



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

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**Committee on the Elimination of Discrimination
against Women**

Twenty-seventh session

Summary record of the 551st meeting

Held at Headquarters, New York, on Tuesday, 4 June 2002, at 10 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.20 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Third and fourth periodic reports of Zambia (CEDAW/C/ZAM/3-4; CEDAW/PSWG/2002/II/CRP.1/Add.5 and CEDAW/PSWG/2002/II/CRP.2/Add.4)

1. *At the invitation of the Chairperson, Ms. Nkole and Mr. Kapembwa (Zambia) took places at the Committee table.*

2. **Ms. Nkole** (Zambia) said that Zambia had acceded to or ratified international instruments that guaranteed human rights without distinction as to sex or other grounds. It had also endorsed plans of action and conventions calling for the full, equal and beneficial integration of women in development. The Government had enacted a number of measures aimed at eliminating discrimination against women, and the Constitution condemned acts causing physical, sexual or psychological harm or suffering to women and children.

3. It also bestowed rights and freedoms on all persons in Zambia, regardless of race, origin, political opinion, creed, sex or marital status. Under Zambia's legal regime, international instruments required enabling legislation to be enforceable. Although the Convention had not yet been incorporated into domestic law as such, certain of its provisions were reflected in domestic law. Furthermore, Zambia had developed, in partnership with a United Nations team, an assistance framework for the incorporation of international instruments into domestic law.

4. In collaboration with civil society and non-governmental organizations, the Government was undertaking measures to combat the arbitrary administration of customary law, a major hindrance to the elimination of discrimination against women, and in particular to familiarize the population with their rights and with the available remedies. In 2000, Zambia had established a technical committee with the task of reviewing laws, enforcement mechanisms and support systems that related to gender-based violence, especially against women and children. The committee had recommended, *inter alia*, that customary laws that were not repugnant to natural justice should be

codified as law. The Government had begun the process of documenting the various customary laws and practices with a view to eliminating such practices as *lobola* (bride price), early marriage of girl children and sexual cleansing.

5. Zambia had amended its police legislation in 1999 to provide for the establishment of victim support units at police stations. Their function was to provide protection and counselling to victims of crime, particularly crimes based on gender, as well as to offenders.

6. The number of women representatives in Parliament had risen. During the 1996 elections, 593 candidates had stood for office, 59 of whom had been women; of those, 13 had been elected. In 2001, 1,198 candidates had stood, 202 of whom had been women; of those, 19 had been elected. By signing the Southern Africa Development Community (SADC) Declaration on Gender and Development, the Government had created an enabling environment for increased participation of women in development, politics and decision-making. In that regard, civil society had played a vital role in encouraging women to both vote and run for office. The National Women's Lobby Group had also played an important role in that process. The Government had recognized, however, that women must take other sorts of leadership roles, such as village headships and chieftainships, in the household, and in community-level power structures.

7. The disparity between men and women in Zambian society had been largely a consequence of historical and cultural factors that had commenced with the establishment of the copper mining industry, where men but not women had been encouraged to work. The Government had realized that, despite the existence of matrilineal cultural groups, Zambian society was overwhelmingly patriarchal and its customs were dominated by men. A distinct division of labour between men and women was a feature of Zambian society, and a number of traditional practices reinforced the inferior status of women.

8. The Government was committed to eradicating the negative portrayal of women and girls in Zambia, and had already initiated measures aimed at addressing such stereotyping at all levels. All school text books were being reviewed to ensure that boys and girls were depicted in a positive manner; girls were encouraged to enrol in technical subjects, and education and

awareness activities on sex-role stereotypes were being conducted.

9. Among other measures the Government was considering in order to curb prostitution and the sexual exploitation of children was the enactment of a domestic-violence law and a child-protection law. Although there had been reports of trafficking in women, no solid evidence had emerged. The Government nevertheless intended to conduct a study to determine the extent of such trafficking in Zambia.

10. Although the participation of women in Zambian public life was a government priority, women were still underrepresented in the Government, as well as in Parliament, the political parties, the private sector, public-service committees and other institutions. Statistics indicated that women made up only 10 per cent of senior government officials. Limited access to social services, low education levels, low incomes and lack of productive means were all factors contributing to their poor representation.

11. With a view to increasing the participation of women, the Government had embarked on a decentralization policy which aimed to ensure that more decisions were made at the village, district and provincial levels. It had also adopted a public-service training policy to qualify women for higher positions.

12. The Zambia Congress of Trade Unions (ZCTU) had also emphasized the need for affiliate unions to ensure the participation of women in decision-making. In addition, non-governmental organizations were encouraging women to take part in public and political life.

13. Turning to the matter of nationality, she said that the requirement that a woman should obtain written consent from her husband before children could be included in her passport had been abolished.

14. The low school attendance of girls was attributable to negative traditional beliefs, poverty, the lack of appreciation for the girl child, and the failure to understand the importance of educating children. Measures to improve their education included the transformation of boys-only technical schools into coeducational schools, the creation of school environments friendly to both boys and girls, and gender-balanced school administrations. The Government was providing basic education guidelines to private and community schools, and had introduced

policies to permit young mothers to return to school after childbirth and to strengthen school counselling services. It was also endeavouring to increase enrolment and to improve achievement levels of all children, including vulnerable ones.

15. Despite the policy measures undertaken by the Government to end employment discrimination, women continued to encounter difficulties in gaining access to training and employment. The Government was currently according special attention to those issues.

16. Access to quality health care remained a source of concern, particularly for rural women. The Government had been working with stakeholders to initiate a number of measures, including the training of traditional birth attendants to supplement the efforts of medical staff, especially in rural areas; sex education for boys and girls in schools; early detection and management of sexually transmitted diseases; voluntary counselling and testing for women in maternal- and child-health clinics and family-planning clinics; and youth-friendly corners in health centres to handle the reproductive needs of young people, especially girls.

17. The Government had recognized the need to provide greater attention to the social protection of workers, particularly in small enterprises and in the informal sector. It was consequently monitoring the work of the Ministry of Labour and Social Security.

18. Zambia had encountered difficulties in implementing special programmes for rural women, in particular since most women were housewives, had little education, and lacked access to credit. The Government considered agriculture the primary means of enhancing economic growth, and was encouraging commercial, small-scale and subsistence farmers to produce a wider variety of crops with a view to improving food security. It had established a crop-marketing authority to ensure the timely delivery of inputs and to purchase food crops so as to prevent the exploitation of farmers. The new policy also encouraged the creation of cooperatives to improve access to agricultural support services and thereby increase outputs.

19. Under Zambia's dual legal system, customary laws and practices infringed on women's rights, especially in the area of matrimonial and property laws. The Government, in collaboration with

stakeholders, had launched awareness campaigns aimed at violators, victims and law-enforcement agencies. It had also put in place measures to ensure equal protection for men and women before the law. In addition, civil-society organizations were providing legal aid and other services to both men and women who could not afford legal fees.

20. Customary and statutory laws also simultaneously governed family relations in Zambia. The Government fully intended, nevertheless, to ensure that women and men were treated equally in marriage and the family, and enjoyed the equal right to determine when to have a child.

21. The implementation of the Convention had been hampered by embedded traditional beliefs, a failure to understand gender concerns, and limited financial and human resources. The Zambian Government would implement measures aimed at facilitating change in areas affecting disadvantaged groups, especially women and children. Its collaboration with civil society was a key element in ensuring that sustainable development benefited men and women alike.

Articles 1 to 6

22. **Ms. Schöpp-Schilling** said that, although she was impressed by the frank, comprehensive report of Zambia, she was discouraged by the situation of women in that country. Article 2 required States parties to eliminate discrimination against women under the law, an obligation whose implementation did not require material resources. There were still provisions discriminating against women in the Constitution, as well as in personal and customary laws. Statutory laws did not contain appropriate gender language, and there were no laws prohibiting violence against women.

23. Furthermore, the Convention had not yet been incorporated into domestic law. She wondered what had been the results of the research carried out by the Law Development Commission on customary laws and practices, and inquired whether the Government had established a time frame for the prohibition of customary laws that contravened the Convention. It would also be useful to know whether the assistance framework for 2002-2006 had been initiated, whether the task of incorporating the Convention into domestic law by 2006 had been assigned to any particular entity, and whether the incorporation of other international instruments was under way.

24. She also wondered whether the Government planned, in the context of its legal review of customary laws, to educate Zambians about their harmful and discriminatory aspects. Lastly, she suggested that funds allocated for anti-discrimination measures should be used to enact temporary special measures, in accordance with article 4 (1) of the Convention.

25. **Mr. Melander** inquired whether Zambia intended to incorporate the Convention into domestic law. He would also like to know the scope of human-rights education at the university level and in law-enforcement agencies.

26. Furthermore, he wondered whether the victim-support units were staffed by female police officers, who would be better able to assist and counsel women victims. In view of the alarming number of elderly women killed by family members, he would like to know whether such crimes were prosecuted, how many cases had been prosecuted, what was the process for undertaking such a prosecution, and what sentences were applied.

27. **Ms. Livingstone Raday** inquired why no steps had been taken to ensure the primacy of statutory over customary law. The report vaguely discussed patriarchal authority, and provided few specific facts. It would also be helpful to know whether Zambia envisaged amending provisions establishing that customary laws were not subject to constitutional provisions banning discrimination. In addition, she would like to know what progress had been made in enacting legislation that prohibited violence against women, a phenomenon exacerbated by customary practices.

28. **Ms. Shin** said that, although the Convention did not specifically refer to violence against women, that issue had been considered part of the Convention in the light of the Declaration on the Elimination of Violence against Women and general recommendation 19 of the Committee. She wondered why Zambia's report did not deal with the matter in greater depth, especially in the light of the worrying number of murders of women at the hands of spouses or family. She hoped that the country's next report would deal comprehensively with what seemed to be a very serious problem.

29. Zambia's responses to the list of issues and questions (CEDAW/PSWG/2002/II/CRP.2/Add.4) had referred to the gender-in-development policy. She asked if that policy contained measures against

violence. The technical committee established in 2000 to review the legal system had proposed codifying those of the country's customary laws which were not contrary to natural justice, and also adopting an act on protection from domestic violence and a child-protection act. She asked what progress had been made in that regard. Zambia's responses had also mentioned the establishment of victim-support units by the police. She thought the choice of title unfortunate, and suggested that a name like "units against gender crimes" would better express the aim of helping victims and genuinely portraying violence as criminal. She had been worried at reports that the units promoted mediation and reconciliation, an approach likely to deter the victims from lodging complaints. She asked if there was also grass-roots assistance for victims.

30. **Ms. Gaspard** asked what difficulties had been involved in preparing the combined report, the country's first since 1994. She welcomed its candid admission that the chief cause of discrimination was gender stereotyping, as it affected women's civil and political rights, and rights to education and health, making them automatically more vulnerable than men. She echoed previous remarks on the need to incorporate the Convention into domestic law, since articles 2, 3, 4 and 5 could be used to combat stereotyping. She asked if existing action went far enough, and if there should be campaigns to publicize the existence of the Convention. Zambia's report had mentioned implementation of the Beijing Platform for Action as a catalyst. She asked if there was a concerted campaign to achieve its implementation.

31. **Ms. Nkole** (Zambia) said that the experts' questions had rightly focused on the hazards of a legal system which combined statutory and customary law. Those involved with gender emancipation in Zambia had identical concerns. The problem was that Zambian society resisted discarding customary law. As a result, the bad aspects of that law had to be weeded out and the good aspects codified; that was what the technical committee was doing. Practices, teaching and attitudes were shaped by customary law first and foremost, and education was the only way to alter its hold on the population.

32. **Mr. Kapembwa** (Zambia) said that the incorporation of the Convention into domestic law was being pursued by the assistance framework for 2002-2006, a partnership between Zambia and the United Nations country team. It was only one of a number of

human-rights conventions not directly applicable through Zambian law. A task force led by the Ministry of Legal Affairs was working with a broad range of stakeholders to provide training in human-rights issues, which had been made compulsory study for law students at the University of Zambia.

33. **Ms. Nkole** (Zambia), responding to questions about the victim-support units set up by the police, confirmed that their staff included a woman with the rank of deputy police commissioner. Human-rights training needed to be supplemented by training on gender issues for the police. The aim was to remove women's fear of reporting violence. The perpetrators would face charges of assault, irrespective of whether or not they were members of the victim's family.

34. Responding to questions about women's access to land and health care, she explained that the country's reforms were tackling reproductive-health issues for women and girls, but that distances were a big obstacle, much of the population having to travel to reach a clinic. When Zambia had ratified the Convention, 10 per cent of government-held land had been earmarked for women, and that share had risen to 30 per cent. The prime problem was availability of land for lease: most land was in the hands of traditional leaders, who believed men should own it.

35. **Mr. Kapembwa** (Zambia) explained that the planned legal reforms had been slowed down by the general elections in 2001 and the resulting change of Government. The outgoing Government had accepted the findings of the Technical Committee, but the process had had to be relaunched with the new ministers.

36. **Ms. Nkole** (Zambia), responding to questions about violence, said that older women had possibly become more frequent victims since HIV/AIDS had radically altered Zambia's natural demography. Grandparents were often left looking after their grandchildren, poverty had increased, and many explanations had been sought for the epidemic, including stigmatizing older women as witches.

37. **Mr. Kapembwa** (Zambia) said that the report had offered few explanations for violence against women simply because there had been resistance to discussing such issues publicly when it was being compiled. The situation was changing, and such matters were now being brought into the open.

38. **Ms. Nkole** (Zambia), responding to questions about the Beijing Platform for Action, said that Zambia had chosen to focus on poverty reduction, education, health and the situation of girl children. While progress had been achieved in educating girls, health-care improvements were difficult to secure because the HIV/AIDS epidemic had negated all efforts made, and had caused enormous social and economic harm. Greater education had brought less fear, and women in villages, newly aware of their human rights, were more likely to report abuse. The main obstacle to encouraging women to report violence was the sheer importance attached to marriage. Taking action could leave a woman on her own with no education and no resources to support herself. By tackling the underlying causes of that reluctance, education could produce change.

39. **Ms. Kwaku** said that the Zambian representatives' oral responses had indicated that an act on protection from domestic violence and a child-protection act were planned, but she had understood that such legislation was already in the process of being placed on the statute books. She asked for a report on progress in that regard. The oral responses had also indicated that the Government was acting against trafficking in women. She asked how far that task had advanced, and hoped that progress would be reflected in the next report.

40. **The Chairperson**, speaking in a personal capacity, commended Zambia's efforts to make training in human rights compulsory for students of law, but urged that such training should be introduced for all disciplines, and not just at university level. Unless enjoyment of human rights was made a way of life rather than purely a legal matter, there could be no equality in any society. Though legal rights were needed to enforce human rights, there was a crucial difference between the two. Human rights were a birthright not subject to discretion, while legal rights could be interpreted by a judge or magistrate.

41. **Ms. Corti** asked for an assessment of the level of political will to incorporate the Convention into domestic law. She asked for further details of discrimination in dealing with prostitution, since society encouraged men to be promiscuous, but regarded women having sex outside marriage, even where there was no money involved, as prostitutes. She was alarmed at reports that children were being exposed to sexual exploitation by being sent to sell

goods in establishments such as bars where prostitution was rife. She asked what legal steps were being taken against that phenomenon, particularly since Zambia seemed to lack specific laws on prostitution. She wondered about the lack of action to prevent trafficking when there were international rings involved in the trade in women. As Zambia had generously absorbed refugees from surrounding countries, despite its severe economic problems, she asked whether women refugees, as the most vulnerable members of society, faced a threat of sexual exploitation, what their legal status was, and whether they could work to support themselves.

42. **Ms. Manalo** agreed that education and information were vital in changing mental attitudes, but emphasized that the law also played an important role in promoting change. In connection with the Technical Committee, she asked to what degree it was able to sweep away aspects of customary law which denied women their rights. She wondered if it had any women members, and if it was multidisciplinary or composed only of legal experts. She asked if it consulted civil society, especially women's non-governmental organizations. Concerning the passing of laws, she asked how enlightened the country's politicians were when it came to placing planned legislation on the statute books, and whether they were well informed about the Convention. She wondered how customary law could be reconciled with the Zambian Constitution, and whether there was pressure to amend the latter, either through an assembly or a convention. She asked whether a time frame had been determined for the legal codification exercise.

43. **Mr. Kapembwa** (Zambia) said that the codification of customary law being undertaken by the Law Development Commission would first be approved at cabinet level before being brought before Parliament.

44. Government research showed very little trafficking in women and girls, which could perhaps be explained by Zambia's landlocked geographical location.

45. **Ms. Nkole** (Zambia) agreed that human rights should be taught at all educational levels and not just in the university; in fact, several non-governmental organizations had started clubs for primary schoolchildren where human rights were taught, but a formal curriculum was needed. The recently elected

President had expressed strong political will to eradicate gender disparities, and efforts would be made to provide gender education for the new members of Parliament.

46. In answer to the questions on prostitution, she said that the fact that polygamy was legal in Zambia contributed to the expectation that men would have multiple sexual partners, while women were expected to be faithful. However, in the light of HIV/AIDS, women were beginning to protest that double standard and to demand that it should no longer be tolerated. The harmonization of customary law with statutory law would help. Sexual exploitation of children was a phenomenon related to poverty and found mostly in poor urban areas. Children sent to sell products in bars would most likely be charged with loitering rather than prostitution, however. Zambia had received many refugees, mainly from the Democratic Republic of the Congo and Angola, and prostitution of refugee girls was a growing problem. Refugees with skills were able to integrate more easily into the community, while many were forced to remain in camps, where subsistence agriculture was practised.

47. The mandate of the Law Development Commission was to research and codify customary law and to make recommendations; it had no power to enact or enforce laws. Consultations on its work were ongoing with civil society and the Government. In reply to the question about awareness of CEDAW, educated women who were part of the elite were aware of it, but it was unlikely that illiterate village women had any knowledge of it. A complete constitutional review had been called for, and the Convention would be given the force of domestic law in the new Constitution.

Articles 7 to 9

48. **Ms. Acar** said that politics was the most visible public face of a society. The government policy to encourage women's participation in political life at the grass-roots level was a good one, but she would have welcomed more information on its results and how many women had actually been elected to local office. Women's visibility at the higher levels of government was also a powerful tool for improving their status, and the Government had declared its commitment to affirmative action and to meeting the SADC goal of 30 per cent women's representation in Parliament. Furthermore, the President could appoint eight

members of Parliament himself, and he had the opportunity to send a powerful message by appointing women. In strong patriarchal societies, the responsibility for eliminating discrimination against women lay on the shoulders of the patriarchal authorities.

49. Concerning women in the diplomatic service, she wondered whether it was a pre-condition for receiving an international posting for a woman to be accompanied by a husband and family. She also asked about the functions and responsibilities of personal secretaries in missions.

50. **Ms. Achmad** said that the national machinery for women seemed ideal for gender mainstreaming, but she would like to know the extent to which the Gender in Development Division played a role in the policy of other departments, to what extent their monitoring and evaluation were coordinated, and the frequency of such exercises. Efforts to promote the participation of women could be difficult to sustain, and more details about what was being done in that area in Zambia would be useful, as well as information on the participation of non-governmental organizations.

51. **Ms. Kapalata** said that the statistic that women made up 53 per cent of the electorate, yet only 12 per cent of elected officials, was surprising, and it seemed that very little was being done to correct that anomaly. She asked the delegation to shed more light on the difficulties encountered in women's political participation and any new initiatives undertaken. With regard to the diplomatic service, she wondered if single women could serve overseas.

52. **Ms. Nkole** (Zambia) said that the results of the most recent election from the standpoint of women's participation had been a shock to the women's movement in the country as well. One of the lessons learned from the experience was that most women candidates had entered the race too late and needed more lead time and groundwork to build their candidacies. The President had sent out feelers to all quarters for the names of qualified women to be appointed to Parliament and to his cabinet, but in many cases had met with no response. Because of the legal challenge to the election, he had appointed women from his own party but not from the opposition parties.

53. The national machinery was coordinated at the cabinet level under one strategic plan. The gender focal points in the ministries had been raised to the director-

of-planning level, with the exception of the Ministry of Education, which had selected a gender focal point from the inspectorate, to ensure direct contact at the classroom level. Her division strategized on policy with the community of non-governmental organizations, and had become more forward-looking.

54. **Mr. Kapembwa** (Zambia) said that the decentralization policy had not been implemented to the fullest extent; however, some ministries had community management teams with women among their members.

55. **Ms. Schöpp-Schilling** observed that the Zambian Government should focus on rural women, since they accounted for the majority of the female population. While applauding the fact that the Government had established a quota for women for the loan or lease of government land, she noted that its implementation was fraught with difficulties, since women were unable to put up collateral or obtain cash. She welcomed the implementation of article 4 (1) in that respect, but pointed out that accompanying measures were also necessary. She asked whether the Government had any proposals on that matter. She went on to ask to what extent the new marketing authority would benefit women and whether it contained a gender dimension, whether any programmes existed for the establishment of women's cooperatives and whether donors supported such programmes. She also asked whether women had the right to inherit land from their fathers or husbands and enquired about the prospects for women obtaining land in the future.

56. **Ms. Livingstone Raday** asked whether gender-based discrimination in employment was illegal in Zambia, as required by the Convention, and whether women could take legal action against their employers. She also enquired whether Zambia had set in place the legal mechanisms to enforce the principle of equal pay for equal work, as provided for in the ILO and CEDAW Conventions, and what was being done to deal with the very grave problem of sexual harassment in the workplace.

57. With regard to health, she asked whether the term "sexual cleansing" meant female genital mutilation, and, if so, whether that practice was prohibited and what means were being taken to educate people and stamp out the practice. She enquired whether the Government was considering imposing statutory minimum sentences to deal with the increasingly

widespread phenomenon of the rape of girls, which was often punished by excessively short sentences. She also asked for clarification whether marital rape was prohibited, and pointed to the health risk involved.

58. **The Chairperson** observed that in general the privatization of the social sector, including the health sector, had led to a deterioration of health, especially in developing countries. Government help was needed to address the problem of maternal mortality, since Zambia had one of the highest rates in the world: every day 11 women died from pregnancy complications. She requested further information about the Government's policy, in particular its policy of post-natal care, especially in the 36-72-hour period following delivery. She also wished to know whether the Government had put in place any gender-sensitive programmes regarding HIV/AIDS. Measures had to be taken to change the general African perception that the value of women depended on the number of children they bore. Although 96 per cent of the population was familiar with family planning, the rate of teenage pregnancies was alarmingly high, namely 31 per cent. She applauded the decrease in the fertility rate from 7 per cent to 6.1 per cent.

59. Referring to articles 5, 10, 12 and 16 of the Convention as well as CEDAW's general recommendation 24 on women's health and the outcome of the Second World Assembly on Ageing, she stressed that elderly women must be involved if attitudes were to change. They enjoyed such prestige in African societies that that was essential if progress was to be made. Only then would girls be able to live worthwhile lives.

60. **Ms. Kwaku** said that she was alarmed at the school drop-out rate for girls and pointed out that 30 per cent of Zambian girls had children by the age of 13. She wondered what the Government was doing to put an end to that situation. She enquired what percentage of Zambians, particularly women, were illiterate. She also wished to know whether the girls who had children by the age of 19 were married, and if not, whether the Government took responsibility for those children.

61. On the subject of rural women, she asked whether the Zambian Government was considering making it easier for women to gain access to land by waiving the requirements. She went on to ask about the impact of the programmes set up for rural women, including the

Water, Sanitation and Health Education Programme, the Rural Electrification Fund and the Programme against Malnutrition.

62. **Ms. Kapalata** observed that Zambia had been very active in the drafting of the Beijing Platform for Action and the Beijing+5 document, which had put great emphasis on education, and had no doubt contributed to various programmes. However, she wanted to see more tangible results at the next meeting. She went on to point out the contradictory nature of the statistics provided in the report: although 96 per cent of girls were familiar with family-planning practices, teenage girls accounted for 31 per cent of all pregnancies.

63. **Ms. Cui** asked a number of questions about education. Firstly, she wanted to know the national, rather than the regional drop-out and enrolment rate for girls. Secondly, while applauding the Government's education programme for girls, she wondered whether the Government had attained its targets of securing equal enrolment of girls and boys and providing 25 per cent of scholarships for university education for girls. Thirdly, she enquired what measures the Government had taken to eliminate illiteracy among women and whether they were linked to the policy to eliminate poverty and underdevelopment in rural areas. Lastly, she welcomed the idea of community schools as a complement to formal education and noted the very rapid increase in the number of those schools. She asked whether they could be set up in rural areas and what the Government's plans were in that field.

64. **Ms. Nkole** (Zambia), in response to the questions put, pointed out that the main problem concerning the allocation of land to women was that the 30 per cent quota concerned only government land and not traditional land belonging to the chiefs. That land was not titled. The problem was therefore how to develop that land. Rural marketing would help women by reducing the distance to markets. She said that cooperative structures would encourage mixed farming and the diversification of crops and promote marketing skills.

65. The law governing intestacy was non-discriminatory: the surviving spouse was entitled to 20 per cent of the estate while the children received 50 per cent.

66. With regard to gender discrimination in employment, she observed that women could have

recourse to a number of institutions, namely the Human Rights Commission, the Investigator General and the Industrial Relations Court. Sexual harassment was a major problem, but was difficult to prove. "Sexual cleansing" was not the same as female genital mutilation. Rather it was the belief that the widow or widower must sleep with a member of the family of the dead spouse if the spirit of the deceased was to be released. Formerly that had been a means to keep the widow and the children in the family, but was currently simply a matter of exploitation and was also dangerous because of HIV/AIDS.

67. She agreed that the sentences handed down for raping girls were far too lenient. Marital rape was a very difficult matter to prove, and the only way of addressing it was to insist that marriage must be based on mutual respect.

The meeting rose at 1 p.m.