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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of Mauritius*

1. The Committee considered the eighth periodic report of Mauritius (CEDAW/C/MUS/8) at its 1641st and 1642nd meetings (see CEDAW/C/SR.1641 and 1642) held on 30 October 2018.

A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report, which was prepared in response to the list of issues prior to reporting (CEDAW/C/MUS/QPR/8). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It also appreciates the additional information provided in writing following the dialogue.

3. The Committee commends the State party's high-level delegation which was headed by Her Excellency, Ms. Fazila Jeewa-Daureeawoo, Vice-Prime Minister, Minister of Local Government and Outer Islands, and Minister of Gender Equality, Child Development and Family Welfare. The delegation also included representatives of the Ministry of Gender Equality, Child Development and Family Welfare and the Permanent Mission of the Republic of Mauritius to the United Nations Office and other international organizations in Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined sixth and seventh periodic reports (CEDAW/C/MUS/CO/6-7) in undertaking legislative reforms, in particular the adoption of:

(a) The Protection from Domestic Violence (Amendment) Act of 27 May 2016 (Bill No. IX of 2016) that broadens the definition of domestic violence;

(b) The Protection of Human Rights (Amendment) Act of 3 August 2012 (Act No. 9 of 2012) and the Independent Police Complaints Commission Act of 22 July 2016 (Act No. 14 of 2016) that strengthened the role of the National Human Rights Commission, among others, by setting up an Independent Police Complaints Division on 9 April 2018;

(c) The Criminal Code (Amendment) Act of 19 June 2012 (No. 11 of 2012) that decriminalizes abortion in specified cases;

(d) The Equal Opportunities Act of 1 January 2012 (Act No. 42 of 2008) that prohibits direct and indirect discrimination on the grounds of sex and sexual orientation in specified areas such as employment and education;

* Adopted by the Committee at its seventy-first session (22 October-9 November 2018).

(e) The Local Government Act of 2011 that guarantees gender equality in local elections.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The establishment of the Ministry of Justice, Human Rights and Institutional Reforms in September 2017 and of a National Mechanism for Reporting and Follow Up (NMRF) in December 2017;

(b) The launch, by the Prime Minister's Office, in October 2012 of a National Human Rights Action Plan covering the period 2012 to 2020 that includes among its goals the respect for women's rights;

(c) The establishment of the Equal Opportunities Commission on 24 April 2012 and of the Equal Opportunities Tribunal under the Equal Opportunities Act of 1 January 2012 (Act No. 42 of 2008).

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in June 2017.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the National Assembly and the Rodrigues Regional Assembly, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Constitutional and legislative framework

9. The Committee notes that sections 3 and 16 of the Constitution (1968) and sections 2 and 5 to 7 of the Equal Opportunities Act (2012) prohibit direct and indirect discrimination on the basis of sex. The Committee is, nevertheless, concerned that:

(a) The provisions of the Convention have not been fully incorporated into the national law of the State party;

(b) The prohibition of discrimination provided in sections 3 and 16 of the Constitution and in sections 2 and 5 to 7 of the Equal Opportunities Act (2012) does not comprise a comprehensive definition of discrimination against women, in line with article 1 of the Convention;

(c) Discriminatory provisions in the State party's constitutional and legislative framework have not been repealed, in particular section 16 (4) (c) of the Constitution,

according to which personal status matters are exempted from the prohibition of discrimination on the basis of sex and other grounds.

10. Recalling its General Recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and referring to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:

(a) **Fully incorporate the provisions of the Convention into its national law and ensure its implementation;**

(b) **Adopt, without delay, a comprehensive definition of discrimination against women, covering all prohibited grounds of discrimination in the public and private spheres in line with article 1 of the Convention, and ensure that such a definition is included in the draft Gender Equality Bill;**

(c) **Ensure inclusive consultations, including with female religious leaders, on the review of section 16 (4) (c) of the Constitution and expedite the review process with a view to amend or repeal the section and bring it into compliance with articles 2 and 16 of the Convention.**

Visibility of the Convention and legal complaint mechanisms

11. The Committee welcomes the establishment of complaint mechanisms for women and girls who are victims of discrimination and gender-based violence. It is, however, concerned that:

(a) The Convention and the Optional Protocol have not been given adequate visibility as reflected by the absence of direct references to the Convention in court proceedings, with the exception of one decision in 2012, and in any decisions of the Equal Opportunities Commission;

(b) A low number of complaints have been lodged before the Equal Opportunities Commission from May 2016 to date;

(c) Women cannot directly lodge complaints before the Equal Opportunities Tribunal which has the power to issue orders and directives and provide redress and to which only the Equal Opportunities Commission can refer complaints (section 35 (1) (a) of the Equal Opportunities Act (2008));

(d) Due to the lack of an explicit prohibition of discrimination on the basis of sex in the private sector under section 16 of the State party's Constitution, such as section 16 (2) of the Constitution stipulates for the public sector, women in the private sector cannot seek constitutional redress in cases of discrimination;

(e) The multiplicity and complexity of legal complaint mechanisms affect women's access to justice;

(f) Women's limited knowledge of their rights and of available complaint mechanisms, and the lack of expertise regarding women's rights among legal practitioners, judicial and law enforcement officials.

12. The Committee recommends, in line with its General Recommendation No. 33 (2015) on women's access to justice, that the State party:

(a) **Raise awareness among the general public, including among women and girls, of the legislation prohibiting discrimination against women and of the remedies available to victims;**

(b) **Amend section 16 of the Constitution to explicitly prohibit discrimination on the basis of sex in the private sector;**

(c) **Undertake a review of its judicial complaint mechanisms that are available to women in cases of discrimination with the aim to simplify procedures and enhance access to justice for women;**

(d) **Strengthen capacity-building for legal practitioners, judicial and law enforcement officials on how to invoke or apply the Convention, or interpret national legislation in light thereof, in court proceedings.**

National machinery for the advancement of women and gender mainstreaming

13. The Committee commends the State party on the establishment of a National Steering Committee on Gender Mainstreaming in July 2010 and the appointment of ministerial Gender Focal Points in 2017 on a pilot basis. It also notes the current review of the National Gender Policy Framework of 2008. The Committee is, however, concerned about:

- (a) The lack of a national action plan on the advancement of women and girls;
- (b) The complexity of the national machinery and of state organs with similar mandates, such as the above-mentioned National Steering Committee and Gender Focal Points, the National Women's Council, the National Women Entrepreneur Council and the Equal Opportunities Commission;
- (c) The lack of adequate human, technical and financial resources allocated to the national machinery in order to coordinate and implement gender equality plans, policies and programmes effectively;
- (d) The absence of information on monitoring and impact evaluation mechanisms for gender mainstreaming and on the impact of cooperation of the national machinery with all relevant stakeholders in the design and monitoring of public policies on gender equality;
- (e) The insufficient visibility and activities of the Equal Opportunities Commission in favour of gender equality and of raising awareness on women's rights.

14. The Committee recommends that the State party:

- (a) **Expedite the review of the National Gender Policy Framework of 2008 and adopt and implement a national action plan;**
- (b) **Ensure that all components of the national machinery for the advancement of women and state organs with similar mandates work in a coordinated manner and undertake an audit on areas where cooperation could be strengthened;**
- (c) **Increase the resources allocated to the national machinery for the advancement of women;**
- (d) **Ensure the full and effective participation of all relevant stakeholders in the activities of the national machinery through systematic and institutionalized coordination;**
- (e) **Introduce effective monitoring, evaluation and accountability mechanisms, including through cooperation with existing mechanisms, such as the National Mechanism for Reporting and Follow Up and the Human Rights Monitoring Committee;**
- (f) **Ensure the visibility of the Equal Opportunities Commission and increase its commitment to activities towards gender equality and awareness-raising on women's rights.**

Temporary special measures

15. The Committee notes with concern that the State party does not systematically use temporary special measures as provided by article 4 (1) of the Convention in order to accelerate progress to achieve substantive gender equality. The Committee is also concerned that the State party has not included a provision on the adoption of temporary special measures in the Equal Opportunities Act (2008).

16. **The Committee recalls its previous concluding observations (CEDAW/C/MUS/CO/6-7, para. 17) and recommends that the State party put in place temporary special measures with a view to achieving substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as participation in political and public life and employment. The**

Committee also recommends that the State party ensure that the planned Gender Equality Bill includes a provision on temporary special measures and to raise awareness and to increase the understanding among relevant government officials and policymakers on the nature of temporary special measures and on their importance to the achievement of substantive equality between women and men.

Stereotypes and gender-based violence against women

17. The Committee welcomes the adoption of the Protection from Domestic Violence (Amendment) Act (2016) that expands the scope of protection of victims of domestic violence and provides for protection orders. It notes the establishment of a National Coalition against Domestic Violence Committee in 2015 and of a Steering Committee to fight Gender-Based Violence in Rodrigues in 2017. The Committee, however, remains concerned at:

(a) The prevalence of gender-based violence against women and girls, in particular domestic and sexual violence, and of discriminatory gender stereotypes that perpetuate violence against women and girls, particularly in domestic settings;

(b) The gaps in national legislation on some forms of gender-based violence, including the lack of an explicit prohibition of marital rape (even though marital rape can be prosecuted under section 249 of the Criminal Code and under section 13 (2) of the Protection from Domestic Violence Act) and the limited scope of section 13 (4) of the Child Protection Act of 1 April 1995 (Act No. 30 of 1994) that prohibits corporal punishment only in schools;

(c) The limitation of the definition of “spouse” in the Domestic Violence Act of 1997 (No. 6 of 1997) and the omission of economic violence in its definition of “domestic violence”;

(d) The lack of safeguards under section 75 of the Constitution to prevent pardon being granted to convicted perpetrators of gender-based violence against women;

(e) The low rates of prosecutions and convictions for offences of gender-based violence against women and girls;

(f) The limited availability and quality of assistance and protection services, including reports of continuing and aggravating threats against women under protection orders and insufficient shelters for women who are victims of violence;

(g) The lack of a monitoring mechanism to evaluate the impact of existing legislation, including the Protection from Domestic Violence Act 1997 (No. 6 of 1997) and the Child Protection Act (1995), as well as of assistance and protection services;

(h) The lack of accurate statistical data on cases of gender-based violence against women and the frequent recording of acts of domestic violence as offences under the Criminal Code, such as under sections 228 to 232 on assault, sections 224 to 227 on threats and section 239 on involuntary homicide and wounds and blows.

18. The Committee recalls its General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

(a) **Enforce existing legislation and develop a comprehensive strategy to eliminate discriminatory gender stereotypes against women and girls;**

(b) **Amend or adopt legislation to explicitly prohibit marital rape and corporal punishment of children in all settings;**

(c) **Expand the scope of protection of victims of domestic violence under the Protection from Domestic Violence Act 1997 (No. 6 of 1997) to include economic violence and acts by any person living in the same household;**

(d) **Put safeguards in place to ensure that pardon under article 75 of the Constitution cannot be granted to perpetrators of gender-based violence without a review of all past convictions based on comprehensive documentation;**

(e) **Encourage reporting of gender based violence against women and girls by launching awareness-raising campaigns on reporting mechanisms and remedies, and**

ensure that reports of gender-based violence against women, including domestic violence, are duly investigated, that perpetrators are prosecuted and adequately punished, and that victims have access to appropriate redress, including compensation;

(f) **Ensure that women and girls who are victims of gender-based violence, including domestic violence, are effectively protected under protection orders and have adequate access to government-funded shelters and support services;**

(g) **Undertake an impact analysis of the State party's current programmes and measures to prevent and address gender-based violence against women and take steps to improve the accuracy and disaggregation in the recording of statistical data.**

Trafficking and prostitution

19. The Committee notes that the State party remains a country of origin, transit and destination for trafficking in persons. It notes with concern:

(a) The prevalence of trafficking in persons in the State party, including for the purpose of sexual exploitation, with women and girls, particularly from rural areas, being at the highest risk;

(b) The lack of a comprehensive anti-trafficking strategy and a national action plan; and the temporary mandate of the Inter-Ministerial Committee on Trafficking in Persons that was set up in December 2015;

(c) The limited measures to protect women from trafficking as the State party's legislative and policy measures largely focus on the protection of children from sexual exploitation and trafficking;

(d) The low reporting, prosecution and conviction rates in cases of trafficking, both under the Combating of Trafficking in Persons Act of 8 May 2009 (Act No. 2 of 2009) and the Child Protection Act (1995), with only two reported cases of trafficking and no convictions since 2009 under the Combating of Trafficking in Persons Act (2009);

(e) The inadequate number of shelters and insufficient assistance, rehabilitation and reintegration measures for women and girls who are victims of trafficking;

(f) The absence of regional and bilateral cooperation agreements on combatting trafficking in persons, particularly women and girls;

(g) The lack of a national policy framework against the commercialisation of sexual exploitation and of measures to protect women in prostitution.

20. **The Committee draws attention to target 5.2 of the Sustainable Development Goals, which calls for the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:**

(a) **Strengthen the mechanisms and policies in place to combat trafficking and ensure that they are provided with adequate technical, financial and human resources;**

(b) **Accelerate the adoption of a National Plan of Action for Combating Trafficking in Persons, and establish a permanent body to coordinate and monitor its implementation; and systematically collect and analyse data, disaggregated by sex and age, on trafficking in persons;**

(c) **Provide effective redress mechanisms, raise awareness on these mechanisms, and investigate, prosecute and adequately punish traffickers and ensure that women and girls who are victims of trafficking are exempted from any criminal liability;**

(d) **Strengthen support to women and girls who are victims of trafficking, in particular migrant women, by ensuring adequate access to health care, counselling services and redress, including reparations and compensation, and the provision of adequate shelters;**

(e) **Enhance regional cooperation with countries of origin and destination in order to prevent trafficking in women and girls, through the exchange of information and the harmonization of procedures;**

(f) **Take effective measures to protect women in prostitution from exploitation and abuse, carry out a study on the root causes and extent of prostitution and use the outcomes of the study to develop services and exit programmes for women who wish to leave prostitution.**

Participation in political and public life

21. The Committee notes the positive impact of articles 11 (6) and 12 (6) the Local Governance Act of 2011 (Act No. 36 of 2011), which provide for gender-neutral quotas, in increasing women's representation in local governance. It welcomes amendments to the Constitution in 2016 to adopt similar quotas for the Rodrigues Regional Assembly. The Committee also notes that women have held high-level decision-making positions in the State party such as Head of State and Speaker of the National Assembly, and that women and men are equally represented in the public sector, including in senior positions. The Committee, however, remains concerned at the low levels of the participation of women in political and public life in the State party, in particular in decision-making positions at the national level where only 8 out of 69 members of parliament and 2 Ministers out of 27 are women.

22. **In accordance with article 4 (1) of the Convention and its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Take the necessary steps to adopt temporary special measures, including the extension of quotas applicable to elections on the local level to elections on the national level, in order to accelerate the achievement of substantive equality of women and men in all areas of political and public life;**

(b) **Address all structural, social and cultural barriers to women entering political life or holding public office, including by providing incentives to political parties to include an equal number of women and men at equal ranks on their electoral lists and by providing training to women on political campaigning, leadership and negotiation skills.**

Education

23. The Committee notes with appreciation the substantive measures taken by the State party to ensure universal access to education, including compulsory and free education until the age of 16 years, free transportation and the provision of grants. It is, however, concerned at:

(a) The insufficient data collection on educational enrolment, achievement and attrition rates of women and girls;

(b) The high rate of absenteeism of girls in primary and secondary school, partly attributable to menstruation remaining a social taboo, the lack of adequate sanitation facilities for girls in schools and the societal norm for girls to assist in housework and caregiving;

(c) The low literacy rate among girls who have finalised their compulsory education;

(d) The lack of comprehensive sexual and reproductive health and rights education and services for adolescents, contributing to an extremely high rate of pregnancy among school-age girls;

(e) The lack of regulations and measures to address social exclusion and at inadequate support for reintegration to ensure that pregnant students and adolescent mothers complete their education;

(f) The concentration of women and girls in traditionally female-dominated fields of study and the low proportion of girls who are enrolled in science, technology, engineering and mathematics, which amounted to only 21.1 % in 2016;

(g) The difficulties faced by women and girls with disabilities and by asylum-seeking and migrant women and girls in gaining access to high-quality education.

24. **In line with its general recommendation No. 36 (2017) on the right of girls and women to education and taking note of target 4.5 of the Sustainable Development Goals, which calls for the elimination of gender disparities in education, the Committee recommends that the State party:**

(a) **Monitor the implementation of the right of girls and women to education by ensuring that data collection by the Ministry of Education and Human Resources, Tertiary Education and Scientific Research includes data on the educational enrolment, absenteeism and dropout rates (owing to adolescent pregnancies) of girls and women at all levels of education, disaggregated by sex, location, age, school type and ethnic group;**

(b) **Strengthen efforts to retain girls in school and raise awareness, particularly among parents, of the importance of education for women;**

(c) **Undertake comprehensive research on the root causes of illiteracy and absenteeism and adopt measures to address them; and provide adequate sanitation facilities and sanitary pads for girls in schools;**

(d) **Include mandatory, age-appropriate, evidence-based and scientifically accurate education in school curricula for girls and boys on sexual and reproductive health and rights that covers responsible sexual behaviour, dismantles the societal taboo of menstruation and that is free from discriminatory gender stereotypes;**

(e) **Encourage pregnant girls to continue their education and facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns and by providing affordable care for their children;**

(f) **Adopt temporary special measures, including incentives such as scholarships, to promote the participation of women and girls in the fields of science, technology, engineering and mathematics, such as providing more scholarships in those fields, and address stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study;**

(g) **Take the necessary steps to ensure that reasonable accommodation is provided to women and girls in schools and that asylum-seeking and migrant women and girls can access education.**

Employment

25. The Committee welcomes the State party's initiative to issue Guidelines for Employers on 15 April 2013 under section 27 (3) (f) of the Equal Opportunities Act of 1 January 2012 (Act No. 42 of 2008) on the development and application of an equal opportunity policy by each employer that employs more than 10 people. The Committee is, however, concerned that:

(a) Horizontal and vertical occupational segregation persists in the private sector leading to a wide gender pay gap in the State party, and that the principle of equal pay for work of equal value is not enforced, particularly in the agricultural sector where wages depend on the "differences in the work performed in terms of tasks allocated";

(b) Women are underrepresented in decision-making positions in the private sector, and that no regulations are in place to ensure their equal participation in the labour market;

(c) Paid maternity leave under section 30 (3) of the Employment Rights Act of 2 February 2009 (Act No. 33 of 2008) is limited to women who have worked 12 consecutive months for the same employer;

(d) A limited number of cases of sexual harassment in the workplace are recorded by the Ministry of Labour, Industrial Relations and Training;

(e) Reports received by the Committee indicate that female migrant workers might be subjected to exploitative working conditions, and that there have been incidences in which work contracts have been terminated on the basis of pregnancy.

26. **The Committee recommends that the State party:**

(a) **Enforce the principle of equal pay for work of equal value, enshrined in section 20 (1) of the Employment Relations Act (2009) in the public and the private sectors, including in the application of the new minimum wage, and narrow the gender pay gap with a view to eliminating it, including by conducting regular pay surveys and labour inspections;**

(b) **Improve women's access to all areas of the private sector, including through regulations and measures, particularly temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25;**

(c) **Amend or repeal section 30 (3) of Employment Rights Act (2009) to ensure equal rights for women with regard to paid maternity leave, irrespective of the length of their employment with the same employer;**

(d) **Enforce section 54 of the Employment Rights Act (2009), and strengthen labour-related complaint and dispute resolution mechanisms to address discrimination on the basis of sex, including sexual harassment, in the workplace, and encourage reporting and impose appropriate sanctions on perpetrators;**

(e) **Ensure the enforcement of sections 38 (1) (a) and 46 (5B) of the Employment Rights Act (2009) that protect employees against the termination of their contracts on various discriminatory grounds, including pregnancy, and which are applicable to female migrant workers pursuant to section 13 of the Civil Code (1808); and continue to systematically carry out inspections to ensure that female migrant women are not subject to exploitative labour practices and strengthen relevant mechanisms, such as the "Flying Squad".**

Health

27. The Committee welcomes the adoption of the Criminal Code (Amendment) Act of 19 June 2012 (Act No. 11 of 2012) that amended article 235 of the Criminal Code and introduced article 235A, which legalizes abortion in specified circumstances. The Committee is, however, concerned at:

(a) The high incidence of adolescent pregnancies and of unsafe abortions, which are attributable to the limited availability of sexual and reproductive health and rights education, and at the lack of clear regulations and protocols to ensure the effective implementation of the new provisions on abortion;

(b) The high rate of maternal mortality;

(c) The prevalence of HIV/AIDS, including mother-to-child transmission;

(d) The lack of sufficient information on the provision of high-quality care and medical services to women and girls who are victims of gender-based violence.

28. **The Committee, recalling its general recommendations No. 24 (1999) on women and health and No. 35, draws attention to targets of 3.1 and 3.7 of the Sustainable Development Goals, which call for the reduction of the global maternal mortality ratio and universal access to sexual and reproductive health-care services. It recommends that the State party:**

(a) **Step up efforts to prevent adolescent pregnancies and ensure that modern contraceptives are available, accessible and affordable for women and girls;**

(b) **Fully apply article 235A of the Criminal Code that decriminalizes abortion, including through the adoption of clear regulations and protocols for hospitals and health practitioners, and raise the awareness of women and healthcare providers on access to legal abortion and post-abortion care;**

(c) **Collect data and provide information on access to legal abortions and the number of women and girls resorting to unsafe abortions in the State party in its next periodic report;**

(d) **Reduce maternal mortality by improving access to basic prenatal and postnatal care and emergency obstetric services by skilled birth attendants throughout the territory of the State party, and undertaking audits analysing the reasons of each case of maternal mortality;**

(e) **Ensure access to adequate health services, including antiretroviral medicines, for women and girls living with HIV/AIDS, paying particular attention to disadvantaged groups of women such as women in prostitution;**

(f) **Adequately train medical personnel to ensure specialized attention and care for women and girls who are victims of sexual violence, including the provision of essential services for emergency contraception and abortion.**

Economic empowerment of women and economic and social benefits

29. The Committee welcomes the existence of various economic and social benefit schemes, such as the Subsistence Allowance Scheme, the National Housing Programme 2015-2019 and measures taken by the National Empowerment Foundation and the National Women Entrepreneur Council. It notes the adoption of a Corporate Social Responsibility policy under which private companies can contribute 2% of their profits to benefit social and environmental programmes. The Committee also welcomes the State party's continued efforts to reduce poverty, such as the Marshall Plan on Poverty Alleviation and the Poverty Observatory. The Committee is, however, concerned at:

(a) The State party has not established an official poverty line that allows the State party to analyse the poverty rates of women, including rural women, Creole women and female-headed households; and the lack of information on mechanisms that ensure the meaningful participation of vulnerable women in the design of strategies and programmes focussing on women as active participants in the implementation of such policies;

(b) The insufficient provision of disaggregated statistical data on the economic and social benefits provided to women by the State party, and the lack of information on the effectiveness of monitoring mechanisms;

(c) The State party's financial policies and practices on corporate reporting and taxation may have an adverse impact on the ability of other States, in particular those with revenue deficiencies, to mobilize maximum resources for the realization of women's rights.

30. The Committee recommends that the State party:

(a) **Establish an official poverty line and provide disaggregated data on the levels of poverty, in particular of vulnerable groups of women, and ensure meaningful participation of vulnerable women in the formulation and development of poverty eradication and reduction strategies;**

(b) **Conduct gender impact assessments of economic and social benefits, including on the Corporate Social Responsibility policy; establish monitoring mechanisms and include comprehensive disaggregated statistical data into its next periodic report that illustrate the degree to which women benefit from existing anti-poverty initiatives, including on housing, in line with Sustainable Development Goal 5;**

(c) **In line with the Committee's general recommendation No. 28, undertake independent, participatory and periodic impact assessments of the extraterritorial effects of its financial and corporate tax policies on women's rights and substantive equality, ensuring that the assessments are conducted impartially and that the methodology and findings are communicated to the public.**

Rural women, Creole women, migrant women and women with disabilities

31. The Committee is concerned about reports of discrimination against disadvantaged or marginalized groups of women facing intersecting forms of discrimination, such as rural

women, Creole women, migrant women and women with disabilities. It notes with concern the lack of disaggregated data on the situation of these groups of women in all areas covered by the Convention and the lack of information on their meaningful participation in political decision-making.

32. **The Committee refers to its general recommendation No. 34 (2016) on the rights of rural women and recommends that the State party collect data on rural women and other women facing intersecting forms of discrimination, disaggregated by sex, age, geographical location, disability, socioeconomic or other status and whether they belong to a minority group, with a view to informing and designing measures, including temporary special measures, aimed at achieving substantive equality in all areas covered by the Convention. It further calls on the State party to ensure the full participation of women from disadvantaged and marginalized groups in political decision-making.**

Lesbian, bisexual, transgender and intersex women

33. The Committee notes with concern the intersecting forms of discrimination faced by lesbian, bisexual, transgender and intersex women, including:

(a) The prevalence of discriminatory practices in all areas of the Convention that disadvantage lesbian, bisexual, transgender and intersex women, including societal exclusion and acts of hate speech and abuse;

(b) The lack of policy measures pertaining to the rights of lesbian, bisexual, transgender and intersex women, as stated in paragraph 36 of the State party report (CEDAW/C/MUS/8);

(c) The underreporting of acts of violence and of physical, verbal and emotional abuse against lesbian, bisexual, transgender and intersex women.

34. **The Committee recommends that the State party:**

(a) **Adopt the necessary legislative and policy measures to combat discrimination and violence against lesbian, bisexual, transgender and intersex women, including hate speech and physical, verbal and emotional abuse;**

(b) **Promote the protection of rights of lesbian, bisexual, transgender and intersex women in all areas covered by the Convention, including in the areas of employment and health, and conduct awareness-raising activities to address their stigmatization in society;**

(c) **Ensure that law enforcement mechanisms efficiently protect the rights of lesbian, bisexual, transgender and intersex women, provide access to shelter and assistance for lesbian, bisexual, transgender and intersex women who are victims of violence, as well as training to medical personnel and the police and law enforcement officials.**

Women and climate change

35. The Committee notes the State party's efforts, such as the National Climate Change Adaptation Policy Framework, to address the adverse impact of climate change and disasters and to incorporate a gender perspective. The Committee is, however, concerned at the lack of information on the involvement of women in drafting legislation, policies and strategies, and on the impact of programmes aimed at engaging women as agents of change, such as awareness-raising initiatives under the Africa Adaptation Programme.

36. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party ensure that women are meaningfully involved in the development of legislation, national policies and programmes on climate change, disaster response and disaster risk reduction, such as the forthcoming Climate Change Bill and the Nationally Appropriate Mitigation Actions for Low Carbon Island Development Strategy (NAMA) project.**

Marriage and family relations

37. The Committee is concerned that:

(a) Section 16(4) (c) of the Constitution together with the de-facto repeal of Chapter 9 (sections 228-1 to 228-10 of the Civil Code (1808), formerly in effect between 1982-1987), leave women in unregistered Muslim marriages unprotected, without effective means of safeguarding their marital rights, including property, inheritance, recognition and custody of children, and no forum in which they can claim these rights; and allows for the persistence of informal polygamous and child marriages;

(b) There are no legislative measures to protect the economic and other rights of women in de facto unions, including in unregistered Muslim marriages which may also consist of existing polygamous marriages;

(c) The Civil Code (1808) allows for girls and boys between the ages of 16 and 18 years to marry with only parental or guardian consent and no need for judicial approval (section 145 of the Civil Code), and that section 2 of the Child Protection Act (1995) defines a child as an unmarried person below the age of 18 years;

(d) Section 254 (1) of the Civil Code of 1808 excludes women, who are considered to be "at fault" for a divorce (sections 230 to 234 of the Civil Code), from the right to alimony under section 255 of the Civil Code;

(e) The lack of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on the number of child marriages, of unregistered religious marriages and of polygamous marriages.

38. **The Committee, recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:**

(a) **Review relevant national legislation in order to make the registration of all marriages mandatory and criminalize non-compliance, including the registration of past unregistered marriages under sections 74 (1) of the Personal Status Act (1981), and consider, as an interim measure, the reinstatement of Chapter 9 of the Civil Code (1808) to apply to all Muslim religious marriages regardless of when they had been celebrated, so as to afford marriage recognition and to adequately protect the rights of all women, including on the equitable division of marital property, recognition of children and custody, upon dissolution of religious marriages, and to ensure that their rights are protected under the Civil Code and the Personal Status Act and enforceable under the jurisdiction of civil courts, and to effectively prevent all forms of polygamous and child marriages;**

(b) **Review the Civil Code (1808) in order to adequately protect the property rights of women and establish a system of equitable division of marital property upon dissolution of de facto relationships, and undertake a study on the prevalence of polygamy in the State party, with a view to addressing its root causes and implementing measures to enforce its prohibition (section 150 of the Civil Code);**

(c) **Repeal or amend article 145 of the Civil Code (1808) to completely preclude consent by parents or guardians as a sufficient requirement to allow marriage below the age of 18, and to allow court approval, only under exceptional circumstances, for marriages of those between 16 and 18 years of age, and ensure that the planned Children's Bill reflects this provision, as well as amend section 2 of the Child Protection Act (1995) to define a child as any person below the age of 18 years;**

(d) **Amend or repeal section 254 (1) of the Civil Code (1808) to ensure the right to alimony of women, regardless of the ground of divorce;**

(e) **Ensure the collection, analysis and dissemination of comprehensive and disaggregated data on child marriages, on religious marriages and on polygamous marriages, in cooperation with relevant institutions, such as the Muslim Family Council, tasked under section 30 (1) of the Civil Status Act to register all marriages celebrated in accordance with Muslim rites;**

(f) **Conduct comprehensive awareness-raising campaigns to challenge cultural attitudes that legitimize child marriage and polygamy.**

Data collection and analysis

39. The Committee takes note of the development of several data collection systems, including the Domestic Violence Information System (DOVIS), the Child Protection Register and the Database of Human Rights Indicators. It regrets, however, that the data disaggregated by sex and other relevant factors, particularly on the situation in Rodrigues, Agalega, and other remote parts of the territory of the State party, remain insufficient. Disaggregated statistical data is necessary for accurately assessing the situation of women, determining the magnitude and nature of discrimination, developing informed and targeted policies and systematically monitoring and evaluating progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

40. **The Committee calls upon the State party to ensure that its existing data collections systems disaggregate data by sex, age, disability, ethnicity, location and socioeconomic status. It further recommends that State party enhance the collection, analysis and dissemination of comprehensive and disaggregated data through a centralized system, and use measurable indicators to assess progress achieved towards the realization by women of substantive equality in all areas covered by the Convention, in particular gender-based violence against women, child marriage, adolescent pregnancies, education, employment, women in prostitution and trafficking. In that regard, the Committee draws attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women, and encourages the State party to seek technical assistance from the relevant United Nations agencies.**

Dissemination

41. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, the National Assembly and the Rodrigues Regional Assembly, and the judiciary, to enable their full implementation**

Technical Assistance

42. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

43. **The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to concluding observations

44. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16, 18 (b), 38 (c) and 40 above.**

Preparation of the next report

45. **The Committee requests the State party to submit its ninth periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

46. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**
