



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

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**Committee on the Elimination of Discrimination
against Women
Seventy-second session**

Summary record of the 1677th meeting

Held at the Palais des Nations, Geneva, on Friday, 1 March 2019, at 10 a.m.

Chair: Ms. Gbedemah

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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)*

Fourth periodic report of Botswana (CEDAW/C/BWA/4; CEDAW/C/BWA/Q/4 and CEDAW/C/BWA/Q/Add.1)

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

2. **Mr. Ngaka** (Botswana) said that the Botswana Council of Non-Governmental Organizations, which comprised representatives of the Government and non-governmental organizations (NGOs), had been established in 2013 to facilitate regular interaction and meaningful consultations with civil society on matters of national interest. The following key issues had been identified in the area of women's rights: combating HIV/AIDS; gender equality; combating gender-based violence; education and economic empowerment of women and girls; sexual and reproductive health; combating discrimination against women in rural areas; law reform; and marriage and family life.

3. Pillar 2 of National Vision 2036, which had been launched in September 2016, addressed gender equality and aspired to achieve an equal contribution of women and men to the socioeconomic, cultural and political development of Botswana. Sustainable Development Goal No. 5 on achieving gender equality and the empowerment of all women and girls had also been identified as a priority in 2017.

4. The 2015 National Policy on Gender and Development Policy adopted gender mainstreaming as a core strategy for sustainable development. Its priorities included access to justice, freedom from violence and special measures targeting vulnerable groups. The National Gender Commission, comprising representatives from a wide variety of sectors, was mandated to ensure effective implementation of the National Policy.

5. As gender-based violence remained a challenge, the National Strategy towards Ending Gender-based Violence (2014–2020) adopted a multisectoral approach. The piloting of the gender-based violence referral system in the northern and southern parts of the country had been concluded in July 2017. Some 2,700 community members had benefited from the system, over 200 service providers had been trained and 20 institutions had been sensitized to gender-based violence. Online referrals relieved victims of the ordeal of having to repeat their story to every service provider. As noted in the replies to the list of issues (CEDAW/C/BWA/Q/4/Add.1, para. 7), the country's traditional leaders, known as *dikgosi*, had developed a national action plan on mainstreaming gender and addressing gender-based violence in their communities.

6. Despite the Government's effort to promote equality before the law, it still proved difficult to eliminate stereotypes and negative cultural practices. Although the Constitution prohibited discriminatory legal provisions, section 15 (4) contained an express derogation to accommodate customary law. As most citizens conducted their marriage and family affairs in accordance with customary law, section 15 (4) had not yet been repealed. Similarly, it had not been possible to extend the scope of the Abolition of Marital Power Act, the Deeds Registry Act and the Matrimonial Causes Act to customary and religious marriages. Steps were therefore being taken to alert traditional leaders to the need to align customary laws and practices with the provisions of the Convention. Steps were being taken to amend the Marriage Act to include religious marriages and to regulate all forms of abuse, including child marriage.

7. The traditional leaders' national action plan, which focused on gender inequality and gender-based violence, had been reviewed in 2018 to assess progress and challenges and promote further action. Traditional leaders were now capable of identifying key areas of concern, strategies that addressed gender inequality and discrimination, and key advocacy issues. Some leaders had established gender committees and developed action plans within their respective communities.

8. The Government had organized capacity-building activities on gender issues related to religion for 11 faith-based organizations in the southern and northern regions in June and

November 2018. As noted in paragraph 125 of the report (CEDAW/C/BWA/4), it also sought to address stereotypes and negative cultural practices that reinforced discrimination against women in religious and community settings.

9. The current annual budget of the Women's Economic Empowerment Programme was US\$ 5.52 million. More than 3,725 women had received grants to start income-generating activities since the launching of the Programme in 1998.

10. To date, over 80 per cent of the 28,625 beneficiaries of the US\$ 100 million spent by the Government since 2009 under the Poverty Eradication Programme were women, mainly in rural areas. Programmes such as the Integrated Support Programme for Arable Agricultural Development and the Livestock Management and Infrastructure Development scheme were also specifically directed towards women. In February 2019, the Government had launched the Poverty Eradication Value Chain and Exit Strategy aimed at ensuring that the programmes and projects were sustainable. A total of 6,595 people, 80 per cent of whom were women, had been mobilized to implement alternative poverty eradication packages under the 10-year Affirmative Action Plan for remote communities, the estimated cost of which was US\$ 290 million.

11. A local procurement scheme had been introduced in 2011 to accord preferential treatment to vulnerable groups, including women, in the procurement of public goods and services. A number of social safety nets, such as free medical services, food rations for pregnant and nursing mothers, food for schoolchildren, food baskets and cash transfers, had also been introduced to support vulnerable groups, including persons with disabilities and persons living with HIV/AIDS. To date, 3,351 women and 3,788 men had benefited from disability cash transfers.

12. National Development Plan 11 provided for gender mainstreaming and the prevention and elimination of gender-based violence, and gender-related issues had been elevated to ministerial level through the creation of the Ministry of Nationality, Immigration and Gender Affairs in 2016.

13. The Legal Aid Programme assisted indigent women in gaining access to justice and legal services. The amendment to the Married Persons Property Act of 2014 allowed married couples to change their property regime, and Botswana had ratified the South African Development Community (SADC) Protocol on Gender and Development in 2017.

14. The Anti-Human Trafficking Act of 2014 recognized human trafficking as a criminal offence. An interministerial committee on trafficking had been established in 2015. Law enforcement officers had been trained to identify vulnerable groups, including trafficked persons, human trafficking had been included in the curriculum of the Botswana Police Service, and 140 police officers had been appointed to serve as trained gender focal points throughout the country.

15. With regard to prostitution, a documentary on improving access to relevant facilities had been produced by sex workers in collaboration with the National AIDS Coordinating Agency. A sexual offences bill was being drafted that provided for the establishment of a sex offenders registry. Public awareness campaigns were being conducted on the link between prostitution and trafficking, and the Ministry of Health and Wellness was collaborating with development partners and civil society on advocacy, capacity-building and community mobilization.

16. With a view to encouraging men and boys to play a positive role in the promotion of gender equality and women's empowerment, Botswana had been celebrating International Men's Day since 2013 and had launched the HeForShe campaign in 2014.

17. Women currently accounted for less than 30 per cent of political leaders. To address the gap, the Government was implementing capacity-building initiatives in collaboration with civil society for women aspiring to political office. It should be noted, however, that 39 per cent of governmental executive positions were occupied by women and that women constituted 65 per cent of the magistracy and 81 per cent of court registrars and assistants. Furthermore, 188 of the 570 traditional leaders, or 33 per cent, were women.

18. The Government had introduced a programme to re-enrol girls who had dropped out of school as a result of pregnancy or for other reasons, and a policy to allow pregnant girls to continue with their studies, which had led to a major increase in the enrolment of girls at the tertiary level. According to a 2013 baseline study, 52 per cent of students at the University of Botswana, 68 per cent of students at teacher training colleges and 58 per cent of students at colleges of education were females. In 2017 Botswana had received an award from the African Union for attaining gender parity in basic education. Girls were more highly represented in the Top Achiever programme and had received scholarships in science, technology, engineering and mathematics.

19. The Government had abolished health service user fees for family planning and public health problems, such as sexually transmitted diseases, tuberculosis, cervical cancer, and child and maternal mortality, and subsidized other health services. With a view to addressing the high prevalence of HIV among women and girls, the Government had integrated HIV and sexual and reproductive health into other health-care services. Free services were provided for the prevention of mother-to-child transmission of HIV, antiretroviral therapy and post-exposure prophylaxis.

20. He acknowledged that, despite significant progress in the implementation of the Convention, challenges remained, especially in the following areas: high HIV/AIDS prevalence among women and adolescent girls; the high level of gender-based violence; low representation of women in political decision-making; and inadequate data, especially data disaggregated by gender. The Government was taking vigorous action to address those challenges, and was determined to improve its data collection and analysis in order to strengthen evidence-based planning and programmes. It had also developed the Single Social Registry with key stakeholders such as the World Bank.

21. Botswana reaffirmed its commitment to the promotion of gender equality and the empowerment of women and girls, including in remote areas.

Articles 1 to 6

22. **Ms. Gabr** said that the State party had a dual legal system, under which customary law was applied alongside common law. It acknowledged, in paragraph 42 of the report, that some customary laws, which were particularly prevalent in rural areas, discriminated against women and that the Government was seeking to rectify the situation. According to the Customary Law Act, courts were required to rule in accordance with the principles of justice, equity and good conscience. If a party to civil or criminal proceedings in a customary court requested that the case should be transferred to an ordinary court, the court should agree to the transfer in the interests of justice. She wondered whether the State party envisaged any long-term solution and would like to know the extent to which constitutional law took precedence over customary law.

23. According to paragraph 1 of the replies to the list of issues concerning the incorporation of the Convention into domestic law, it was anticipated that the process would be completed by the next reporting period, which would be in four years' time. As the Committee had raised the issue in 2010 and the State party's consultations had begun in 2012, the process was taking far too long.

24. The Constitution did not include a definition of discrimination against women, but the report reiterated that in practice the courts interpreted and addressed discrimination in line with international law. She asked whether, pending finalization of the incorporation of the provisions of the Convention, the State party planned to include a new definition of discrimination in its domestic law that encompassed both direct and indirect discrimination in line with article 1 of the Convention. With regard to access to justice for women, she asked what steps were being taken by the State party to ensure the full implementation of the Committee's general recommendation No. 33 (2015).

25. **Ms. Molokomme** (Botswana) said that the country had a long-standing dual legal system. Customary law was, for most citizens, the primary legal system for marriage and family matters. As changes were occurring at a very slow pace, the Government had targeted traditional leaders, who presided over the customary courts, to ensure that the custodians of customary law took the requisite decisions. She hoped that those consultations would be

expedited. However, many delays were also attributable to the drafting backlog created by the large-scale legislative programme that had built up during the past 10 years, including fiscal legislation to meet international anti-money-laundering expectations.

26. Discrimination on the grounds of sex was prohibited in the Constitution, with some exceptions made for matters relating to personal law. However, amending the Constitution was a difficult process and it was therefore hoped that modifying the legislation and conducting awareness-raising would help in the short term, until such time as the Constitution could be revised to bring it fully into line with the Convention.

27. **Mr. Molodi** (Botswana) said that the transfer of cases from the customary to the ordinary courts was done on a case-by-case basis, taking into account whether or not it was in the interests of justice. For example, it was more appropriate for complex cases or those with legal representation to be considered in the ordinary courts by a magistrate rather than by a traditional leader.

28. **Ms. Gabr** said that she would urge the State party to accelerate its efforts to incorporate the Convention into national law in order to achieve gender equality and women's empowerment. Launching a national consultation might be one way to increase awareness of women's rights and the Convention among the public and traditional leaders. In that connection, she wished to know what measures had been taken to raise awareness of the Convention and its Optional Protocol in the media, schools and wider society, in particular among rural women.

29. **Ms. Maiketso** (Botswana) said that activities to raise awareness of the Convention were carried out across the country and timed to coincide with relevant international events, such as International Women's Day. Workshops were also regularly held in rural areas to inform communities about gender equality legislation and the Convention, which had also been translated into the Setswana language.

30. **Ms. Gabr** asked how the Government intended to ensure that the Committee's forthcoming concluding observations would be disseminated widely, not only among government departments but also among the media and civil society, as a means of increasing the Convention's visibility.

31. **Ms. Haidar**, welcoming the establishment of the Gender Affairs Department under the Ministry of Nationality, Immigration and Gender Affairs, said that she wished to know what proportion of the State budget the Department was allocated, whether there were plans to elevate the Department to the status of a ministry and whether the Government envisaged introducing gender budgeting. It was also important to set up an oversight mechanism to monitor implementation of gender policy, conduct impact assessments and ensure compliance with international obligations. She wondered whether the State party's network of gender focal points had a presence in all areas of the country and what steps were being taken to establish gender committees at local levels in order to support gender mainstreaming and promote gender equality. Lastly, she would like to know what the mandate of the National Gender Commission was, whether it was now fully operational, and what progress had been made towards establishing a national human rights institution, which had been in the pipeline since 2014.

32. **Ms. Verges** said that the temporary special measures provided for under article 4 of the Convention were intended to accelerate de facto equality between women and men in all areas of public, political, economic and social life. Quotas were just one example of a temporary special measure aimed specifically at correcting gender inequality and underrepresentation. Notwithstanding the introduction of a women's economic empowerment programme, the Committee was concerned that no temporary special measures had been introduced in any other fields. She therefore wished to know what measures had been taken to implement temporary special measures in all areas of life where gender inequalities were apparent.

33. **Ms. Maiketso** (Botswana) said that the Government had already strengthened the national machinery for the advancement of women and raised its visibility by incorporating it into the title of the new Ministry of Nationality, Immigration and Gender Affairs. In addition, 36 new staff members had been recruited, bringing the total number of personnel

to 109. Some temporary special measures had been put in place, such as the Women's Economic Empowerment Programme; however, the Government would welcome international support and technical expertise in order to be able to implement such measures in other areas of life.

34. **Mr. Molodi** (Botswana) said that a symposium on establishing a national human rights institution had been held in Botswana in November 2018. The Government was now considering the recommendations that had been made during that event. Assistance was being provided by an expert and it was hoped that a bill to turn the Office of the Ombudsman into a national human rights institution compliant with the Paris Principles would be submitted to the parliament in the summer of 2019.

35. **Ms. Molokomme** (Botswana) said that it had been interesting to hear an explanation of the purpose and scope of temporary special measures. Regrettably, despite considerable lobbying on the issue, there remained little political appetite for the introduction of quotas, even though several neighbouring countries had shown that quotas could accelerate women's participation in political life. It was hoped that, with continued lobbying and monitoring of neighbouring countries, quotas might become acceptable in the future. One of the main barriers, however, was the lack of constitutional provision for affirmative action measures, which once again underscored the need for the Constitution to be reviewed. In a similar vein, although gender budgeting had been discussed for some years and some training had been provided, it had still to be implemented by the Ministry of Finance and Development Planning.

36. **Mr. Otlhabanye** (Botswana), replying to a question raised by Ms. Haidar, said that the Gender Affairs Department had been allocated 54 million pula in funding – around US\$ 5 million – which represented around an eighth of the total funding provided to the Ministry. Although the budget was admittedly small, owing to general budgetary constraints, requests for supplementary funding could be made, as and when needed.

37. **Ms. Maiketso** (Botswana) said that the National Gender Commission had been established in 2016 with a mandate to oversee the implementation of gender policy in Botswana and monitor the extent to which gender analysis and mainstreaming were being conducted throughout the government.

38. **Mr. Molodi** said that, although no provision was made in the Constitution for affirmative action – or temporary special measures – for women, some political parties had taken it upon themselves to introduce quotas to improve women's representation. So far, however, none had yet been successful in achieving them. The Government met with political parties at an annual forum where proposals for electoral reform could be discussed.

39. **Ms. Haidar** said it was encouraging to hear that the National Gender Commission had been established with a clear oversight mandate, which she hoped would enable more information on the State party's implementation of gender policy to be provided in its next periodic report.

40. **Ms. Verges** said it should be pointed out that temporary special measures, including quotas, should not be limited to the political sphere. It was important to introduce measures in all areas of life in which women were underrepresented or disadvantaged or faced significant discrimination. Many countries underestimated the amount allocated to gender issues because they failed to take into account the cross-cutting nature of gender issues. It might therefore be necessary to coordinate with all departments that implemented gender projects in order to ascertain the true amount earmarked for gender issues.

41. **Ms. Akizuki** said that, notwithstanding the efforts made by the State party to address and eliminate discrimination against women, the Committee remained very concerned at the persistence of stereotypes and harmful social and cultural norms, attitudes and behaviours that were serious obstacles to women's enjoyment of their fundamental rights. Referring to a 2015 government press release on the National Policy on Gender and Development, in which reference had been made to differences between women and men based on their social realities, she would be interested to hear an account of what those social realities were and how they hindered the achievement of gender equality. In its previous concluding observations (CEDAW/C/BOT/CO/3), the Committee had urged the State party to view

culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore subject to change. She noted that one of the stated objectives of the National Policy on Gender and Development was to create an environment conducive to gender equality and women's empowerment by addressing factors contributing to gender inequality and wondered whether any impact assessment had been carried out to identify the extent to which stereotypes and harmful social and cultural norms, attitudes and behaviours had been eliminated. Lastly, information on the number of investigations, prosecutions and convictions under section 62 of the Children's Act, which prohibited child marriage, would also be gratefully received.

42. **Mr. Safarov**, while welcoming the adoption of legislation, regulations and national plans to combat domestic and gender-based violence, said that almost 70 per cent of women in Botswana had experienced gender-based violence at some point in their lives. Indeed, gender-based violence was one of the most prevalent forms of human rights violations in Botswana. Regrettably, a recent shocking case involving the killing and beheading of a young woman had been just one of many similar cases of gender-based violence across the country. He wished to know whether the Government intended to amend the legislation to bring the definition of domestic violence, sexual harassment and other forms of gender-based violence into line with international standards and adopt international standards on preventing gender-based violence. Noting that there was just one shelter for victims of gender-based violence in a country of 2.2 million people, he wondered whether the Government provided any funding to support shelters for victims of domestic violence that were run by NGOs, and what services and support were provided to help victims and rehabilitate perpetrators.

43. He invited the delegation to comment on reports that only a small number of cases of gender-based violence were ever reported to the police, owing to entrenched patriarchal attitudes and gender stereotyping within the police service itself. In that connection, he asked how many cases of gender-based violence had been reported in the past two years, how many protection orders had been issued and whether the offence of domestic violence included psychological, physical, economic or sexual violence and, if so, what penalties were applicable.

44. **Ms. Gabr**, noting that penalties under the Anti-Human Trafficking Act had recently been increased, asked whether the State party planned to amend the Act further in order to remove fines and suspended sentences as options for courts. Penalties for trafficking ought to be as severe as those imposed for other serious crimes.

45. In the light of recent criticism of Botswana for its record on trafficking, did the Government plan to finance a comprehensive study on forms of and trends in trafficking? She would welcome details of the contents of the Anti-Human Trafficking National Action Plan, in particular whether it provided for establishment of a national referral mechanism including formal identification procedures, a media campaign and protection for victims and witnesses. Did the State party have a fund for reparation to victims? She wondered what measures were in place to protect the groups most at risk of trafficking, namely the rural poor, children and unemployed women.

46. A 2012 Ministry of Health survey had shown that women in prostitution were the group most affected by HIV/AIDS; alternative sources reported that those women also experienced discrimination on the part of health workers. She would like to know what programmes were in place to protect women sex workers from discrimination. She also wondered what support mechanisms were in place to help women leave prostitution and to prevent girls from dropping out of school and turning to prostitution.

47. **Ms. Molokomme** (Botswana) said that there had been many changes in her country in recent years. It was difficult to measure changes in sociocultural attitudes and the evidence was anecdotal rather than statistical but, for example, more than 30 per cent of traditional leaders were now women and one of the female paramount chiefs was also the Chair of the National Gender Commission.

48. **Ms. Maiketso** (Botswana) said that the National Policy on Gender and Development called for institutional capacity-building in order to ensure its implementation on the ground. The Government had made a start by establishing gender committees in 10 areas of the country. There were no government shelters for women victims but the two shelters that were run by civil society were financed by the Government. There was a budget allocation for the creation of safe havens in 2018–2019, and those would be established and coordinated by the Government.

49. **Ms. Molokomme** (Botswana) said that efforts were being made at the regional level to understand why the figures for gender-based violence were spiralling upwards in SADC as a whole.

50. **Ms. Slave** (Botswana) said that the Gender-Based Violence Act defined domestic violence as controlling or abusive behaviour that harmed a person's health or safety. It included, among other things, physical or sexual abuse or the threat of physical or sexual abuse, emotional, verbal or psychological abuse, intimidation and harassment, and stalking.

51. **Ms. Mokongwa** (Botswana) said that some 270 complaints had been made under the Gender-Based Violence Act in the past two years. However, human resource issues had made it difficult to bring those cases to a conclusion. Efforts were being made to increase the number of prosecutors across the country, with new offices being established in several places. There were shelters for human trafficking victims and there was also a victims fund.

52. **Ms. Kgotlhang** (Botswana) said that there was a budget to run local government shelters for human trafficking victims. It was insufficient but, since there were currently only 18 residents, their basic needs and counselling could be covered. Other services provided were facilitation of access to court and help with repatriation to countries of origin. In all 40 victims had been taken in but 22 had been repatriated.

53. **Ms. Molokomme** (Botswana) said that violent offences in general were covered by the Penal Code. Attempts had been made to amend the Code to specifically criminalize gender-based violence, without success. It was for that reason that the Gender-Based Violence Act had been adopted.

54. **Ms. Slave** (Botswana) said that the Act made due provision for the issuance of protection orders.

55. **Ms. Mokganya** (Botswana) said that all health service clients had a constitutional right to be treated with respect and without discrimination. Professional ethics was covered in health professionals' initial and in-service training. In addition, all health workers wore name tags and could be identified if a report was made. Information on how to react to ill-treatment was displayed prominently in health facilities. Despite that, cases did arise and were usually notified to the health service by NGOs representing vulnerable populations.

56. **Ms. Molokomme** (Botswana) said that the National AIDS Coordinating Agency worked with various NGOs and had even produced a documentary on the subject. Public education programmes were in place to raise awareness of the links between prostitution and trafficking; the Gender Affairs Department worked with schools to explain to poor families that they could obtain assistance under various programmes and that it was not necessary to sell a child or to send a child out on the streets in order to supplement the family income.

57. **Mr. Safarov** said that not all the definitions the State party had provided were in line with international or regional standards. The United Nations could provide technical expertise to draft new legislation on gender-based violence that met international standards. It was important to have modern legislation in order to give the police and the judiciary the tools with which to prevent violations. Among other things, it was important to set specific time limits – two days, for example – for an immediate response to incidents of domestic violence.

58. **Ms. Akizuki** said that she would appreciate an update on the comprehensive system for the monitoring and evaluation of the National Policy on Gender and Development that, according to the Government's written replies (para. 23), should be finalized in March 2019. Given the difficulties of evaluating social change, she would be interested to know what criteria had been selected as a basis for monitoring and evaluation.

59. **Ms. Gabr** asked whether the State party had any 24-hour hotlines in place for the reporting of violations such as human trafficking or exploitation of prostitution. Had the Government considered organizing exchanges of best practices with other countries in the region, for example through the African Union or SADC? She wondered whether it had any cooperation arrangements with international organizations such as the United Nations Office on Drugs and Crime.

60. **Ms. Maiketso** (Botswana) said that the monitoring and evaluation system was still in its initial stages. Technical support had been sought and a consultant had been engaged to assist in creating a framework for implementation of the National Policy on Gender.

61. **Ms. Molokomme** (Botswana) said that frameworks from the implementation of other policies could also be adapted for use in monitoring the gender policy. In addition, the African Union and SADC had developed their own gender indices that could be adapted for use in monitoring and evaluating her own country's policy.

62. **Ms. Chilisa** (Botswana) said that, as part of a project being carried out in cooperation with the United Nations Children's Fund (UNICEF), a hotline for use in reporting sexual exploitation of young children had been set up and details published on various social media platforms.

63. **Ms. Mokongwa** (Botswana) said that the Anti-Human Trafficking Act and the accompanying action plan were under review. The plan would address all the issues the Committee had raised. It would also provide for training for the judiciary on human trafficking issues.

64. Strategies relating to gender-based violence, including human trafficking, were also being reviewed by the Ministry of Defence, Justice and Security. The Ministry had been restructured in order to make it possible to take a strategic approach to trafficking. The imposition of fines as a penalty for trafficking was a reflection of the Ministry's ongoing work on alternatives to imprisonment.

65. **Ms. Molokomme** (Botswana) said that the whole question of the use of imprisonment was currently being debated in her country. Ms. Gabr's suggestion that the Government should conduct a study of trafficking was worth taking up, as such a study could provide an evidence base for the decisions that needed to be taken. As to cooperation with international organizations, she said that Botswana was represented at the International Organization for Migration; migration issues affected southern Africa more than was generally appreciated.

Articles 7 to 9

66. **Ms. Verges** said that, in view of the general elections scheduled for late 2019, she wished to know what measures had been taken to increase the percentage of women in Parliament and on the councils that governed the country's districts. She also wished to know whether consideration had been given to reforming the State party's electoral system, for example by introducing proportional representation, which, as studies had shown, generally led to greater female representation. It would be interesting to know what steps had been taken to ensure that women attained positions of leadership in public service, including in the judiciary and at the international level. In addition, the delegation should indicate what efforts had been made to change attitudes that tended to keep women from gaining access to decision-making positions.

67. **Ms. Gabr** said that she would welcome information on the number of children born out of wedlock in the State party. She would also welcome a clarification of paragraph 139 of the State party's periodic report, which stated that the Children's Act, 2009, had somewhat neutralized tribal affiliation in that it was no longer given that a child born out of wedlock was born into his or her mother's tribe.

68. **Ms. Molokomme** (Botswana) said that greater efforts were needed to increase women's political participation, especially as they were not raised to fight for positions in political parties or power. Women in Botswana, as in many parts of the world, were active supporters of political parties, taking part in campaigns to increase voter turnout. The aim was to harness that energy to encourage women to mobilize support for themselves and for other women. Civil society was lobbying the political parties in that regard.

69. In some ways, South Africa and Namibia, which had had liberation movements in which women had been active, had been in a better position to adopt measures aimed at increasing the representation of women in spheres of power. In the past, two of the four specially elected Members of Parliament had generally been women. It was hoped that that tacit quota would remain in place with the increase from four to six in the number of specially elected Members of Parliament. Reforms of the electoral system had been discussed, but it would be difficult to change the first-past-the-post system in place in the country.

70. The way women were socialized discouraged them from becoming involved in politics, which was considered dirty. They excelled, however, in positions in which advancement depended on professional rather than political criteria. Questions were always asked when the nominees for seats on boards proposed to the Cabinet failed to include sufficient numbers of women.

71. The census had not sought to collect information that would have indicated what percentage of the country's children were born out of wedlock. In any event, the percentage was high, not least because there was no stigma attached to children of unmarried parents.

72. **Ms. Mokganya** (Botswana) said that records for antenatal care suggested that more than 80 per cent of children were born out of wedlock. Children were also adopted by single women.

73. **Ms. Molokomme** (Botswana), with respect to the question raised concerning the "neutralization" of tribal affiliation, said that, by custom, a child born to married parents was affiliated with the paternal tribe and clan. A child born out of wedlock, however, was customarily viewed as belonging his or her mother's tribe. The Children's Act had shifted emphasis away from tribal affiliation towards the best interests of the child.

74. **The Chair** asked whether the determination of the child's tribal affiliation was made on a case-by-case basis.

75. **Ms. Gabr** asked whether children born out of wedlock in the State party were registered on an equal footing with children born in wedlock.

76. **Ms. Verges** asked whether the State party had considered creating incentives for political parties to involve women in party leadership and setting up a fund to help finance the campaigns of female candidates for elected office.

77. **Ms. Molokomme** (Botswana) said that prejudice against children born out of wedlock was unknown in Botswana. There was no official form on which it was required to list a child's tribal affiliation. The reference to such affiliation in the country's periodic report had to do with the determination of the child's status under customary law. Only when there was a dispute, as in a custody or guardianship case, might it be necessary to determine the child's tribal affiliation.

Articles 10 to 14

78. **The Chair**, speaking in her capacity as an expert, said that the State party had made commendable progress towards ensuring that women enjoyed equal rights with men in the field of education. She nonetheless wondered whether the State party had considered introducing positive discipline, as championed by UNICEF, to replace corporal punishment, which school officials were still permitted to administer under the Education Act. She also wondered what measures had been taken to prevent the sexual abuse and harassment girls often encountered on their way to school or at the hands of their teachers. It would be interesting to know, for example, whether there were guidelines for reporting such abuse and harassment.

79. To lower its unacceptably high rates of teen pregnancy, the State party should consider ensuring that schools offered age-appropriate, rights-based sex education that addressed such issues as power and responsible sexual behaviour. She would welcome an indication of the steps that had been taken at the national level to combat bullying in schools. She wished to know, for example, what procedures were in place to report bullying and other forms of violence and how reports of such phenomena informed policy development. It would be interesting to learn what punishments had been imposed in that regard.

80. She asked why girls who had left school to give birth had to wait six months before returning. She also asked whether girls studying academic subjects were forced into vocational training if they fell pregnant. In addition, she would welcome a comment on reports that children who did not speak the languages of instruction in the country's schools were segregated and an indication of the number of girls and women studying science, technology, engineering and mathematics. A comment on the programmes developed for students with disabilities would also be welcome.

81. **Ms. Chilisa** (Botswana) said that the country reviewed education policy approximately every 20 years. The European Union had provided technical expertise for the roll-out of the Education and Training Sector Strategic Plan, on which consultations had been held throughout the country. One priority area identified in the Plan was the need to introduce compulsory early childhood education. Setswana had been made the language of instruction for the first three years of school, starting with preschool, and teacher's aides helped students understand their teachers in the parts of the country where Setswana was not the mother tongue.

82. The traditional belief that children were to be given a caning when they misbehaved had become a thing of the past. The Government was aware that schools could not be friendly environments if students were subjected to corporal punishment by teachers or school administrators. Consultations were under way with unions and parent-teacher associations (PTAs) on the prospect of eliminating corporal punishment in the schools.

83. Sexual abuse on the way to or in school was a major concern. Comprehensive statistics on the phenomenon were unavailable, however. UNICEF had partnered with the Government on a campaign designed to combat such abuse, and a hotline had been set up to enable children, who had access to mobile phones in even the remotest areas of the country, to report cases of abuse. In some remote areas, PTA members escorted children to school.

84. Pregnancy was indeed a factor in girls' decisions to drop out of school. A pastoral policy had been put in place to ensure that children were provided with counselling and other social services, including with regard to bullying. Girls who left school to give birth were allowed to return the following term, without necessarily having to wait six months. The Government had run a successful programme, the "Back to School" programme, to give young people who had dropped out another opportunity to complete their schooling.

85. Renewed emphasis was being placed on technical and vocational education and training, and as negative perceptions of the village work crews known as brigades were dispelled, such education and training, which the brigades had offered to their members, had been made more attractive. Women working in fields traditionally dominated by men visited schools and acted as mentors to girls who might wish to enter such fields themselves.

86. The aim of the Education and Training Sector Strategic Plan was to ensure that everyone, including learners with disabilities, had access to inclusive, quality and equitable education. There was a backlog of disability assessments, but because the country had such good relations with its international and other partners, its requests for support were often met. Assistive devices were provided to students with disabilities.

87. **Ms. Mokganya** (Botswana) said that a programme of comprehensive sex education, which included training students to teach and counsel their peers, had been developed by the Ministry of Education and the Ministry of Health and Wellness. Teachers, in particular those involved in counselling, also received training on how to communicate effectively with young people. Efforts were being made to ensure that the messages children received from teachers and peer educators were reinforced by their parents, many of whom acknowledged that they did not know how to talk to their children about sex.

88. Life-skills programmes, which taught students about contraception, had been introduced in the country's primary and secondary schools. Considerable work had been done, including consultations with the country's *dikgosi* to ensure that such steps as having nurses distribute contraceptives in schools did not meet undue resistance from parents and communities.

The meeting rose at 12.55 p.m.