



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General

7 July 2010

Original: English

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

Summary record of the 921st meeting

Held at the Palais des Nations, Geneva, on Friday, 29 January 2010, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3 p.m.

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

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

1. *At the invitation of the Chairperson, the delegation of Botswana took places at the Committee table.*

Articles 7 to 9

2. **Ms. Neubauer** expressed concern that women in Botswana did not fully enjoy the right to participate in decision-making and policy formulation established in article 7 of the Convention. Their visibility in public and political life appeared to be very limited; she would therefore like to know whether any temporary special measures were planned to accelerate their participation in that arena, especially in elected assemblies. She acknowledged that breakthroughs had been achieved in the judiciary, although no female judge had as yet presided in any of the high courts, but she believed that specific time frames and targets were needed in other areas. She would therefore appreciate information on any initiatives aimed at increasing female representation in the media and in political parties in particular, and at raising male awareness of the value of women's contributions.

3. **Ms. Belmihoub-Zerdani** commended the State party for ratifying the Convention without reservations and for the advances made in the area of women's representation, as evidenced by the data presented in the report; for a land-locked and historically very poor country, those advances were a significant achievement. Looking to the future, she said she hoped that the State party would use the riches generated by the discovery of diamonds and other minerals to improve wealth distribution and enhance women's lives. In that connection, she expressed the hope that Botswana's next report would attest to great progress in implementing all articles of the Convention. The Committee was ready to support Botswana in that process and to provide experts to assist it in the preparation of reports.

4. **Ms. Murillo de la Vega** drew attention to the financial obstacles faced by women seeking election, which were compounded by a lack of political will and hostility from male counterparts. Referring to the case of Kgomotso Mogami, a Botswanan woman who had been fiercely criticized when running for Parliament, including from within her own party, she said that all sections of Government must work to prevent a recurrence of such harassment. While the current ratio of 4 female Parliamentarians to 58 men was an unfortunate situation for the women of Botswana, it also offered a great opportunity for advancement. It was vital that all persons in positions of influence, both male and female, should work equally to turn the tide.

5. **Mr. Mokgothu** (Botswana) said that an explanation of the reasons for the small number of women in the national Parliament and municipal councils had already been given, and he hoped that that explanation had been sufficiently clear. He acknowledged the lack of female presiding judges but reminded the Committee that women sat on both the Industrial Court and the High Court. Furthermore, all applications for positions as judges were given equal treatment and attention, irrespective of the applicant's gender. Nevertheless, the State party welcomed the Committee's offer to send an expert to assist it with implementation of the Convention.

6. He confirmed that all prospective parliamentary candidates needed a considerable volume of financial resources to mount a campaign. Not only did they need to produce campaign materials but, because Botswana's electoral system was constituency-based, they

must also be prepared to travel around the country and campaign on the ground. However, that situation was as much an obstacle for men as it was for women. Furthermore, it was internationally accepted that any candidate for political office must have sufficient financial backing. As bankrupt persons were precluded from standing for election, it was clear that financial position influenced a candidate's ability to stand, but in that respect the situation in Botswana was not unusual.

7. He understood the concern expressed over the treatment of Ms. Mogami; however, her situation had been exceptional: she had decided to stand just two weeks prior to the election after problems within the Botswana Democratic Party had resulted in the initial candidate's suspension, and she had not gone through the primary election process. The problems that she had encountered were therefore attributable to the unusual circumstances of her candidacy and not to her gender. Despite those problems, she had received over 2,000 votes. That achievement demonstrated her capacity for campaigning, for which she should be commended.

8. **Ms. Menyatso** (Botswana) said that she understood the Committee's concerns about the underrepresentation of women in Botswana politics. Botswana did not currently use quotas but did organize training workshops for women candidates that covered campaign strategy, countering stereotypes and using the media. There was a caucus of women in Botswana politics who assisted in those workshops, working with representatives of civil society. Her delegation would be pleased to learn about any alternative measures that might help to advance the cause of women.

9. Women participated in the formulation of government policies through consultative forums and development committees. Members of Parliament had a duty to brief their constituents on policy issues and to solicit input from them, including from women, and there were over 40 female permanent secretaries and directors in the Government who also solicited women's input. Thus, women's issues were certainly taken into account in policy formulation.

10. **Mr. Flinterman** said that, after carefully reading the report, he had concluded that the Citizenship Act was fully in line with the State party's obligations under the Convention. He had, however, been intrigued by paragraph 156 of the report, regarding tribal affiliation, and in particular the last sentence, which concerned the tribal status of children born out of wedlock. He asked the State party to clarify how the current practice might have the effect of marginalizing women and to tell what policies the Government had in place to prevent such marginalization.

11. **Ms. Menyatso** (Botswana) said that the new Children's Act would address the issue of children born out of wedlock. The aim of the legislation was to ensure that both parents were registered in all cases, even if they were not married, and that they shared responsibility for childcare.

Articles 10–14

12. **Ms. Bailey** requested the current literacy rates for women and girls and information on programmes to combat illiteracy; the enrolment ratios provided in the report were not reliable indicators of either literacy or equality of provision. The Committee would also appreciate receiving net enrolment rates for boys and girls in each age bracket; without that data, it could not assess the extent to which boys and girls enjoyed equal access to education.

13. More detailed information regarding the focus and content of the Government's informal education programmes, in which, according to the data provided in the report, more women than men were enrolled, was also required. It was not clear whether those programmes formed part of the Government's basic literacy and skills training strategy and

were universally available, or whether they catered specifically for women and girls and were designed to provide economic empowerment for them. The precise correlation between the high teenage pregnancy rate and the very high school dropout rate among girls was also not clear. She therefore urged the State party to carry out the necessary analysis to gain a proper understanding of the factors that caused girls to leave formal education and to develop appropriate remedial plans. She also wished to know about the impact of the school readmission programme and the Diphilana Continuing Education Project in particular, as well as the functional guidelines drawn up as a result of that undertaking. She welcomed the State party's efforts in the area of gender mainstreaming, including its efforts to address stereotypes, but said that a review of teacher attitudes and behaviour was still needed.

14. While the State party had often been urged to improve and expand its vocational training programme, figures indicated that women still accounted for only a third of all enrolment. Given the high dropout rate among women and girls, for which pregnancy was again cited as a contributing factor, it appeared that a comprehensive policy to address the impact of pregnancy on girls' education might be needed.

15. Lastly, she wished to know whether the training workshops designed to bring girls into non-traditional areas of employment had resulted in any actual change, whether the legislative provision stipulating that female teachers should retire after marriage — a provision that severely limited job security — had been amended, and whether the State party had done anything to address reports that private sector scholarships were benefitting boys more than girls. Given that the corporal punishment of schoolgirls remained lawful, she also wished to know how its abuse was prevented and its psychological impact assessed.

16. **Ms. Menyatso** (Botswana) said that her delegation would endeavour to provide the Committee with the requested literacy statistics. With regard to teenage pregnancies, she noted that the readmission policy had been further amended to allow new mothers to return to school more quickly after giving birth. In addition, training modules designed to counter and eliminate negative attitudes and stereotypes had been developed for teachers. She confirmed that the programmes aimed at attracting girls into less traditional areas of study and employment were having an impact, and undertook to provide statistics substantiating that observation when her delegation next met with the Committee.

17. Non-formal education was available nationwide for all age groups. The programme included, inter alia, modules for children who had missed out on primary education, evening skills-development courses for working women and correspondence courses for those unable to attend formal classes. Participants were sometimes able to re-enter mainstream education after completing their modules. The Diphilana Project, where new mothers were given the opportunity to attend school with their offspring, had had some positive results but had ultimately proved too costly to operate. The Government had therefore concluded that it was better for girls to be readmitted to their former schools as quickly as possible while the grandparents took care of the child. The Government would look into the possibility of developing a comprehensive policy on teenage pregnancies.

18. Corporal punishment was permitted only in very specific circumstances and rarely used, and teachers were made aware of its potentially traumatizing effects.

19. **Mr. Bruun** said that the Committee had a number of concerns regarding employment equality in Botswana. Although the State party had ratified the International Labour Organization (ILO) Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100) and the ILO Convention concerning Discrimination in Respect of Employment and Occupation (No. 111), problems remained concerning the implementation of those instruments. For instance, the principle of equal pay for work of equal value had not been implemented, and the prohibition of

discrimination had been restrictively phrased in domestic legislation. He wished to know what the Government was planning to do to address those concerns.

20. The employment situation seemed to be particularly problematic in the private sector: in its report, the State party had indicated that legislative provisions on maternity leave and sexual harassment covered only the public sector, and he wondered how it planned to amend legislation with a view to extending coverage to the private sector.

21. The Committee had received information indicating that the results of policies to promote women's entrepreneurship had not been very encouraging. He wondered how those policies had benefited women in Botswana.

22. Lastly, on the more general issue of equal opportunities, he noted that the State party had indicated that the selection process for judges was open to all. He therefore wished to know why there were no women applicants. He looked forward to reading in the State party's next periodic report about the specific measures Botswana had taken to overcome the structural constraints facing women.

23. **Ms. Patten** said that the lack of data in the State party's report made it difficult to obtain a clear picture of women's position in the labour market, and she urged the Government to seek technical assistance in developing a methodology for collecting data on women's participation in both the formal and informal sectors. Such data would be valuable in formulating policies to fulfil Botswana's obligations under article 11 of the Convention.

24. She asked whether the Government had a labour inspectorate to monitor implementation of the Employment Act. She also wished to know what complaint mechanism was in place, and what sanctions were imposed in cases of violation of the Act. She urged the State party to address in any future amendments to the Act such issues as direct and indirect employment discrimination, sexual harassment in the workplace and equal pay for work of equal value.

25. Turning to the question of occupational segregation, she noted that a number of measures were available to overcome the problem, such as the promotion of women's equal participation in highly skilled jobs and senior management positions, and measures to promote the diversity of occupational choices and to encourage women to take up non-traditional jobs. She urged the Government to address those issues.

26. **Ms. Menyatso** (Botswana) said that the principle of equal pay for work of equal value was applied in the public sector and that the Government was mindful of the need to address that issue in the private sector. Although maternity leave and sexual harassment policies were in place in the public sector, she acknowledged that work remained to be done to develop such policies in the private sector.

27. The results of schemes to promote women's entrepreneurship had been mixed. For instance, women participating in such schemes subsequently tended to undertake business projects on a scale smaller than that of projects started by men. The Government was implementing strategies to address that problem, including the establishment of information-sharing networks.

28. She took note of the Committee's recommendation that more comprehensive statistical data should be provided. Her Government was involved in piloting the African Gender and Development Index, and she hoped that the experience gained in that exercise would be useful as Botswana developed data-gathering methodologies in a wide range of economic sectors.

29. The appointment of judges was an issue that needed to be addressed through a long-term strategy. The Government was therefore implementing policies to encourage girls in

secondary education to take subjects that would ultimately enable them to study law at university.

30. The Department of Labour and Social Security carried out labour inspections and dealt with labour dispute issues. Further information on that topic would be provided in Botswana's next periodic report.

31. **Ms. Rasekh** welcomed the decline in HIV/AIDS infection rates reported by the State party. However, she was concerned that the rate was still high, and she wished to know what specific measures had been taken by the Ministry of Health to reduce infection rates further.

32. She noted that, despite numerous measures taken within the framework of the family planning programme to reduce maternal mortality rates, the figures were still high. She wondered whether the programme was reaching the most vulnerable women and asked how long it had been in place. Entrenched traditional practices could result in the development of psychological disorders in women. Information on the prevalence of such problems and on the type of treatment available in the public and private sectors would therefore be welcome.

33. **Ms. Arocha Domínguez** said that the lack of adequate disaggregated data in the State party's initial report was unfortunate. She hoped that the Government would provide more detailed information in its next periodic report.

34. Despite the high levels of health care provided for pregnant women, the maternal mortality rate was still disturbingly high. She therefore urged the State party to carry out a more exhaustive analysis of its causes, which would make it possible to put more effective measures in place.

35. Turning to the issue of sex education, she noted that there was no information in the State party's report on the contraceptive prevalence rate and said that she would welcome information on that matter. She also wished to know what measures had been taken to involve men in sex education programmes.

36. **Ms. Pimentel** recalled the circumstances in which pregnancies could be terminated under article 160 of the Criminal Code and wondered whether women and girls in Botswana were aware of those conditions. She asked what steps the Government had taken to reduce the rate of unsafe abortions and to ensure women's access to post-abortion care. She also wished to know the extent to which post-abortion treatment had been incorporated in medical school curriculums and the type of training given to medical care providers in that field. She asked for information regarding the methods available for dealing with the medical side effects of partially-induced or spontaneous abortions: for example, had the Government made available the manual vacuum aspiration method, recommended by the World Health Organization? Lastly, she wished to know whether sexual minorities had access to health services in urban and rural areas.

37. **Mr. Mokgothu** (Botswana) assured the Committee that his Government would include more complete information in its next periodic report. In the meantime, his delegation would endeavour to provide additional data, to the extent possible.

38. **Ms. Menyatso** (Botswana) said that health care in Botswana was accessible to all women, since everyone lived within 15 kilometres of a health facility. However, despite the availability of health care to all, including minorities and sex workers, HIV/AIDS infection rates remained high. The Government was working to put in place strategies to reduce those rates. Specially trained social workers throughout Botswana worked within the public and private sectors and with non-governmental organizations to provide psychosocial support to women suffering from psychological trauma.

39. Gender mainstreaming had been introduced in the Ministry of Health only in 2009. Following the introduction of gender mainstreaming, a gender dimension had been included in sex education programmes. The Government would be monitoring those programmes and reporting on their impact.

40. Activities to raise awareness among the public at large of the circumstances under which abortion was permitted would continue. Nevertheless, it was clear that efforts were also required within the education system. Generally speaking, the Government worked hard to ensure that human rights education was extended to all groups in Botswana.

41. **Ms. Zou Xiaoqiao** expressed concern that the dual system of common law and customary law operating within Botswana might have seriously affected the equality of rights enjoyed by men and women. Although common law had been amended to bring it into line with the Convention, women still risked discrimination under customary law. She wished to know, therefore, whether any specific measures were being taken to implement the Convention by ensuring that women, particularly poor women, were not subjected to discrimination in areas such as employment.

42. She understood that women applying for bank loans had to provide proof of their husband's consent to provide guarantees, which meant that poor women faced great difficulty in securing such loans. She would like to know whether the Government was aware of that problem and, if so, what measures it was taking to address it. She would also appreciate information on how microcredit schemes operated in Botswana.

43. **Ms. Bailey** said that while the report stated that men and women enjoyed equal access to economic and social benefits, it must be accepted that there were cultural and gender factors that acted as barriers to that equality. She therefore wished to know whether the State party had any sex-disaggregated data on access to benefits, particularly with regard to rural women and female heads of household. Noting that social security benefits were also linked to paid work and contributions, she enquired as to the situation of women in the informal labour market and self-employed women and asked whether contributions were mandatory. She also wished to know whether elderly women who had worked for many years doing unpaid work were entitled to or received benefits in cash or kind.

44. The Human Rights Council had recommended that the State party should abolish school fees at the junior secondary level, as they led to a decrease in enrolment and an increase in the number of school dropouts. Since girls were more prone than boys to dropping out, she asked whether fees had been eliminated, what their impact was on females and, if they did have a greater impact on girls, what was being done to address the issue.

45. **Mr. Mokgothu** (Botswana) said that junior and senior secondary school fees were still in effect but were charged on an assessment of parents' ability to pay. Children whose parents could not afford to pay received government bursaries. Poverty should therefore not be an excuse for dropping out. With regard to loan applications, he said that women did ask their husbands for permission, but that men seeking to borrow also had to have the consent of their wives.

46. **Ms. Menyatso** (Botswana) said that microcredits were available to both men and women but that the Abolition of Marital Power Act had put an end to the requirement for consent: loans were granted once the relevant conditions for eligibility were met. She added that only 5 per cent of families actually paid school fees, while the rest received government grants.

47. **Ms. Ara Begum** noted that, according to the report, female-headed households were more affected by poverty and economic marginalization than were male-headed households and that unemployment was more prevalent in rural areas, especially among women. She

asked whether there were any comprehensive poverty reduction strategies or health, education and employment strategies in place to address those phenomena. She asked also whether the 1975 Accelerated Rural Development Programme mentioned in the report (para. 197) had been reviewed and whether it had improved the situation in rural areas.

48. Noting that 67 per cent of all women worked in the informal sector, she enquired whether the Government had taken any steps to regularize that sector, particularly since women were paid lower wages and did not receive benefits. She asked how many women were involved in mining and agriculture, which were the mainstays of Botswana's economy. She wished to know whether disabilities among older women in rural areas, particularly blindness and deafness, were the result of working in mines and what health and services packages were provided to women. Given that one in every four working women was a domestic worker and received low wages, and that 22 per cent of such workers were HIV-positive, she wondered whether there were any programmes to address that problem.

49. **Ms. Patten** commended the delegation for the candour of its report. Noting that the poverty of rural women was directly related to their lack of economic opportunities and limited access to resources, credit, education and support services, she asked whether the Government had undertaken any efforts to restructure public expenditure to promote rural women's economic opportunities. She also enquired whether policies had been developed to improve the access of women agricultural producers to technical and financial services, and particularly to formal banks, which were less inclined to lend to women. She wondered whether women's priorities were included in public investment policies regarding infrastructure development and whether the Government promoted rural women's involvement in project planning and implementation with a view to increasing their access to jobs.

50. **Mr. Mokgothu** (Botswana) regretted that the delegation could not provide detailed statistics on women in mining, but said that since the new mining legislation had come into effect, women had access to jobs in that sector and carried out the same tasks as male employees.

51. **Ms. Menyatso** (Botswana) said that poverty and rural development were priorities for the Government of Botswana. Youth programmes encouraged girls in particular to engage in income-generating activities, and the Women's Affairs Department of the Ministry of Labour and Home Affairs allocated grants for that purpose to women in rural areas. Poverty reduction strategies were under review to determine how best to assist women, since studies showed that they were more affected by poverty than were men. She recognized that more women were employed in the informal sector, which was the backbone of the economy, and that there was a need for greater resources to assist them through umbrella bodies.

52. She had no information on the number of women suffering from blindness or on the causes of such blindness but recognized the Committee's interest in having that data. Women with disabilities were taken into account in development planning, and the Government was aware of the challenges they faced, particularly in gaining access to information in Braille; those issues would be addressed over time. While all agricultural policies took both men and women into consideration, a government programme did exist under which land was ploughed free of charge for women farmers.

53. **Mr. Mokgothu** (Botswana) said that the 1975 Accelerated Rural Development plan, which had been implemented after the country's independence to remedy the lack of infrastructure in rural areas, had increased the number of paved roads and improved access to drinking water, health facilities and schools. The Government had since replaced it with

a five-year national development plan, which allowed all Ministries to address the needs of rural areas.

Articles 15 and 16

54. **Ms. Awori** noted that most marriages in Botswana were customary and religious, which were acknowledged to be discriminatory against women. The delegation had not, however, dealt with the question of marriage adequately in its replies. In 2008, the Human Rights Committee had made a number of recommendations concerning the intended reform of the Marriage Act. She asked whether the delegation could provide any information on the status of the review of marriage law, particularly if there were any steps to implement measures to consolidate and reform existing legislation. The State party's report indicated that there was no minimum age in customary marriages and acknowledged the discriminatory nature of the practice, which affected girls most. She wondered whether any information on the extent of early marriage in Botswana, which was permissible under customary law, was available and whether that institution could be linked to the incidence of school dropouts.

55. With regard to polygamy, which was tolerated but which also discriminated against women, she asked the delegation to provide details on the extent of that practice and tell whether there were any measures in place to raise public awareness of the Convention and provide training in its provisions, particularly among chiefs. She also requested information on men's legal guardianship of unmarried women, which infringed on women's enjoyment of their rights. The Marriage Act contained provisions that were clearly discriminatory, since persons under the age of 18 required parental consent to marry, yet where parents disagreed, the consent of the father sufficed. She asked whether any measures were being contemplated to address that inequality. Lastly, she asked whether there were any plans to eliminate the three years' residence requirement for establishing legal jurisdiction in marital cases – a requirement that did not apply to men.

56. **Ms. Coker-Appiah** drew attention to a number of inconsistencies in the section of the report dealing with articles 15 and 16. Under the Abolition of Marital Power Act, women no longer required their spouse's consent when applying for loans, yet the report stated in paragraph 221 that reforms did not apply to customary law. She requested clarification of that inconsistency from the delegation, since most women in rural areas married under customary law. She believed that it was necessary to extend the reform of marital legislation to all forms of marriage, thereby ensuring that all women benefited from the provisions of the law.

57. **Ms. Menyatso** (Botswana) said that it was important to realize that while the majority of women lived in rural areas, civil marriages were the most common form of marriage in Botswana. She could not provide the Committee with exact data, but only a small percentage of older women married under customary law. Women's rights concerned everyone, and the entire population was sensitized to the provisions of the Abolition of Marital Power Act.

58. She wished to reiterate that banks had stipulated of their own volition that the consent of both spouses, and not merely of the husband, was required for loan applications. Moreover all marriages were registered officially, regardless of their type; that was done mainly to prevent property-grabbing and to ensure that women received what was rightfully theirs in the event of divorce or separation. The minimum age for marriage was 18 for both sexes: unfortunately she could not furnish any information at the present meeting on provisions regarding consent for persons under 18. Polygamy was a dying practice in Botswana, and the Government would continue its efforts to eradicate it.

59. **The Chairperson** said that the members of the Committee were all aware that the Committee was interacting with the State party for the first time and acknowledged that the delegation had done its best to respond to the questions in the absence of legal experts. Follow-up questions from members would not be necessary; what was needed was a follow-up report from the State party containing detailed information and statistics. She thanked the delegation for its efforts and agreed that the issue of women's rights was a work in progress. However, considerable advances had been made in southern Africa, and Botswana could count on the help of its neighbours and the expertise of international organizations, civil society and Committee members in that effort. She advised the State party to continue to work with those partners in order to develop national machinery that was relevant to the articles of the Convention and would enable the Government to provide more specific answers and data.

60. She was well aware that deep-rooted traditions existed in Botswana, as in all countries, but even while such traditions were to be respected, it was important to eliminate their negative aspects and to ensure that women enjoyed all their rights and participated fully in the development of society. She urged the delegation, upon its return, to study the Committee's concluding observations with the Government, the media, civil society and society at large. The Committee would welcome a follow-up on those articles that had elicited the most comments, and she was certain that the State party would provide the required information.

61. **Mr. Mokgothu** (Botswana) thanked the Committee, and the Chairperson in particular, for its welcome, guidance and offers of assistance. He hoped that the delegation had managed to achieve some results in its dialogue with the Committee, and the delegation looked forward to receiving the Committee's concluding observations so that Botswana could take steps to clarify the questions left unanswered. He apologized once again for the delegation's lack of legal expertise, which had been a handicap in providing detailed information on legal matters.

The meeting rose at 5.25 p.m.