



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined sixth and seventh report of the Republic of Mauritius at the Committee's fiftieth session, held in October 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MUS/CO/6-7). You may recall that in the concluding observations, the Committee requested the Republic of Mauritius to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 15 and 23 of the concluding observations.

The Committee welcomes the follow-up report received on time in October 2013 (CEDAW/C/MUS/CO/6-7/Add.1). At its fifty-eighth session, held in February 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15** of the concluding observations that the State party “repeal section 16 (4) (c) of the Constitution, which discriminates against women, and adopt all necessary measures to bring the Constitution into compliance with articles 2 and 16 of the Convention. The Committee further recommends that these measures include the re-opening of a target-oriented dialogue with religious communities, ensuring the participation of women on both sides, and the introduction of education campaigns on equality and non-discrimination aimed at bringing about a change in the prevailing patriarchal attitudes within the different segments of society and their respective representatives. The Committee calls upon the State party to hasten the review of the Constitution and to update the Committee in its next report on the progress achieved, as provided for in the Government Programme 2010-2015”: The State party indicated that a Muslim Family Council, set up in 1990, will provide recommendations on the need to review the Constitution. The State party also indicated that a Commission was set up to look into existing rules governing marriages and dissolution of marriages celebrated in accordance with Muslim rites and that a consensus could not be reached to change these rules. However, the Committee considers that the State party failed to indicate whether the actions taken to look into existing rules governing marriages and dissolution of marriages were after the issuance of the concluding observations. The Committee also considers that the State party failed to indicate whether education campaigns on equality and non-discrimination were introduced in view of the repeal of section 16 (4) (c) of the Constitution. The Committee considers that the recommendation has **not been implemented**.

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The Committee recommends that, in relation to paragraph 15 of the concluding observations, the State party provide, **in its next periodic report**, additional information on actions taken to repeal section 16 (4) (c) of the Constitution, which discriminates against women, and to adopt all necessary measures to bring the Constitution into compliance with articles 2 and 16 of the Convention.

Regarding the recommendation made **in paragraph 23** of the concluding observations that the State party “accelerate its efforts to combat impunity for domestic violence offences by eliminating all obstacles preventing abused women from reporting domestic violence offences to the police, by bringing all perpetrators to justice and offering reparations to women who are victims of domestic violence”: The State party mentioned the organization in 2011 of training of trainers for the development of effective police responses to violence against women. It also mentioned the existence of psychological counselling sessions to women victims of gender-based violence. It finally mentioned the existence of training courses on gender-based violence and domestic violence, as well as the number of cases of domestic violence reported to the police, and the number of protection orders applied by the police. The Committee notes that the State party failed to indicate whether the training workshops were undertaken after the issuance of the concluding observations and notes that the number of attendees of the training courses on gender-based violence and domestic violence has decreased since the issuance of the concluding observations. The Committee considers that the State party failed to provide information on actions taken to bring the perpetrators to justice, offer reparations to women who are victims of domestic violence, and eliminate obstacles preventing abused women from reporting domestic violence offences to the police. The Committee considers that it **did not receive sufficient information** to assess the level of implementation of the recommendation.

Regarding the recommendation that the State party “continue its efforts to raise awareness among women and girls about the criminal nature and harmful effects of all forms of violence on their health, eradicating the underlying cultural justifications for such violence and practices, and encouraging women and girls to report acts of violence to the competent authorities”: The State party mentioned various awareness-raising activities undertaken on family-related issues and gender-based violence, as well as the broadcast of radio and TV programmes on domestic violence and sexual abuse. The Committee considers that the State party failed to provide information on the content of the training, and in particular on whether the training raise the criminal nature and harmful effects of all forms of violence against women, while noting that a large number of the training workshops focus on child abuse. The Committee considers that it **did not receive sufficient information** to assess the level of implementation of the recommendation.

Regarding the recommendation that the State party “ensure that investigation and ex-officio prosecution of cases of domestic violence proceed, in order to signal to the community that domestic violence is a serious crime and will be treated as such”: The State party provided information on the number of protection orders issued. It indicated that the Office of the Director of Public Prosecutions (ODPP) is referring cases of Domestic Violence to counselling under section 3B of the Protection for Domestic Violence Act when the parties charged under the Protection for Domestic Violence Act (PDVA) do not want to proceed with the case. It added that the Ministry of Gender Equality, Child Development and Family Welfare ensures the follow-up action. The Committee notes that the State party described the procedure when the parties charged under the Protection for Domestic Violence Act do not want to proceed with the case. It indicated that, in this case, the Ministry of Gender Equality, Child Development and Family Welfare ensures the follow-up actions. However, the Committee considers that the State party failed to indicate the measures taken to ensure that investigation and ex-officio prosecutions of cases of domestic violence proceed. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation that the State party “adopt all relevant administrative and legislative measures to offer effective protection to women who file complaints about violence against them, including by providing for restraining measures under the Protection from Domestic Violence Act once a complaint has been filed and further to provide training to judges and magistrates on the scope of domestic violence legislation”: The State party indicated that the

penalty for wilful non-compliance with any Orders under the Protection from Domestic Violence Act is as follows: a) on first conviction a fine of Rs 25,000 and imprisonment for a term not exceeding 2 years; and b) on second or subsequent conviction a fine not exceeding Rs 50,000 and imprisonment for a term not exceeding 2 years. The Committee reiterates its concern indicated in its last concluding observations that “the protection that is envisaged by the 1997 Protection from Domestic Violence Act and its 2007 and 2011 amendments, may in fact not be providing adequate protection for women, and the Committee is also concerned that many women who have obtained protection orders are still subjected to attacks by their spouses”. The Committee considers that the State party failed to take measures to offer effective protection to women. It considers that the recommendation has **not been implemented**.

Regarding the recommendation that the State party “take all legislative measures to categorize domestic violence as a crime and accelerate its efforts to criminalize marital rape and to include it in the Sexual Offences bill”: The State party indicated that there is no legal provision which specifically criminalizes domestic violence but there are a number of criminal offences under which perpetrators of domestic violence can be prosecuted under the Criminal Code. The Committee considers that the State party failed to provide information on the efforts taken to criminalize marital rape. The Committee considers that the recommendation has **not been implemented**.

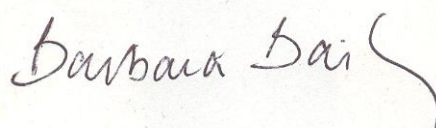
The Committee recommends that, in relation to paragraph 23 of the concluding observations, the State party provide, **in its next periodic report**, additional information on actions taken to:

- 1) Combat impunity for domestic violence offences by eliminating all obstacles preventing abused women from reporting domestic violence offences to the police, by bringing all perpetrators to justice and offering reparations to women who are victims of domestic violence;
- 2) Raise awareness among women and girls about the criminal nature and harmful effects of all forms of violence on their health and encouraging women and girls to report acts of violence to the competent authorities;
- 3) Ensure that investigation and ex-officio prosecution of cases of domestic violence proceed;
- 4) Offer effective protection to women who file complaints about violence against them; and
- 5) Categorize domestic violence as a crime, criminalize marital rape and include it in the Sexual Offences bill.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Mauritius on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women