



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

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### Committee on the Elimination of Discrimination against Women

Thirty-sixth session

7-25 August 2006

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Mauritius

1. The Committee considered the combined third, fourth and fifth periodic report of Mauritius (CEDAW/C/MAR/3-5) at its 745th and 746th meetings, on 11 August 2006 (CEDAW/C/SR.745 and 746). The Committee's list of issues and questions is contained in CEDAW/C/MAR/Q/5, and the responses of Mauritius are contained in CEDAW/C/MAR/Q/5/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its combined third, fourth and fifth periodic report, which follows the Committee's guidelines for the preparation of periodic reports, but which was overdue and did not refer to the Committee's general recommendations. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party on its high-level delegation, headed by the Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection, and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

4. The Committee commends the State party on the withdrawal of reservations, made upon accession, to article 11, paragraph 1 (b) and (d) and article 16, paragraph 1 (g).

5. The Committee notes with appreciation that the State party accepted, on 29 October 2002, the amendment to article 20, paragraph 1, of the Convention, concerning the extension of the Committee's meeting time.

**Positive aspects**

6. The Committee notes with satisfaction the comprehensive review of laws undertaken by the State party and the legislative measures taken to protect and promote women's human rights, including the enactment of the Sex Discrimination Act (2002), which covered direct and indirect discrimination, the Protection from Domestic Violence Act 1997 (amended in 2004), which included gender-based violence in the definition of discrimination, the Education Act (amended in 2005), which increased the age of free, compulsory education to 16 years, and the amendment (1995) to subsection 3 of section 16 of the Constitution, which included sex as a prohibited ground of discrimination.

7. The Committee takes note with appreciation of the State party's recognition of the difficult employment situation of women and its creation of an empowerment fund to promote further the economic empowerment of vulnerable groups by, inter alia, providing land for social housing and for small entrepreneurs, and training and retraining programmes for unemployed women.

8. The Committee welcomes the establishment of the Trust Fund for the Social Integration of Vulnerable Groups to provide access to economic resources to women living in poverty and its launching of microcredit and microenterprise schemes to enable women to become self-sufficient and more economically independent.

**Principal areas of concern and recommendations**

**9. While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

10. The Committee is concerned that, although the State party acceded to the Convention in 1984, not all provisions of the Convention have been incorporated into national law, and more particularly that, without such incorporation, the Convention's provisions are not enforceable in Mauritian courts.

**11. The Committee urges the State party to complete the process of incorporation of the Convention within a fixed period of time so that it becomes fully applicable in the domestic legal system. It calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judges, lawyers and prosecutors, so as to firmly establish a legal culture that is supportive of women's equality and non-discrimination.**

12. The Committee is concerned that an exemption to the prohibition of discrimination has been maintained in section 16 (4) (c) of the Constitution on personal status law, including adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of the Convention.

13. **The Committee calls upon the State party to engage with respective religious communities in a constructive dialogue in order to repeal the exemption of personal status law from the protection-against-discrimination provisions of section 16 (4) (c) of the Constitution, so as to bring it into compliance with articles 2 and 16 of the Convention. The Committee encourages the State party to include in its Constitution or other appropriate national legislation, such as the Equal Opportunities Bill which is currently under preparation, provisions on the equal rights of women and men, in line with article 2 (a) of the Convention.**

14. The Committee expresses concern that in the four years since the enactment of the Sex Discrimination Act, the State party has failed to initiate the use of temporary special measures, as provided for in section 9 of that Act, in order to accelerate the achievement of substantive equality between women and men in both the public and private sectors.

15. **The Committee calls upon the State party to implement effectively temporary special measures without further delay in accordance with article 4, paragraph 1, of the Convention, and with the Committee's general recommendation 25, in order to accelerate the realization of women's substantive equality with men in all areas. It recommends that the State party also include in the pending Equal Opportunities Bill a provision on temporary special measures, in particular with regard to women's participation in decision-making, education and access to economic opportunities, and to closely monitor its implementation after the adoption of the law.**

16. While acknowledging the implementation of measures, such as the "Men as Partners" programme, which have increased the level of knowledge and awareness of men and women of health-related matters, family welfare and women's empowerment, the Committee is concerned about the persistence of strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society, whereby men are still considered the main breadwinners and women's primary responsibility is still household chores.

17. **The Committee calls upon the State party to intensify its efforts to bring about change in the widely accepted stereotypical roles of men and women. Such efforts should include comprehensive awareness-raising and educational campaigns that address women and men and girls and boys, with a view to eliminating the stereotypes associated with traditional gender roles in the family and in society, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee recommends that the State party strengthen its work on non-sexist advertising, gender-neutral job classifications, sensitization of educators and removal of stereotypes in textbooks. The Committee urges the State party to monitor carefully the impact of these measures and to report on the results achieved in its next periodic report.**

18. While noting the various legal and other initiatives taken by the State party to address violence against women, the Committee is concerned that violence against women remains a serious problem and that the State party lacks a sufficient number of shelters for battered women and their children. The Committee is also concerned that the State party has failed to criminalize marital rape.

19. **The Committee calls on the State party to intensify its awareness-raising efforts with regard to violence against women, in particular domestic violence, and the unacceptability of all such violence. It calls on the State party to strengthen prevention efforts and sensitization measures, addressed to the public at large, and to increase the number of available shelters for battered women and their children. The Committee requests the State party to enact legislation criminalizing marital rape, defining such rape on the basis of lack of consent of the wife. It also urges the State party to put in place effective monitoring and evaluation mechanisms so as to ensure the effectiveness of measures taken to address all forms of violence against women.**

20. The Committee is concerned about the lack of information regarding the extent of trafficking in women and girls and the absence of a comprehensive law or systematic measures to address this issue. The Committee is also concerned about the extent of prostitution, including of girl children as young as 10 years of age, and of the scale of this phenomenon in the tourism industry. It is further concerned that clients of prostitutes are not prosecuted under current legislation. The Committee is concerned about the exploitation of prostitution, despite the efforts to combat this phenomenon, such as sensitization campaigns for hotel personnel, community-level activities and neighbourhood watch schemes.

21. **The Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and collaborate with countries in the region to prevent and combat trafficking in women. The Committee urges the State party to pursue a comprehensive approach in addressing the question of prostitution, including legislation to sanction the demand side of prostitution, and in particular to provide women and girls with educational and economic alternatives to prostitution, including economic empowerment programmes for women. The Committee calls on the State party to address the link between tourism and prostitution, including the demand for prostitution. The State party should ensure the effective prosecution and punishment of those who exploit prostitution. The Committee requests the State party to provide, in its next report, comprehensive information and data on exploitation of prostitution and trafficking in women and on the measures taken to prevent and combat such activities. It also requests that statistics be provided on the number of prosecutions and convictions of those who exploit prostitution and of traffickers. It further requests that information be provided on the support measures provided to victims of trafficking.**

22. While noting the State party's commitment to the goal of the Southern African Development Community to increase the number of women in decision-making and political life to 30 per cent, as orally indicated, the Committee is concerned about the extremely low level or even absence of representation of women in many facets of political and public life and in decision-making positions, including in Parliament, as municipal councillors, village councillors, mayors, heads of district councils, directors in State-owned companies and in the foreign service. The Committee is also concerned about the level of representation of women in decision-making in the private sector.

23. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph**

**1, of the Convention and the Committee's general recommendation 25, and to establish concrete numerical goals and timetables so as to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including at the international level. It urges the State party to promote awareness of the importance of women's participation in decision-making processes at all levels of society. It encourages the State party to take measures that will lead to an increase in the number of women at the decision-making level in private sector organizations. It calls on the State party to monitor systematically the effectiveness of the measures taken so as to ensure the achievement of stated goals.**

24. The Committee is concerned about the illiteracy rates among women and the disparities in this regard between women in urban and rural areas. The Committee is also concerned about the inherent discrimination in the traditional choice of subjects offered to girls and boys in schools that are not co-educational schools and its consequences for women's professional opportunities.

**25. The Committee urges the State party to give high priority to reducing the illiteracy rate of women, in particular those from rural areas. It recommends the active encouragement of diversification of educational and professional choices for women. The Committee urges the State party to ensure that schools for girls are provided with the same facilities and resources as schools for boys. It encourages the State party to study the impact of measures taken so as to ensure achievement of identified targets.**

26. The Committee is concerned about the precarious situation of women in employment. It is also concerned about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors, as well as wage differentials between women and men. The Committee is further concerned that maternity leave with pay covers only up to three births and about the absence of paternity leave.

**27. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and to continue to implement special training and retraining programmes for different groups of unemployed women. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men. The Committee urges the State party to extend maternity benefits to women for all births and encourages the State party to introduce both paternity and parental leave.**

28. The Committee is particularly concerned about the weak enforcement of labour laws by the Sex Discrimination Division of the Human Rights Commission, which apparently opts for mediation rather than the referral of cases of non-compliance with the Sex Discrimination Act to the office of the Director of Public Prosecutions for prosecution.

**29. The Committee recommends that the Sex Discrimination Division ensure that serious breaches of the Sex Discrimination Act are referred for prosecution.**

30. The Committee is concerned about the rising incidence of teenage pregnancy and its implications for the health and education of girls. The Committee is also concerned that abortion is criminalized in all circumstances. The Committee is further concerned about the increasing HIV/AIDS infection rates of women.

**31. The Committee urges the State party to step up the provision of family planning information and services to women and girls, in particular regarding reproductive health and affordable contraceptive methods, and to promote widely sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy. The Committee recommends that the State party consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24, on women and health, and the Beijing Declaration and Platform for Action. The Committee urges the State party to expedite the work being done by the Ministry of Health and other stakeholders in reviewing those circumstances under which abortion could be permitted in the country. The Committee also urges the State party to provide women with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates. The Committee recommends the full implementation of the National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS, with a view to decreasing the infection rates of women.**

32. The Committee is concerned that a woman must resort to a number of courts in cases related to divorce and other ancillary relief, and notes with concern that the establishment of a family court to deal with such matters has been on the national agenda since the examination by the Committee of the State party's initial and second periodic reports in 1995.

**33. The Committee urges the State party to accelerate the establishment of a family court with the authority to deal with all matters relating to marriage and its dissolution, within a concrete time frame.**

34. The Committee welcomes the announcement that the State party has initiated the process for ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which it signed in 2001, and encourages the State party to complete the process expeditiously.

35. The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

36. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.

37. The Committee notes that adherence by States to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Mauritius to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. The Committee requests the wide dissemination in Mauritius of the present concluding comments in order to make the people, including governmental officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and of the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

39. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in 2005, and its seventh periodic report, which is due in 2009, in a combined report in 2009.

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<sup>1</sup> International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.