



**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 746th meeting (Chamber A)

Held at Headquarters, New York, on Friday, 11 August 2006, at 3 p.m.

Chairperson: Ms. Šimonović (Rapporteur)

Contents

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

Combined third, fourth and fifth periodic report of Mauritius (continued)

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In the absence of Ms. Manalo, Ms. Šimonović, Rapporteur, took the Chair.

The meeting was called to order at 3.05 p.m.

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

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

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

Articles 10 to 14 (continued)

2. **Ms. Tan**, concerning article 14, noted that patriarchal values still prevailed in Mauritius. She wondered whether that had led to violations of women's land rights and inheritance rights, whether any such violations had been reported and whether the State had mechanisms to follow up if such cases did occur. She also asked what obstacles made it difficult for beneficiaries of the International Fund for Agricultural Development (IFAD) rural diversification programme, mentioned in the report, to get business permits or licences, and what the authorities were doing to address the problem. To what extent were rural women involved in decision-making on subjects which affected their lives and livelihoods? Lastly, she wondered whether an impact assessment had been carried out on the United Nations Development Programme (UNDP) poverty-alleviation programme carried out between 1999 and 2004.

3. **Ms. Aubeelack** (Mauritius), on the subject of education, confirmed that it was compulsory up to the age of 16 and free at all levels. The teacher/student ratio was 1 to 29 in primary education, 1 to 17 in secondary education and 1 to 15 in pre-vocational education. The dropout rate was 0.3 per cent for boys and 0.5 per cent for girls in primary school, and 7.1 per cent for boys and 6.7 per cent for girls in secondary school. Those figures were much better than those of three or four years previously, when the overall secondary-school dropout rate had been 9 per cent. In terms of the gender balance among primary school teachers, in 2005 there had been 1,903 men and 2,980 women. At secondary level, there were 1,293 women

and 1,069 men. Concerning the issue of illiteracy among rural women, the urban/rural dichotomy was irrelevant because in such a small country no one lived very far from a town, and rural areas had the same educational facilities as urban ones. There was no female illiteracy problem. As to the impact of teenage pregnancy on girls' education, under the Sex Discrimination Act it was unlawful for any institution to refuse education on grounds of pregnancy; there had been one case of a girl who had been intimidated and forced to leave school, but she had succeeded in being reinstated. There was one NGO active in reintegrating teenage mothers into society, supporting them for two years until they could fend for themselves.

4. On the subject of stereotypes, women did indeed tend to opt for teaching or health care, but the Industrial and Vocational Training Board enrolled many more girls in vocational courses than it had in earlier years, and women were encouraged with numerous incentives to move away from the traditional craft-based occupations and to become entrepreneurs. Men, too, were moving out of traditional occupations; with the rise of the Mauritian tourism industry, many now worked in hotels, for instance as cooks. At the University of Mauritius girls were in the majority in social studies and the humanities, and opting more and more for agriculture and science. In law and management they made up 52 per cent of the student body. In 2002/03 only 28 per cent of engineering students had been women, but the figure was now 36 per cent, a significant change. The overall percentages of male and female university students had been 47.2 per cent and 52.8 per cent, respectively, in 2005/06, as against 53 per cent and 47 per cent, respectively, in 2002/03.

5. Maternity leave was paid up until the third pregnancy; from the fourth onward, the mother could use her vacation or take unpaid leave. Paternity leave had not yet been established, but men were encouraged to take leave upon the birth of a child.

6. **Mr. Boolell** (Mauritius) confirmed that abortion was illegal in Mauritius and that policy changes would be required before it could be legalized. In some cases, doctors certified that the life of the mother was in danger, and public opinion was that doctors should do whatever was appropriate to save women's lives.

7. The country's labour laws were being amended and the changes would be finalized at the National

Assembly's next session. The Labour and Industrial Relations Act and the National Remuneration Orders protected every individual's right to work and prohibited summary dismissal. The Act also addressed gender issues such as maternity leave. The Mauritian Civil Code had been amended in 1981 to allow a woman to choose, upon marriage, whether she preferred a separate property or community property regime; if she chose the former she retained and managed all her own wealth and earnings, meaning that there was no discrepancy between women and men in respect of title to land.

8. As for the question of business permits, the most recent budget legislation had removed some of the bureaucratic hurdles faced by small businesses by "clustering" commercial activities so that an entrepreneur moving from one type of business to another within the same cluster no longer needed a new permit. That, along with the work of an agency to promote small businesses and provide advice to entrepreneurs, should have a significant impact on women.

9. With regard to migrant workers, concerns had been expressed in the past about whether the Mauritian textile industry complied with international labour standards, given that immigrants, many of whom were women, worked on a contractual basis and were therefore vulnerable to dismissal and expulsion from the country. Dialogue with representatives of their countries of origin and trade unions had led to many improvements, with the result that current labour laws applied to all workers in Mauritius, without any discrimination.

10. On the issue of stereotyping, he said that businesswomen in Mauritius faced the same problems as their counterparts in other countries: exclusion from informal networks, pervasive stereotyping of women's leadership capabilities and a lack of role models. Moreover, studies had shown that because women assumed primary responsibility for domestic chores, they were twice as likely as men to work part-time, making it all the more difficult to break the glass ceiling. Mauritius therefore focused on changing social attitudes.

11. **Ms. Seebun** (Mauritius) said that the new Government had made it possible for both male and female entrepreneurs to obtain operating permits within three days. Businesses could therefore start

operating with a primary permit and do the necessary paperwork as they went along.

12. In the past, women had been required to provide collateral even for loans as small as 50,000 rupees. That had been a major problem for poor women who rented their homes and did not own land. As a result of Government negotiations with banks, women could now obtain loans of up to 300,000 rupees without collateral. In addition, the Government's equity fund would go a long way towards helping women to start businesses.

13. **Ms. Aubeelack** (Mauritius) said that there had been several development projects in Rodrigues, one of them funded by the European Union. The European Union had financed a total of 165 community development projects, of which 57 targeted women exclusively. More than half of the 300 microcredit projects targeted women. In addition, the Trust Fund for the Social Integration of Vulnerable Groups had funded 706 microcredit projects, 336 of which had women beneficiaries. The IFAD rural diversification programme, meanwhile, had financed 177 community development projects, of which 25 targeted women exclusively. IFAD had also financed 528 microcredit projects, of which 391 were for women. The Development Bank of Mauritius had recently set up a special desk to facilitate women's access to credit and help them apply for loans.

14. Regarding rural women's participation in decision-making, the number of women rural councillors had risen to 89.

15. **Ms. Saiga**, commenting on the delegation's response that there was no difference between urban and rural areas in Mauritius, said that she had merely been citing the report, which stated that statistics showed some disparities in the educational levels of women in urban and rural areas. Thus, there clearly was a difference. Moreover, while she appreciated the replies given, she wished to know about measures taken by the Government, not by other entities.

16. **Ms. Schöpp-Schilling** asked whether the Government had introduced any temporary special measures to promote the inclusion of housewives in its universal information and communication technology (ICT) education programme.

17. **Ms. Coker-Appiah** said that, though education was free in Mauritius, there seemed to be a problem

with access to primary education, particularly among the rural and urban poor, leading to a rise in dropout rates. She wished to know what the Government was doing to address the problem.

18. The report stated that health care was provided free of charge. It did not, however, provide much information about HIV/AIDS, apart from the reference to a national HIV/AIDS strategic plan. For example, were antiretroviral drugs also available free of charge, in particular for HIV-positive pregnant women? What measures were actually being taken to meet the Government's strategic objectives?

19. **The Chairperson**, speaking as a member of the Committee, said that she had been surprised to learn that, after their third child, women were no longer entitled to paid maternity leave. Under the Convention, women were entitled to paid maternity leave for each child. Was the Government planning to change that rule?

20. **Ms. Aubeelack** (Mauritius) said that most State-run secondary schools were not co-educational; the few that were co-educational were for the most part funded jointly by the private sector, NGOs and the State. All schools followed the same Ministry of Education policies and the same curricula, regardless of their sources of funding. On the revision of school textbooks, the National Curriculum Committee on Research and Development (NCCRD) was constantly reviewing the curriculum and phasing out any examples of gender stereotypes or discrimination.

21. On the dropout rate in primary schools, she said that the phenomenon did not reflect a problem with access. In a move to encourage children to go to school, the Government had launched the "*Zone d'Education Prioritaire*" (ZEP) programme, which gave certain schools additional support in terms of teachers, allowances, school meals and outings. If children did not go to school, it was because their parents failed to ensure that they did. She also pointed out that children who failed their end-of-primary-cycle examinations twice were automatically entitled to go to vocational schools until the age of 16.

22. On the subject of HIV/AIDS, she said that the Government provided free health care and drugs. It had also set up a high-level monitoring committee chaired by the Prime Minister.

23. **Mr. Boolell** (Mauritius) said that combating HIV/AIDS was a national priority. Treatment was free and coordinated at the national level. HIV/AIDS had spread mainly because of syringe use in prisons. The worry now was that it might be transmitted to women. Work on HIV/AIDS was done jointly by NGOs, the Government and the private sector.

24. The Mauritian education system, meanwhile, had its roots in the Catholic Church. Gradually, the State, too, had built schools. The current system was something of a merger between the two. It was governed by the Education Act and came under the responsibility of the Ministry of Education. Mauritius was a secular State. Religious studies were optional and school admission was not based on religion or ethnic background; it was based on gender only if the school in question was not co-educational. The Government was looking at the problem of school dropouts and had taken a number of measures, such as establishing an alternative system to prevent at-risk children from dropping out altogether.

25. He had taken note of the suggestion that entitlement to paid maternity leave should not end after a woman's third child.

26. Enquiries into complaints sent to the Sex Discrimination Division of the National Human Rights Commission were informal in nature. The regime was a civil one and proof was based on a balance of probabilities. Efforts were made to settle cases through conciliation. If that was not possible, and if the complaint constituted a clear breach of the Sex Discrimination Act, the Division referred the matter to the Director of Public Prosecution, who decided whether the matter should be prosecuted before a court of law. He did not have any statistics on the number of cases that had been referred to a court.

27. **Mr. Soborun** (Mauritius) explained that all primary schools were co-educational and the vast majority of them were State-run. There were many private co-educational secondary schools, but almost all the State-run secondary schools had become single-sex establishments. Various faiths coexisted in Mauritius, and when the State secondary schools had been co-educational there had been pressure from the parents to segregate them. Tertiary-level establishments were co-educational.

28. **Ms. Schöpp-Schilling** pointed out that the report said that the only educational difference noted in

single-sex schools had to do with the subjects offered, in that the boys' schools concentrated on subjects such as design and technology, and girls' schools on home economics. However, boys' schools received more money than girls' schools.

29. **Ms. Aubeelack** (Mauritius) said that it was not the case that boys' schools received more money. Furthermore, boys now had compulsory home economics up to a certain level.

30. **Ms. Seebun** (Mauritius) said with respect to teenage pregnancy, that the Government was currently carrying out an aggressive parental education programme. It was the duty of both parents to talk freely to their children about sex and to protect them from unwanted pregnancies caused by ignorance. The Government was also aggressively introducing sex education programmes in schools so that adolescents could be taught more responsible sexual behaviour.

Articles 15 and 16

31. **Ms. Coker-Appiah** noted that, while the Civil Code was the main law governing matters such as marriage, inheritance and divorce, article 16 (4) of the Constitution referred to personal laws. She understood that to mean that in issues of marriage, divorce or adoption, the parties had the right to elect whether to use the personal laws or the Civil Code. However, in a secular State, it was not possible to allow religion to interfere in an area where the law was explicit. The Civil Code stated that marriage in Mauritius was monogamous, and it was unacceptable that a religious law should nevertheless allow polygamy. In consequence, that article of the Constitution should be repealed.

32. **Ms. Morvai** asked some questions related to the shared responsibility of spouses for the family and children. The report referred to a survey of the categories of people who looked after school-age children of working mothers, and the father was not even mentioned as an option. That seemed to show that something was awry with the concept of shared responsibility for the family, or with the survey, or with the Government's view of fatherhood.

33. Abortion was also an issue of shared responsibility and of a couple's respect for each other. She asked whether there had been any qualitative survey in the context of rethinking the attitude towards abortion. She encouraged the Government to ask

women about their experiences before legislating one way or the other on abortion, and in particular to focus on the need to prevent unwanted pregnancies.

34. She noted that the Government's main approach to domestic violence was mediation, and fully agreed that women should not be sent to shelters with their children, but on the other hand domestic violence was a highly dangerous phenomenon. The perpetrators must be held responsible for their actions. She suggested that Mauritius should give consideration to the Committee's general recommendation 19 and rethink its approach to domestic violence, making sure that adequate protection was offered to the victims.

35. **Ms. Saiga** asked for clarification with regard to property rights upon the dissolution of marriage. The report stated that if a couple divorced, property acquired during the marriage was shared, but that a woman's work in the home, or her unpaid agricultural labour, was not counted as a contribution towards the value of the property. Since such work did indeed represent a contribution, albeit not a financial one, the rules needed to be changed.

36. **Ms. Tan** recalled that at the last review of the report of Mauritius, some 10 years earlier, the country's representatives had said that the training of judges and magistrates would have to be looked into, especially in connection with the creation of family courts, which had been on the Government's agenda. She asked whether family courts had in fact been created. The responses to the list of issues and questions stated that training of service providers, including magistrates, had been carried out to improve responses to cases of violence. While that was a positive step, what had been done to sensitize judges to the gender and human rights dimensions of domestic violence? Did judges who dealt with domestic violence in Mauritius now undergo regular training? She drew the delegation's attention to general recommendation 19, which highlighted gender-sensitive training for judicial and law enforcement officers as an essential measure for the effective implementation of the Convention.

37. She understood that polygamy was not recognized by the law in Mauritius. But what was the de facto situation? How prevalent was polygamy? Had there been any prosecutions or convictions for polygamy? Were the children born to a polygamous relationship also recognized by the law?

38. The age of marriage was stated to be 18, but the Civil Code also stated that a child of 16 could marry with parental consent. She asked how the Government rationalized that contradiction.

39. She understood that religious marriages were governed by the Civil Code requirements, which included each party's free consent to the marriage. Noting that arranged marriages were customary in traditional Indian communities, she asked for information on the incidence of forced marriages in Mauritius and on what was being done to address the problem.

40. Under the Mauritian legal system, a woman seeking a divorce had to go to one court for the divorce, to another one to seek child custody, to a third to seek an award of alimony and to yet another for division of the matrimonial assets. She asked whether anything was being done to make the system more user-friendly and less expensive. Ideally, one court and one judge should hear all aspects of a divorce case, and there should be a system of family courts, with specially trained personnel who were aware of the complexity of matrimonial matters.

41. **Ms. Bokpé-Gnacadjá** noted that, while religious law was not allowed to interfere in matters governed by civil law, article 16 (4) of the Constitution provided for an exception whereby a Muslim, for example, could elect to be governed by a personal law, which in such a case would be a religious law. Moreover, it appeared that domestic law took precedence over the Convention in cases where the two were in conflict. She asked for clarification of how those various aspects fitted together.

42. The report gave information on the implementation of article 16, but only on the basis of civil law. It said nothing about the implementation of the personal laws, including religious laws. The delegation had explained that members of the Muslim community claimed the right to have their personal affairs governed by personal laws and that that was an obstacle to the implementation of the Convention. The Committee needed more information on the practical application of those personal laws.

43. The report stated that polygamy was not recognized by the law, but that was not accurate. Polygamy was not recognized by the Napoleonic Civil Code, but it was recognized by personal (Islamic) law, under which a Muslim man could marry more than one

woman. The State party should have provided a better explanation in that regard.

44. The problem lay in the survival of the Napoleonic code, which in her view was an outdated body of law no longer in tune with legal realities. For example, under the Civil Code the age for marriage was 18, but a minor of 16 or 17 could marry with parental consent. In reality, the reason for that provision went back to the outdated notion that a young girl who became pregnant should be forced to abandon her education and marry in order to preserve the family honour. She urged Mauritius to renounce the Napoleonic code of law and adopt a family code that would reflect modern realities.

45. **Mr. Boolell** (Mauritius) said that a number of seminars had been held, both in Mauritius and abroad, in order to raise awareness among the judiciary of recent developments in the area of women's rights and to ensure that judges and magistrates had the tools necessary to interpret and apply relevant legislation and standards. Two months previously, members of the legal profession had taken part in a human rights workshop and, with the assistance of UNDP, the Government was planning to set up a human rights information centre. The State party's commitment to human rights could be further illustrated by the fact that two prominent Mauritian judges were members of the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, respectively.

46. In cases of divorce, women could obtain interim orders from the district authorities before approaching the relevant courts for a definitive settlement. However, although the Supreme Court had a family division, it did not have a centralized department responsible for addressing all aspects of divorce proceedings. For some time, the legal profession and the judiciary had been calling for the establishment of a specialized family court, which would deal with the various stages of divorce in a more humane and less clinical manner. However, while the Government supported that proposal, it did not yet have sufficient resources to take action on it.

47. With regard to personal laws, the Muslim community had begun to call for the application of such laws to marriage and its dissolution because the relevant provisions of the Civil Code were not flexible enough to take account of Muslim beliefs and practices. Accordingly, section 16 (4) (c) of the Mauritian Constitution had been amended to provide

for the application of personal laws to, inter alia, marriage and divorce. While it could be argued that personal laws were discriminatory towards women, they were not unconstitutional and, by acknowledging their validity, the Constitution was actually helping to protect the human rights of minorities. The Muslim Family Council of Mauritius was currently working on proposals to codify the relevant elements of Islamic law and was expected to produce a report on that subject in the near future. In that connection, he pointed out that each State party to the Convention must be allowed to find an acceptable solution to its own specific problems.

48. In response to the question put by Ms. Schöpp-Schilling, he stressed that resources were not allocated to schools on the basis of the pupils' gender. Some institutions offering vocational subjects requiring specialized equipment might receive more money than other, more traditional establishments, but there was no discrimination against female students in Mauritius.

49. **Ms. Aubeelack** (Mauritius), responding to the questions put by Ms. Morvai, pointed out that the survey on after-school childcare had been based on the assumption that both parents were at work. The Mauritian Government was extremely concerned about the increased rate of teenage pregnancy and, consequently, the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection, working in conjunction with the Ministry of Health and NGOs, had launched an aggressive information, education and communication campaign in schools in order to teach adolescents responsible sexual behaviour.

50. As far as domestic violence was concerned, the Protection from Domestic Violence Act had introduced a series of measures designed to protect victims and punish perpetrators. There were a number of shelters offering refuge to battered women and their children, and counselling services and legal aid were available free of charge.

51. **Mr. Boolell** (Mauritius) said that, while it was possible under Islamic law to marry more than one woman, polygamy as such was not recognized by the country's domestic legislation. A number of cases of bigamy had been brought before the courts. Efforts undertaken by civil-society organizations to combat arranged marriages within the Indian community had

borne fruit, to the extent that the number of such unions was negligible.

52. In cases of divorce, women who did not make tangible financial contributions to the household did not receive a share of the marital property. However, under the Civil Code, wives were automatically entitled to one third of any joint property following the dissolution of marriage and generally received the matrimonial home.

53. Lastly, in response to a question asked by Ms. Bokpé-Gnacadjá, he confirmed that national legislation took precedence in cases where the relevant provisions of the Convention had not been incorporated into the domestic legal order of Mauritius.

54. **Ms. Seebun** (Mauritius) thanked the Committee for its constructive and thought-provoking observations, which would be transmitted to the Government, NGOs and the academic community and disseminated in the media. She would make sure that the Mauritian Government took prompt action on the Committee's concluding comments and recommendations.

55. **The Chairperson** commended the State party for its decision to withdraw its reservation to article 16 of the Convention and, with a view to expediting the ratification of the Optional Protocol, urged it to incorporate all provisions of the Convention into its domestic legislation.

The meeting rose at 5 p.m.