



**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

Summary record of the 745th meeting (Chamber A)

Held at Headquarters, New York, on Friday, 11 August 2006, at 10 a.m.

Chairperson: Ms. Šimonović

Contents

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

Combined third, fourth and fifth periodic report of Mauritius

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In the absence of the Chairperson, Ms. Šimonović took the Chair.

The meeting was called to order at 10.05 a.m.

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

Combined third, fourth and fifth periodic report of Mauritius (CEDAW/C/MAR/3-5, CEDAW/C/MAR/Q/5, CEDAW/C/MAR/Q/5/Add.1)

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

2. **Ms. Seebun** (Mauritius), introducing the State party's combined third, fourth and fifth periodic report (CEDAW/C/MAR/3-5), said that Mauritius was committed to the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to the achievement of the Millennium Development Goals. With regard to the situation of women, it attached particular importance to the Beijing Platform for Action and the elimination of discrimination against women in line with the Convention and the Southern African Development Community (SADC) Declaration on Gender and Development.

3. Mauritius had experienced severe economic problems in recent years as a result of globalization and other trade-related factors. Many textile factories had closed, entailing job losses, mainly among women. Despite those difficulties, the new Government which had taken office 12 months previously had embarked on a series of reforms to restore economic prosperity, while safeguarding benefits under the welfare state and upholding principles of social justice. Given the particular vulnerability of women in the globalization process, the Government was committed to ensuring their social, economic and political empowerment.

4. Mauritius had pledged to increase women's participation in politics and decision-making by 30 per cent and had already exceeded that target at the level of Permanent Secretaries. In the general elections of July 2005, there had been a marked increase in the number of women candidates, and women's representation in Parliament had increased from 5.7 per cent to 17 per cent. A Parliamentary Gender Caucus was being set up to ensure that Parliament took account

of gender issues in legislative procedures and policymaking. It was hoped that its work would have a trickle-down effect on the rest of society.

5. The Government of Mauritius had taken bold measures to incorporate the Convention into domestic law. Section 16 of the Constitution had been amended in 1995 to prohibit discrimination on grounds of gender. The Protection from Domestic Violence Act had been adopted in 1997 and amended in 2004, while the adoption of the Sex Discrimination Act in 2002 had led to the establishment of a Sex Discrimination Division within the National Human Rights Commission. Work was currently under way on the Equal Opportunities Bill and the Family Court Bill.

6. With a view to eradicating poverty and promoting the empowerment of women, the Government had set up the Trust Fund for the Social Integration of Vulnerable Groups and had launched microcredit schemes to help women develop income-generating activities so as to become financially independent. The National Women Entrepreneur Council, established in 1999, was working to promote women's entrepreneurship at all levels. In addition, the Government had recently launched a decentralized cooperation programme for poverty alleviation, with the support of the European Union, with a view to reducing poverty through capacity-building of enterprises and women's associations. The recently created Empowerment Fund would also promote the empowerment of vulnerable groups through support for small and medium enterprises, programmes for unemployed women and the provision of training. The Ministry of Women's Rights, Child Development and Family Welfare was being equipped with new facilities designed to provide integrated services for women, including assistance with starting small businesses.

7. Health care was provided free of charge and was accessible to all, irrespective of gender. Particular attention was paid to the health needs of women. As a result, the life expectancy of women had improved consistently over the years and was now higher than that of men. Information campaigns were regularly conducted on the topics of reproductive health and the use of contraceptives. NGOs such as the Mauritius Family Planning Association and Action Familiale were involved in reproductive health issues. Family planning services were available to all women irrespective of marital status. Screening for non-communicable diseases had been stepped up in

recent years; more than 50,000 women aged 30 to 60 had benefited from cervical cancer screening and about the same number from breast cancer screening.

8. Teenage pregnancy was becoming more prevalent, and many such pregnancies ended in abortion, with health and education implications for the girl child. Information campaigns on that subject were conducted in schools on a regular basis by Government ministries and NGOs. Schemes were also in place to provide support and, where necessary, accommodation in shelters for pregnant teenagers.

9. HIV/AIDS and other sexually transmitted diseases were an increasing cause of concern. The National HIV/AIDS Strategic Plan 2001-2005 had been implemented to tackle the spread of the disease, and a high-level committee, chaired by the Prime Minister, had been set up to monitor the situation. In addition, an HIV/AIDS Preventive Measures Bill was currently being prepared with a view to controlling and preventing the spread of the disease.

10. Education was free of charge at all levels. In order to improve the quality of education, the Government had invested massively in new school infrastructure, in both urban and rural areas. Boys and girls in State schools had access to the same curricula and facilities. The number of girls enrolled in school at the pre-primary and primary levels was slightly lower than the number of boys but, at the secondary and tertiary levels, girls' enrolment was higher. In addition, girls performed significantly better in examinations than boys.

11. Efforts were being made to encourage girls to opt for subjects not considered traditionally "female", such as science and engineering, and to increase the rate of female enrolment in vocational training courses. Girls were also showing a keen interest in information technology courses. The information and communications technologies (ICT) sector was increasingly important in the Mauritian economy and it was hoped that ICT could be used to help women achieve full equality and participate in decision-making. Many women had benefited from computer proficiency programmes and more would benefit from the newly launched universal ICT education programme. The Education Act had been amended in 2005 to make education compulsory until the age of 16. The possibility of including humanitarian law in the secondary curriculum was being discussed.

12. With regard to employment, Mauritius had ratified the Equal Remuneration Convention and the Discrimination (Employment and Occupation) Convention of the International Labour Organization (ILO) in 2002. The Labour Act would shortly be amended to raise the minimum employment age to 16, in compliance with the country's international obligations. The Government had also implemented a number of measures to prevent discrimination against women in employment. Female public sector employees in their ninth month of pregnancy were allowed to leave work early to avoid the rush hour and the private sector had been requested to follow suit. Under the Sex Discrimination Act, discrimination in recruitment and employment on grounds of sex, marital status, pregnancy or family responsibility was prohibited. The Act also provided for the submission of complaints of discrimination and the payment of compensation. Women were increasingly being recruited for previously male-dominated jobs. The National Remuneration Board was investigating the wage gap between men and women in a number of sectors and was also reviewing the gender-based classification of certain jobs.

13. With regard to domestic violence, assistance was provided to victims through Family Support Bureaux. Two temporary shelters were also available to victims of violence. The number of reported cases of sexual abuse was on the increase, and penalties for offenders were to be toughened. A Protocol of Assistance had been in force since March 2006 to provide coordinated support to victims of sexual assault. In addition, special units for victims had been set up in the five regional hospitals.

14. A Child Online Protection Bill was under preparation to combat child pornography and other exploitation of minors. Action was also being taken with regard to perpetrators so as to address the problem at root. A special force had been set up within the Police Department to deal with problems of child abuse, and the Child Protection Act had been amended to make the penalties for child abduction, abandonment and trafficking more severe. A drop-in centre had been set up in 2003 for the rehabilitation of victims of sexual abuse. Recognizing the links between prostitution, poverty and substance abuse, the Government was providing substantial funding for an NGO project for the rehabilitation of sex workers, ex-detainees and substance abusers. In addition,

campaigns were being conducted to inform and educate sex workers about topics such as HIV/AIDS. Women wanting to leave prostitution had access to microcredit, which enabled them to generate an alternative source of income.

15. Despite its booming tourism sector, Mauritius was not regarded as a destination for sex tourism. The Tourism Act contained safeguards against the use for immoral purposes of premises licensed for tourist activities, and regular campaigns were carried out to raise awareness among hotels and other establishments of the risk of prostitution.

16. Future challenges for Mauritius included ensuring the welfare of elderly women. The new Government had restored the right to receive an old-age pension on reaching the age of 60. However, given that women often outlived their spouses, policies would need to be developed to provide them with adequate health care and social benefits. Another area of concern was the rising rate of unemployment among women, which could lead to the feminization of poverty. For that reason, job creation for women was high on the Government's agenda.

17. With regard to the national machinery, she said that the Women's Unit of the Ministry of Women's Rights, Child Development and Family Welfare had initiated a series of projects to enhance the status of women and promote their empowerment. The Women's Unit operated through a network of women's centres and collaborated with the National Women's Council and the National Women Entrepreneur Council. In addition, Gender Focal Points had been appointed in all ministries and departments with a view to mainstreaming gender in all policies and programmes. The aforementioned Ministry was in the process of implementing a project funded by the United Nations Development Programme (UNDP) entitled "Capacity-Building for Gender Equality and Empowerment of Women", with a view to strengthening the national gender machinery, inter alia through the development of a Gender Information System. Gender-responsive budgeting was gradually being introduced into Government programmes. After a slow start, the measures announced in the 2006-2007 budget regarding the empowerment of women had been very encouraging.

18. The pace of development on the island of Rodrigues had been slower than that of mainland

Mauritius, and programmes for the advancement of women had had less impact there. However, the Commission for Women's Rights, set up in 2002, was promoting women's issues. Rodriguan women were increasingly occupying positions of responsibility and participating in political activities. Women's entrepreneurship had also been boosted in recent years, partly through the activities of two organizations catering for women entrepreneurs.

19. Campaigns were being conducted in Rodrigues to raise awareness of the problem of domestic violence. Various services, including a shelter, were available to victims. The island also had a number of women's groups and two women's centres. Improved access to education, increased investment and better communication between the two islands were contributing towards the empowerment of women in Rodrigues, though much remained to be done.

20. Lastly, Mauritius had signed the Optional Protocol to the Convention and was initiating the procedure for ratification.

21. **The Chairperson** said that she was pleased to note that Mauritius was working towards ratification of the Optional Protocol.

Articles 1 to 6

22. **Ms. Morvai** requested information on how the personal laws referred to in the report affected women in different areas of their lives and on the outcome of the commissions set up to review those laws. Noting that three years had now passed since the adoption of the Sex Discrimination Act, she asked how many cases of sex discrimination had been brought before the courts, both in employment and in other areas. She particularly wished to know whether the Convention could be invoked directly or indirectly in the domestic courts and whether there were any cases where it actually had been invoked.

23. With regard to article 6 of the Convention, she was shocked to learn that a study had revealed that there were 2,600 child victims of commercial and sexual exploitation in Mauritius and that some children entering prostitution were aged as young as 10. The study had not, however, mentioned the clients of such prostitutes, and she would like to know who they were. She also asked how many prosecutions and convictions there had been in recent years for the use of child prostitutes. With regard to adult prostitution, she urged

the State party to reconsider its position of regarding prostitution as a form of employment. Steps should be taken to prevent prostitution and to protect women victims, and also to pursue the clients, who were perpetrating exploitation.

24. **Ms. Schöpp-Schilling** noted that nine years had elapsed between the previous report and the one currently under consideration and hoped the next report would be submitted sooner. The core document needed to be updated. New reporting guidelines had been approved recently. She asked who had prepared the report and whether it had been discussed in the Parliament or Cabinet.

25. Was there a parliamentary committee on human rights that could be linked to the proposed parliamentary committee on gender issues in order to focus attention on the human rights aspects of gender policy?

26. She enquired which laws mentioned in the Task Force Report (Patten report) had not been amended to eliminate discriminatory provisions and what was the time frame for their amendment. Since it had been 22 years since Mauritius had ratified the Convention, she wondered why the amendment of laws was taking so long.

27. She wished to know whether the temporary special measures to be adopted under the Sex Discrimination Act of 2002 would be based on a legal decree or on a simple recommendation and whether they included targets, quotas, timetables and goals. Did the Sex Discrimination Act cover the same actors as the Convention (State actors, private actors, organizations, church, individuals) and did it cover all areas of life?

28. Did the Constitution specify who could initiate changes to the personal laws? Had the Government begun a dialogue with religious community leaders to demonstrate the responsibility of Mauritius under the Convention?

29. She asked how cases of multiple discrimination were dealt with by the National Human Rights Commission.

30. **Ms. Gaspard** asked why so many years had elapsed between the initial report and the most recent report, what was the methodology for report preparation and whether CEDAW recommendations were distributed to the various ministries. What was

the Government doing to inform women and women's NGOs of the Convention and how to use it? She referred, in particular, to article 4, paragraph 1. She enquired what was being done to make tourist agencies and hotels prevent sex tourism.

31. **Ms. Bopké-Gnacadjá** asked about the legal status of the Convention within domestic legislation and whether the Convention could be directly invoked. She would also welcome information on the procedures for incorporation of the Convention into domestic law, whether as a package or piecemeal.

32. Noting that the process of amendment of the Constitution to ban gender-based discrimination had begun in 1985, she asked what was the current status of the process and why was it so slow.

33. Were there obstacles to amending Section 16 (4) (c) of the Constitution? If it were not amended, Mauritius could not comply with articles 15 and 16 of the Convention.

34. **The Chairperson**, speaking as a member of the Committee, noted that Mauritius had a dualist legal system requiring international law to be incorporated into domestic law. Had article 2 of the Convention been incorporated into the Constitution or domestic legislation? Did the law reform commissions have a mandate to review the conformity of domestic law with ratified international treaties? Would the comments of CEDAW be transmitted to the commissions? Did Section 16 (4) of the Constitution contradict the Convention?

35. **Mr. Boolell** (Mauritius) said that the dualist legal system of Mauritius required domestic legislation to be amended to reflect the Convention. The process to amend the omission of sex discrimination in Section 16 of the Constitution had taken one month.

36. The exceptions in Section 16 (4) (c) of the Constitution were allowed because the Muslim community in Mauritius was a minority protected under United Nations General Assembly resolution 47/135 of 18 December 1992 on the rights of persons belonging to national or ethnic, religious and linguistic minorities. Muslim personal laws applied only to marriage, dissolution of marriage and devolution of property and only to Muslims who wanted to be governed by them. A copy of the ruling on a case brought to court when the Government had attempted

to repeal the personal laws would be made available to CEDAW.

37. Consideration would be given to linking the parliamentary committees on gender equality and human rights.

38. In 2004, 17 cases had been brought before the Sex Discrimination Division and all had been resolved. There had been 15 cases in 2005, of which 12 had been resolved and 3 were pending. The avenues of redress included criminal prosecution, award of damages and conciliation.

39. The judiciary could invoke the Convention. The dualist legal system assumed that legislation had to be in conformity with international instruments signed by Mauritius. In the unlikely event that domestic law conflicted with the Convention, domestic law prevailed. Laws drafted had to be in compliance with international law.

40. **Ms. Tan** noted that, despite measures taken by the Government, under-reporting of domestic violence cases continued to be a problem. She asked whether the police treated complaints of domestic violence seriously and responded rapidly. In view of past domestic violence campaigns, she wondered why domestic violence was still so prevalent and whether the Government provided training with a gender perspective to the courts and police. She asked the delegation to elaborate on the work done with the Partnership Against Family Violence Committee.

41. She asked how many of the 10,889 cases filed under the Protection from Domestic Violence Act since 1997 had concerned breaches of protection orders and what were the penalties, particularly for repeat offenders. She would like to know whether counselling and rehabilitation were available and mandatory for perpetrators and victims.

42. **Ms. Zou Xiaojiao** said that it appeared, based on the delegation's reply to question 10 posed by the Committee in the list of issues and questions (CEDAW/C/MAR/Q/5/Add.1), that victims of family violence often lacked access to information about what legal assistance was available to them. In her view, the Government was not doing enough to provide adequate protection for victims of violence, and she would like to know what measures it was contemplating to remedy that situation. Were there any plans, for example, to carry out information campaigns to make people aware

of their rights and of the services available to them? She also wished to know whether the 2004 amendments to the Protection from Domestic Violence Act criminalized spousal rape. With regard to the Family Support Bureaux, also mentioned in the response to question 10, she would appreciate more information on the mandate and staffing of those institutions. The delegation had indicated that two shelters had been set up for victims of family violence. She wondered whether they were run by the Government or by non-governmental organizations, what kinds of services they provided to victims and how long victims could stay in a shelter.

43. **Ms. Simms** was concerned by statements in the report that seemed to indicate that, because prostitution was illegal, prostitutes were not entitled to protection under the law in Mauritius, even if they were raped. Prostitutes had the same human right to legal protection as any other person, and failure to afford that protection constituted discrimination under the Convention. She wondered whether the Government had provided any training to make judicial and law enforcement officials aware of that fact.

44. She was surprised by the delegation's assertion that Mauritius did not have a problem with sex tourism. Greater acknowledgement of the problem of trafficking was needed, as evidenced by the fact that Mauritius had been placed on the tier-2 special watch list under the classification system used by the Government of the United States of America to assess countries' efforts to eliminate trafficking of persons. She wondered whether that situation had changed and what measures had been taken to stop trafficking. In particular, she would like to know whether a system was in place to monitor and deal with the problem. Additionally, she wondered whether women were being trafficked for domestic work as well as for sexual purposes.

45. Noting that poverty could be a driving factor in phenomena such as prostitution and trafficking, she sought information on what measures were being taken to reduce the disenfranchisement of ethnic minorities, who were disproportionately represented among the poor in Mauritius.

46. **Ms. Coker-Appiah** enquired what had been the impact of the measures taken to eliminate gender stereotypes and other constraints to equality. In particular, she would be interested in hearing about the

progress of efforts to eliminate stereotypes from school textbooks. She would also appreciate any information that the delegation could provide on the impact of efforts to address discrimination against women in the private realm, which was where most discrimination occurred.

47. In its responses to question 4 in the list of issues and questions (CEDAW/C/MAR/Q/5/Add.1), the State party had indicated that there was no record of marriages under “personal laws”. She would like to know whether that was because personal law marriages were not registered or because no such marriages were taking place. If the latter were true, then she wondered why the provision relating to personal law remained in the Constitution, particularly as marriage under personal laws was not in keeping with article 16 of the Convention. She would recommend that the State party take steps to remove that provision from the Constitution.

48. **Ms. Aubeelack** (Mauritius) said that her delegation was aware that there had been delays in the presentation of the periodic reports of Mauritius, but the new Government took its obligations under the Convention very seriously and was committed to submitting its reports more regularly in future. The Convention had indeed been disseminated to stakeholders at the national level. The previous March, on International Women’s Day, a high-level forum had been held and a simplified version of the Convention had been distributed to everyone in attendance, including the Prime Minister, who had pledged his commitment to the cause of women and to the Convention. She assured the Committee that its recommendations on the present report would be submitted to the National Human Rights Commission and also to other stakeholders in the governmental and non-governmental sectors.

49. With regard to measures to increase women’s political participation, Mauritius had not yet introduced any quotas or other such legal provisions, but the Government had committed in various forums to increase women’s participation, including its commitment under the SADC Declaration on Gender and Development to raise the proportion of women in political and decision-making structures to 30 per cent. In the most recent elections, political parties had pledged to include more women candidates. Thus, although no quotas had been instituted, progress had

been made in improving women’s level of participation in political and public life.

50. In so far as the elimination of gender-role stereotypes was concerned, the “Men as Partners” programme had had reasonably good success and had been well received by men. It was currently being replicated across the country. The Ministry of Education had established a committee to review school textbooks and eliminate all gender-role stereotypes. She believed that work had been largely completed.

51. As had already been made clear, the Government did not intend to encourage sex tourism, and through police action and sensitization campaigns it expected to be able to control the problem and reduce its occurrence. Regarding trafficking, Mauritius had been removed from the United States tier-2 watch list, thanks to bold action by the Government, notably the amendment of the Child Protection Act to include trafficking as a serious crime against children and strengthening of law enforcement through the establishment of a *Brigade des Mineurs* within the Police Department. The Government was continuing to take action to combat trafficking, including strengthening of the *Brigade des Mineurs* through additional manpower, vehicles and other resources.

52. Concerning legal protection for prostitutes, anyone who was a victim of rape was entitled to protection under the law. Several months earlier, special sexual assault units had been established in all five regional hospitals, where victims of any kind of sexual abuse, whether or not they were prostitutes, could receive comprehensive legal and medical services. They could also give their statements to the police without leaving the unit, thus sparing them the further trauma of having to go to a police station.

53. With respect to child prostitution, as the Committee was aware, two studies on the subject had been conducted. Based on the findings, a national action plan had been drawn up to combat all forms of child abuse, including the commercial sexual exploitation of children. There was a committee to monitor the plan’s implementation, which included representatives of Government and NGOs. The plan emphasized prevention and education as well as recovery and rehabilitation of children who had been dragged into the sex trade. A drop-in centre for sexually abused children provided counselling and

other services. The centre currently operated only during the day but was soon to become a residential facility. In addition, the Government was currently in the process of reviewing the Child Protection Act with a view to expanding the legal protections for children.

54. In regard to the comments concerning access to information and assistance for victims of family violence, the Government was actively engaged in information campaigns, and women who had been victims of violence received counselling and other services from the Family Support Bureaux located throughout the country. Legal aid was available for women who could not afford the services of a lawyer. The Government was currently reviewing the means test used to determine who qualified for legal aid with the aim of eliminating any potentially discriminatory practices.

55. As for the 2004 amendments to the Protection from Domestic Violence Act, their main effect had been to extend liability to prosecution to any person living under the same roof as the victim. Regarding the shelters for victims of domestic violence, there was one that was wholly funded by the Government and several others that received partial Government funding. The latter were mainly shelters for children.

56. **Mr. Boolell** (Mauritius) said that, under the Protection from Domestic Violence Act as amended in 2004, protection or occupation orders were followed up by a probation officer to ensure compliance. That measure had, to some extent, altered the attitudes of men regarding violence. Under the law, counselling for perpetrators and victims of domestic violence was voluntary, not mandatory, and required the consent of both parties.

57. He assured the Committee that sex tourism was an issue of great concern for the Government. While it wished to promote tourism because of its economic benefits for the population, the Government most certainly did not want Mauritius to become a sex tourism destination. Accordingly, it had adopted a policy of zero tolerance for sex tourism and had taken measures to strengthen the Child Protection Act. The removal of Mauritius from the United States tier-2 watch list was an acknowledgement of the positive results of those actions.

58. The Government was well aware that poverty and unemployment could be detrimental to the stability and welfare of society and could lead to numerous social

problems, including prostitution. It had therefore set up a number of special funds to assist the most vulnerable members of society. For example, the most recent national budget approved by Parliament had established an empowerment fund for women and other vulnerable groups.

59. With regard to efforts to educate the police and judicial officials about women's rights, a number of workshops had been held to sensitize members of the judiciary to gender issues, the aim being to ensure that they would apply a gender perspective in interpreting the law.

60. **Ms. Schöpp-Schilling** reiterated her question concerning whether all the laws listed in the Patten report had now been amended to eliminate their discriminatory provisions. If not, she would like to know which laws remained to be revised. In addition, it was still not clear to her what actors were covered by the Sex Discrimination Act. The report indicated that the Act prohibited discrimination in employment, education, and several other areas, but were religious communities, and schools run by religious communities, covered? She would also appreciate knowing whether the Government planned to institute any temporary special measures beyond the SADC goal of 30 per cent representation of women in politics.

61. Noting that there had been several references to the International Covenant on Civil and Political Rights and other human rights instruments, she wished to remind the delegation that the Human Rights Committee had made it very clear that the human right to freedom of religious expression could not be used as an excuse for discrimination against women. The Committee might wish to revisit the issue of Muslim marriage under personal laws in its discussion of article 16.

62. **Mr. Boolell** (Mauritius) said that the Government had revised and amended many, but not all, of the laws mentioned in the Patten report. The revision process was ongoing, but legislation could be a slow process. The Constitution had been amended, as had the Civil Status Act, the latter in order to ensure that there was no distinction between the sexes in relation to nationality and registration of births. With regard to the Bail Act, the Patten report had recommended that the law should be amended so that persons accused of sexual offences would not be eligible for bail pending trial. Unfortunately, the courts had rejected that

recommendation, deeming it incompatible with the presumption of innocence. Only in extraordinary cases would a court uphold the deprivation of liberty. The matter had been appealed to the Privy Council but that body, too, had found that a provision denying bail to persons accused of sexual offences would not be compatible with the Constitution and with provisions on civil and political rights.

63. The Government was in the process of acting on the Patten report's recommendations concerning the Family Allowance Act. It was also reviewing the threshold for eligibility for assistance under the Legal Aid Act in order to ensure that women had equal access to the courts and to legal representation. Concerning the recommendations with regard to amendment of the Criminal Code to allow abortion in cases in which the mother's life was in danger and in cases of rape, incest or exposure of the foetus to a disease, a recent opinion issued by the Office of the Attorney-General had stated that, where it had been medically certified that a pregnancy posed a clear danger to the mother's life, the attending physician could take whatever measures were required to save her life.

64. In the area of discrimination in employment, the Patten report had noted that in some sectors, such as the tea, sugar and salt industries, women were not receiving equal pay for equal work. The legal principle of equal pay for equal work was entrenched in Mauritius, and there was no dispute in that regard. Where disputes did arise was on the question whether the work being performed was, in fact, equal. Such cases were also covered by the Sex Discrimination Act and were suitable for referral to the Sex Discrimination Division. The matter could be resolved informally by the employer, the employee and union representatives. Thus, there were avenues of redress for persons who felt that their right to equal pay for equal work was being violated. Nevertheless, the Government recognized that that was no excuse for not revisiting the state of its labour laws and, with assistance from the International Labour Organization, it was in the process of updating those laws in order to ensure equal treatment for men and women.

65. As for the scope of the Sex Discrimination Act, it covered discrimination on the basis of sex, marital status, pregnancy and family responsibility in relation to all aspects of employment, including advertising of jobs, conditions of employment, occupational safety and health, and other areas. As indicated in the report,

the Act also prohibited discrimination in education, accommodation, disposal of property, sports associations and clubs. It applied to both the State and the private sector, and it covered direct and indirect discrimination. By October 2006, the Government expected to put forward a more general Equal Opportunities Bill, which would cover forms of discrimination that were not necessarily related to sex or marital status, such as discrimination based on political views or religious beliefs.

66. However, many laws existed, without a change in social attitudes towards women and gender roles, those laws would be of only limited efficacy and enforceability. That was why Mauritius was placing heavy emphasis on educational initiatives aimed at changing gender-role stereotypes, especially in the formal education system.

67. The Sex Discrimination Act (2002) offered a wider definition of sexual harassment than the Criminal Code. Means of redress, such as reporting incidents to the police, had also been made more accessible, offering women greater protection, in keeping with the Convention. As far as the Constitution was concerned, the Government was examining ways of revising it to increase the protection of social, economic and cultural rights, thus ensuring that, among other things, gender discrimination in employment was addressed. It recognized that women who were economically dependent on men were more vulnerable to violence.

Articles 7 to 9

68. **Ms. Zou** Xiaoqiao asked whether the Government was considering quotas as a temporary special measure to remedy its low rate of female participation in political life. Despite improvements, Mauritius had failed to meet its commitment to SADC to raise the proportion of women members of parliament to 30 per cent by 2005. The periodic report listed three of the factors which, according to the country's Task Force Report, dated 2001, complicated women's entry into politics. What specific measures, such as public awareness-raising, had the Government taken since then to tackle those factors and to increase female participation in politics and decision-making? What capacity-building and leadership training did the Government offer women and, if none, was it planning to introduce it?

69. **Ms. Coker-Appiah** asked whether women were excluded from politics for economic reasons and, if so, whether the Government was considering taking temporary special measures so that women could afford to campaign for political office.

70. **Ms. Gaspard**, also concerned at the paucity of women in Parliament in Mauritius, said that there was obviously resistance to change that could be broken only by legislation. The Convention offered Governments the instruments to combat discrimination through temporary special measures, such as quotas. Moreover, if stereotypes were reversed and household tasks were more fairly shared between men and women, it would be easier for the latter to participate in local and national political life. Pointing to low female participation in administration in general, and in diplomatic representation in particular, she voiced the hope that the next report would show rapid progress in the matter.

71. **Ms. Simms** said that she hoped that, by the time the next periodic report was submitted, at least half of all Mauritian diplomats would be women.

72. **Ms. Saiga** said that the many actions taken by the Government had had little effect on women's participation in political life, and that, since their leadership was male-dominated, political parties needed to be made more sharply aware of gender equality. She echoed the call for more proactive measures to increase the number of women involved in politics, including in Parliament.

73. **Ms. Aubeelack** (Mauritius) said that there were more women members of parliament than in 2000, but agreed that bold measures were still required at least to meet the SADC target. The Government was already considering the introduction of quotas. With media and NGO help, the Ministry of Women's Rights, Child Development and Family Welfare was doing all it could to make women more interested in politics. Many women held managerial posts in Government and public sector recruitment of women was increasing. More women than men were entering the public sector at clerical level, and increasing numbers of women were joining the diplomatic corps, which should lead to larger numbers of women ambassadors. The situation in the judiciary was more positive: about 70 per cent of magistrates were women. Nevertheless, she would refer the Committee's concerns to the Government.

74. **Ms. Seebun** (Mauritius) made a personal commitment to the Committee that the next periodic report would show more forceful legislation and stiffer penalties for acts of discrimination. More important, however, in her view, was the commitment by the Ministry for Women's Rights, Child Development and Family Welfare, which she headed, to change the mentality of Mauritian men. Under the "Men as Partners" programme, regular meetings were held to raise men's awareness of their shared household responsibility for nutrition and childcare. With the cooperation of secular NGOs, the Ministry also offered pre-marital counselling, a task previously left to religious bodies. Post-marital programmes also had been launched to encourage couples to renew their mutual commitments. Under another programme, the Government planned to select "mentors" to visit problematic households previously detected by community watch groups. All members of the household, including the children, would be given counselling and greater responsibility, enabling families to remain together and avoiding unnecessary recourse to the shelter system.

75. Women were regarded by the current Government as pillars of social and economic development. Accordingly, several workshops had been held to encourage women to take positions of leadership in society, in particular by developing an entrepreneurial spirit. In close cooperation with the Mauritius Chamber of Commerce and Industry, the Government was encouraging women to set up small and medium-sized enterprises. Aware that easier access to land and funding was also vital, it had also created a special empowerment fund.

76. As Vice-President of the Mauritius Labour Party, she personally encouraged women to stand for political office. It was not true that women needed to be rich to stand for office and campaign. The Government placed women high on its agenda and was deeply committed to improving women's status.

77. **Mr. Boolell** (Mauritius) added that the conduct of electoral campaigns in Mauritius undoubtedly dissuaded women from taking part in politics, at national and local levels. The stereotypical politician was invariably male, and politics often had a negative, aggressive connotation. The Government was considering amendments to the Electoral Code, to regulate campaigns and make them more democratic and civilized. The first-past-the-post electoral system

might also be reviewed, since it was considered by some to reduce representativity. A bicameral parliament, regarded as fairer by many people, might be another solution.

Articles 10 to 14

78. **Ms. Saiga**, noting that according to the periodic report the school-leaving age had been raised to 16 years, asked how long compulsory education lasted. Was education free of charge throughout that period? She requested information on the dropout rate, for boys and girls, and asked what action was being taken, if any, to reduce it. She asked what the Government intended to do to remove gender stereotypes from the choice of subjects at school and asked whether stereotypes had been removed from all school textbooks. She wished to know why the illiteracy rates of girls living in urban and rural areas, especially the latter, remained so high despite the fact that the enrolment rate of girls was higher than that of boys.

79. **Ms. Simms** asked what effect the high rate of teenage pregnancies had on education. Did pregnant girls remain at school or were they offered parallel programmes? Was any stigma attached to them? She also called for a deeper analysis of gender stereotypes in employment and more work to remove them. Women were not expected to do certain kinds of work in Mauritius and education seemed to entrench gender stereotypes.

80. **Ms. Schöpp-Schilling** asked for more detailed information, possibly in the next periodic report, on the revision of school textbooks and programmes. Since the process of removing gender stereotypes from them was lengthy and complicated, she doubted that the process had already been completed. She also requested more information on student-teacher interaction and the representation of male and female teachers. Had a gender-specific analysis of education been carried out in Mauritius and was it part of teacher training? Were gender and women's studies taught in higher education? In her view, temporary special measures were required to remove gender stereotypes from education. For example, she wished to know whether young men were encouraged to study disciplines traditionally reserved for women. With regard to single-sex schools, she asked whether they were mostly for girls, whether they were run by religious bodies and whether they were attended mainly by children from religious families. She asked

why at some girls' schools students were taught home economics but not technical design, which in her view contravened the Sex Discrimination Act (2002). Could the National Human Rights Commission take the initiative to intervene in such cases or could it only respond to a complaint? On the issue of employment, she asked whether the Sex Discrimination Act provided for a shift in the burden of proof and under what criteria. Finally, did the reference to abortion made by a member of the Mauritian delegation signal a change in the law or was it merely an opinion?

81. **The Chairperson**, speaking as a member of the Committee, asked for more details on maternity leave and any related restrictions, and enquired whether paternity leave existed in Mauritius.

82. **Ms. Zou Xiaoqiao** asked whether the Government had taken or was planning measures to raise women's awareness of their rights, in order to fight illegal discrimination in those agricultural sectors where salaries were decided on the basis of gender. She also enquired whether the amendment of the Labour Act, mentioned in the report, had been completed. If so, did it contain provisions, including a monitoring mechanism, on equal employment, gender-based discrimination and sexual harassment? Noting that many workers in the export-processing sector were women migrants working long hours, in poor conditions and for low salaries, she asked what rights they had and how they were protected.

The meeting rose at 1 p.m.