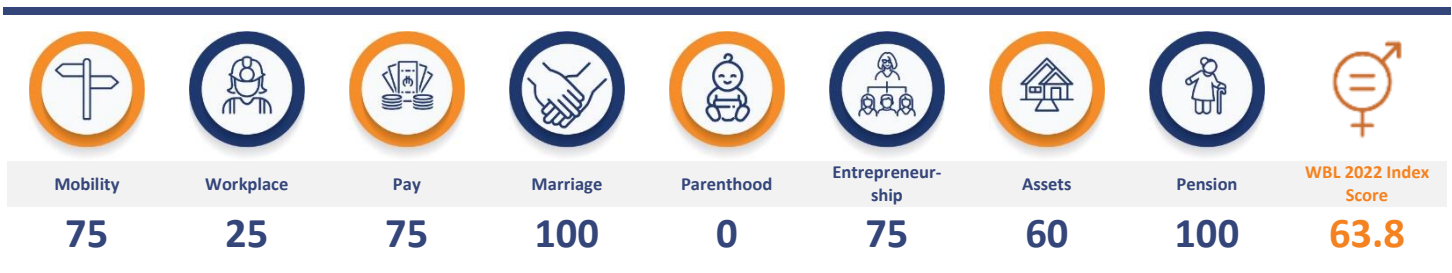


# Botswana

*Women, Business and the Law 2022* (WBL2022) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Gaborone). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Botswana scores 63.8 out of 100**. The overall score for Botswana is lower than the regional average observed across Sub-Saharan Africa (71.5). Within the Sub-Saharan Africa region, the maximum score observed is 89.4 (Mauritius).

## Botswana - Scores for Women, Business and the Law 2022



### Relative Strengths

When it comes to constraints related to marriage, and laws affecting the size of a woman's pension, Botswana gets a perfect score.

### Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women's decisions to work, laws affecting women's pay, laws affecting women's work after having children, constraints on women starting and running a business, and gender differences in property and inheritance, Botswana could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Botswana is on the indicator measuring laws affecting women's work after having children (the WBL2022 Parenthood indicator). To improve on the Parenthood indicator, Botswana may wish to consider making paid leave of at least 14 weeks available to mothers, making the government administer 100% of maternity leave benefits, making paid leave available to fathers, making paid parental leave available, and prohibiting the dismissal of pregnant workers.

### Recent Reforms

No reforms were observed during the past year (October 2nd, 2020 – October 1st, 2021).



Further data details for Botswana are available at:  
<https://wbl.worldbank.org/en/data/exploreconomies/botswana/2022>



|                  | QUESTION   | ANSWER | LEGAL BASIS   |
|------------------|--|--------|---|
| Mobility         | Can a woman choose where to live in the same way as a man?                             | Yes    | Abolition of Marital Power Act, Art. 16   |
|                  | Can a woman travel outside her home in the same way as a man?                          | Yes    | No restrictions could be located  |
|                  | Can a woman apply for a passport in the same way as a man?                             | No     | Passport application form   |
| Workplace        | Can a woman travel outside the country in the same way as a man?                       | Yes    | No restrictions could be located  |
|                  | Can a woman get a job in the same way as a man?  | Yes    | Abolition of Marital Power Act of 2004, Arts. 4, 5, and 11  |
|                  | Does the law prohibit discrimination in employment based on gender?                    | No     | No applicable provisions could be located   |
|                  | Is there legislation on sexual harassment in employment?                               | No     | No applicable provisions could be located   |
| Pay              | Are there criminal penalties or civil remedies for sexual harassment in employment?    | No     | <i>Criminal:</i> No applicable provisions could be located<br><i>Civil:</i> No applicable provisions could be located |
|                  | Does the law mandate equal remuneration for work of equal value?                       | No     | No applicable provisions could be located   |
|                  | Can a woman work at night in the same way as a man?                                    | Yes    | No restrictions could be located  |
|                  | Can a woman work in a job deemed dangerous in the same way as a man?                   | Yes    | No restrictions could be located  |
| Marriage         | Can a woman work in an industrial job in the same way as a man?                        | Yes    | No restrictions could be located  |
|                  | Is there no legal provision that requires a married woman to obey her husband?         | Yes    | No applicable provisions could be located   |
|                  | Can a woman be head of household in the same way as a man?                             | Yes    | Abolition of Marital Power Act of 2004, Arts. 4 and 5   |
|                  | Is there legislation specifically addressing domestic violence?                        | Yes    | Domestic Violence Act   |
| Parenthood       | Can a woman obtain a judgment of divorce in the same way as a man?                     | Yes    | Matrimonial Causes Act 1973, Arts. 7 and 19   |
|                  | Does a woman have the same rights to remarry as a man?                                 | Yes    | No restrictions could be located  |
|                  | Is paid leave of at least 14 weeks available to mothers?                               | No     | Employment Act, Sec. 113  |
|                  | Does the government pay 100% of maternity leave benefits?                              | No     | Employment Act, Secs. 113-114   |
| Entrepreneurship | Is paid leave available to fathers?  | No     | No applicable provisions could be located   |
|                  | Is there paid parental leave?  | No     | No applicable provisions could be located   |
|                  | Is dismissal of pregnant workers prohibited?   | No     | No applicable provisions could be located   |
|                  | Does the law prohibit discrimination in access to credit based on gender?              | No     | No applicable provisions could be located   |
| Assets           | Can a woman sign a contract in the same way as a man?                                  | Yes    | Abolition of Marital Power Act of 2004, Arts. 4, 5, and 11  |
|                  | Can a woman register a business in the same way as a man?                              | Yes    | Abolition of Marital Power Act of 2004, Arts. 4, 5, and 11  |
|                  | Can a woman open a bank account in the same way as man?                                | Yes    | Abolition of Marital Power Act of 2004, Arts. 4, 5, and 11  |
|                  | Do men and women have equal ownership rights to immovable property?                    | Yes    | The Deeds Registry Act 1996, Sec. 18(3); Abolition of Marital Power Act, Arts. 4 and 5                                |
|                  | Do sons and daughters have equal rights to inherit assets from their parents?          | No     | Succession Act, Ch. 31:03, Art. 6   |
| Pension          | Do female and male surviving spouses have equal rights to inherit assets?              | Yes    | Succession Act, Ch. 31:03, Art. 4   |
|                  | Does the law grant spouses equal administrative authority over assets during marriage? | Yes    | Married Persons Property Act, Art. 4(1)   |
|                  | Does the law provide for the valuation of nonmonetary contributions?                   | No     | Married Persons Property Act, Art. 4(1)   |
| Pension          | Is the age at which men and women can retire with full pension benefits the same?      | Yes    | Women: Universal Pension and Orphan Care Act 1996. Men: Universal Pension and Orphan Care Act 1996                    |
|                  | Is the age at which men and women can retire with partial pension benefits the same?   | Yes    | Women: No applicable provisions could be located. Men: No applicable provisions could be located                      |
|                  | Is the mandatory retirement age for men and women the same?                            | Yes    | Women: No applicable provisions could be located. Men: No applicable provisions could be located                      |
|                  | Are periods of absence due to childcare accounted for in pension benefits?             | Yes    | Universal Pension and Orphan Care Act 1996  |