



**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

3 – 21 October 2011

**List of issues and questions with regard to the consideration
of periodic reports**

The pre-session working group considered the combined sixth and seventh periodic reports of Mauritius (CEDAW/C/MAR/6-7 and Corr.1).

General

1. Paragraph 6 of the State party's combined sixth and seventh periodic reports describes the process of drafting the report, including the involvement of relevant stakeholders. In this regard, please, provide detailed information on the nature and the extent of consultations with non-governmental organizations, particularly women's organizations. Please explain whether the report was adopted by the Government and submitted to the Parliament.

Constitutional, legislative and institutional framework

2. Please indicate whether all provisions of the Convention have been incorporated into national law, as recommended in paragraph 11 of the Committee's previous concluding observations (CEDAW/C/MAR/CO/5). Given that the dualist legal system of the State party requires incorporation of the Convention to render it fully applicable in the domestic legal system, please indicate whether all the laws listed in the Task Force Report of 2001 (para. 156f the State party's report) had now been amended to abolish discriminatory provisions. Please also explain whether all the provisions on non-discrimination and gender equality under the Convention are now enforceable in Mauritian courts and provide examples, if any, of court decisions applying such provisions.

3. Please elaborate on whether the Convention and related domestic legislation form an integral part of legal education and of the training of judges, lawyers and prosecutors, as recommended in paragraph 11 of the Committee's previous concluding observations. In this respect, please explain whether any steps in addition to the Training of Trainers' programme on human rights instruments aimed to enhance capacities of senior officers of the national gender machinery and its policy-implementing bodies (para. 16 of the State party's report) were taken or are envisaged by the State party to enhance knowledge among the judiciary about the rights of women under the Convention and its Optional Protocol.

4. In paragraph 12 of its previous concluding observations, the Committee expressed concern about the exemption to the prohibition of discrimination contained in section

16(4)(c) of the Constitution on personal status law, concerning adoption, marriage, divorce, burial and devolution of property on death. In view of the information about the difficulties to reach a consensus with the Muslim community and to reconcile the laws of the Republic of Mauritius with Sharia law (paras. 137-141 of the State party's report), please, provide updated information on any measures that have been adopted or envisaged to repeal the exemption of personal status law from the anti-discrimination provisions in the Constitution, in accordance with articles 2(a) and 16 of the Convention as recommended in paragraph 13 of the Committee's previous concluding observations.

5. Please, indicate whether the Equal Opportunities Act passed by Parliament in 2008 has entered into force and describe its provisions on equal rights of women and men. What measures have been taken to raise awareness about the Act among the general public? What mechanisms are in place to coordinate and monitor its implementation?

6. The report describes in paragraph 157 the activities undertaken in the context of the review of the legal aid system in the State party. Please provide updated information on reviewing the Legal Aid Act and explain how the new provisions aim to enhance women's access to justice.

7. Given the broad mandate and functions of the Ministry of Women's Rights, Child Development and Family Welfare, including with regard to the National Gender Policy Framework of 2008, please provide information on human and financial resources allocated to the Ministry for promotion of gender equality over the last four years, as well as the number of staff of the Women's Unit, restyled in July 2008 as the Gender Unit. Please also explain what are the major achievements of the ministries and other entities referred to in the National Gender Policy Framework in designing their own respective gender policies (paras. 151 and 163 – 165 of the State party's report), and provide updated information on establishing Gender Focal Points in respective ministries (para. 159).

Visibility of the Convention and its Optional Protocol

8. In addition to the information in paragraphs 12 and 13 of the report on development and distribution of information booklets on the provisions of the Convention, please also provide information on how the State party disseminates information on the Committee's general recommendations and about the communications and inquiry procedures provided by the Optional Protocol in order to ensure that the Convention is used as the legal basis for measures aimed at the elimination of all forms of discrimination against women and achievement of gender equality in the State party and to support the awareness and knowledge of women about their rights under the Convention and its Optional Protocol.

Temporary special measures

9. In view of the State party's position regarding temporary special measures indicated in paragraphs 23-29 of the report, please, describe the efforts undertaken to accelerate the realization of women's substantive equality with men in all areas covered by the Convention.

10. Please provide information whether the Equal Opportunities Act provides a legal basis for application of temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25 (2004), in particular with regard to women's participation in decision-making, education and access to economic opportunities, as recommended in paragraph 15 of the Committee's previous concluding observations.

Stereotypes and harmful traditional practices

11. The report refers to several efforts taken by the State party towards combating prevailing gender stereotypes pertaining to the roles of women and men in the family, community and society at large (paras. 32-37 and 194 of the State party's report). Taking into account the previous Committee's concluding observations (CEDAW/C/MAR/CO/5, para. 17), please provide information on the monitoring of the impact of measures taken, in particular with regard to the important role of the media in hastening structural change towards gender equality, sharing the responsibilities between women and men in family and equality of women and men in labour market.

Violence against women

12. Please explain whether domestic violence is categorized as a criminal offence and can be prosecuted *ex officio*? Please provide age-disaggregated data on the number of reported cases of domestic violence against women, prosecutions of perpetrators and sentences imposed on them, as well as data, if available, on women murdered by their husbands, intimate partners or ex-husbands during the last four years. What are the findings of the study on the nature and extent of domestic violence and the audit report on the existing services and care provided in Family Support Bureaux and Shelter for battered women referred to in paragraph 145 of the report? Has the Protection from Domestic Violence Act amended in 2007 with a view to provide better services to victims of domestic violence and strengthening the enforcement of the Act entered into force (paras. 130-132 of the State party's report)?

13. Please provide information on the concrete measures taken by the National Domestic Violence Committee to achieve its main objectives described in paragraph 46 of the report. Please also provide detailed information on implementation of the National Action Plan to Combat Domestic Violence and on the results achieved (paras. 41, 47 and 206 of the State party's report). Please provide information on any evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women, as requested in paragraph 19 of the Committee's previous concluding observations, including with regard to the issuing of protection orders for immediate protection of women victims of violence.

14. In paragraph 19 of its previous concluding observations, the Committee requested that State party enact legislation criminalizing marital rape and define such rape on the basis of lack of consent of the spouse. Please indicate whether the Sexual Offence Bill criminalizes and defines marital rape accordingly (para. 144 of the State party's report). When will the new legislation enter into force?

Trafficking and exploitation of prostitution

15. Please explain what measures aimed to protect and assist women victims of trafficking are enshrined in the Combating of Trafficking in Persons Act of 2009 and provide statistical data on the number of prosecutions and convictions of traffickers and those who exploit prostitution. What support is being provided to women and girls victims of trafficking and how many women engaged in commercial sex benefited from the project called "Chrysalide" (paras 248-252 of the State party's report)?

16. Please provide information on the measures taken to address the link between tourism and prostitution, including the demand for prostitution, as recommended in paragraph 21 of the Committee's previous concluding observations.

Political participation and decision-making

17. Paragraph 263 of the report states that women are still underrepresented in the political area. What measures, including temporary special measures in accordance with article 4, paragraph 1 of the Convention and section 9 of the Sex Discrimination Act, has the State Party taken to accelerate women's representation in the National Assembly and in municipal and village councils?

18. Please provide information on measures taken to enhance women's participation at the international level and at the decision-making level in the private sector, as recommended in paragraph 23 of the Committee's previous concluding observations.

Education

19. In paragraph 24 of its previous concluding observations, the Committee expressed concern about the high illiteracy rate among women and the disparities in this regard between women in urban and rural areas. Please provide sex-disaggregated data on female illiteracy rates in rural and urban areas. Please also describe the results of the Adult Literacy Programme (para. 67 of the State party's report).

20. Data provided in paragraphs 298-303 of the report indicate a gradual increase in women's participation in vocational and technical training courses. However, in paragraph 303 of the report the State party acknowledges that girls tend to be underrepresented in the pre-vocational and vocational and technical training. Please provide information on women who took the final exam envisaged in the full time vocational programmes provided by the High Institute of Technology.

Employment

21. Please provide information on the impact of the Special Programme for Unemployed Women (para. 73 of the State party's report) and on any further measures taken by the State party to ensure de facto equal opportunities for women and men in the labour market?

22. Please provide statistical information disaggregated by sex on remunerations levels of the various sectors and occupational categories. Apart from information that job classifications/appellations are gradually being rendered gender neutral (para. 35 of the State party's report), what other measures have been taken to narrow and close the gender wage gap and eliminate occupational segregation, both horizontal and vertical, as recommended in paragraph 27 of the Committee's previous concluding observations. Please also explain whether the principle of equal pay for work of equal value is enshrined in the Employment Rights Act of 2008.

23. In paragraph 28 of its previous concluding observations, the Committee expressed concern about the weak enforcement of labour laws by the Sex Discrimination Division of the National Human Rights Commission. In light of the explanation provided in paragraph 84 of the report, please provide information on the number of cases of non-compliance with the Sex Discrimination Act referred to the Director of Public Prosecution. Please also provide information on the enforcement of the prohibition of sexual harassment at work, including the number of complaints of alleged sexual harassment of women at work received by the Sex Discrimination Division and the labour inspection services and on measures to raise awareness of women of their rights provided in the Employment Rights Act.

24. Although the State party confirms that "given the number of migrant workers in the country, Government needs sufficient resources to ensure that regulations are enforced by employers" (para. 121 of the State party's report), the report is silent about the situation of

migrant women workers in the State party. Please provide detailed information about their integration and participation in the labour market.

Health

25. Please provide detailed information on awareness-raising measures concerning reproductive health and family planning and on their results (paras. 88-89 of the State party's report). Please describe whether sensitization programmes at schools are undertaken on a regular basis and whether the State party considers including education on reproductive and sexual health and rights in school curricula?

26. In paragraph 31 of its previous concluding observations, the Committee recommended removing punitive provisions imposed on women who undergo abortion, in line with its general recommendation 24 (1999) and the Beijing Declaration and Platform for Action. Please provide detailed information on the outcome of the consultative meeting on decriminalization of abortion, described in paragraphs 92, 341 and 342 of the report.

Marriage and family

27. Please explain whether apart from establishment of the Family Court other recommendations contained in the Report on the Family Justice System were already implemented. Please provide information on the number and nature of cases referred to the Family Court.
