

REFERENCE: AA/Follow-up/Botswana/54

19 March 2013

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined initial, second and third periodic report of Botswana at the Committee's forty-fifth session, held in January - February 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/BOT/CO/3). You may recall that in the concluding observations, the Committee requested Botswana to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 10 and 12 of the concluding observations.

The Committee welcomes the follow-up report received on 9 October 2012, although it was received with an eight-month delay, under the CEDAW follow-up procedure (CEDAW/C/BOT/CO/3/Add.1). At its fifty-fourth session, held in February 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 10** of the concluding observations, “to place high priority on completing the process of full domestication of the Convention”: While the State party expressed its continuing interest in the progression of the domestication of the Convention, it failed to establish specific actions concerning the implementation of the Convention. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to reaffirm that the judiciary is obliged to interpret the laws of Botswana in line with the provisions of the Convention”: Although the State party failed to take additional actions in this regard, the Committee considers that the provision in the Interpretation Act of the State party regarding courts referring to relevant international treaties can be considered as a reaffirmation that the judiciary is obliged to interpret national legislation in line with the Convention. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to include in the Constitution or other appropriate legislation a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention”: The State party failed to specifically include in the Constitution or other appropriate legislation a definition of discrimination against women in line with the definition of article 1 of the Convention. The Committee considers that the recommendation has **not been implemented**.

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The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to:

- 1) Complete the process of full domestication of the Convention;
- 2) Conduct training workshops for judges and magistrates on the content of the Convention and other relevant human rights treaties and highlight their obligation to interpret national laws in line with these provisions; and
- 3) Include in the Constitution or other appropriate legislation a definition of discrimination against women that encompasses both direct and indirect discrimination in line with article 1 of the Convention.

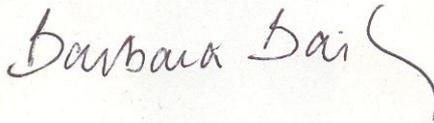
Regarding the recommendation made in **paragraph 12** of the Concluding Observations “to repeal urgently and without delay section 15 (4) of the Constitution, in order to end violations of women’s rights with respect to adoption, marriage, divorce, burial and devolution of property on death and other matters of personal law in line with articles 2 and 16 of the Convention.”: The State party failed to bring women’s rights with respect to matters of personal law in line with articles 2 and 16 of the Convention and general recommendation number 28. The Committee considers that the recommendation **has not been implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to repeal without delay section 15 (4) of the Constitution, in order to end violations of women’s rights with respect to adoption, marriage, divorce, burial and devolution of property on death and other matters of personal law in line with articles 2 and 16 of the Convention and general recommendation number 28.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Botswana on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women