

## MAURITIUS

### **CEDAW A/50/38 (1995)**

160. The Committee considered the initial and second periodic reports of Mauritius (CEDAW/C/MAR/1-2) at its 268<sup>th</sup> and 271<sup>st</sup> meetings, held on 20 and 24 January 1995.

161. In her statement, the representative of Mauritius described the legal, political, institutional and economic framework in her country for the implementation of the Convention and highlighted the legal and practical changes that had taken place since the submission of the report. She pointed out that structural adjustment in the country had actually benefitted women in terms of their access to employment and integration in the economy. Despite the general economic hardships associated with adjustment, the Government had found it possible not only to avoid cutting expenditure on social programmes but actually to expand the national machinery for the advancement of women by creating a new Ministry for Women's Rights. Having highlighted positive developments in women's employment, education and health, she acknowledged the persistence of certain legal, administrative, cultural and religious barriers to the equality of women and the improvement of their socio-economic status. She emphasized the continuing commitment of her Government to the advancement of women and its determination to promote women's rights in general and on the basis of a forthcoming White Paper on Women and Development, in particular.

#### General observations

162. Members of the Committee commented on the concise, comprehensive and frank nature of the presentation made by the representative of Mauritius and on the country's considerable achievements in implementing the Convention. They were particularly impressed by the strong commitment of the Government of Mauritius to the goal of the advancement of women and by the fact that social services and funding for women's organizations had not been cut off even in difficult times of structural adjustment and recession. They noted with satisfaction that cooperation had been established with some of the specialized agencies of the United Nations to promote women's development.

163. Several experts expressed great satisfaction with the withdrawal of reservations to articles 11.1 (b), 11.1 (d) and 16.1 (g) of the Convention. One expert pointed out that Mauritius was one of those rare countries where the Convention itself was being used to reform the domestic legal and economic systems so as to achieve greater compliance.

164. Members of the Committee pointed out that the report would have benefitted from a clearer presentation of how the situation in the country had evolved since the preparation of the first report and from greater highlighting of the obstacles that still existed.

165. It was pointed out that chapters 2.3 and 16.3 of the Constitution of Mauritius, dealing with the protection of fundamental human rights and the definition of discrimination respectively, had been

formulated without regard to gender. It was suggested that that fact might bring about internal inconsistency in the Constitution as far as issues of discrimination were concerned. If that was indeed so, the situation should be rectified.

166. Members noted the positive developments that had taken place in Mauritius with respect to the increase in women's employment, the promotion of their human rights and their economic independence, which, as one expert pointed out, was the main prerequisite for their advancement and the preservation of their dignity. However, they expressed concern at what appeared to be excessive emphasis on directing female employment towards industrial occupations in export-processing zones and in the private sector.

167. It was suggested that article 4 of the Convention should be fully utilized to ensure that there were more women in positions of economic decision-making rather than merely to increase further their number in the traditional sectors, where women had long been over represented. With respect to special positive discrimination programmes, one expert cited the conversion of two coeducational State secondary schools into schools for girls only, pointing out that that measure was in fact negative since it promoted segregation and was contrary to the Nairobi Forward-looking Strategies. Another expert pointed out that protective legislation was problematic in terms of its impact on the equality of women and men. It did not fall into the category of special temporary measures to accelerate equality. In her opinion, the report of Mauritius reflected a misunderstanding of what affirmative action was. The industrial sewing programmes reinforced labour-market stereotypes, and courses in banking and management should be considered instead.

168. Concern was expressed by members of the Committee regarding the report's lack of data on violence against women. Given the widespread nature of the problem and its acute consequences, more information was needed. One expert commented on section 253 of the Criminal Code: in her view, the Code was designed to protect society from prostitution but not to address the issues of the exploitation of women engaged in that activity and of violence against them. Concern was also expressed regarding the potential of sex-tourism in the light of the rapidly growing tourism sector in Mauritius.

169. Having expressed satisfaction with the progress made by the Government of Mauritius in the elimination of discrimination against women and in their continuing advancement in the economic and social spheres, one expert expressed particular interest in the White Paper on Women in Development currently being prepared by the Government. She expressed confidence that the paper would open new possibilities for addressing issues of special concern to women in the country.

170. Having described female literacy programmes as highly commendable, one expert expressed concern regarding the content of such programmes, which currently served to confirm women in their traditional roles. She also noted that there were no courses on family nutrition.

171. One expert noted that the Labour Law, which forbade night work by women, was in fact discriminatory; night work was usually better paid.

172. One expert praised the Government for the initiation of programmes for the early detection of breast and cervical cancer, which reflected the fact that women's distinctive physiological needs

were finally being addressed. She noted a contradiction, however, with respect to the provision of family planning. On the one hand, the report emphasized free and accessible family planning services and, on the other, it pointed to the widespread problem of illegal abortion.

### Questions related to specific articles

#### Article 1

173. Members of the Committee pointed out that the Constitution of Mauritius did not define discrimination in terms of sex. One expert commented that that implied that no laws on discrimination against women existed. Members asked whether the Government intended to revise the Constitution so as to remedy that problem and whether the enactment of equal opportunity legislation was considered. In her reply, the representative of Mauritius indicated that her Government would consider the amendment of the Constitution after the issues of citizenship and nationality were addressed.

#### Article 3

174. Members asked what the exact relationship between the National Women's Council and the Ministerial Committee was and what the relationship of those two bodies to the Ministry for Women's Rights and Family Welfare was. They also wanted to know if there was a problem of coordination between those bodies and whether the cooperation between the Ministry for Women's Rights and other ministries was fruitful. They also wanted to know whether desk officers reported on problems in their ministries.

175. The representative of Mauritius replied that the responsibilities of the National Women's Council involved the organization of women's associations and the facilitation of dialogue between the State and women through those associations. The Ministerial Committee, for its part, was made up of desk officers in various sectoral ministries who met and discussed problems that were encountered in their ministries in the implementation of gender policy and shared information on projects that were carried out by their ministries and had an impact on women. The work of the Ministerial Committee was somewhat inefficient owing to the lack of prior training of desk officers in gender analysis and gender planning and also because of the transfer of officers. However, the Committee had worked successfully on an ad hoc basis for the preparation of the White Paper on Women in Development and the national report on the implementation of the Nairobi Forward-looking Strategies and its staff participated in seminars and meetings, thereby contributing to the solution of various problems. The training of desk officers in gender analysis was on the agenda of the Ministry for Women's Rights for 1995 and a consultant had been made available by the United Nations Development Programme (UNDP) for that purpose. A link existed between the Ministerial Committee and the National Women's Council in that the Council was managed by a committee which consisted of the representatives of women's associations and of desk officers from the most important ministries in the social sector, such as the Ministries of Education, Health, Economic Planning and Development, Social Security and Youth and Culture.

#### Article 4

176. Members of the Committee noted that the report indicated that there was provision for police training for women and for the development of a corps of policewomen. It was asked whether that idea would be extended to the national judicial system. In reply, the representative of Mauritius said that the training of judges and magistrates would have to be looked into especially in connection with the creation of a Family Court, which was on the Government's agenda.

177. Members wanted to know what was meant by specific protective legislation for women in agriculture and manufacturing. In particular, they asked if it really protected women in those sectors or if it in fact helped to perpetuate employment segregation. The representative of Mauritius replied that women in agriculture had indeed benefitted from protective legislation: they were no longer required to perform strenuous field operations. Women in the advanced stage of pregnancy were prohibited from lifting heavy loads and were provided with light field work. The option of early retirement at the age of 55 was opened to women in the sugar and salt industries. As regards industrial employment, women in an advanced state of pregnancy were not required to perform jobs that involved continuous standing. Also, a discriminatory clause that had not allowed women to aspire to the post of "factory operator" had been removed in 1989. Women employed in the industrial sector were not compelled to do overtime. They now enjoyed privileges with respect to refunds of their transportation fees. Pregnant women who had 12 months of continuous employment received full maternity benefits that included 12 weeks of paid leave, cash allowances and 1-hour nursing breaks.

#### Article 6

178. In response to the concern expressed by members of the Committee regarding the lack of data on violence against women, the representative of Mauritius informed the Committee that the issue of violence was very sensitive and that victims were often reluctant to report such abuse. She, however, provided the Committee with some statistical information on domestic violence in her country. Specifically, from 1991 to date, 107 cases of incest and 431 cases of child abuse had been reported. Also, from 1989 to date, 1,500 cases of the battering of women had been reported.

179. Members inquired about laws governing the solicitation and purchase of a prostitute's services. They also wanted to know if prostitutes were undergoing regular medical check-ups. Members inquired whether there were any specific laws designed to protect minors from sexual tourism. They also wanted to know if immigrant women were among prostitutes and if there were laws against trafficking in women.

180. In response, the representative of Mauritius informed the Committee that there was no registration of prostitutes in her country and that prostitutes therefore operated illegally. She however pointed out that, owing to the sensitization campaign on AIDS, they were now more conscious of health hazards associated with their profession. She cited a television source, according to which prostitutes underwent regular medical check-ups. She referred to the relevant sections of the Criminal Code and the Child Protection Act that stated that procurement, enticement or exploitation of adults and children for purposes of prostitution were considered an offence and were subject to penalties.

#### Article 7

181. Members of the Committee wanted to know what had been done to encourage women's participation in the diplomatic service and how their participation in the diplomatic service compared with the progress made by them in the judicial system.

182. The representative of Mauritius responded that the foreign service was open to both men and women and that recruitment to the foreign service was on the basis of an entrance examination. Currently, the Mauritian diplomatic service was comprised of 51 members, including 7 women. The disparity in numbers was primarily due to the lack of qualified women candidates and not to discrimination against women. There was currently one female puisne judge (out of six) and both the Master and Deputy Master in Bankruptcy were women. Also, 3 of the 12 District Court magistrates were women. Thus, in general, women were well represented in the judicial system, although their participation was somewhat low in the various levels of court administration.

183. One expert asked whether the multicultural and multiracial fabric of Mauritian society had created internal problems and, if so, what impact those problems had on women. The representative of Mauritius replied that there was no indigenous population in her country and that people of various races and cultures from Europe, Asia and Africa lived in perfect harmony. Given the extreme diversity of the population in Mauritius, the Government was extremely cautious and prudent in dealing with issues that could upset the balance and disrupt the social fabric. She stated that comments made by members regarding dangers of cultural strife and its adverse impact on women had been noted.

#### Article 10

184. Members commented that the courses offered by the adult education programmes run by the Ministry for Women's Rights were primarily in industrial sewing, secretarial skills, embroidery and handicrafts. It was asked whether any other types of training was available to women and what the Ministry for Women's Rights intended to do about that situation.

185. Replying to the question, the representative of Mauritius informed the Committee that the Ministry of Women's Rights provided training primarily to low academic achievers who did not have access either to training provided by the Industrial Vocational Training Board or to that provided by private institutions. The main objectives of the training offered by the Ministry to those women were to provide them with basic skills to help them in their family life, to discover their talents and to achieve a certain degree of self-fulfilment. The Industrial Vocational Training Board, responsible for the provision of training in Mauritius, offered training in electronics, engineering and other professional fields that were open to women.

186. In response to the comment on the conversion of two coeducational State secondary schools into schools for girls only, she said that that decision had been taken in consideration of the cultural environment and educational tradition of her country. The practice helped in the effective teaching and learning process and allowed teachers to utilize different approaches to teaching boys and girls. She assured the Committee that that specific conversion did not lead to segregation, but instead, provided additional educational opportunities for girls at the right time.

#### Article 11

187. The Committee noted the withdrawal of the reservation to articles 11.1 (b) and 11.1 (d). They wanted to know what new laws had been adopted in Mauritius to allow the reservations to be withdrawn and if all the legal procedures with respect to the withdrawal of those reservations had been followed properly.

188. In her reply, the representative of Mauritius stated that all the necessary procedures regarding the waiving of the reservations on parts of article 11 (as well as of art. 16) had been followed. Those procedures included consultations with the State Law Office and at Cabinet level. Given the changes in the economic and social situation in the country that had taken place between 1984 and 1991, the State Law Office had agreed to the withdrawal of those reservations, which had been followed by government approval.

189. Members noted that the report indicated that, under the Labour Law and the export-processing zone act, women in Mauritius were entitled to maternity leave for only three pregnancies. They asked what would happen when a fourth pregnancy occurred, particularly in the light of the strict laws on abortion. The representative of Mauritius responded that paid maternity leave was restricted to three confinements. Female employees were granted leave without pay after the third confinement. She also pointed out that that provision was in line with the national population policy to discourage large families.

190. As to the policy of granting an employed woman a one-hour break to breast-feed her child, members wanted to know how that provision was implemented and whether that law was necessary for working mothers. The representative replied that practical difficulties were encountered in implementation of that provision because there were few nurseries near the factories. She said that the law had been enacted to encourage breast-feeding.

191. As to when the labour law covering employment within the export-processing zone would be amended so that women working in that sector could enjoy the same working conditions as those in the public sector, the representative of Mauritius pointed out that the public and private sectors in her country operated under different conditions and that it was not economically feasible at the present stage of economic development to provide the same working conditions in both sectors. She noted, however, that the Export Enterprises Regulations enacted in 1983 fixed wages and some other conditions of employment.

192. Regarding what impact changes in fiscal and taxation policies and in the price index had on women, she replied that it had not been scientifically studied. However, the reduction in capital expenditure had led to a freeze in the construction of State secondary schools and subsidized housing that might have reduced women's access to education and proper housing. She also pointed out that that trend had been reversed since the late 1980s and that those sectors were currently in full development. Women had been direct beneficiaries of the Government's policy to adopt new taxation policies in that they could now file their income tax returns separately and could deduct benefits individually.

193. Members noted that women's participation in the labour force was growing rapidly in Mauritius and asked if the Government had projects to meet the increasing demand for health care, day care and retraining. They also wanted to know if the increasing employment rate was associated

with positive developments only or if it had some negative aspects as well. The representative of Mauritius stated that the rapidly growing participation of women in the labour force in her country had tripled the burden on women and that they needed to be provided with community support services. Her Government had embarked on the provision of such services in collaboration with non-governmental organizations, local governments, the private sector, etc.

194. Members noted with concern that the report indicated that minors under the age of 16 were allowed to work, which, according to the relevant International Labour Organization Convention, was wrong. It was pointed out that the report did not provide any information on where minors were working, whether there were any special laws governing their employment and whether their employment was monitored by the Government. The representative of Mauritius informed members that the Labour Law in her country prohibited the employment of a person under 15 years of age and that in 1990 her Government had ratified ILO Convention No. 138 on minimum age for employment and was determined to eliminate child labour, which at the moment represented 0.7 per cent of the Mauritius working population. She pointed out that the report of her Government referred to age 16 as the age when minors were allowed to work.

#### Article 12

195. Members of the Committee asked what the Ministry for Women's Rights was doing to improve the poor quality of life of women in Rodrigues. What was done with respect to the provision of health services and job opportunities for women in Rodrigues and to the improvement of social infrastructure? The representative informed the Committee that there was a Ministry for Rodrigues, which dealt exclusively with the situation there. She also stated that new information had been collected and updated. The situation in Rodrigues was improving: water, sanitation and roads were widely available but a lot remained to be done. Figures that reflected the situation in Rodrigues would be provided in the next report.

196. Members of the Committee asked how family planning reached all women, including poor women. They also wanted to know what the prospects were for a revision of the anti-abortion legislation. The representative of Mauritius replied that family planning in her country was available to women of all ages, married and unmarried, and was specifically targeted to teenage women. In spite of the wide availability of contraceptive methods, about 2,000 complications from abortion were reported each year and it was not clear whether those were natural or induced.

#### Article 14

197. Members requested more information on whether women could own land, what the Government did to enhance women's right to land ownership, and how that issue affected rural households headed by women. One member found it encouraging that women in rural areas had the choice to work not only in agriculture but also in industry. She, however, wanted to know about women and land ownership: in some countries, women could not own land owing to social, legal and cultural impediments. Another member also asked if Mauritian women could own land. In her reply, the representative of Mauritius stated that women in her country had access to land ownership and that they had the same rights with respect to land ownership and land inheritance as men.

198. One member requested clarification of the contradiction between the statement regarding shortages of labour in the agricultural sector and the following statement that indicated that the workday in agriculture was from 6 a.m. to 12 noon, i.e. very short. The representative replied that the shortage of labour in agriculture existed because women as well as men no longer wanted to work in the agricultural sector in spite of the shorter hours of work and a comparable rate of pay. They showed strong preferences for work in manufacturing industry in spite of longer hours, presumably because work in that sector was regarded as "cleaner" and had more status. Furthermore, she indicated that it had been the practice in Mauritius, especially in sugar-cane fields, to work from sunrise to noon in view of the climate.

199. A question was raised by members as to how environmental degradation affected rural women and what measures were taken in that respect. Members noted that changes in food habits were mentioned and asked for more information and whether it implied a worsening of nutritional standards. In response, the Committee was informed that a survey conducted in 1988 revealed that 38 per cent of women were anaemic and that obesity was most prevalent among the female labour force. There was a tendency among the population to go for fast food and disregard nutritional standards. The Ministry of Health and the Ministry of Agriculture were engaged in developing a food and nutrition policy in order to help families to adjust to new patterns of life in a newly industrialized society. She informed members that environmental degradation was especially visible in Rodrigues, mainly through soil erosion and deforestation. Measures to sustain the environment had been initiated and involved terracing of land, reforestation, sensitization, waste management and others.

#### Article 16

200. As to a question on the recognition of religious marriage, the procedure for the dissolution of religious marriages and whether or not religious law was applicable to divorce, she stated that religious marriages in her country had all the effects of civil marriages, that children of such marriages were considered legitimate and that the civil law applied to them as well as to divorce procedures.

201. Members inquired if married women in Mauritius were allowed to live in the parental home. They also wanted to know if a married woman had a right to shelter in a house other than her husband's or his family's. The representative replied that a married woman in her country had a right to live in the family home until her death, even after her husband's death. The law in her country did not provide for a right to shelter in any other house.

202. Members asked whether judges were trained regarding divorce and the interests of the child in the event of divorce. One member suggested that the Government needed to reform the "300 days" stipulation, keeping women from re-entering marriage. Another member wanted to know how many marriages were arranged by parents. In her reply, the representative of Mauritius stated that no such training for judges existed in her country.

#### Concluding comments of the Committee

#### Introduction

203. The Committee congratulated the distinguished representative of the Government of Mauritius on presenting the comprehensive combined initial and second periodic report, which was prepared on the basis of the Committee's guidelines and provided ample statistical data.

204. The Committee expressed thanks to the Government of Mauritius for ratifying the Convention in full and urged it to use the Convention to further improve women's status in Mauritius.

#### Positive aspects

205. The Committee was of the opinion that Mauritius was a country which had achieved commendable success in social integration while promoting equal opportunities for women through a strong social programme. It commended Mauritius for having made a determined effort to ensure equal rights for all ethnic groups.

206. The Committee further appreciated the fact that despite the structural adjustment programmes the Government had not cut down on educational and social benefit programmes concerning women.

207. The positive move on the part of the Mauritius Government in withdrawing its reservations on articles 11.1 (b), 11.1 (d) and 16.1 (g) was highly appreciated by the Committee.

#### Principal subjects of concern

208. The Committee expressed concern that the Constitution of the country did not cover discrimination on the grounds of sex. The Committee felt that this had to be reflected in the Constitution.

209. The Committee noted that the report did not provide enough information on prostitution and trafficking in women and rehabilitation programmes in this respect. The next report should provide more information in this regard.

210. The Committee observed a lack of clarity on the nationality law of Mauritius, especially in areas where rights enjoyed by men and women marrying foreign citizens varied.

211. The Committee noted that the reasons for the high rate of teenage pregnancy despite improved family planning services were not explained. The Committee also noted that the report did not specify clearly whether family planning services were made available to women irrespective of marital status.

212. The Committee also noted with concern that the development of women in the Rodrigue lagged far behind that on the main island.

213. The Committee believed that non-academic training such as embroidery, industrial sewing, etc., conducted as a positive discrimination programme would only contribute to keeping women to the feminized sector of the economy.

#### Suggestions and recommendations

214. The Committee suggests that in the subsequent report, further information should be given on the national machinery and on what had been done to institutionalize it at the local levels.

215. The Committee also suggests that more information should be given on prostitution and government efforts to decrease it and rehabilitate women involved in prostitution. It also requested more information on the potential rise of sex tourism.

216. The Committee also encourages the Government of Mauritius to amend labour laws for the export processing zones and provide respective information on such efforts in the subsequent report.

217. The Committee requests more information in the subsequent report on the vocational training programmes for girls and women with specific emphasis on non-traditional vocational training.