



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

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

**Summary record of the 1004th meeting**

Held at the Palais des Nations, Geneva, on Friday, 7 October 2011, at 10 a.m.

*Chairperson:* Ms. Pimentel

**Contents**

Consideration of reports submitted by States parties under article 18 of the Convention  
(*continued*)

*Combined sixth and seventh periodic reports of Mauritius*

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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)*

*Combined sixth and seventh periodic reports of Mauritius (CEDAW/C/MAR/6-7; CEDAW/C/MUS/6-7/Corr.1; CEDAW/C/MUS/Q/6-7 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*
2. **Ms. Martin** (Mauritius) said that, since gaining independence in 1968, Mauritius had been a multiracial, multicultural democracy whose foundations rested on the promotion and protection of human rights. The Constitution prohibited discrimination on grounds of race, colour, political opinion, creed, caste, sex or place of origin.
3. In line with its commitment to women's rights, and to fundamental human rights in general, Mauritius had ratified numerous international instruments for the protection of women and children and had played an active role within the Human Rights Council in garnering support for a variety of statements and resolutions on subjects including gender issues, trafficking in persons, especially in women and children, and the acceleration of efforts to eliminate all forms of violence against women.
4. The dynamic and independent judiciary in Mauritius played an important role in ensuring the protection of human rights and fundamental freedoms. Citizens' rights were also guaranteed by independent national institutions such as the National Human Rights Commission and its Sex Discrimination Division.
5. The Gender Unit of the Ministry of Gender Equality, Child Development and Family Welfare monitored the implementation of gender policies and implemented measures for women's empowerment. The National Steering Committee on Gender Mainstreaming provided strategic guidance to ministries, via their gender focal points, on promoting a gender-responsive culture.
6. Following the adoption of the National Gender Policy Framework in 2008, eight ministries had already formulated their gender policies and four others were drafting theirs. The Protection from Domestic Violence Act had recently been promulgated, with the amendments described in the periodic report (CEDAW/C/MAR/6-7) and the written responses to the list of issues (CEDAW/C/MUS/Q/6-7/Add.1), and the Supreme Court had finalized standard rules on the handling of cases of domestic violence by magistrates at district court level. Efforts were being made to address the issue of violence from a gender perspective, and a national platform on gender-based violence was to be set up in the context of the International Day for the Elimination of Violence Against Women in November 2011.
7. Various legislation had been enacted in recent years, including the HIV/AIDS Act, the Equal Opportunities Act and the Combating of Trafficking in Persons Act. The Equal Opportunities Act, however, had not yet been promulgated, since amendments to the Act had been drawn up by the Attorney-General's Office with the aim of establishing an independent Equal Opportunities Commission, which would be separate from the National Human Rights Commission, and would be responsible for implementation of the Act. The 1985 Act establishing the National Women's Council would shortly be repealed and replaced by new legislation, in order to better respond to the emerging strategic needs and aspirations of women.
8. She outlined some key achievements in the area of women's social empowerment with regard to education, health and poverty. In addition to free education at primary, secondary and undergraduate level, full gender parity had been achieved in 2010 in respect

of enrolment at primary level, while at secondary level girls' enrolment was slightly higher than that of boys. At tertiary level, the enrolment rate for girls was just over 50 per cent. Ongoing campaigns on gender issues were designed to encourage more girls to study non-traditional subjects and enter non-traditional professions.

9. One of the key strategies adopted by the Ministry of Gender Equality, Child Development and Family Welfare for the social empowerment of women was non-formal education. Measures implemented included capacity-building for employability, encouraging women to engage in home-based activities and the creation of microenterprises. Emphasis was also placed on continuous information, education and communication campaigns for women, increasing the use of information and communications technology in teaching and providing basic information technology training to women.

10. The Government carried out dynamic awareness-raising campaigns on health issues of concern to women, and the Prime Minister had called for special women's clinics to be set up, in view of the rising number of fatalities from breast and cervical cancer. The feminization of HIV/AIDS was also a matter of concern, and the Government was addressing the issue in a holistic manner, through the National AIDS Secretariat. Key actions included targeted interventions for sex workers and drug addicts in bars, brothels, prisons, and on the street. In addition, free condom-dispensing machines had been installed throughout the island. Mindsets had evolved somewhat with regard to the decriminalization of abortion, notwithstanding the continued resistance of some groups on religious grounds, and the issue of pregnancy termination when the mother's life was in danger and/or when a girl or woman was a victim of rape or incest was currently under discussion.

11. Following the 2010 elections, the Government had established the Ministry of Social Integration and Economic Empowerment to work towards the eradication of absolute poverty and social exclusion and mitigate the effects of the feminization of poverty. The Ministry's main programmes were in the areas of child and family development; housing community empowerment; placement and training; and entrepreneurship. The former Empowerment Programme had been upgraded to become the National Empowerment Foundation, and focused mainly on training in the area of entrepreneurship, or reintegration into the labour market, for women who were unemployed or had been laid off from work. The Foundation was responsible for providing information and counselling to job seekers; reskilling programmes; support to vulnerable families; and day-care centres for children.

12. The economic recession had had a disproportionate effect on women who were unemployed or had been laid off from work; as a result, many women were opting for part-time jobs or were becoming involved in the informal sector, with no social security benefits and less effective safety nets. The work carried out by the Foundation was aimed at reducing the unemployment rate for women, which was approximately three times that of men.

13. The Ministry of Gender Equality, Child Development and Family Welfare implemented the Special Collaborative Programme for Support to Women and Children in Distress, providing grants to non-governmental organizations (NGOs) to carry out capacity-building and income-generating projects, which had contributed effectively to lifting women out of poverty. The economic empowerment of women figured high on the Government's agenda, and there had been an increase in the labour-force participation rate for women in 2010 compared to 2009.

14. Efforts were being made to ensure adequate representation of women and men in political life. Such efforts included the drafting of a Local Government Bill under which any party presenting more than two candidates in municipal and village council elections had to ensure that they were not all of the same sex, and the establishment of a National

Platform of Women in Politics. Providing statistics on women's representation in decision-making bodies in 2010, she said that almost half the total number of judges — and approximately two thirds of magistrates — in intermediate courts were women, as were approximately one third of permanent secretaries and one third of directors or heads of department in the public sector. In addition, the Vice-President of Mauritius was a woman. However, much remained to be done, not least in the area of eliminating patriarchal norms that remained strongly embedded in society, thereby infringing the fundamental rights of women. The Government of Mauritius was committed to accelerating its actions with regard to its regional and international commitments in the area of women's empowerment and gender equality.

*Articles 1 to 3*

15. **Ms. Šimonović** asked how, given that not all the provisions of the Convention had been incorporated into national law, it was possible for women to use the Convention in practice. The question was particularly relevant given the State party's ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. When ruling on cases of discrimination against women, could the judiciary refer to articles of the Convention, or to the jurisprudence of the Committee?

16. Recalling the recommendation made by the Committee in its previous concluding comments (CEDAW/C/MAR/CO/5) to the effect that the State party should make the Convention an integral part of legal education and the training of judges, lawyers and prosecutors, she said that States parties were also required, under the Optional Protocol, to disseminate information on the jurisprudence of the Committee. Important general recommendations had been adopted by the Committee in the areas of violence against women and discrimination against women in general. Was such jurisprudence included in judicial training? If not, were there plans to include it?

17. The delegation had affirmed that, under the Constitution, there was no discrimination on the basis of sex. However, the exemption to the prohibition on discrimination contained in section 16 (4) (c) of the Constitution concerning personal status law had not been repealed, despite the Committee's recommendation to that effect in its previous concluding comments. Therefore, in the areas covered by the personal status law, which included adoption, marriage and divorce, there continued to be discrimination against women on the basis of sex. She asked what steps were being taken to address that issue and what were the main obstacles to the process of constitutional review. As the most important piece of national legislation, the Constitution must be brought into line with the Convention.

18. **Ms. Awori** said that she would welcome clarification about the Equal Opportunities Act, and how it operated. In its written replies, the State party had indicated that provision was not made for the application of temporary special measures in the Equal Opportunities Act but that the Sex Discrimination Act provided for special measures to be taken to achieve substantive equality between men and women. In its report, however, which predated the written replies, the State party had indicated that the Sex Discrimination Act had been repealed and incorporated in the Equal Opportunities Act. If she had understood correctly, the Equal Opportunities Act had not yet been promulgated. Did that mean that there was currently a lacuna? Or had the Sex Discrimination Act not, in fact, been repealed?

19. **Ms. Gabr** said that she would appreciate more information about the women's centres, the National Women's Council and the National Women Entrepreneur Council, particularly concerning their role, budget, terms of reference, what level of independence they enjoyed, and whether the National Women's Council reported to the Ministry of Gender Equality, Child Development and Family Welfare. Was the Council free to cooperate with NGOs on the elimination of all forms of discrimination against women?

20. **Ms. Martin** (Mauritius) said that the Constitution provided for gender equality, with no distinction between women and men, and that a specific committee had been tasked with overseeing legislation to ensure that it was gender-neutral.

21. **Ms. Goordyal-Chitto** (Mauritius) said that the provisions of international treaties ratified by Mauritius had to be domesticated before they could be invoked, as Mauritius followed the dualist tradition. That said, there was nothing to prevent members of the judiciary from referring to the provisions of the Convention or to the Committee's jurisprudence. The provisions of the Convention had already been incorporated in domestic legislation.

22. Programmes to provide further training to judges, magistrates and law-enforcement officers were conducted regularly by the Government, local institutions, United Nations bodies and other overseas organizations. With regard to the Committee's recommendation in its previous concluding comments (CEDAW/C/MAR/CO/5) to amend section 16 (4) (c) of the Constitution concerning personal status law, she pointed out that there were stringent rules governing constitutional reform, which tended to delay its implementation.

23. The Sex Discrimination Act was still in force but would be repealed upon the entry into force of the Equal Opportunities Act, which had not yet been promulgated.

24. **Ms. Martin** (Mauritius) said that the Government intended to establish an Equal Opportunities Commission to implement the Equal Opportunities Act, thus ensuring a targeted approach to that task.

25. **Ms. Goordyal-Chitto** (Mauritius) said that, in 2008, with the assistance of the United Nations Development Programme (UNDP), the judiciary and the Attorney-General's Office had organized a seminar on United Nations international human rights treaties and regional instruments such as the African Charter on Human and Peoples' Rights.

26. The Government Programme 2010–2015 called for a review of the institutional mechanism of judicial training, with a view to establishing a fully fledged further training institute, and the Attorney-General's Office had drafted a judicial and legal studies bill to that effect.

27. **Ms. Martin** (Mauritius) said that both the National Women's Council and the National Women Entrepreneur Council operated under the sponsorship of the Ministry of Gender Equality, Child Development and Family Welfare. Women's associations could register with the National Women's Council in order to benefit from a variety of services, including literacy classes, leadership empowerment programmes and computer courses. Through the National Women Entrepreneur Council, women were taught business and entrepreneurial skills.

28. **Ms. Bali** (Mauritius) said that, since the inception of the Ministry of Gender Equality, Child Development and Family Welfare in 1982, the number of women's centres had grown from 2 to 15, demonstrating the Ministry's commitment to providing decentralized services for women throughout the country. Among the main objectives of the centres was to carry out capacity-building programmes for women that focused on self-empowerment, job skills and women's issues, including the relevant regional and international instruments ratified by Mauritius. In order to celebrate International Women's Day, on 8 March 2011, the Prime Minister had issued a pamphlet describing the Convention in user-friendly language.

29. **Ms. Martin** (Mauritius) said that welfare councils and community centres also provided courses for both women and men on the subject of women's rights. The Ministry of Gender Equality, Child Development and Family Welfare supported NGOs working to help women and children in distress, such as the organization SOS Femmes.

30. **Ms. Šimonović** said that it was urgently necessary to amend section 16 (4) (c) of the Constitution because, as it currently stood, that provision amounted to State-sponsored discrimination against women. The delegation should indicate the course of action that the Government planned to take to remedy the situation.

31. **Ms. Gabr** requested information on the annual budget of the Ministry of Gender Equality, Child Development and Family Welfare and on the amounts allocated respectively to the National Women's Council and the National Women Entrepreneur Council.

32. **Ms. Schulz** asked when the Equal Opportunities Act was scheduled to enter into force, since it appeared to correct many of the shortcomings in the legislation that it would supersede. She wished to know which economic, social and cultural rights were covered by the Act.

33. **The Chairperson**, speaking in her capacity as an expert, asked whether any consideration had been given to establishing a ministry for women not charged with children's or family affairs, since the combination of the three portfolios in one ministry could have the effect of diluting the specificity of women's issues.

34. **Ms. Martin** (Mauritius) said that in 2011 the financial resources of the Gender Unit amounted to some 98 million rupees. She pointed out that constitutional amendments had to be adopted by a two-thirds majority in Parliament, which posed an obstacle to efforts to amend section 16 (4) (c).

35. **Ms. Goordyal-Chitto** (Mauritius) said that Government Programme 2010–2015 provided for a process of constitutional review that involved wide-ranging consultations and the appointment of a team of constitutional experts, with a view to assessing the application of the Constitution since 1968 and to considering appropriate constitutional reforms, including reform of the electoral system.

36. The review of the functions and structure of the National Human Rights Commission had been a factor delaying the promulgation of the Equal Opportunities Act. As to the economic, social and cultural rights covered by the Act, its provisions prohibited discrimination on various grounds, including colour, ethnic origin and race in various spheres of activity, namely employment, education, the provision of goods, services and facilities, accommodation, the disposal of immovable property, companies, partnerships, societies, registered associations, clubs and access to premises and sports.

37. **Ms. Martin** (Mauritius) said that the women's, children's and family portfolios had been combined into one ministry in order to ensure the participation of men in the decisions taken by the Ministry. The reason was that the consideration of women's issues, in isolation from other issues, tended to discourage male participation. Moreover, Mauritius was a patriarchal society; therefore, it was important for men to participate, inter alia, in combating domestic violence and supporting women's causes. Men's participation in the areas of child development and family welfare was an important way of ensuring that men and women shared family responsibilities equally.

38. **Ms. Bali** (Mauritius) said that the main objective of the Gender Unit was to strengthen gender mainstreaming, taking into account the reproductive, productive and social roles of women. She assured the Committee that women's empowerment would not be marginalized but that gender would be mainstreamed at all levels. The Child Development Unit and the Family Welfare Unit had their own mandates, but all three units of the Ministry shared cross-cutting areas of responsibility. The Child Development Unit ensured that all policies were gender-sensitive and did not discriminate against girls, while the Family Welfare Unit's mandate included action to eliminate gender-based violence.

*Articles 15 and 16*

39. **Ms. Halperin-Kaddari**, while welcoming the fact that Mauritius had withdrawn its reservation to article 16 of the Convention, said that the Muslim exemption contained in section 16 (4) (c) of its Constitution directly contravened both article 2 and article 16 of the Convention. She asked whether the constitutional reform provided for in the Government Programme 2010–2015 would specifically address that constitutional provision. She requested additional information on the commission to investigate the appropriateness of Muslim personal law and its impact on women, and on the failure of the different schools of thought in the Muslim community in Mauritius to reach a consensus, which was referred to in paragraph 6 of the responses to the list of issues and questions (CEDAW/C/MUS/Q/6-7/Add.1). She also requested further information on the planned process for establishing a Muslim jurist commission to deal with matters arising from Muslim religious marriage, as described in paragraph 139 of the State party's report. What were the details of that process and were women to be involved or had they been consulted? She asked whether, in the Government's view, women were part of the Muslim community. The delegation should provide information on the specific content and application of sharia law, and indicate whether Mauritius had special sharia courts.

40. Many countries had adopted what could be called a "multicultural" attitude towards minorities; however, multiculturalism could not be used as an excuse for discriminating against women. Several countries where Muslim personal law still existed had carried out successful reforms of their sharia law, and that task had been facilitated by the wide variety of schools of thought concerning sharia law precepts. She urged the Government to intensify its efforts to ensure greater progress in protecting women's rights under sharia law.

41. She enquired what progress had been made with regard to the establishment of the long-awaited special family courts and whether a date had been set for their introduction. Noting that the lack of equal property distribution following divorce was often a direct cause of the feminization of poverty, she asked how marital property was distributed in Mauritius.

42. **Ms. Martin** (Mauritius) said that Mauritius had made some progress with regard to family justice systems, particularly in the area of divorce. In March 2011, the National Assembly had adopted the Divorce and Judicial Separation (Miscellaneous Provisions) Act 2011. The Act provided for two new grounds for divorce or judicial separation, namely, acceptance of the principle of marital breakdown and mutual consent.

43. **Ms. Goordyal-Chitto** (Mauritius) said that the planned constitutional review process would include an assessment of the appropriateness, given the multicultural framework of Mauritius, of reviewing section 16 (4) (c) of the Constitution. With regard to the Muslim personal law, she referred to the amendments made to the Civil Status Act and the work of a commission looking into the existing rules governing marriages, as described in paragraph 137 of the report (CEDAW/C/MAR/6-7).

44. The reform of the law on marriage initiated in 1982 provided for a single marriage system for all individuals, except Muslims, who could opt to marry in keeping with Muslim rites. However, any religious marriage ceremony performed in relation to Muslims who did not wish to be governed by the civil law was subject to articles 228 (1) to 228 (10) of the Civil Code. In the absence of any codification of Muslim law, Muslim religious marriage was governed by Muslim religious customary rules. Although judges in chambers were empowered to decide on litigious issues arising between the spouses in a Muslim religious marriage — mainly on the question of divorce — such judges could not pass judgement without consulting the appropriate religious authority.

45. There were no sharia courts in Mauritius, and there was no family court. Instead, there was a family division of the Supreme Court, which heard only family law cases, including those relating to divorce and child custody. In the context of judicial reform, mention had been made in the Government Programme 2010–2015 of the possibility of setting up a court of appeal and a high court. The latter would have a family division with all the required support services. A family court bill aimed at setting up a family court and providing for a conciliation procedure and the speedy settlement of disputes relating to family affairs had been drafted. A consultation process inviting views and comments on the bill was currently under way.

46. Women enjoyed equality with men in terms of their legal capacity to conclude contracts and administer property in their own name, without interference from or the consent of their male partner. Civil marriages were governed by either the separate property regime or the community property regime. The Civil Code granted men and women equal rights to inheritance. Regardless of the marital regime, widows and widowers inherited from their spouses, and widows and daughters, like widowers and sons, had the right to inheritance even in the absence of a will. There was no legal or customary constraint preventing a testator from bequeathing the same share of property to widows and daughters as to widowers and sons.

47. **Ms. Halperin-Kaddari** asked whether, since there were no special sharia courts, judges in the ordinary courts, including women judges, applied the unwritten and uncodified sharia law in Muslim marriage and divorce cases. She also asked whether future spouses were entitled to choose the marital regime to which they wished to be subject, and if so, whether women were provided with sufficient information to make an informed choice, given that the separate property regime was often detrimental to the economic welfare of women.

48. **Ms. Martin** (Mauritius) said that future spouses were given written information describing the two marital regimes: separate property and community of property.

49. **Ms. Goordyal-Chittoo** (Mauritius) said that sharia law was not practised in Mauritius and there were no sharia courts. However, the Civil Status Act made provision for the celebration of religious marriages with civil effect.

50. **Ms. Bali** (Mauritius) said that, with the support of the Commonwealth of Learning, the Gender Unit had developed modules for its legal literacy programme that highlighted the various laws relating to marriage and divorce. The modules had been widely disseminated to women's centres through media such as DVDs and text messages.

#### *Articles 4 to 6*

51. **Ms. Neubauer** said that the goal of substantive equality of women and men could not be achieved solely through the mainstreaming of equal opportunities, especially in view of the fact that the Equal Opportunities Act did not provide a basis for temporary special measures. While it was true that bringing about a change in mindsets in a patriarchal society took time, States parties were obliged under the Convention to adopt appropriate measures to eliminate both direct and indirect discrimination against women. The measures taken by the State party thus far had clearly not been appropriate, since the required results had not been achieved, for example in the area of women's participation in political and public life. The State party should therefore develop better measures. She requested further information on the provisions of the Local Government Bill that would promote gender parity in local elections.

52. **Ms. Murillo de la Vega** said that all States parties were obliged to take measures to prevent and combat violence against women. In that regard, she asked how many shelters there were for victims of violence, and what safeguards existed to prevent women's



husbands from gaining access to the shelters. She asked what results had been achieved by the 2007 national plan on gender-based violence, for example in terms of the number of complaints made. She wished to know whether information campaigns had been conducted in order to encourage women to report acts of gender-based violence. In cases of domestic violence, breach of a protection order was apparently not considered to be an offence, if the victim did not lodge a complaint. Because of cultural factors it was difficult for women to report their husbands in such cases, however, and she asked if women received counselling, advice, or psychological support in that regard. She had read on the website of the Ministry of Gender Equality, Child Development and Family Welfare that a total of seven women had died while under protection orders, and wished to know the explanation for that failure of the protection system.

53. **Ms. Hayashi** asked whether the Protection from Domestic Violence Act, as amended in 2007 and 2011, had come into force. Insufficient information had been received on evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women. In that regard, she wished to know whether the National Steering Committee on Gender Mainstreaming was mandated to monitor and evaluate measures to combat violence against women and whether it had issued any concrete recommendations on legislation and policies.

54. In its previous concluding comments, the Committee had requested the State party to enact legislation criminalizing marital rape, defining such rape on the basis of lack of consent of the wife. The same recommendation had been made repeatedly by other United Nations treaty bodies. Did the Government intend to criminalize marital rape as a specific criminal offence, and if so, when? She would also appreciate information on the state of preparation of the Sexual Offences Bill.

55. **Ms. Awori** asked whether the amendments made to the Protection from Domestic Violence Act in 2007 and 2011, which provided for harsher penalties for perpetrators, had been enacted. She asked how effective the amendments on protection orders, introduced in 2004, had been for victims of violence, bearing in mind the cases of women who had died while under such orders. She requested information and statistics on femicides and the steps being taken to combat that phenomenon, as well as on domestic violence.

56. **Ms. Jahan** said that she had been surprised at the lack of comprehensive data in the report and written replies on the extent of trafficking in persons, particularly women and girls. Mauritius was a destination and source country, including for internal trafficking in women and girls, and a country of transit. She wished to know whether combating trafficking in women and girls was a Government priority. She asked whether gender sensitivities had been incorporated in the Combating of Trafficking in Persons Act, and whether the Act criminalized all the acts listed in the definition of trafficking in persons contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). Was there a plan of action to promote the Combating of Trafficking in Persons Act, and was an official body responsible for coordination between ministries in that area? She requested information on victim and witness protection and on the number of convictions and sentences handed down in related proceedings in the past two years. She also wished to know what was being done to counter the phenomenon of sex tourism, and what legal regulations and penalties applied to the demand side of prostitution. Given that prostitution was illegal in Mauritius, she asked what mechanisms were in place to ensure that the targeted interventions for sex workers, referred to in the delegation's introductory statement, actually reached the intended beneficiaries.

57. **Ms. Gabr** asked whether the State party had a national mechanism to combat trafficking in persons, particularly women and girls, and, if so, how it operated. She wished to know what efforts were made to increase the awareness of that phenomenon in the

judiciary and law-enforcement circles, and whether it was discussed in schools. She asked what action was taken to combat trafficking in women from a human rights perspective, how the rights of victims and witnesses were protected, and what the role of NGOs was in that regard. She wished to know whether the State party worked in conjunction with the United Nations Office on Drugs and Crime (UNODC) to combat trafficking in women, and what transnational and regional cooperation agreements or other mechanisms were applied.

58. **Ms. Martin** said that stereotypes were combated through education, by encouraging girls to study non-traditional subjects. With regard to the substantive equality of women, the Local Government Bill provided for a mandatory gender ratio of one to three for candidates in local elections, which would ensure a participation rate for women of at least 30 per cent. A similar provision in respect of general elections was under consideration.

59. Because of limited capacity in women's shelters, the Government had agreed to rent more shelters for women and children in distress, which should bring the total number of shelters up to nine, with one in each district. The focus was on empowering women so that they could eventually leave the shelter, find employment and become financially independent. In that regard, support was received from various ministries, including the Ministry of Social Integration and Economic Empowerment.

60. Protection orders for women were of limited effectiveness, since once a woman stepped outside her home they were difficult to implement. Telephone hotlines and family counselling services had been introduced for victims of domestic violence. The 2007 and 2011 amendments to the Protection from Domestic Violence Act had all been promulgated. Marital rape was not covered by legislation, but was considered to be sexual assault and could be prosecuted as such. Funding had been allocated to awareness campaigns, conducted in conjunction with NGOs, in which men took a stand against violence. Other measures to combat violence against women included community protection programmes and psychological support services for victims of domestic or sexual violence.

61. The Government was able to ensure that its support services reached prostitutes directly because it worked in close cooperation with NGOs. Efforts to combat sex tourism were mainly focused on the provision of information; some 10,000 brochures on prostitution, for example, had been distributed.

62. **Ms. Goordyal-Chitto** (Mauritius) said that the provisions of the Sex Discrimination Act applying to temporary special measures would only be repealed once the Equal Opportunities Act had come into force. Once the review of the functioning and structure of the National Human Rights Commission had been completed, the Equal Opportunities Act would be promulgated. Gender equality was also addressed by other legislation, however. For example, the Employment Rights Act contained a definition specifying sex as one of the grounds of discrimination.

63. Details of the 2004 amendments made to the Protection from Domestic Violence Act had been given in the State party report. She was pleased to announce that the 2007 amendments to the Act had recently been promulgated and had come into force on 26 September 2011. While marital rape was not yet classified as a specific offence, it was planned to include it in the Sexual Offences Bill. In the meantime, it could be argued that there was a basis for prosecuting the offence under the general provisions on rape in the Criminal Code.

64. The Supreme Court of Mauritius had a full-time criminal division, which sat daily and heard only criminal cases in an effort to prevent the formation of a backlog of such cases.

65. The purpose of the Combating of Trafficking in Persons Act of 2009 was to give effect to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

66. Turning to other questions from Committee members, she noted that prostitution, brothel-keeping and solicitation of prostitution were offences punishable under the Criminal Code. A decision was made, on the basis of evidence, whether to prosecute only the sex worker or also the person who solicited a prostitute.

67. Human rights education, which had been launched as a pilot scheme, would soon be included in secondary school curricula in order to inculcate a human rights culture in students from an early age. The Government had consulted a regional representative of the United Nations Office on Drugs and Crime (UNODC) on the subject of organizing human rights workshops and other forms of assistance that the Office could extend to Mauritius.

68. **Ms. Bali** (Mauritius) said that the Ministry of Gender Equality, Child Development and Family Welfare, through its Gender Unit, promoted the National Gender Policy Framework, which required all ministries to develop a sector-specific gender policy statement. In keeping with a recommendation by a regional workshop of the Indian Ocean Commission, in March 2011 the Ministry had established the National Platform of Women in Politics – a non-partisan women’s group that organized awareness-raising campaigns for men and women aimed at increasing women’s representation in politics. The Ministry also participated in the Regional Platform of Women in Politics, which brought together representatives of the national platforms of women in politics in the five islands comprising the Indian Ocean Commission.

69. Under a special joint programme to provide support to women and children in distress, the Government had awarded funds in the amount of 2 million rupees to the organization SOS Femmes for enlarging its shelter for victims of domestic violence. The Government hoped to persuade other NGOs to become involved in such efforts as well. She assured the Committee that the spouses of mistreated women did not have access to any of the three shelters for women in distress, which were secure facilities.

70. The majority of the measures enumerated in the National Action Plan to Combat Domestic Violence had already been put into effect. One of the principal measures under the plan was to establish Area Domestic Violence Committees, which were made up, among others, of representatives of the Police Department, the Ministry of Health and Quality of Life and a number of NGOs. The role of the Committees was to inform the Ministry of Gender Equity, Child Development and Family Welfare when there was a need to provide immediate assistance to a victim of violence. In view of the link between sexual abuse and violence against children, the Police Family Protection Unit had organized information campaigns for children and teenagers on the subject of sexual abuse.

71. The National Steering Committee on Gender Mainstreaming had been set up in July 2010 and met quarterly. Its action was geared to encouraging ministries to develop a sector-specific gender policy. The Family Welfare Unit of the Ministry of Gender Equality, Child Development and Family Welfare operated six regional offices known as Family Support Bureaux. The bureaux provided assistance in the form of premarital counselling and marriage enrichment programmes.

72. The AIDS Unit of the Ministry of Health and Quality of Life, with the help of NGOs, carried out targeted interventions in brothels. One NGO focused on the social reintegration of women victims of prostitution.

73. **Ms. Murillo de la Vega** said she was concerned at the apparent impossibility for victims of domestic violence to obtain an order requiring the perpetrator to leave the home. In the absence of such a remedy, it was better for a woman not to file a complaint. She

asked what kinds of safeguards were available to women who continued to live with their aggressors.

74. **Ms. Jahan** reiterated her question as to whether there was a national plan of action to implement the Combating of Trafficking in Persons Act and whether there was a central coordinating body responsible for putting that plan into effect. If so, how was that coordinating body helped with human and financial resources?

75. **Ms. Gabr** echoed the question asked by Ms. Jahan about a national plan of action, and repeated her request for further information on the human rights perspective of the implementation of the Act, in particular with regard to witness and victim protection.

76. **Ms. Awori** asked whether the Equal Opportunities Act made provision for the introduction of temporary special measures and whether the Sexual Offences Bill covered the offence of marital rape. She wished to know what steps the Government was taking to expedite enactment of the bill.

77. **Ms. Martin** (Mauritius) said that the Government did not currently have a national action plan to combat trafficking in persons. She had taken note of the Committee's suggestions in that regard and would recommend that the Ministry should consider formulating such a plan.

78. **Ms. Goordyal-Chitto** (Mauritius) said that the Protection from Domestic Violence Act provided for occupation orders, tenancy orders and protection orders. There was thus nothing to prevent a victim of domestic violence from filing a complaint with the police. Under section 4 of the Act, any victim of domestic violence who reasonably believed that her spouse was likely to commit further acts of that nature, could apply to the court for an occupation order, granting her the exclusive right to live in the residence belonging to her, the respondent spouse or both spouses. On application for an occupation order, the court served notice of the application on the respondent spouse, requiring him to appear before court no later than 14 days from the date of the application, in order to show cause why the order applied for should not be made. An application for an occupation order was heard as a civil case between the parties.

79. Although Mauritius did not have a specific law for the protection of witnesses, in certain intermediate courts — particularly in cases of sexual abuse — child witnesses could provide evidence via video link. The Courts Act also provided, in prescribed circumstances, for cases to be heard in camera.

80. The Equal Opportunities Act was aimed at ensuring equal opportunities for men and women; for that reason, it made no provision for temporary special measures, which had been provided under section 9 of the Sex Discrimination Act.

81. It was intended to make express reference to the offence of marital rape in the Sexual Offences Bill, which was the subject of ongoing consultations.

#### *Articles 7 and 8*

82. **Ms. Bareiro-Bobadilla** said that measures to increase women's share of parliamentary seats could be strengthened by reference to article 4 of the Convention and to the Committee's general recommendation No. 25. While increasing women's participation in political life was certainly important, the effectiveness of the work done by women parliamentarians once they had been elected was fundamental to the advancement of women's rights. Had any studies been carried out on that subject?

83. She asked how many cabinet ministers were women and what ministries they headed, and how many ambassadors in the Mauritian foreign service were women. She would be grateful for data concerning women's involvement in international politics, party

politics, employers' organizations and trade unions. To facilitate such involvement, more should be done to disseminate knowledge of the Convention, its Optional Protocol and the recommendations of the Committee.

84. **Ms. Pires** asked whether the shift from a "Women in Development" approach to a "Gender and Development" approach had had a positive impact on women's participation in politics. Had that paradigm shift helped to increase the budget of the Ministry of Gender Equality, Child Development and Family Welfare, and the level of funding for women's political participation at the international level? She wondered whether the Ministry had been able to assist women in elected positions to cope with their family responsibilities, for example, by providing childcare facilities.

85. She would be interested to know what positive impact had resulted from the fact that 7 out of 13 permanent secretaries were women. She asked whether they were able to propose policies that enhanced women's access to services and whether they were making systemic changes that facilitated women's participation in public administration and their access to services.

86. **Ms. Belmihoub-Zerdani** said that women in Mauritius had made remarkable progress in the relatively short period of time that had elapsed since the country's achievement of independence, particularly in view of the colonization and slavery that its people had had to overcome. A country's parliament was its showcase to the world. In the case of the Mauritian Parliament, women's participation had grown from 0 per cent during the colonial period to roughly 18 per cent, but that proportion was still insufficient given the number of capable women in Mauritius. It was therefore essential to develop women's knowledge of politics and legislation at both the local and national levels. Mauritius, as a developing country, was entitled to request international assistance for such training.

87. Women in Mauritius also needed to improve the level of their participation in the legal system as lawyers and judges. They also had much to contribute at the international level in such fields as diplomacy and human rights. Despite the need for improvements, the accomplishments of Mauritian women — judging from the competence of those composing the Mauritian delegation — were an inspiration to their female counterparts elsewhere in Africa.

*The meeting rose at 1 p.m.*