



**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 1005th meeting

Held at the Palais des Nations, Geneva, on Friday, 7 October 2011, at 3 p.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 3 p.m.

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

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

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Martin** (Mauritius) said that human trafficking was not a problem per se in Mauritius, but her Government would remain vigilant and continue to cooperate with neighbouring countries to combat that phenomenon; it would consider establishing a committee to monitor the situation. Concerning women in leadership roles, she said that, in addition to efforts by the Government to promote women's participation in politics, the non-governmental organization (NGO) Women in Networking (WIN) received funding from the United Nations Development Programme (UNDP) to increase women's role in politics and build the capacity of women leaders, in particular through a project called Women in Politics. The next UNDP country programme would earmark funds for increasing the role of women in politics.

3. While there were some women in leadership roles in trade unions, she agreed that more needed to be done to increase their representation at decision-making levels. Accordingly, in keeping with the African Women's Decade theme of women in decision-making positions, a two-day workshop would be held at the end of October, in cooperation with the trade unions, to promote a greater role for women in unions. While the May 2010 change in name of her Ministry to Ministry of Gender Equality, Child Development and Family Welfare had not led to an increase in its budget, other sources of funding, including United Nations agencies, were available. Furthermore, the next budget, to be presented in November 2011, would allow all ministries to apply for funding for social projects from the corporate social responsibility fund, in which enterprises were requested to set aside 2 per cent of their profits for NGOs and community projects. Her Ministry would certainly take advantage of that opportunity.

4. All political parties were committed to increasing the role of women and often assigned women responsibility for specific issues. There were currently two women ministers and three women parliamentary secretaries, or junior ministers. A woman was responsible for the democratization of the economy and the deputy chief government whip was a woman. All female members of the Government in fact had added responsibilities and therefore had a real influence on policy.

5. More than 35 per cent of ministry permanent secretaries were women, including the permanent secretaries of the Prime Minister's Office and the ministries responsible for education, tourism, business and public utilities. The permanent secretaries were often members of the national committees created to deal with specific issues. They were well placed to inform policy, including at the regional and international levels, where they often represented Mauritius. At the diplomatic level, one career ambassador was a woman, and the political ambassadors to Berlin and Canberra were women.

6. Concerning electoral reform to benefit women, while there were no concrete plans for the provisions contained in the Local Government Bill 2011 to be made applicable to the general elections, in September 2011 the Prime Minister had charged three constitutional experts of international repute with making proposals for electoral reform,

including ways of making women's representation more reflective of their 55 per cent share of the population. Those proposals were expected by the end of the year; they would be reviewed by the Government, following which public consultations would be organized.

7. **Ms. Zou Xiaoqiao** welcomed the State party's efforts to increase women's participation in political life. Noting that the Local Government Bill 2011 called for groups presenting more than two candidates to ensure that the candidates were not all of the same sex, she suggested that the bill should be amended to provide simply that 50 per cent of the candidates should be women.

8. **Ms. Martin** (Mauritius) said that the Local Government Bill was still before the Cabinet. She pointed out that ward or village councils were typically made up of 6 to 12 councillors. The bill would remedy the lack of any previous gender-related requirement in respect of council membership.

Articles 10 to 14

9. **Ms. Bailey** welcomed the fact that education was free for all and school attendance compulsory up to the age of 16. She was concerned that, according to paragraph 291 of the State party's report (CEDAW/C/MAR/6-7), there was a problem of chronic absenteeism at the primary level. Noting that, according to paragraph 311 of the report, parents who did not send their children to school should be taken to task, she asked what that meant in practice, whether the Education Act provided for real sanctions for parents who did not send their children to school and whether those provisions were actually enforced. She wondered whether absenteeism might be a factor in the repetition and dropout rates and whether girls were more affected than boys.

10. She recalled the concern expressed by the Committee on the Rights of the Child in 2006 with regard to teenage pregnancy rates and its recommendation that the State party should provide support for pregnant teenagers so that they could complete their education and that reproductive and sexual health education should be included in the school curriculum. Had any action been taken in that regard? She took note of the fact that teenage girls had the legal right to attend school, including after giving birth, but would like to know if many actually did so and, if not, whether the reason might be the stigma associated with early pregnancy.

11. She commended the efforts of the Industrial and Vocational Training Board (IVTB) to provide pre-vocational and vocational training for students, including girls, who were not able to complete traditional academic courses, but noted that girls continued to be underrepresented in such training. She wondered whether girls graduated from vocational courses with skills that were economically viable. The State party should do more to increase the choices available to girls, especially those at risk of dropping out, in such non-traditional areas as technical and vocational education.

12. **Ms. Schulz** noted the continuing gender pay gap and urged the State party to do more to strengthen legal guarantees relating to equal pay for work of equal value. She pointed out that section 20 of the Employment Rights Act (2008) in fact referred only to equal remuneration for the same type of work, which was not in conformity with article 11(1) (d) of the Convention or the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100). The delegation should indicate whether the State party intended to amend the Employment Rights Act (2008) and if so, when.

13. She asked what enforcement mechanisms existed within the Ministry of Labour, Industrial Relations and Employment (MLIRE) to deal with employment-related complaints, including fines, whether women could expect the support of trade unions or women's associations when making a complaint and whether the burden of proof in such cases rested solely on the woman complainant. The delegation should indicate whether the

National Human Rights Commission could deal with employment-related complaints and more information should be provided on the role of the Equal Opportunities Commission. The State party should help public and private employers to introduce objective job classification methods, which were needed to develop non-discriminatory salary systems and would likewise facilitate the hearing of employment-related complaints, especially complaints of unequal remuneration, before the courts.

14. She expressed concern that a woman had to have worked for 12 consecutive months with the same employer before being entitled to maternity leave and other benefits. That requirement was discriminatory and should be eliminated, given that women tended to change jobs more often than men because of their greater responsibilities within the family. Noting that the entitlement to five days' paternity leave was reserved to male workers who were married, she asked whether it was planned to extend that benefit to unmarried fathers.

15. In her opinion the mechanisms for protection against sexual harassment, which emphasized counselling and mediation, were too weak, especially if the harassment included violence. She asked whether the State party intended to strengthen women's protection against sexual harassment by requiring employers to take steps to ensure a woman-friendly work environment, imposing fines on perpetrators and providing for employer compensation to victims.

16. The reasons for the relatively low number of women in the workforce included inflexible work schedules and long working hours, which made it difficult for women to reconcile work and family responsibilities. That problem should be addressed through the introduction of more flexible working hours, more part-time work, and extension of the Child Care programme to all women, not just the underprivileged. Furthermore, the use of fixed-term contracts, which required only short notice of termination, increased the vulnerability of women workers. She wondered whether the State party intended to amend the Employment Rights Act so as to introduce contracts of indefinite duration.

17. According to her sources, migrant workers had been deported without just cause, lacked protection if they complained about their working or living conditions, received lower pay than Mauritian workers, were denied the right to organize, were required to undergo HIV/AIDS testing and sometimes had their passports confiscated by their employers. Given the existing problems in the area of employment rights for women in general, she called on the State party to implement temporary special measures to improve the situation in the short term, pending amendment of the Employment Rights Act to ensure equal employment opportunities and rights for women and men in the long term.

18. **The Chairperson**, speaking in her capacity as an expert, acknowledged the work of the National Aids Committee in monitoring implementation of the National Strategic Plan on HIV/AIDS, but expressed concern that, according to paragraph 357 of the State party's report, the incidence of HIV/AIDS seemed to be edging upwards. Table 14 of the report showed that 94 new cases of women diagnosed with HIV/AIDS had been reported in 2007. She wondered whether that increase might be related to societal and religious taboos about teenage pregnancy, abortion and HIV/AIDS that affected women's right to health. She asked what measures the State party was taking to reduce HIV/AIDS in women, increase women's awareness of the risk and ensure effective implementation of the HIV/AIDS Act (2006).

19. Abortion, while illegal, was nevertheless common in the State party, as evidenced by the high number of women admitted to hospitals or private clinics for treatment for complications following an abortion. She would welcome information on any measures adopted or envisaged by the State party to prevent clandestine abortions and promote an objective review of the situation with a view to finding a satisfactory solution, including

through reform of the Criminal Code, in recognition of the need to protect women's health, well-being and human rights.

20. **Ms. Rasekh** commended the State party for its multisectoral approach to health and sex education for women and girls, and for the continued reduction in maternal mortality, although more remained to be done. She wondered, however, whether the sexual and reproductive health awareness campaigns being implemented in the school system included such topics as safe sex, abstinence and the use of contraceptives, in particular at the secondary level, with a view to reducing the number of teenage pregnancies and cases of HIV/AIDS. It was also important to bring about a change of mindset, among religious leaders and in society in general, with regard to those issues. She asked whether women and girls had access to psychosocial counselling in order to protect their mental health, and whether there were mechanisms to meet the specific and special needs of women with disabilities.

21. **Ms. Zou Xiaoqiao**, welcoming the State party's efforts to develop a multisectoral approach to the feminization of poverty, requested current data on the number of women living in poverty, on the number and types of mechanisms and programmes aimed at helping the poor, and on the number of women who had benefited from those programmes. More information should likewise be provided on the differences between the situations of rural and urban women, and on any strategies aimed at meeting the special needs of rural women. She also requested information on the specific situation of older women, whose rights were the subject of the Committee's general recommendation No. 27.

22. **Ms. Martin** (Mauritius), referring to issues of school attendance, emphasized that boys and girls had equal access to education. The reasons for absenteeism tended to be region-based rather than gender-based, and the problem was more acute in regions identified as vulnerable. In order to combat absenteeism, an SMS messaging service had been created to enable school authorities to text parents of children who did not report for class. Police youth squads patrolled areas where young people tended to gather with a view to sending truants back to school and notifying their parents. The authorities preferred to use moral rather than legal sanctions to curb absenteeism, including appeals to the sense of responsibility of children and parents, psychological counselling for behavioural problems, and meetings and other forms of communication between parents and school staff.

23. She confirmed that there was no legal or institutional obstacle that prevented pregnant teenagers from continuing their studies. There was, however, a problem in respect of social values and the attitudes of other students and adults. With a view to changing those attitudes, her Government had undertaken awareness-raising campaigns addressing the problem of teenage pregnancy and the rights of teenage mothers, and provided training to teachers and counsellors, with a view to promoting increased tolerance in the schools and civil society, including religious groups. The education authorities also worked with the parents of pregnant teenagers and provided mediation services in order to reduce conflict within the family unit caused by teenage pregnancy.

24. Reproductive health education was provided for primary school pupils, and sex education, including reproductive rights, was given to secondary school pupils from the age of 12 or 13 to ensure that both girls and boys were aware of the risks of having unprotected sex.

25. Turning to questions of employment, in relation to article 11 of the Convention, she said that her Government was working to reduce gradually the wage gap between women and men in certain sectors and to increase the current statutory paternity leave of five consecutive working days for workers who had at least 12 months continuous service with their employer. It was true that migrant workers constituted a certain proportion of the labour force in Mauritius. Under the law, they were treated as local workers, and their

employment contracts were increasingly subject to systematic scrutiny by Ministry of Labour, Industrial Relations and Employment to ensure that the rules and regulations for their employment were respected. There had been cases where employers had allegedly retained workers' passports and documents, but all such allegations were investigated by the labour inspection services. She acknowledged that part-time work was a reality in her country, owing to the constraints that family life imposed on working women's time. The relevant legislation needed to be updated to provide protection for women undertaking such work.

26. **Ms. Bali** (Mauritius) said that the Government was working closely with the non-governmental organization (NGO) *Mouvement d'aide à la maternité*, to provide support, counselling and nutrition advice for pregnant girls. With regard to sex education in schools, only those pupils whose parents had given their consent could participate in sex education classes at the primary school level. An awareness-raising campaign had been conducted in both primary and secondary schools, with funding from the United Nations Population Fund (UNFPA), and at the same time a parental empowerment programme had been established to provide parents with guidance on how to help their children avoid teenage pregnancy. With regard to the life chances of girls who dropped out of school, the statistics showed that the number of girls enrolling in vocational training programmes had increased.

27. In response to the comments and questions concerning employment rights, she took note of the suggestion to consider making provision for paternity leave for unmarried couples.

28. Concerning the issues of sexual harassment and a woman-friendly work environment, she said that complaints of sexual abuse or violence were handled under procedures of the Ministry of Labour, Industrial Relations and Employment and could, if necessary, be referred to the Sex Discrimination Division for follow-up enquiry and possible prosecution.

29. On the subject of migrant labour, she said that labour legislation provided for equal treatment of Mauritian and migrant workers, and that she was unaware of any cases of migrant workers being deported, particularly female workers. If such deportation had occurred, it could only have been as the result of an investigation.

30. With regard to health issues, a number of campaigns were under way as part of the National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS. She conceded that the number of HIV/AIDS sufferers had increased, but the Government was working with various NGOs, including the Mauritius Family Planning and Welfare Association, to address the issue and had received funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria. The bill to decriminalize abortions in specific situations was still under discussion; however, she believed that the dialogue with religious leaders was moving in the right direction and that a consensus would be reached in the months ahead.

31. **Ms. Goordyal-Chitto** (Mauritius) said that sanctions existed for absenteeism from school: section 37, subsection 3, of the Education Act provided for a fine not exceeding 10,000 rupees and a term of imprisonment not exceeding 2 years for the parents of children who failed to attend school. There were also legal safeguards under the Sex Discrimination Act, which prohibited the exclusion of pregnant girls from school solely on the grounds of pregnancy. They were therefore allowed to return to school after delivery.

32. The National Remuneration Board was currently reviewing all remuneration orders to ensure that gender-neutral terms were used in job classifications; that requirement was gradually being extended to the few sectors, such as the sugar, salt and tea industries, where it was not already observed. Concerning the role of the National Human Rights Commission in relation to discrimination in the workplace, section 20 of the Employment

Rights Act (2008) addressed the problem of equal pay for work of equal value. With regard to cases of sexual harassment in the workplace, if the Sex Discrimination Division of the Human Rights Commission could not deal with the matter and a criminal offence was reported, the Director of Public Prosecutions could decide to prosecute the case, further to a police inquiry.

33. With regard to migrant workers, she confirmed that they had the same rights as local workers to form or join a trade union and participate in union activities. Those migrant workers whose contracts were vetted by the Ministry of Labour, Industrial Relations and Employment, prior to their signature, enjoyed entitlement to wages and other conditions of employment which were not less favourable than those granted to local workers. A special migrant workers unit had been set up by the Ministry of Labour, Industrial Relations and Employment to carry out regular workplace inspections to ascertain that employers were complying with the terms and conditions of the employment contract and that the migrant worker had received a copy of the contract in a language that he or she could understand. The Occupational Health and Safety Inspectorate of the Ministry of Health and Quality of Life also carried out regular inspections of the living conditions of such workers. She confirmed that contracts of indefinite duration were covered by the Employment Rights Act.

34. **Ms. Martin** (Mauritius) reiterated that her country had signed the Convention on the Rights of Persons with Disabilities in 2010 and that the Ministry of Social Security provided various benefits, including a carers' allowance, to persons with disabilities or older adults. Psychological support was also provided to women and girls with disabilities. A number of NGOs and senior citizens' associations were working actively in the community to provide help and support to older adults. On 26 August 2011, the Cabinet had taken note of the various programmes that had been implemented by the Ministry of Social Security for the benefit of older adults, including older women. They included the construction of two recreation centres; training courses to provide more carers; an IT literacy programme for the older population; renovation of the existing day-care centres; and the establishment of an observatory on ageing. With regard to measures to promote safe sex, she said that the use of contraception, including male and female condoms, was encouraged and, to that end, 19 free condom distribution machines had been installed around the island, including two women's condom machines in two of the women's centres.

35. **Ms. Schulz** said that the title of section 20 of the Employment Rights Act contradicted the content of the section, as had been noted by the Committee of Experts of the International Labour Organization. She was therefore uncertain whether there was a guarantee of equal pay for work of equal value, which was the title of the section, or only provision for equal pay for the same type of work, as stated in the content of the section. She was also surprised at the assertion that contracts of indefinite duration were covered by the Act, as it contained no specific reference to such contracts. She welcomed the terminology changes being carried out by the National Remuneration Board, but said that evaluation systems needed to be implemented to ensure that salary scales were not discriminatory.

36. **Ms. Bailey** said that even though absenteeism was a regional problem, it would be useful to know whether it was more prevalent among girls or boys in the individual regions. Disaggregated data were needed. Given that the State party described the situation as chronic, the soft options for dealing with absenteeism were clearly insufficient and she asked at what point the sanctions provided for in the Education Act would be enforced.

37. **Ms. Zou Xiaojiao** enquired about the status of the bill to amend the Criminal Code to allow for abortions to be carried out in cases of rape or incest or where the life of the mother was in danger, and when it was likely to be adopted.

38. **Ms. Rasekh** asked whether a holistic data collection method had been used for the compilation of health-care statistics provided in the State party report. If not, did the Government intend to introduce such a method? She also asked what health services and information were available to sex workers.

39. **Ms. Belmihoub-Zerdani** asked whether the law had been amended to allow the foreign wife of a Mauritian man to remain in the State party after divorcing her husband.

40. **Ms. Martin** (Mauritius) said that no disaggregated data were currently available on absenteeism, and that issue would need to be addressed. The authorities preferred not to resort to fines or imprisonment when dealing with absenteeism as those sanctions generally had a negative impact on family well-being, particularly in the case of vulnerable families. She was not aware of any cases of prosecution of parents under the Education Act. She said that the bill to decriminalize abortion had been circulated and was still under discussion. The Government was working hard to promote its case and to mediate with the different interest groups, but legislation on such a sensitive issue could not be fast-tracked. The bill was likely to be adopted under the present Government but it was impossible to give a precise date. Finally, she said that there was no provision in law for the deportation of foreign spouses, women or men, from Mauritius following divorce from their Mauritian husbands or wives. However, they had to have been married for a minimum of four to five years before the foreign national could apply for Mauritian nationality.

41. **Ms. Bali** (Mauritius) said that data on health issues were compiled by the Ministry of Health and Quality of Life, with additional material from the Ministry of Gender Equality, Child Development and Family Welfare on issues such as teenage pregnancy. The Central Statistics Office had overall responsibility for the collection and dissemination of data. Her Ministry was advocating the use of more sex disaggregated data in the future. With regard to sex workers, regular visits and follow-up checks on their health were organized by the National AIDS Secretariat. One NGO in particular, Chrysalide, was working to reintegrate sex workers into society and other NGOs provided health and psychological support.

42. **Ms. Goordyal-Chitto** (Mauritius) said that it was clear from subsections 1 and 2 of section 20 of the Employment Rights Act that equal remuneration for work of equal value was guaranteed. Subsection 1 stipulated that the remuneration of any worker should not be less favourable than that of another worker performing the same type of work, while subsection 2 provided that, where an employer had recourse to the services of a job contractor, the job contractor should ensure that the remuneration of any worker should not be less favourable than that of another worker performing the same type of work. Regarding contracts of indefinite duration, the provisions of the Civil Code on that matter should be read in conjunction with those of the Employment Rights Act. The Government was looking into the possibility of abolishing gender-based job classifications and wage differentials between women and men. With regard to nationality and the right to remain in Mauritius after a divorce, she informed the Committee that the Constitution had been amended in 1995 so that both Mauritian women and men could transmit their nationality to their children or spouse. Following divorce, naturalized foreign spouses had the same rights as Mauritian nationals, but spouses who had not been naturalized and had only acquired citizenship through marriage had six months, under the Immigration Act, in which to leave the country.

43. **Ms. Martin** (Mauritius) thanked the Committee for its active contribution to a meaningful discussion of her country's implementation of the Convention and for Committee members' recognition of the excellent work done by Ms. Patten. The delegation had taken note of the Committee's views and observations, which would prompt her Government to consolidate its achievements. She assured the Committee that her Ministry, the Prime Minister and the Government as a whole were committed to creating a society

free of gender-based discrimination, where women and men enjoyed equal opportunities, respect and consideration.

44. **The Chairperson** thanked the State party delegation for its constructive dialogue with the Committee and for the insight provided into the situation of women in Mauritius. The Committee commended the State party for its efforts and encouraged it to take all necessary measures to address the various concerns raised by the Committee, to ensure a more comprehensive implementation of the provisions of the Convention for the benefit of all women and girls in the country.

The meeting rose at 4.30 p.m.