



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Forty-fifth session

Summary record of the 920th meeting

Held at the Palais des Nations, Geneva, on Friday, 29 January 2010, at 10 a.m.

Chairperson: Ms. Gabr
later: Ms. Zou Xiaoqiao (Vice-Chairperson)
later: Ms. Gabr (Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(*continued*)

Combined initial, second and third periodic reports of Botswana

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial, second and third periodic reports of Botswana (CEDAW/C/BOT/3; CEDAW/C/BOT/Q/3 and CEDAW/C/BOT/Q/3/Add.1)

1. *At the invitation of the Chairperson, the delegation of Botswana took places at the Committee table.*
2. **Mr. Mokgothu** (Botswana) said that the combined report before the Committee (CEDAW/C/BOT/3) had been prepared in the context of a broad consultative process involving government ministries and departments and representatives of civil society. That process had been a fruitful one and would be followed when preparing future reports. His Government was committed to implementation of the Convention as a means of improving the status of women in Botswana.
3. Botswana had ratified the Convention in 1996 and acceded to the Optional Protocol in 2007. The first measure taken by the Government following ratification of the Convention had been to add “sex” to the list of types of discriminatory acts described in section 15 (3) of the Constitution. With regard to the Committee’s concerns about section 15 (4) (c) of the Constitution, which exempted adoption, marriage, divorce, burial, devolution of property upon death and other personal matters from the prohibition of discrimination, he said that it was his Government’s position that section 3 and section 15 (3) sufficiently prohibited all forms of discrimination. No customary or common law, even if it dealt with those matters, could supersede the provisions of sections 3 or 15 (4) (c) of the Constitution.
4. In order for the various provisions of the Convention to become applicable in Botswana’s domestic legal system, a bill to that effect had to be approved by Parliament. Domestic legislation was being reviewed and laws that had an adverse effect on the status of women were being amended; some 15 acts had been reviewed to date. Amendments to the Marriage Act, for example, had addressed gender discrimination and introduced gender-responsive provisions in such areas as marriage, property ownership, inheritance, civil actions, dissolution of marriages and children’s rights. The concept of marital power had been eliminated with the adoption of the Abolition of Marital Power Act in 2004.
5. Customary law likewise played an important role in Botswana, but he wished to stress that the Constitution took precedence over the Customary Law Act. Through the Ntlo ya Dikgosi, or House of Chiefs, tribal chiefs, who were the custodians of customary law, upheld the sanctity and inviolability of the Constitution. Nevertheless, some customary laws and practices affected gender equality in areas related to personal and family law. Consequently, the Government sought to ensure that customary law evolved in parallel with common law in the area of equality, by endeavouring to increase awareness of gender issues among the public, and among tribal chiefs in particular.
6. Good governance required the participation of both men and women, and he was pleased to inform the Committee that for the first time a woman had been appointed Speaker of the National Assembly. In addition to the Speaker, however, only 4 of the 61 members of the National Assembly were women, 2 of whom had been appointed, and there had only been 11 women candidates for election, of whom 2 had been elected. At the Council level, only 68 of 150 women candidates had been elected, although a further 51 had been appointed in order to increase women’s representation.
7. Women were well represented in the public service and comprised 44 per cent of all permanent secretaries and senior managers. In 2008, women had joined the armed forces

for the first time. His Government would continue to improve the political representation of women in the firm belief that empowering women was essential for the development and success of any country.

8. Great progress had been made in combating violence against women. The Domestic Violence Act of 2008 provided maximum protection against domestic violence. Since the adoption of the Act, the police and the Women's Affairs Department had improved their collection of disaggregated data on violence against women. In keeping with the Government's commitment to eradicating violence against women and girls, a National Action Plan containing measures to end gender-based violence had been developed and was currently under review.

9. Domestic violence was the most common type of violence against women in Botswana. Efforts were thus under way to promote collaboration between legal, medical, social and psychological service providers with a view to meeting the needs of victims. The Government was cooperating with the United Nations Development Fund for Women (UNIFEM) on a project to strengthen the capacity of service providers to address gender-based violence and the associated high incidence of HIV/AIDS. The project would enhance the implementation of existing laws and policies and identify areas where new instruments were needed.

10. He noted that the Government would not undertake initiatives that were contrary to the interests and wishes of the people of Botswana. It was against that background that the Government's position on such issues as corporal punishment, termination of pregnancy and sexual orientation should be understood. Botswana society considered sexual activity between members of the same sex to be immoral, and the law would continue to criminalize such activity. Similarly, specific regulations governed the use of corporal punishment, and the Government had not seen any need to exclude girls from that form of punishment. A medical doctor had to confirm that an individual was fit enough to receive such punishment, and only persons under 40 could be subjected to it. In addition, the Education Act and Regulations prescribed a strict framework for the use of corporal punishment in schools.

11. While there was no specific law dealing with human trafficking, article 261 of the Penal Code prohibited and punished human trafficking. The Children's Act of 2009 likewise prohibited trafficking in children and incorporated some of the relevant provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Under the Act, cruel treatment or punishment of a child and the imposition of harmful social, cultural and religious practices on a child were criminal offences.

12. While Botswana had not ratified the Convention on the Rights of Persons with Disabilities, a council on persons with disabilities had been established to act as a forum for the promotion of the interests of such persons and to coordinate activities that addressed their concerns. An office had also been established within the Office of the President to deal with the needs of persons with disabilities.

13. Significant progress had been made in promoting equality in sports, in particular traditionally male-dominated sports. In 2009, some 39 women referees and 40 women football coaches, 6 of whom were secondary school students, and 2 women football instructors had been trained. There were 11 registered women's football teams in Botswana. The organization Women and Sports in Botswana (WASBO) had been established to promote the participation of women and girls in sports.

14. The Abolition of Marital Power Act granted married women equal opportunity with men in the obtaining of loans, thereby enabling women who so desired to acquire property. Previously, most women had not been able to obtain credit from financial institutions,

although that had been due to a lack of collateral and to other loan requirements rather than to discrimination.

15. The impressive gains made in the area of health had been reversed in many ways by the prevalence of HIV/AIDS. The Government continued to provide universal access to treatment and care for women living with HIV/AIDS through initiatives such as the Home Based Care programme, in recognition of the burden placed on women and children for home care.

16. While progress was being made towards ensuring equality for women, many challenges remained. Targets would continue to be set with a view to the full implementation of the Convention, which his Government considered to be an essential means of promoting social cohesion and development.

Articles 1 to 6

17. **Mr. Flinterman** welcomed the opportunity to open the Committee's first dialogue with a delegation from the State party. With regard to the status of the Convention in the national legal system, he said he assumed that since the landmark High Court decision in the 1992 *Unity Dow v. Attorney-General* case, the courts could invoke the provisions of the Convention and interpreted both common and customary law in the light of that instrument, even though it had not been fully integrated into the national legal system. He wondered, however, whether judges and legal practitioners as well as women themselves were fully aware of the rights enshrined in the Convention and whether the State party was meeting its obligation under article 13 of the Optional Protocol to give publicity to the Convention, the Protocol and the views and recommendations of the Committee.

18. He took note of the 2004 amendment to section 15 (3) of the Constitution, which had added the word "sex" to the definition of discrimination, but he wished to remind the State party that it had an obligation to fully align its definition of discrimination with the definition contained in article 1 of the Convention. Given the High Court's clear decision on the supremacy of the Constitution over customary law in the aforementioned case, he requested information on any mechanisms that enabled women to seek a remedy for gender-based discrimination. According to the report, a woman had recourse to the courts if she felt that she had "been afforded differential treatment on the basis of sex". However, court cases were costly, and he wondered whether any less expensive alternatives, such as appealing to the Ombudsman, were available. Lastly, he would like to know of any progress made towards the establishment of a national human rights institution and whether such a body would have the authority to deal with complaints.

19. **Ms. Šimonović** welcomed the State party's ratification of the Convention and Optional Protocol without any reservations but wondered why it had taken so long for it to submit a report. She expressed concern that the Convention had not been fully incorporated into domestic law and that, despite the existence of jurisprudence relating to the applicability of the Convention, section 15 (4) (d) of the Constitution, which exempted customary law from the prohibition of discrimination, remained in force. She asked whether copies of the Convention had been widely distributed — for example, to schools and lawyers — and whether it had been translated into local languages.

20. **Ms. Popescu** expressed concern about women's access to justice: women often lacked the resources to initiate court proceedings or were simply unaware of their rights; furthermore, cultural attitudes often meant that women were hesitant to assert their rights. Customary law had the greatest effect on people's daily lives, and she requested information on women's access to customary legal mechanisms. It was particularly important that women should have access to justice in cases of rape, and she consequently sought more information on the effects of the so-called "cautionary rule" in rape cases. That

rule required corroboration of the testimony of the complainant, something that was often difficult to obtain, with the result that many alleged perpetrators went unpunished.

21. She welcomed the High Court's clear statement that the Constitution took precedence over customary law and noted the State party's intention to use education to ensure that customary law evolved in parallel with common law where the elimination of discrimination was concerned. In that connection, she asked for concrete example of changes to customary law that protected women's rights.

22. She regretted that the only mention of the Office of the Ombudsman in the report was in a statement indicating that more than 70 per cent of its staff were women. Information presented to other human rights treaty bodies had described the Office as understaffed and underfunded. More information on the Office would be appreciated, including information about its complaints procedure, the number of gender-related cases, whether it had a special gender unit, any decisions in gender-related cases and follow-up of decisions. Lastly, she enquired whether women had access to the *Ntlo ya Dikgosi* and customary courts as well as to the family courts.

23. **Ms. Ameline** agreed that it was extremely important that the State party's domestic legal system, including customary law, should be brought into full conformity with the Convention. She asked whether the State party had made legislative and constitutional changes to that end a priority. With regard to institutional mechanisms for the protection of women's rights, she requested more information on the relationship between the House of Chiefs and Parliament. She also wished to know whether the House of Chiefs was consulted when legislation would affect customary law and whether women were involved in the legislative process, including with regard to customary law.

24. She asked whether the Women's Affairs Department had sufficient resources to be effective and whether there was also an inter-ministerial mechanism for the promotion of women's rights. She urged the State party to provide information on the financial resources allocated specifically for women's issues and on the distribution and management of those resources. More information would likewise be welcome on the status of the consultations on the establishment of a national human rights mechanism and on its proposed membership and role.

25. **Mr. Mokgothu** (Botswana) stressed that the Constitution was the supreme law of the land and took precedence over both common and customary law. In cases where there was a conflict between common or customary law and the Constitution, the Constitution prevailed, as had occurred in the *Unity Dow* case. He acknowledged that customary law continued to discriminate against women in some situations but said that it was difficult to pass legislation that went against the entrenched beliefs of the various tribes, each of which had its own customary law. Accordingly, the Government preferred to try to persuade the traditional chiefs to gradually modify customary law with a view to eliminating human rights violations.

26. The House of Chiefs met regularly and advised Parliament with regard to any legislation that might affect customary law or rights, such as tribal land rights; it could also make recommendations to Parliament. The application of all customary law was governed by the Customary Law Act. The Office of the Ombudsman, meanwhile, had been established to deal with situations in which citizens felt that they had been treated unfairly by a government department. The Ombudsman reported to Parliament on the cases he dealt with and could forward complaints to the Government's ant-corruption unit.

27. **Ms. Menyatso** (Botswana) said that in order for the provisions of the Convention to become an integral part of domestic law, appropriate enabling legislation must be adopted by Parliament. She noted that the Optional Protocol was fully operational in Botswana, and the Government was working to increase awareness of that instrument. The Convention had

been translated into local languages, and copies were distributed at workshops on gender issues and to the House of Chiefs, Parliament and various institutions.

28. The main obstacle to women's access to justice was their inability to meet the cost of legal proceedings. The Women's Affairs Department occasionally appointed lawyers to represent women in court, but such assistance was minimal. No legal aid mechanism existed in Botswana, although the Vision 2016 document, cited in paragraph 89 of the report, recognized the need for such a mechanism.

29. Consultations on the establishment of a national human rights institution had concluded, and recommendations in that regard would soon be presented to the Cabinet. The delay in the submission of Botswana's initial report was not the result of indifference to women's issues but reflected a lack of resources and the concomitant need for capacity-building and training. However, a body had been established that would be responsible for meeting Botswana's human rights reporting obligations, and future reports would be submitted on time.

30. **Mr. Mokgothu** (Botswana) said that the Women's Affairs Department would not be made into a separate ministry in the near future. Its status as a department did not diminish its effectiveness. Botswana's Government was a relatively small one; a number of new ministries had recently been established, and no additional resources were available. The Department had originally been a unit of the Ministry of Labour and Home Affairs and had been upgraded to a department. That Ministry was being restructured, and it was possible that a Deputy Minister might be appointed to head the Department.

31. **The Chairperson**, speaking in her capacity as an expert, said that whether the body responsible for women's issues was a department or a ministry was irrelevant; what was important was whether it had the tools and human and financial resources to carry out its mandate. More information would therefore be appreciated on the mandate of the Women's Affairs Department, including whether the Department had the authority to coordinate with other ministries to promote gender issues in such areas as health, education, labour and the situation of rural women, and whether it could make policy recommendations as well as review legislation from a gender perspective in order to bring it into conformity with international instruments. She asked whether there were any plans to establish women's rights monitoring mechanisms.

32. She wondered whether the Women's Affairs Department collaborated with the media and civil society to combat customary attitudes that often contained stereotyped perceptions of women's roles and whether there was any coordination mechanism or allocation of resources for such efforts. The State party should provide more information on the work of the Botswana National Council on Women (BNCW).

33. **Ms. Neubauer** enquired what measures would be adopted to address the weaknesses of the Women's Affairs Department identified in the written replies, such as giving it the authority to influence policy decisions in such areas as the drafting of national gender policy and strengthening the national machinery for gender mainstreaming. In the light of the decentralization of the Department's services, she wondered how coordination was maintained and whether adequate resources were available to ensure delivery of services in the decentralized offices.

34. The establishment of gender focal points in ministries was a positive step, but according to the report (para. 78) the individuals concerned lacked the appropriate skills and training, and additional responsibilities for gender issues were not given high priority. She asked what steps the State party was taking to remedy that situation. More information would be welcome on progress toward the adoption of a national gender policy, as well as on efforts to overcome the barriers to the mainstreaming of a gender perspective in development planning, as described in paragraphs 74 and 75 of the report.

35. **Ms. Menyatso** (Botswana) said that the Women's Affairs Department was the main mechanism for coordinating gender mainstreaming nationwide. It lacked adequate resources, however. In the area of human resources, for example, ongoing efforts were being made to educate staff about the relatively new concept of gender and women's role in development. Efforts were also being made to develop the capacity of gender focal points in government ministries and departments by increasing awareness of gender issues and by encouraging ministries to release the focal points from other duties so that they could devote themselves to gender issues.

36. The Botswana National Council of Women (BNCW) served as a watchdog body for the promotion of women's rights nationwide and also monitored the work of the Women's Affairs Department. It advised the Minister responsible for gender issues on what was actually happening on the ground, advice that the Minister could then share with other ministries. The membership of the Council was under review with a view to appointing members who were truly knowledgeable in the field of gender and development, thereby increasing the Council's effectiveness.

37. The Women's Affairs Department had decentralized some of its services to eight strategically chosen districts, and those local offices also served the surrounding areas. Policies were defined at the departmental level, with the district offices seen as an extension of headquarters. Their role was to educate the public and ensure implementation of the gender mainstreaming aspects of development policies and projects at the district level.

38. In the past, consideration of the relationship between gender and development policy had taken the form of a discussion of how to integrate women in development. The current draft national gender policy focused not on the problem of how to integrate women in development but rather on how to mainstream gender into the development process. Individual ministries would be required to incorporate a gender perspective into their activities, with the Women's Affairs Department playing a coordinating and monitoring role in that effort. The total volume of resources devoted to gender issues would thus exceed the resources of the Department alone.

39. The Women's Affairs Department worked well with stakeholders, civil society and the media. For example, at both the headquarters and district levels, quarterly forums were organized at which non-governmental organizations (NGOs) exchanged views with staff and were informed of government policies and activities. The Department had a small fund from which NGOs could apply for subsidies for education and awareness-raising activities as well as financing for participation in meetings abroad. It always included civil society representatives in its delegations to international meetings.

40. **Ms. Hayashi** said that the Committee understood temporary special measures to include a wide variety of legislative, administrative and other regulatory instruments and practices, such as resource allocations, preferential treatment and time-bound numerical goals. She requested details concerning the President's power to nominate four candidates to serve as specially elected members of Parliament. Apart from the policy that allowed for the nomination of an additional number of councillors by the constituents of each council, she wondered whether there were any other policies or programmes that were aimed at achieving de facto equality between men and women in the area of public service. Noting that there were no women judges in the Court of Appeal and only one in the High Court, she requested information on the way in which judges were trained and appointed. She wished to know whether women were given any incentives to enter the legal profession and, if not, whether the Government envisaged taking other measures to increase the number of women judges, prosecutors and practising lawyers. She asked whether the Government maintained a dialogue with the community decision platforms known as *dikgotla* and whether it had adopted any temporary special measures to increase women's participation in such community-based decision-making forums. Lastly, she would

appreciate any specific examples of how the Government interacted with the private sector in order to encourage businesses to adopt temporary special measures for the advancement of women.

41. **Mr. Mokgothu** (Botswana) said that there were no obstacles to women's access to the House of Chiefs, since that body was composed not only of ex officio members who were hereditary chiefs but also of a number of elected members. In fact, one member of the House of Chiefs was a woman who had been elected by her tribe as paramount chief, while another had become a member by replacing her brother, a chief who had entered politics.

42. Under the Constitution, the President could nominate four candidates to serve as specially elected members of Parliament, as could the opposition party. The names of the nominees were transmitted to the National Assembly, which then proceeded to select the four members of Parliament. Although a bill to increase the number of specially elected members from four to eight and to reserve four seats for women had not been adopted, there had been a proposal to resubmit the bill at a later date.

43. The councillors serving district, city and town councils were elected by the communities in the respective electoral areas, and the Minister of Local Government could nominate additional councillors to each council. Before doing so, however, the Minister always consulted with the constituency in question. In 2009, each council had been allotted three additional councillors.

44. It was unclear why there were no women judges in the Court of Appeal. If women applied for those positions, had the proper qualifications and were considered good candidates, they were eligible for appointment by the President. The Government maintained regular communication with the *dikgotla*, given that the tribal system was part of Botswana's local government structure in rural areas. The *dikgotla* fell under the responsibility of the tribal administration.

45. **Ms. Menyatso** (Botswana) said that the Government was cognizant of the fact that women were underrepresented on the bench of the Court of Appeal and the High Court but pointed out that women were more numerous at the magistrate level. It was therefore to be hoped that women would eventually reach the upper echelons of the judiciary in increasing numbers. She pointed out, however, that the choice of profession was the prerogative of the individual. Although the legal profession had traditionally been a male bastion, academic guidance counsellors were increasingly encouraging students to choose a career on the basis of their interests and abilities and to break free from traditional stereotypes. A gender policy and programme committee at the University of Botswana was working to combat stereotypes among students and monitored the way in which female and male students made course selections. A small increase had been noted in the number of women who had enrolled in courses that could eventually lead to judicial appointments.

46. **Ms. Coker-Appiah** said that Botswana was a society with deeply entrenched patriarchal assumptions that cast men in positions of authority and women as subservient to them. Such inequality had a negative impact on all aspects of women's lives. Despite the fact that development and education were producing changes in the society, there appeared to be much resistance to the abandonment of many customs and practices that effectively denied women's rights. It was unclear, for example, why section 15 (4) of the Constitution, which exempted marriage, divorce, adoption and inheritance from the application of non-discrimination provisions, was still in force, as it was clearly inconsistent with other sections of the Constitution and should consequently be repealed.

47. She requested detailed information on the national gender policy framework, which set out the strategic objectives, policies and programmes to be adopted to address gender imbalances. In particular, she wished to know what strategies had been adopted, who the targets of the initiatives were and what results had been achieved.

48. **Ms. Rasekh** said that while she concurred with the Government's statement that cultural attitudes were often at the root of negative stereotypes of women in Botswana, she disagreed with the notion that time alone could change the situation. What was needed in a traditional society such as Botswana's was the political will to change deeply rooted beliefs and practices, the effective implementation of legislation and the introduction of education programmes that would encourage a change in attitudes and practices.

49. She wished to know why the media perpetuated gender stereotypes by reporting instances of femicide in graphic detail. With regard to traditional mourning practices, she said that it seemed rather backward for widows to be isolated, stigmatized and subjected to a number of restrictions, including the requirement to dress in particular colours during the mourning period. She asked what specific measures were being taken to reduce and, with time, eliminate all practices that had a negative impact on women.

50. *Ms. Zou Xiaojiao (Vice-Chairperson) took the Chair.*

51. **Ms. Menyatso** (Botswana) said that the Government, together with civil society, had made great strides in addressing the issue of stereotypes in Botswana. With regard to the stigmatization of widows, for example, it should be noted that profound changes were taking place in society, and many women in Botswana no longer observed traditional mourning practices.

52. The public had in fact raised objections to the manner in which the media had reported on certain cases of femicide. In the past few years, the Government and civil society organizations had provided the media with intensive training in an effort to raise awareness and promote a sense of ethics, and a small manual had been published with a view to improving media coverage. The situation had thus evolved considerably since the preparation of the initial report.

53. Through public education, it had been possible to impart the notion that it was one's capabilities and not one's sex that determined one's choice of career. Women in Botswana had demonstrated in a number of areas, including in male-dominated organizations such as the armed services and the police force, that they could indeed be leaders. Women who had been successful in such organizations had been invited to career guidance workshops to serve as examples and to speak to students. Although certain attitudes remained entrenched, young people were clearly abandoning traditional stereotypes and following the example set by their counterparts in Botswana and other countries.

54. The national gender policy framework had been developed on the basis of various strategies involving policy, advocacy and the dissemination of information, and was tied to the national action plan, which identified the specific measures and research to be carried out. The framework also served as a mechanism for the coordination of policy across various ministries.

55. **Mr. Mokgothu** (Botswana) said that some 44 per cent of top positions in the Government were held by women. The fact that there was a female paramount chief in the House of Chiefs was completely unprecedented. Whereas women wishing to enter the armed forces used to face a struggle, there were now women pilots and platoon leaders. If some women still observed traditional customs while mourning, it was out of personal choice; overall, that practice was gradually being abandoned.

56. *Ms. Gabr resumed the Chair.*

57. **Ms. Chutikul** said that conflicting reports from international organizations and the Government as to the extent of the problem of human trafficking in Botswana might be attributable to Botswana's legislation. She asked whether the definition of human trafficking it contained was consistent with the definition of human trafficking contained in the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and whether it covered human trafficking carried out for purposes other than exploitative prostitution. She asked whether prostitution per se was legal in Botswana, including for girls under the age of 18. According to information she had received, most girls aged 16 and older who were out of school were full-time sex workers, and poverty drove some families to use their children as sex workers in order to meet basic economic needs. She would appreciate the delegation's comments on that information and on the way in which the Government was dealing with the problem.

58. Given that there was scant information in the State party's initial report about situations of exploitative prostitution or human trafficking, she wished to know whether the Government would consider conducting a study on those issues and report its findings in its next periodic report to the Committee.

59. **Mr. Mokgothu** (Botswana) said that prostitution was illegal in Botswana. He had no information indicating that poverty might be one of the causes of prostitution; to his knowledge, poverty existed in rural areas but prostitution did not.

60. **Ms. Menyatso** (Botswana) said that while human trafficking was prohibited in general terms, Botswana had no legislation that addressed human trafficking specifically. However, the issue was currently the subject of much debate, and the Government was aware of the need to determine the magnitude of the problem and its causes. Regrettably, not much progress had been made in that direction; prostitution was a sensitive issue that was not discussed, which meant that strategies for dealing with it would take time to develop. As to the potential link between prostitution and poverty, she noted that the Government was awarding grants to young people in order to help them seek a means of livelihood other than the sex trade. The Ministry of Youth, Sports and Culture had been assigned to spearhead efforts to encourage young people to participate in the programme.

61. **Ms. Coker-Appiah** requested statistics on the prevalence of domestic violence in Botswana and information on the effectiveness of the Domestic Violence Act.

62. **Ms. Ameline** welcomed the tremendous efforts that Botswana had made to combat domestic violence. Nevertheless, there seemed to be evidence of a degree of impunity for the perpetrators of such acts. Given that women were at the core of anti-poverty strategies and efforts to combat the HIV/AIDS pandemic, she wondered whether Botswana had placed women's issues high enough on the agenda in the financial and strategic partnerships it had developed with the international community.

63. **Ms. Chutikul** said she hoped that in implementing its poverty reduction strategy the Government had focused its efforts on the groups most at risk; she suggested that the State party might include a report on those efforts in its next periodic report. She asked whether education in Botswana was genuinely gender-sensitive. More needed to be done to encourage women to acquire the knowledge they needed to compete effectively in the job market. She would appreciate receiving a copy in English of Botswana's legislation on human trafficking.

64. **Ms. Ara Begum** said that, if she had understood correctly, domestic violence was criminalized in domestic legislation but marital rape was not. Many women, especially those living in rural areas, had difficulty obtaining access to legal justice owing to poverty, a situation that amounted to a denial of their civil rights. She wished to know whether the Government would consider offering free legal services to women, especially those living in rural areas.

65. She asked how many shelters there were in Botswana for women, including rural women, who were victims of trafficking, domestic violence and gender-based violence.

66. **Ms. Propescu**, expressing concern at the apparent tendency to treat perpetrators of violence against women with impunity, said that she would appreciate clarification of the practice whereby the cautionary rule was invoked in rape cases, often resulting in failure to punish the perpetrator. She was also concerned that even when a woman lodged a complaint under the Penal Code, customary practices often prevented her from enjoying the full effect of common law redress and equality provisions.

67. **Mr. Flinterman** noted that Botswana had accepted the recommendation made by the Human Rights Council in the framework of the universal periodic review process that it should establish a national human rights institution. He wished to know whether the discussions under way on that topic in the Government had addressed the idea of including the elimination of gender discrimination in the mandate of the future institution.

68. Given that women faced a number of impediments in their efforts to gain access to justice, the role played by the Ombudsman was very important. He sought clarification of the Ombudsman's activities as they related to the elimination of gender discrimination.

69. **Ms. Neubauer** asked whether the Government had developed any policies or strategies to address the demand side of prostitution in Botswana, since women and girls might not enter the sector if men were not willing to pay for their services.

70. **Ms. Rasekh** said that the Government must endeavour to eliminate stereotypes as soon as possible. She requested information regarding the involvement of men, religious leaders and community leaders in efforts to raise awareness and educate the public in eliminating and reducing harmful cultural practices, such as those relating to mourning. She wished to know whether women who did not observe the customary mourning practice were ostracized.

71. **The Chairperson**, speaking in her capacity as an expert, noted that 55 countries had accepted the amendment to article 20, paragraph 1, of the Convention, which concerned the extension of the Committee's meeting times, and said she hoped that Botswana would join them. The amendment would enable the Committee to meet three times a year, and various General Assembly resolutions endorsed that request.

72. **Ms. Menyatso** (Botswana) said that the Government cooperated with such development partners as the United Nations Development Programme (UNDP) and UNIFEM. The programmes and activities identified as priorities for achieving Botswana's development goals through the United Nations Development Assistance Framework for the period 2010–2015 included strengthening good governance, gender mainstreaming and capacity-building for both government officials and NGOs with a view to monitoring and implementing the Convention. The empowerment of women, youth and vulnerable groups had also been identified as a priority.

73. As to the extent of gender sensitivity in the education system, she pointed out that the Ministry of Education had undertaken a review of primary education textbooks in order to identify and withdraw those that perpetuated gender stereotypes. It was a monumental task, and the resources required for such an exercise were extensive. She also pointed out that in the past, girls could not take courses intended for boys and vice versa; that was no longer the case, and both boys and girls were now free to choose their preferred courses.

74. Traditional mourning practices were declining rapidly, and women who failed to observe them were no longer exposed to disapproval. While there was still some resistance in rural areas, those practices were rapidly being abandoned even there.

75. Women in rural areas who considered that their rights had been violated could file a complaint with the police or the local *kgotla*, which existed in villages throughout the country. Programmes had been introduced to train and sensitize the police in dealing with cases of gender-based violence, and the members of the *dikgotla* were also trained in the

principles of justice and fairness in handling such incidents. If representatives of the *kgotla* considered that an incident should be reported to the police, they would encourage the victim to do so. Statistics on violence against women would be transmitted to the Committee in due course.

76. As a result of public information and education campaigns that had been carried out, there had been an increase in the number of cases of violence against women that were reported to the police. However, coordination was needed in order to compile more accurate statistics, since incidents of domestic violence were often reported to others besides the police.

77. In order to implement the Domestic Violence Act, it had been necessary to train law enforcement personnel in their obligations under the Act and to coordinate police forms and procedures. Among those who had received the training were 27 senior police officers who had been appointed as gender focal points throughout the country. Much ground work remained to be done in order to ensure the full implementation of the Act.

78. Currently, there were only two government-run shelters in the country. Discussion was under way as to whether it was better to set up additional shelters or to equip police stations to hold perpetrators of domestic violence for short periods. The Government was willing to assist NGOs that wished to open additional shelters, as it considered domestic violence to be a problem that required a large degree of cooperation among all parts of society.

79. The National AIDS Council imparted education to men on gender-based violence and gender issues as they related to HIV/AIDS. That initiative was being carried out in almost all districts of Botswana but needed to be strengthened. The Government would transmit a copy of Botswana's human trafficking legislation to the Committee in due course.

80. **Mr. Mokgothu** (Botswana) said that the activities of the Ombudsman did not involve human rights issues; rather, the Ombudsman carried out oversight of the Administration on behalf of the people.

The meeting rose at 1.05 p.m.