Back to Contents](#)

Terms of Reference

The 'Terms of Reference' (ToR) provides a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context (considering laws that protect and/or discriminate constitution, criminal, penal and civil codes) applicable to
 - general anti-discrimination provisions
 - specific to women and girls in political, economic, social, cultural, civil or any other field
 - government statements
 - government departments, policies, and programmes
- Societal attitude - cultural and family status and attitudes, including attitudes of religious groups, and representation and discourse in media.
- Domestic and public violence against women (from state and non-state. Violence may take many forms including sexual, such as rape, honour crimes, and harassment (particularly in the workplace) child marriage, FGM. For each:
 - nature of violence and perpetrators
 - prevalence, including variations amongst particular groups.
- State protection.
 - security services and judiciary, size, composition, capability and effectiveness, including specific units or groups with the remit to assist women or particularly vulnerable groups.
 - attitudes of security forces and judiciary to women
 - accessibility to protection and justice
 - enforcement - arrest and detentions, prosecutions, and convictions
 - assistance and support - witness protection, shelters and other support, and compensation
- Civil society assistance
 - legal advice and support
 - financial
 - accommodation, shelters, helplines
- Freedom of movement
 - geography
 - legal freedoms/restrictions
 - safety of movement

[Back to Contents](#)

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[Back to Contents](#)

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Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **January 2025**

Official – sensitive: Not for disclosure – Start of section.

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: Not for disclosure – End of section

[Back to Contents](#)

Changes from last version of this note

Minor change made on paragraphs 3.1.5 - 3.1.6 for the purpose of clarity.

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)