

# Report to CEDAW from Mauritius

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## Background

The Republic of Mauritius remains a patriarchal society. There is a general lack of understanding of the gender concept. The Government, through the National Women Council has done workshops on gender concept to increase awareness of women and young girls on their rights reaching 5,515 people. But with no monitoring evaluation.

Since there is a National Machinery for the advancement of women in Mauritius, it is important to know the qualitative data of this machinery. There are a number of activities that are being done like sensitisation and awareness campaigns and also familiarising participants on CEDAW. But what about the policies in place and the sustainability of the machinery?

The National Women Council which sits at the Gender Unit of the gender ministry is doing a lot of work for the empowerment of women and girls. But there is no qualitative data.

The Republic of Mauritius is a signatory to a number of international treaties promoting and providing for equal rights. The Republic ratified the Optional Protocol of the Convention on the Elimination of all Forms Discrimination Against Women (CEDAW) in 2008. The Republic also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2005. Mauritius signed the Sustainable Development Goal (SDG) in 2015. Regionally although Mauritius is a party to the Southern African Development Community (SADC) Protocol on Gender and Development 2008, the country did not sign the Protocol as it goes against Section 16 of the Constitution<sup>1</sup>. When the SADC Protocol was updated in 2015, member states agreed to change "affirmative action to "special measures", to accommodate Mauritius. Mauritius did not sign because the Protocol is not in line with the Civil Code (144, 145)<sup>2</sup> of the country. This civil law has its criminal counterpart as it is a criminal offence to have sexual intercourse with a minor under the age of 16. However, there is provision in the law that parents of a child between the age of 16 to 18 may consent to the marriage of their minor child. In the absence of the mother or the father or whoever exercises parental authority, authorisation may be sought from the Judge in Chambers of the Supreme Court for the minor to marry. (see Chapter 4 page16.)

Mauritius has made strides in promoting gender equality and empowerment of women with the Ministry of Gender Equality, Child Development and Family Welfare and the Deputy Chief Commissioner in Rodrigues driving gender issues. Mauritius adopted, in 2008, a National Gender Policy Framework, aimed and addressing discriminatory practices in a wide range of areas. Although women in Mauritius and Rodrigues fare well in terms of educational attainment, this has not translated into equality in terms of wage equality, income levels or representation in political life. Agalega is the worse in terms of education. The pass rate for the 2015 Certificate for Primary Education was 0%.

The National Women Council under the aegis of the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) is now engaged in an island-wide campaign on the dissemination of information on gender equality and gender issues. Rodrigues is doing better than Mauritius in terms of gender representation in political life and in the economic development.

The Republic of Mauritius also has a Ministry of Social Integration and Economic Empowerment which is responsible to formulate policies and strategies to fight poverty and social exclusion. Decentralised Corporation Programme/European Union collaborates with the Ministry in its fight against poverty at community level and helps the needy segments of the population.

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<sup>1</sup> [16 Protection from discrimination](#)

<sup>2</sup> [TITRE CINQUIÈME DU MARIAGE CHAPITRE PREMIER \[Chapitre Premier inserted by s. 3 of Act 22 of 1981.\] DES QUALITÉS ET CONDITIONS REQUISES POUR POUVOIR CONTRACTER MARIAGE](#)

Sexual Reproductive Health and Rights (SRHR) is still a taboo and is not taught in school in a methodical and planned way. SRHR is not mainstreamed and only ad hoc trainings are done. There is nothing in the curriculum on sexual education, menstrual health, child marriage, teenage pregnancy, HIV and Aids and other sexually transmitted infections (STI). If those who are most vulnerable, such as young key populations, are not aware of their human rights, they cannot take appropriate steps to access them and reduce negative health outcomes, such as HIV infections and unsafe abortions, pregnancy and other health problems. The state should play a significant role in ensuring that young key populations are aware of their human rights and are able to access services.

Women are poorly represented in the national parliament, councils and in political parties. According to research done by Gender Links "War at Home – gender-based violence indicators" 25% women have known violence. 69% cases of sexual violence remain unreported. According to World Bank Report 2015/2016 there is a growing gender gap in Mauritius and the incidence of poverty is higher among people living in female headed households and most of them are not formally educated. Poverty has increased over time from 8.5% to 9.8%.

## **CHAPTER 1 - Constitutional and Legal Rights**

### **Key Points**

- The Republic of Mauritius is a signatory to a number of international treaties promoting and providing for equal rights including the Millennium Development Goals; the Sustainable Development Goals; UN Convention on the Rights of the Child. The Republic ratified the Optional Protocol of the Convention on the Elimination of all Forms Discrimination Against Women (CEDAW) in 2008 as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2005.
- The 2011 Local government Act, which stipulates that at least one third of the candidates in local elections must be either women or men led to the amendment of the Constitution.
- The 2012 Criminal Code Amendment Act allows for the termination of pregnancy in special circumstances; but there is no Abortion Law.
- The Republic has signed the United Nations (UN) Resolution on Human rights, Sexual Orientation and Gender Equality; but there is no Sexual Offences Act.
- The Civil Status Act stipulates that a minor of 16 years may marry with parental consent while according to UN Experts on the Committee on the Rights, Mauritius should make the legal age of marriage 18 years.
- Sex Discrimination Act provides for unlawful discrimination
- Equal Opportunities Act promotes equal opportunity between persons, prohibit discrimination on the ground of status

Section 16 of the Constitution of Mauritius guarantees gender equality for all citizens. It provides that no law shall make provision that is discriminatory either of itself or in its effect. It defines "discriminatory" as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex".

Sections 3 and 16 of the Constitution guarantee protection from discrimination. The Constitution being the Supreme law of the land, sections 3 and 16 assume all their importance. Moreover, sections 3 and 16 can only be amended by vote of special majority in Parliament. Neither of the sections guarantees protection from discrimination on ground of sexual orientation. Moreover, the status of LGBT under Mauritian law is still uncertain, not to say unknown. Protection is not provided for to LGBTs. Protection from discrimination is one of the fundamental rights.

There are no known harmful traditional practices in Mauritius. However, following amendments to the Civil Status Act, a Muslim Family Council (MFC) has been set up under Section 2.9 in 1990. Section 26 of the Act gives the MFC authority to celebrate religious marriage with civil effect and Section 30 (a) provides for celebration in accordance with Muslim rites.

Gender activists are concerned that Muslim women could be vulnerable during divorce proceedings. "Muslim women's rights and equality before the law may be impinged upon, particularly in cases of divorce. For example, the Supreme Court might grant a divorce but when the MFC calls for the man to pronounce the religious divorce, the man might not turn up, and the woman could be taken hostage. The MFC has no legal mandate to issue a warrant to search for the man or woman" (excerpts from the CEDAW 2009 draft report for Mauritius).

The Republic has legislations that protect women and children. These include: Civil Status Act, The Protection of Elderly Act, Child Protection Act, Protection from Domestic Violence Act, Pensions Act (including children and widows) and the Divorce and Judicial Separation Act. The Civil Code provides that a person in Mauritius may get married at the age of 18 years. However, a female aged 16 years can get married with the consent of her parents, or with the consent of one of the parents exercising *l'autorite parentale*, (parental authority) or in the absence of the consent of parents, by the Judge in Chambers if the latter considers that it would be in the interests of the minor to get married. And yet the Child Protection Act defines a child as an unmarried person under the age of 18.

The *Juvenile Offenders Act* highlights " where any person below the age of 18 is apprehended by the police, the police officer shall immediately take all reasonable steps to inform the parents or guardian of the child or and the place where the child may be seen no statement should be recorded from an apprehended person below the age of 18 outside the presence of his parent or guardian unless such parent/guardian cannot be contacted within a reasonable time or fails to call at the police station."

The *National Children's Council (NCC) Act 2003* became effective as from 28 February 2004, with the aim of making the National Children's Council more dynamic and responsive to the needs of children and to ensure better participation of children. The Act highlights "There shall be a National Children's Committee which shall consist of 15 boys and girls between the ages of 15".

## **Recommendations**

- Now that the Local Government Act is passed and there has been a fourfold increase of Councillors, this must be extended to National Elections. There is an urgent need for Electoral Reform and an amendment to the Constitution for National Elections.
- The government and gender activists need to continue to sensitise women and men about their equal rights. And there should be concrete and

consulted actions to do so. Human rights should be taught in schools and this should be part of the curriculum and not only be ad hoc trainings.

- Ensuring that magistrates have more trainings Sensitise the judiciary and national treasury department to conduct gender responsive budgeting to inform allocation of resources as well as keep sex disaggregated data to assess beneficiaries.
- As per the Juvenile Offenders Act and the NCC Act a person below the age of 18 is a child. The Civil Status Act must, therefore, be amended to make the legal age of marriage at 18
- Repeal Section 18 of the Juvenile Offenders Act and establish the age of responsibilities in offences.
- Urgent need for a Childrens' Act
- Research on Constitution and other Laws in regard to the rights of all individuals and how these have a bearing on gender issues.
- Section 250 of the Criminal Code discriminates LGBTI people while the Constitution provides the right the individuals to privacy in the home. Sections 3 and 16 of the Mauritian Constitution to include sexual orientation and gender identity
- Recognise the legal status of LGBTI people to enable them to enjoy the same human rights as all Mauritian citizens
- Abortion should be the choice of the woman and not up to men to decide on measures. A good sexual education curriculum in primary and secondary schools is vital.

## **CHAPTER 2 - Governance**

### **Key points:**

- Women's representation in parliament is 11.4%.
- In terms of women representation in local government Mauritius does a big leap from 6.4% to 26%. This is due to an amendment to the Constitution to allow for a gender-neutral approach in the New Local Government Act of 2012. The Act requires that political parties field a minimum of one-third of candidates of either sex for the local elections (11(4)b, 12(6)).<sup>3</sup>
- The office of the Speaker has set up a Parliamentary Gender Caucus

The Republic of Mauritius ratified the Optional Protocol of the Convention on the Elimination of all Forms Discrimination against Women (CEDAW) in 2008. The Convention provides for "the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms."

And yet the Republic of Mauritius is doing very badly on women in politics. Women are under-represented in this highest sphere of decision making. The Republic of Mauritius witnessed four General Elections from 2000 to 2015 and the last one was held in December 2014. Percentage of women in the National Assembly increased from 3% in 1991 to 18.8% in the 2010 General Elections. According to the final

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<sup>3</sup> [PART III – ELECTION OF LOCAL AUTHORITIES Sub-Part A – Election of Councillors to Municipal City Council, Municipal Town Council, District Council and Village Council](#)

Mauritius Report 2015 of the MDG, women in parliaments went down to 11.5% and as of today out of the 69 parliamentarians only eight are women. Furthermore, there has never been a woman as Leader of any political party in Mauritius.

Women are under-represented in the highest sphere of decision making. The number of women among parliamentarians are 8 out of a total of 70 (11.5%) in 2018 compared to 13 (18.8%) in 2010. There are only two female Ministers on a total of 23 Ministers as of date. There are only 28% women councilors. Mauritius proud itself of having a woman president in 2014 but due to a court case she had to step down in 2018. The speaker of the assembly is a woman and she also chairs the Parliamentary Gender Caucus

Achieving gender equality requires women's active participation and involvement in decision-making at all levels, starting at home and extending to the highest levels of government. Several studies have gone beyond numbers to show that women bring different approaches and perspectives to decision-making. Women's equal access and participation in political decision-making is a pre-requisite for gender responsive governance. Gender equality is central to representation, participation, accountability, responsiveness and transparency. Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity.

Despite being one of the oldest democracies in Africa and women representing 52 per cent of the population, women do not have their fair share of the political voice or decision-making in Mauritius. Despite a high-profile campaign for improved women's representation in parliament, the number of women in parliament decreased in the 2014 General Elections. Political parties have nothing in their constitution and in their manifesto to lobby for a gender-neutral approach.

Mauritius uses the First Past the Post (FPTP) electoral system both at local and national level. In the constituency, or "**First Past the Post**" (FPTP) system, citizens vote not just for the party, but also for the candidate who represents the party in a geographically defined constituency. Thus, a party can garner a significant percentage of the votes, but still have no representative in parliament, because in this system "the winner takes all." Very often women are the losers as candidates are chosen on the basis of their ethnicity in Mauritius and men get the advantage over women.

The Speaker of the National Assembly through the Parliamentary Gender Caucus with Parliamentarians on both sides of the house wants a common platform to raise awareness on gender issues.

"Women's caucuses or parliamentary groups are mechanisms that have been created within the parliaments of many countries to strengthen cooperation among women engaged in political life. Such caucuses can bring women parliamentarians together across party lines in effective alliances around a common goal."<sup>4</sup>

The Caucus meets regularly and have worked on different reports. A budget of Rs 200000 (two hundred thousand rupees) have been given to each ministry to identify gaps and come up with a gender mainstreamed project that will empower women. Even if the caucus is working, it is a very slow process and the deliverables from the ministries are not sustainable. The recommendations are 1.) to work with NGOs and

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<sup>4</sup> <http://www.govmu.org/English/News/Pages/Parliamentary-Gender-Caucus-A-strong-signal-of-Government%E2%80%99s-political-will,-says-Speaker.aspx>

2.) Government should take ownership and responsibilities for Gender Mainstreaming and it should be in the DNA of all ministries and not something that is done because the prime minister said so. Ministers should also be accountable.

### **Global Gender Gap Indices**

Since 2006, through the Global Gender Gap Report series, the World Economic Forum has been quantifying the magnitude of gender-based disparities and tracking their progress over time. By providing a comprehensive framework for benchmarking global gender gaps, the report identified countries that are role models in dividing their resources equitably between women and men, regardless of the overall resource level. The Global Gender Gap Index (GGI) seeks to measure one important aspect of gender equality; their relative gaps between women and men across a large set of countries and across four key areas: economic participation and opportunity, educational attainment, health and survival and political empowerment. The equality benchmark is considered to be one with no gap between men and women.

Mauritius holds the 112<sup>th</sup> position in 2017 and this is a slight improvement from 2016 on 113<sup>th</sup> position overall out of 144 countries, but regressing from the 106<sup>th</sup> position held in 2014. Although Mauritius has closed both its education attainment and health and survival gender gaps with indices nearing 1, it has regressed due to decreases on the Economic Participation & Opportunity and Political Empowerment. <sup>5</sup>

### **Recommendations**

- Women are 52% of the population of Mauritius, a gender-neutral quota of 50% across the board
- Political parties must have gender neutral quotas of 50% in their Constitutions
- The Gender Caucus needs to work with NGOs
- Government should take ownership and responsibilities for Gender Mainstreaming and it should be in the DNA of all ministries and not something that is done because the prime minister said so. Ministers should also be accountable.

## **CHAPTER 3 - Education**

### **Key points:**

- Education is one area where Mauritius has made tremendous strides.
- There is a gap between quantitative and qualitative achievements in the education sector.
- While considerable progress has been made in ensuring universal enrolment in primary and secondary education, gender gaps are still pronounced. Women are underrepresented in the Engineering and Technology subjects.
- Drop-out rates are higher for boys than girls in Mauritius. However a rise in the number of teenage pregnancies is alarming as there are a considerable number of girls dropping out of school for this reason
- With the adoption of the Sustainable Development Goals (SDGS) in 2015, the education agenda has shifted from a basic needs approach to a transformative framework. This aims both to improve the number of girls

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<sup>5</sup> <https://www.weforum.org/reports/the-global-gender-gap-report-2017>



enrolled at all levels of education, as well as enhance retention, performance and challenge gender stereotypes in education.

- The National Gender Machinery has a lot of projects under their wings but we are not sure about the monitoring and evaluation tool in place and qualitative approach of the programmes in place as figures only show quantitative data.

Mauritius is among the ten countries in the SADC that have 50% or more young women in secondary school. Mauritius (62% women at tertiary level) has the highest proportion of women at this level.

## **Literacy**

Working at grassroots level, NGOs have noticed that schooling does not necessarily mean acquisition of literacy. Children leave school without being literate. According to the Republic of Mauritius MDG Goals 2015 Report "Mauritius has already achieved the target on MDG 2 (achieve universal primary education). The net enrolment ratio in primary schools stood at 97 percent in 2014 and the proportion of pupils starting Grade 1 who reach last Grade of primary school was at 99 percent. According to official figures, literacy rate of those between 15 to 24 years of age has increased from 91 percent in 1990 to 98 percent in 2011. Gender parity in education has also been achieved. This remarkable achievement was due to the various policy initiatives by the Government to attain the objective of Education for All (EFA). The strategy rests on the provision of free education at all levels, free bus transport for students and provision of meals, full grant for School Certificate (SC) and Higher School Certificate (HSC) examination fees and scholarship awards. Quality of education, high repetition and drop outs rates remain some of the challenges facing the sector. To point out that the literacy rate in Mauritius is not being tested but rather looking at percentage of children going to school. The number of children going to school for seven years and who only have very basic literacy skills is alarming.

**A survey needs to be done urgently to know the literacy rate in Mauritius and Rodrigues. The findings** should be disaggregated by age and sex.

## **Education in need of reform in Mauritius**

As far as laws are concerned Mauritius has made progress. Sexual Health and reproductive rights; HIV and AIDS, Drugs, pregnancy, menstrual health, sexually-transmitted diseases should be mainstreamed in curricula for both girls and boys at an early age. The more information we give to the children the better protected they will be. Girls' schools should be equipped with special sanitary bins, sanitary pads and a place to wash when heavy bleeding occurs.

## **Lack of a Sexual Education**

Sex is a subject, which is still a taboo in Mauritius. There is not a strong curriculum on sexual education in schools at both primary and secondary levels. In addition, sex as a subject is not openly discussed within the family structure. The Republic of Mauritius 2014 Contraceptive Prevalence Survey Report indicates that less than half of the respondents (44.9%) had a conversation on healthy sexual habits with their parents before reaching age 18 while 22.5% of the respondents stated that they never had discussions around this theme with their parents before reaching age 18. Consequently, many young girls and boys do not have access to accurate information on their sexual and reproductive health and may resort to alternative and more harmful ways to gain access to this information, for instance through violent pornography. Due to this taboo, there is a significant lack of accurate and detailed information on topics such as menstruation, contraception and sexually-transmitted diseases (STD). Teenagers may develop unhealthy sexual habits, such as not using proper contraceptive methods during a sexual activity. Due to this absence



of a proper educational framework, there may be a significant rise in cases of teenage pregnancy and STDs.

### **Teenage Pregnancy and drop outs**

In 2016 there were 214 cases of teenage pregnancies, in 2017 there were 207 cases and from January to July 2018 there were 170 cases. Although the law does not prevent pregnant teenagers to go back to school, due to stigmatization and discrimination they prefer to remain at home. Rodrigues has the same problem which is preventing girls to complete their schooling. Due to stigmatization these girls prefer to remain at home, the DCC said. The Head of Education argues that there is a political will for Rodrigues to do well on the education front. But the DCC argues that the problem of teenage pregnancy must be looked into. Each single teenage pregnancy has a lot of societal, cultural, educational and psychological implications on the girl child.

The 2015-2016 Annual Report of the Ombudsperson for children highlights "according to information obtained from OIDC, there are currently two under-reported cases of teenage pregnancy in Agalega. One teenage mother got married to the child's father following birth of the infant in 2015. The other teenage mother is under care of her parents".

In Agalega there are only two primary schools, one in the South and one in the North. The student population is 79 with 50% boys and 50% girls. There is only one lower secondary school, MEDCO, in the North. Classes are from Form I to III and this year the school will offer classes up to Form IV. The fact that the school is found in the North, students from the South must cross the sea by boats to go to school. When there is bad weather children cannot go to school thus an urgent need to turn the school into a residential one so that students do not have the hassle of travelling by boats in bad weather. After Form IV, those who want to continue with their studies have to go to Mauritius.

Important to have SRHR as a subject at school and also confidential counselling sessions should be provided by trained and reliable staff. This should be taken seriously and should not be a one-off training. The more students are aware of their body and health the better they will take care of it.

### **Disability and education**

Early childhood care and education (ECCE) enables early identification of disabilities and children at risk of disability. This allows parents, health care providers and educators to develop and implement timely interventions to address the needs of children with disabilities, minimising developmental delays, improving learning outcomes and inclusion, and preventing marginalisation. The earlier disability is diagnosed, the better for children and their families. Early childhood services provided by multiple sectors can be crucial for reaching children early and comprehensively. Children with disabilities are often kept at home, without access to opportunities other children might have. Home visiting programmes can reach these children when other types of services might not. They also have the important role of educating and supporting parents in positive interaction and supporting children's development in their first learning and care environment, the household. Teachers must be trained to detect problems. (NGOs are doing a great work in this field, (diagnosis, running school, giving treatment) for different disability of the children

## **Recommendations**

- Mauritius performs exceptionally well in this sector. Efforts to encourage female students to continue to study subjects traditionally chosen by males should be sustained and all schools should have same subjects for males and females. Cookery and needlework are solely for girls and woodwork and other technical subjects only for boys.
- Women should be encouraged to break the glass ceiling in private sector. Laws should be enforced in the private sector.
- A qualitative study to examine and understand teenage pregnancy in Mauritius, Rodrigues and Agalega.
- Statistics Mauritius must give gender disaggregate data on drop-outs in schools both at primary and secondary
- Facilities and good infrastructure including toilets and ramps for disabled children in schools
- Training of teachers to detect children with any kind of disability
- The Education system and upgrades of schools in Agalega to be revisited completely
- Women must be encouraged to do engineering and information technology
- A household survey based on the definition of UNESCO on basic literacy to know the statistics on literacy in Mauritius, Rodrigues and Agalega

## **CHAPTER 4 - Gender Discrimination**

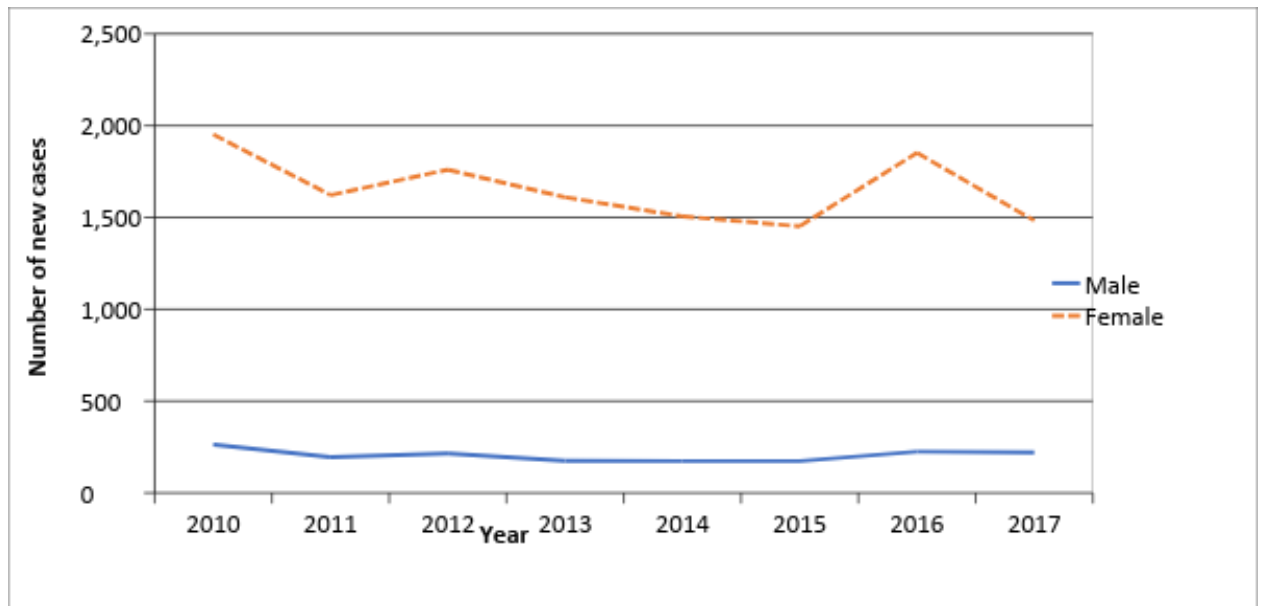
### **Key Points**

- Mauritius has in place a Protection from Domestic Violence Act; a Sex Discrimination Act and a Protection of Elderly Persons Act but falls short of a Sexual Offences Act.
- Mauritius has a Human Trafficking Act.
- There are six Family Support Bureaux offering a wide range of services
- All Ministries have been allocated Rs.200,000 each to conduct gender analysis of services offered and to formulate policy responses
- All Ministries have a Gender Focal Point
- Police officers have been trained on GBV
- There are women still dying under protection order
- The Mauritius Research Council has done a study of the Extent, Nature and Costs of Domestic violence to the Mauritian Economy
- Gender Links did a research and this should be used as a baseline
- Training of lawyers and magistrates
- New types of violence on social media and bullying at school
- Shelters for women and children

### **Highlights from Statistics Mauritius (no NGO figures included)**

Women are more likely to be victims of domestic violence. In 2017, out of 1,703 new cases of domestic violence reported at the Ministry of Gender Equality, Child Development and Family Welfare, nearly 87% were against women. The number of new cases of domestic violence against women decreased from 1,852 in 2016 to 1,483 in 2017. The number of men victims of domestic violence decreased from 225 to 220 during the same period.

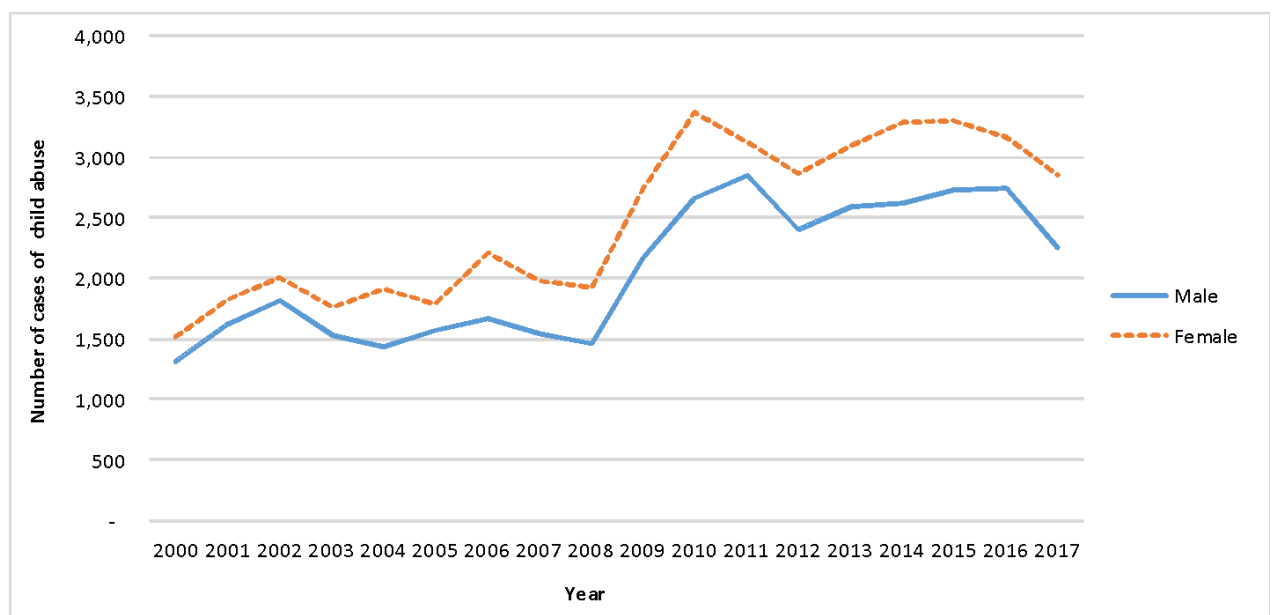
### Number of new cases of domestic violence reported, 2010 - 2017



Some 36% of women victims of domestic violence reported physical assault by spouse or partner, 20% verbal assault by spouse or partner (ill treatment, harassment, abuse, and humiliation), 9% threatening assault by spouse and nearly 6% has been subjected to physical assault by others living under the same roof. Reported cases by men related to physical assault by spouse or partner (22%), verbal assault by spouse or partner (19%) and physical assault by others living under the same roof (16%).

The total number of cases reported at the Child Development Unit of the Family Support Bureau is generally on the rise, but a decrease was noted from 6,035 in 2015 to 5,104 in 2017.

### Number of cases reported at the Child Development Unit, 2000 – 2017



Of the reported cases in 2017, some 56% of the victims were females. The most common nature of abuse was psychological/emotional (27% for male and 25% for female) followed by neglect cases (13% male and 11% for female) and physical abuse (12% for male and 8% for female).

### Cases reported at Child Development Unit by nature of problem, 2017

Nature of Problem	Male		Female	
	Number	%	Number	%
Abandonment	37	1.6	31	1.1
Physical abuse	260	11.6	240	8.4
Neglect cases	287	12.7	322	11.3
Worst forms of Labour	1	0.0	-	-
Sexual abuse	29	1.3	231	8.1
Psychological /Emotional abuse	612	27.2	707	24.8
Other problems	1,025	45.5	1,322	46.3
<b>Total</b>	<b>2,251</b>	<b>100.0</b>	<b>2,853</b>	<b>100.0</b>

Source : [http://statsmauritius.govmu.org/English/Publications/Pages/Gender\\_Stats\\_Yr17.aspx](http://statsmauritius.govmu.org/English/Publications/Pages/Gender_Stats_Yr17.aspx)

- Mauritius has accessible and specialised services from the Family Support Bureaux including First hand counselling; Psychological counseling; Legal advice; Assistance to victims of domestic violence with regards to their application for a Protection Order, Occupation Order and Tenancy Order under Protection from Domestic Violence Act (PDVA); Counselling services to adult perpetrators; Site visits for follow up of cases of domestic violence;
- Assistance to victims of domestic violence for temporary accommodation in shelters pending their application for appropriate Court Orders under the PDVA; Psycho-social assistance to families in distress; Assistance to adult victims of sexual assault;
- Referral to other institutions as appropriate, amongst others.
- A good Monitoring and Evaluation tool must be devised to keep track of people (children and adults) in shelters. Since the ministry is investing in the well-being of the residents in shelters, there is a need for qualitative data and a mechanism to know how the money is being spent. And what the beneficiaries are getting.
- There should also be actions taken on parents who neglect and abuse their children. These people should be given counselling and treatment if needed.
- As of today, there is no institution for perpetrators. Important to understand the root cause of Violence in Mauritius and give support/treatment to the perpetrators and they should actually be the ones to leave the comfort of their homes to join a rehabilitation shelter when they have been violent and not the spouse and the kids. The whole system should be looked at.
- Gender Links Safe Haven Halfway Home is the only halfway home for young abused females in Mauritius. It is entirely sponsored by the private sector and no grant and help given by government.
- SOS Femmes give advice, support and shelter to victims of domestic violence and their children. A children service open 24/7 basis is also operational for children of the residents and ex-residents. The shelter receives a government grant in the national budget for part expenses and the remainder is sponsor by the private enterprise through the National CSR Foundation. The government decided not to earmark any funding in the current budget as from year 2019. Thus will have to seek funding entirely from the CSR of private enterprise for the running of the shelter.

Gender-based violence in Mauritius, as elsewhere in the world, remains the most telling indicator of the inequalities between women and men. Centuries of acceptance have entrenched and normalised GBV, thus underscoring the need for radical transformative counter-measures by governments, civil society and communities at large

Evidence has shown that GBV is perpetuated by the culture of silence as in some instances victims who break with traditions of silence run the risk of being shamed more than the perpetrators. With the sensitisation campaign carried out through the island by both governmental agencies and NGOs, victims are encouraged to seek help and support and attend services to address which address this specific issue.

The last decade has seen GBV mainstreamed into human rights discourse. But for survivors of violence, little has really changed. Social media in Mauritius is doing lots of harm to women and girls. In its Newsletter issue 62 of September 2016, the Director of Public Prosecutions (DPP) raised some serious concerns with a video of an underage teenage girl engaging in sexual activities. He highlighted the Information and Communication Technologies Act (ICTA) that is relevant to this specific case. According to section 46(h) of the ICTA Act, the transfer of images and videos deemed to be obscene or pornographic is punishable by law with a fine of up Rs.1 million and imprisonment for up to five years.

In his editorial the DPP said "In spite of fact that the DPP is prosecuting a non-negligible number of cases under this section, the persistence of crimes of that nature remains worrying". "This piece of law is contemplated by article 12(2) of the constitution that allows for the restriction of the freedom of expression to protect the reputation and the right to a private life". The DPP said he was baffled by the fact that the video became viral. The harm done to women and girls through the distribution of images on social media can have lifetime consequences. This underscores the need for innovative and concerted efforts to deal with the scourge. Combating violence against women in the public and private sphere often confronts established patriarchal structures as well as cultural, societal and religious norms. This has met with resistance and impeded progress in addressing GBV.

During a focus group discussion the LGBTI communities, highlighted discrimination in policies and laws. According to them the law does not recognize transgendered people and they have no right (employment, infrastructure/housing/toilets, school bus, ID and dress, etc.)

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity The law does not specifically criminalize consensual same-sex sexual activity. It criminalizes sodomy, however, among both same-sex and heterosexual couples. Authorities rarely used the sodomy statute against same-sex couples, unless one of the partners cited sodomy in the context of sexual assault. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) victims of verbal abuse or violence generally refused to file complaints with police for fear of ostracism or, in some cases, fear of reprisal from family members. The law allows individuals who have had same-sex sexual activity to donate blood. There were unsubstantiated claims, however, that health officials still prevented LGBTI persons from donating blood. In 2015 police officers arbitrarily arrested a transgender person for wearing women's clothing. She was slapped, threatened, forced to strip, and later released without charge. On June 3, there was a stone-throwing incident at the annual LGBTI march (three members of parliament participated in the march)

<https://www.state.gov/documents/organization/277269.pdf>

## **The silent victims – Sexual Orientation, Gender Identity and Expression and Sex Characteristics**

Following the Alternative Report submitted by the Young Queer Alliance at the 121st Session of the Human Rights Committee (HRC) for the 5th Periodic Report of Mauritius in 2017, the HRC made the following concluding observations concerning Sexual Orientation and Gender Identity:

1. There are reported cases of hate speech and violence; which includes death threats, brutality and humiliation against LGBT persons;
2. LGBT persons are not authorised to officially enter into marriage or civil partnerships and are denied other rights relative to personal status; and,
3. Article 250 of the Criminal Code of Mauritius which criminalises “sodomy” and “bestiality” has not yet been repealed.

Therefore, the HRC recommended that the Mauritian State:

1. To prevent and protect LGBT persons from all forms of discrimination based on sexual orientation and gender identity including through reviewing of the Criminal Code.
2. To take all necessary measures to eradicate discrimination against LGBT persons with regards to marriage and civil partnership as well as repeal article 250 of the Criminal Code.
3. To ensure that complaints of violence, death threats, brutality relative to discrimination against LGBT persons are registered by the police and investigated, and those responsible are duly prosecuted and if convicted, sanctioned with appropriate penalties.
4. To train police officers, judges and prosecutors and conduct awareness-raising campaigns for the general public on the rights of lesbian, gay, bisexual and transgender persons.

In its General Comment No. 35 (HRC, 2017), the HRC has, in respect to Article 9 of the International Covenant on Civil and Political Rights (ICCPR), explained that the Article guarantees the right to the security of persons – including lesbian, gay, bisexual and transgender persons. The right to security of person protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained. This right obliges States parties to, inter alia, take measures to prevent future injury and to take measures in response to past injury such as by enforcing criminal laws or for example, by responding “appropriately to patterns of violence against categories of victims such as [...] violence against persons on the basis of their sexual orientation or gender identity”; and to take appropriate measures in response to death threats against persons in the public sphere.

### **a) Non-discrimination and Equal Opportunity**

*"Article 3 - Fundamental Rights and Freedoms of the Individual"* of the constitution of Mauritius prohibits discrimination based on race, place of origin, political opinions, colour, creed or sex. The Equal Opportunities Act 2008 prohibits discrimination on and promotes equal opportunities irrespective of an individual's race, caste, sex, religion, political opinion, national origin, social and civil statuses, disability, sexual orientation, and others. Furthermore, the Employment Relations Act 2008 ensures equal opportunities on the basis of a number of statuses including Sexual Orientation.

There are reported cases of discrimination towards LGBTQI individuals despite the Equal Opportunities Act 2012 and the Employment Rights Act 2008. Effeminate gays and transgender persons are discriminated during the interview process of private companies.

### **b) Violence and harassment**

60% of Lesbian, Gay, Bisexual and Transgender (LGBT) people (YQA, 2017) report being victims of a variety of discriminations including verbal and physical abuse; violence and harassment. These occur in the family, in educational institutions, at the workplace, in Police Stations and on streets among others. Violence can only be reported to local NGOs as victims are afraid to file complaints for fear of social stigma; family rejection and reprisals.

Since 2014, there has been reported cases of death threats that LGBTQI activists receive without any actions from law enforcement authorities. During the annual Pride of 2018, there were homophobic protests against LGBTQI people and organisations. Activists and Pride organisers received numerous death threats that were widely reported by the media. Despite complaints being filed at the Central Criminal Investigation Division (CCID) and the Information Technology (IT) department of the unit calling peoples who received death threats for inquiry, till date, there has been no substantial outcomes to identify the perpetrators.

Although Section 282 of the Criminal Code protects individuals from hate crimes based on ethnicity and other statuses there is no provision for same based Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC).

At workplace, despite having the Employment Relations Act (2008) that prevents harassment on the basis of various statuses including sexual orientation, LGBTQI have reported cases of harassment with concerned organisations. There are reported cases of harassment towards lesbian youngsters at secondary and tertiary institutions.

A flagrant form of harassment and violence was reported in September 2015 when police officers arrested a young transgender person allegedly for no reason. The person was a peer educator for the Global Fund against AIDS, Malaria and Tuberculosis programme. The person reported that the police officers stripped them naked for search as well as forced them to parade in front of other officers who taunted them. A complaint was filed at the level of the National Human Rights Commission (NHRC). There is currently no outcome of the complaint.

### **c) Transgender Recognition**

People classifying as "other gender" or transgender are not recognised under the laws. The Interpretation and General Clauses Act 1974 gives an indication of gender neutrality [Words importing the masculine shall include the feminine and the neuter] without implicitly referring to transgender people or people of "other genders". As such, transgender and intersex individuals do not have specific laws concerning them.

### **d) Blood Donation**

In 2012, there was a complaint about the Donor Health Questionnaire (DHQ) used the Ministry of Health and Quality of Life to permanently bar LGBTQI persons from donating blood. Subsequently, during the conciliating process between the



complainant and the Ministry by the Equal Opportunities Commission, in 2013, the said Ministry amended its policy and website to indicate that LGBTQI persons are no longer barred from donating blood. In 2014, the Equal Opportunities Commission closed the case by supporting the complainant and the Ministry of Health and Quality of Life also amended its DHQ.

In the year 2014, the YQA wanted to conduct a blood drive. As per established procedures, the YQA sought and obtained the required authorisation from the Ministry of Health and Quality of Life to conduct the blood drive. However, upon the understanding that the YQA works with homosexuals, the concerned Ministry withdrew the authorisation to conduct the blood drive without providing any justification. The matter was in 2014, laid before the EOC. The case was discarded in the year 2016 on the grounds of public health and safety concern.

The YQA believes that the decision was taken contrary to the spirit of the Equal Opportunities Act 2012. Furthermore, the Commission in its report of findings, wrote: ***"Complainant is the President of an entity known as Young Queer Alliance (YQA) which, we understand, regroup, defend and promote the rights of persons who have chosen to be different from others in terms of their sexual orientation"...*** ***[emphasis added]***. The choice of the words used by the EOC in its official report, in particular, the section **"have chosen"**, is suggestive of the fact that the EOC has not taken the said decision in a rational and objective manner, true to the spirit of the Act under which it operates. Rather, the choice of words used by the institution evidences that the decision taken by the EOC was influenced by the bias, prejudices and values of those at decision-making level of the said institution. The YQA has addressed a letter to the Government of Mauritius to request that the EOC is impartial in the discharge of its duties

### **e) Marriage equality/Civil Partnership**

Legal provisions relating to marriage or civil partnership in the Mauritius are as follows:

- the Civil Status Act 1982 of Mauritius defines 'marriage' as civil or religious marriage between two persons but it does not define 'spouse' as a person married to another person of another sex;
- section 5 of the Interpretation and General Clauses Act 1974 states that "... words importing the masculine shall include the feminine and the neuter...";
- the Equal Opportunities Act 2012 defines 'spouse' as "...in relation to a person, means the person to whom he is, or has been, civilly or religiously married..."; and,
- the Protection from Domestic Violence (amendment) Act 2016 defines 'spouse' as "...a person who has been civilly or religiously married to a person of the opposite sex."

The Civil Status Division (CSD) operates under the aegis of the Prime Minister's Office of the Republic of Mauritius and is responsible for offering services such as the registration of births, deaths, marriages and other matters relating to the civil status of persons in Mauritius and for the issue of civil status certificates

On 27 July 2015, the CSD of the Republic of Mauritius refused to register the marriage of two same-sex individuals on the basis that the laws of Mauritius do not recognise marriage between people of same-sex. By refusing to register the marriage of LGB (Lesbian, Gay and Bisexual) persons, the CSD becomes responsible

of an alleged case of violation of the Equal Opportunities Act 2012, with strong arguments of non-definition of spouse and marriage as persons of different sexes.

The refusal of the CSD to register the marriage of two persons of the same sex was lodged as a complaint at the EOC in the year 2015. In 2016, the newly-appointed Chairperson of the EOC stated that same-sex marriage is not recognised under Mauritian law and a formal reply was issued to the complainant stating that the State does not recognise same sex marriage.

#### **f) Decriminalisation of consensual same-sex sexual acts among people of age of consent**

In Mauritius, there is no law *per se* which criminalises the identity of being a homosexual. However, the Equal Opportunities Commission Interim Report 2012 states that homosexuality, that is sodomy, is illegal.

Article 250 of the Criminal Code 1838 of Mauritius makes reference to 'Sodomy' and 'Bestiality', which have been amalgamated together under a single section and is hence, suggestive of the fact that the two acts, through different are being treated as being of similar severity. The Constitution of Mauritius guarantees the following:

- Article 3: Fundamental rights and freedoms of the individual;
- Article 5: Protection of right to personal liberty; and,
- Article 9: Protection of privacy of home and other property.

The existence of the law disproportionately affects and impacts LGBTQI people through criminalisation of their sexual identities. Therefore, as long as Sodomy is conducted between consenting adults, is a matter of freedom and privacy of these individuals. The State, therefore, cannot interfere in the private life of individuals and the right to engage in such sexual activity relates to bodily integrity.

The LRC, in its Issue of June 2007, gave substantive arguments for the decriminalisation of sodomy as per human rights treaty obligations, the CCPR and precedent cases in other jurisdictions. In 2017, the Director of Public Prosecutions has advanced that article 250 of the Criminal Code 1838 of Mauritius might not be constitutional.

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To date, addressing GBV has taken multiple forms, including legislative and criminal justice responses, measuring incidence and costing of GBV, awareness raising, women's empowerment programmes, community-based social norm programmes, and health-based interventions. There has been an increase in initiatives to work with men and boys to change their perceptions around gender equality.<sup>6</sup>

**Legislation:** While efforts are commendable, evidence has shown that review, amendment and enactment of laws and policies do not translate to enforcement and implementation. Resistance in recognising various forms of GBV as crime is still strong in Mauritius. It is noteworthy that the effectiveness of domestic violence legislation depends on the political commitment, capacity of civil society to hold government accountable, appropriate training for all service providers, cross-agency coordination, public support, and adequate budgets at all levels of government.<sup>7</sup>

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<sup>6</sup> <http://www.gsdc.org/topic-guides/gender/gender-based-violence/>

**GBV Services:** Although Mauritius offers services to survivors of GBV, places of safety remains scarce. There are three shelters where GBV survivors can obtain help. The one shelter that the Government had in Albion closed its doors and the Ministry of Gender Equality is now working with 17 NGOs which have been declared places of safety. The shelters get a grant from Government.

Government has many shelters for children where the beneficiaries get all the facilities including transport to go to school and medical treatment.

In Rodrigues children victims of different forms of abuse are placed at Foyer Marie Madeleine de la Croix. There is no shelter for survivors of GBV. "There should at least be a halfway home" the DCC said.

Although PEP is not a legal obligation in Mauritius it is administered in cases of sexual violence.

### **The Glass Ceiling**

Women represented only 7% of the boards of directors of the Top 50 Companies in 2015 (ranked by profits) in Mauritius. Men are more quickly promoted than women with equivalent qualifications. Women are still the ones who interrupt their careers to handle family matters due to absence of support. Most companies are male dominated.

The last household survey which included women's unpaid care work was done in 2002. There is an urgent need for a household survey.

### **Pay Gap**

According to World Bank Report, March 2018, Mauritian women in the private sector are paid an average 30% less per hour than men. "To bridge the gender pay gap in the private sector change need to occur through the education system that should place a strong focus on curbing discriminatory social norms among the youth. The public sector instead is an attractive avenue for highly skilled women who are on average paid more than male and could serve as best practice for more equitable treatment" (source: World Bank Report, March 2018)<sup>8</sup>. This indicates a lack of government policy and legislation to enforce private sector to be in line with the public sector.

- The average income tends to be lower for women than for men across all occupations.
- Mauritius holds the 112<sup>th</sup> position in 2017 and this is a slight improvement on 2016 on 113<sup>th</sup> position overall out of 144 countries, but regressing from the 106<sup>th</sup> position held in 2014. Although Mauritius has closed both its education attainment and health and survival gender gaps with indices nearing 1, it has regressed due to decreases on the Economic Participation & Opportunity and Political Empowerment

### **Teenage pregnancy and child marriage**

Today, women make 52% of the Mauritian population. The female population is already facing discrimination, sexual harassment, discrimination at work and at decision making level. Teenage pregnancy makes the situation worse.

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<sup>8</sup> <https://www.worldbank.org/en/country/mauritius/publication/mauritius-addressing-inequality-through-more-equitable-labor-markets>

There are several factors pertaining to teenage pregnancy, amongst which there is rape, being sexually active at an early age due to peer pressure influence, lack of parental control on the child, broken families, lack of information on contraceptive methods, communication gap between parents and children, no sexual education at school, among others. The Digest of Demographic Statistics 2016 shows that there were 1111 mothers aged 15-19 that gave birth in 2016 and 1107 mothers of the same age gave birth in 2014 in the Republic of Mauritius. Teenage pregnancy is an increasing societal problem that must be dealt with urgently in Mauritius, Rodrigues and Agalega.

There is scant statistics on child marriages as many cases are not reported. The 2016/2017 Annual Report published by the Office of the Ombudsperson for Children refers to a singular reported case of child marriage. Two minors of 16 and 17 years respectively were religiously married without the consent of the groom's father and a religious marriage certificate in line with section 30(a) of the Civil Status Act 1981 as amended was issued. The death of 13-year-old girl on the 20<sup>th</sup> June 2018 was highly covered by the media as it was found out that she was married to a man aged 19 and was pregnant. On 24<sup>th</sup> June 2018, Lexpress.mu reported the case of a young woman who got married at 15 and whose sister got married when she was below 15. According to the 2014 Contraceptive Prevalence Survey, "12.1% of teenagers (women age 15-19 years) [who are] **currently in union** have already begun childbearing: 10.6% are already mothers and 1.5% are pregnant with their first child". In one of its editions, Le Mauricien reported the marriages of 805 youngsters aged between 15 and 19, which were celebrated in 2014.

<b>Live Births Occurred by age in Mauritius</b>					
<b>Age</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Under 15</b>	<b>14</b>	<b>28</b>	<b>27</b>	<b>27</b>	<b>24</b>
<b>15-19</b>	<b>1387</b>	<b>1171</b>	<b>1073</b>	<b>1009</b>	<b>1011</b>
<b>Total</b>	<b>1401</b>	<b>1199</b>	<b>1100</b>	<b>1036</b>	<b>1035</b>
<b>Live Births Occurred by age in Rodrigues</b>					
<b>Age</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Under 15</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>15-19</b>	<b>111</b>	<b>69</b>	<b>97</b>	<b>98</b>	<b>100</b>
<b>Total</b>	<b>115</b>	<b>71</b>	<b>99</b>	<b>98</b>	<b>102</b>

[http://statsmauritius.govmu.org/English/StatsbySubj/Documents/Digest/Demography/Digest\\_Demo\\_Yr16.pdf](http://statsmauritius.govmu.org/English/StatsbySubj/Documents/Digest/Demography/Digest_Demo_Yr16.pdf)

There are no data on backstreet abortion and still birth of teenage mothers nor any help that, if any, is being administered.

No data so far on the number of children who have been married under 18 years. There has been a few cases of child marriage and the law need to change NOW.

### **Rape and Domestic Violence:**

The law prohibits rape, but there is no provision criminalizing spousal rape. Police and the judicial system did not effectively enforce the law. The penalty for rape is 20 years' imprisonment, with a fine not exceeding 200,000 rupees (\$6,000). The law criminalizes domestic violence, but it remained a major problem. Amendments to the Protection from Domestic Violence Act (PDVA) came into force in September 2016,

establishing a list of offenses separate from the criminal code, which was not the case prior to the amendment. The amendments redefine the term "spouse" to include unmarried couples of the opposite sex; redefine "domestic violence" to include verbal, psychological, economic, and sexual abuses; and empower police officers and enforcement officers to act on behalf of the victims, instead of waiting for a formal complaint from the victim. Although the amendments do not mention spousal rape, section 2.d. stipulates that a spouse cannot force or threaten the other partner into a sexual act "from which the spouse or the other person has the right to abstain." **Marital rape should be included in the law.**

Domestic violence activists stated police did not effectively enforce the law. According to women's rights NGOs, police were not always effective in protecting domestic violence survivors to whom authorities had granted court protection orders. Authorities prosecuted crimes including assault, aggravated assault, threats, and blows under the criminal code, but law enforcement recordkeeping did not always indicate whether they were linked to domestic violence. The law provides for protection and housing rights for victims, as well as counselling for the abuser; however, there were few shelters available to house survivors. Anyone found guilty of violating a protection order under the Domestic Violence Act may be fined up to 50,000 rupees (\$1,500) or imprisoned for up to one year for first time offenders. Under the newly amended PDVA, the penalty is 100,000 rupees (\$3,000) and imprisonment not to exceed two years for a second offense and up to five years' imprisonment for subsequent offenses.

There are still women dying under the protection order.

<https://www.state.gov/documents/organization/277269.pdf>

## **Existing data – What do we do with them?**

GBV is rooted in multiple factors. These include culture, women's dependency on men, poverty, unemployment, alcohol abuse and general substance abuse. Other factors include the breakdown of family values, drug and substance abuse, and transactional sexual relationships.

There is much good research that has been done in Mauritius on GBV and they should be used as a baseline to show progress. It is vital to see how the country is progressing in terms of qualitative and quantitative data and the cost of GBV in the country.

Moving from campaigns to action plans has prompted questions about how progress is to be measured – hence the VAW Baseline Studies research done by Gender Links in 2012. The research uses a prevalence and attitude household survey; analysis of administrative data gathered from the criminal justice system (police, courts), health services, and shelters; qualitative research of first-hand accounts of women's and men's experiences of intimate partner violence, or 'I' Stories; media monitoring and political content analysis. The flagship tool is the household prevalence and attitude survey, justified on the basis that statistics obtained from administrative data fall short as survivors do not report most incidents to police or service providers. Statistics from service providers also often cover physical and sexual assault but do not disaggregate GBV into other forms such as marital rape, emotional and economic violence. The "I" stories give a human face to all aspects of the research.

*See annex A for more information*

## Recommendations

- Use existing research as baseline to see the progress every 3 to 5 years to get reliable and comprehensive statistics on violence against women, including marital rape and sexual harassment in the workplace. Need to understand the underreporting. Data on social media and GBV. The survey to include sensitive issues and teenage pregnancy. The research should also include Sexual Health and Reproductive rights (SRHR) including
- The extent of abuse and violence on children. A one-stop shop for data collection. All data should be by age, sex, education level, literacy level, ethnicity, income, etc)
- Qualitative data on survivors of violence on whether they have been empowered and received psychological and therapeutic therapy
- Long term projects done from the findings of surveys on GBV and **NOT** quantitative activities. Projects with proper monitoring and evaluation to know if lives of women and girls have been improved. Dedicated training programmes with robust monitoring and evaluation for GBV survivors to make them economically independent. There should be a mechanism in place for better monitoring and evaluation to make sure survivors do not go back to the violent relationship
- Marital rape should be clearly stipulated in the law.
- Reiterate to Media that their role is to Educate, inform and entertain BUT NOT to create melodramatic and sensational news to sell their papers.
- Policy and legislation to enforce private sector to be in line with the public sector.
- More shelters for women and girls and half way homes for young adults coming out of children shelters and Rehabilitation youth centres. These shelters should have a strong monitoring and evaluation tool set by the ministry to ensure the standard is kept and also ensure how money paid per day for one resident is being used in the most appropriate way and that the beneficiaries are the ones benefiting and being truly empowered. There should also be a baseline set so that progress is analysed.
- An institution for the perpetrators is a must. They need psychological /psychiatric help and they need a strong a robust monitoring system in place to ensure they do not relapse.
- Law to protect the LGBTI persons from abuse and discrimination
- Continuous training of all stakeholders including Parliamentarians, Ministries, Councillors Gender Focal Points, NGOs, Council of Religion, the police, the prison on the devastating effect of GBV. This should be done through the Parliamentary Caucus
- Inequality before the law for the girl child who is married before 18 years of age must be addressed urgently. **NO TO CHILD MARRIAGE.**

## CHAPTER 5 - Health

### Key points:

- Use of contraceptives is quite high at 76% in Mauritius.
- Mauritius offers high quality of health services but not in Rodrigues and Agalega.
- Mauritius has an effective system of Family Planning and good health system and in their Drop-In-Center they have registered 170 cases of teenage pregnancy between January-July 2018.

- HIV has not contributed to maternal mortality.
- Mauritius has the lowest maternal mortality rates in the region; about 53 women died in child birth out of every 100,000 live births. Maternal Mortality Ratio in Rodrigues is 2.9 per 1000 live births
- All pregnant women are screened for gestational diabetes
- Diabetics and potential diabetics are followed up at post-natal
- Women in prison has the same facilities as other women
- Mauritius has made marked improvement on sanitation and access to water

## Abortion

The Criminal Code was amended in 2012 to provide for the termination of pregnancy under four specific circumstances, all of which are linked to women's health and women's choice. Undersection 235A of the Criminal Code -

1. termination of pregnancy in cases where the mother's life is seriously jeopardised.
2. termination of pregnancy in cases where medical diagnosis indicates that the continued pregnancy may lead to permanent injury to the physical and mental health of the mother.
3. termination of pregnancy in cases of severe malformation of the foetus which will affect its viability and compatibility with life, as assessed by appropriate specialists.
4. termination of pregnancy in cases where the pregnancy has not exceeded its 14<sup>th</sup> week and results from a case of rape, sexual intercourse with a female under the age of 16 years or sexual intercourse with a specified person which has been reported to the police or a medical practitioner. Women must be able to take decisions about their own bodies.

By raising girls' awareness of sexual health, protecting them from abuse and connecting them with education and health services, they will be able to make their own decision about their future and their bodies. Being more informed they can avoid teenage pregnancy. In addition, government should strengthen national health systems, implement sex education in and out of schools, provide affordable, safe contraception and address the root causes of teenage pregnancy. This will also limit the cases of back street abortions that are done and that very often cause infections that can lead to death.

<b>Cases treated as inpatient in Government General Hospitals due to complications following abortion 2010-2017 (not specified whether they are spontaneous/induced or safe/unsafe)</b>								
	2010	2011	2012	2013	2014	2015	2016	2017 (Jan-June)
<15 yrs	2	7	2	1	5	6	4	2
15-19 yrs	150	135	132	121	137	106	98	53
20-24	341	344	346	283	296	304	252	130
25-29	366	312	305	262	305	307	314	135
30-34	272	283	295	225	265	260	232	84
35-39	176	175	149	143	192	204	159	87
40-44	90	64	54	62	68	68	59	33
45-49	17	11	10	6	8	4	7	2
50 yrs +	-	-	-	1	-	1	-	1
<b>Allages</b>	<b>1412</b>	<b>1331</b>	<b>1293</b>	<b>1104</b>	<b>1276</b>	<b>1260</b>	<b>1125</b>	<b>527</b>

Source: Ministry of Health and Quality of Life



<b>The number of cases treated for complications following an abortion in public hospitals and private clinics</b>			
<b>Year</b>	<b>Government Hospitals</b>	<b>Private Clinics</b>	<b>Total</b>
<b>2009</b>	1390	390	1780
<b>2010</b>	1412	481	1893
<b>2011</b>	1331	519	1850
<b>2012</b>	1293	542	1835
<b>2013</b>	1104	494	1598
<b>2014</b>	1276	501	1777
<b>2015</b>	1260	634	1894

The reported cases have been on the rise in private clinics and there are unfortunately no statistics on backstreet abortion

### **Menstrual health**

Despite the fact that menstruation is a natural bodily process affecting all women, it remains a stigma within the family institution and within formal institutions. According to World Health Organisation, the average age for a girl to hit puberty is 10 years old. Hence, young girls and boys should possess accurate knowledge on their sexual health at a very young age itself. There is a need to curb this menstrual taboo and to change attitude about menstruation. There should be a robust SRHR module in the mainstreamed curriculum.

Sanitary pads are not a luxury item and access to sanitary pads is a human right issue and not a privilege. There are women who do not have access to sanitary pads and other sanitation facilities such as clean water. All women, regardless of social status, should have access to sanitary pads and sanitation facilities. Condoms are free and this is a privilege. Sanitary pads should be free as this is a need.

### **HIV and AIDS**

During the period of 2012 to 2017 there has been a rise in the number of new cases of HIV and Aids in Mauritius

<b>2012</b>		<b>2013</b>		<b>2014</b>		<b>2015</b>		<b>2016</b>		<b>2017</b>	
<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>	<b>F</b>	<b>M</b>
<b>105</b>	<b>215</b>	<b>109</b>	<b>151</b>	<b>132</b>	<b>190</b>	<b>107</b>	<b>155</b>	<b>129</b>	<b>190</b>	<b>144</b>	<b>224</b>

### **Recommendations**

- Mauritius needs to increase the focus of their SRHR programmes on adolescents and mainstream SRHR in primary, secondary and tertiary schools (rise of teenage pregnancy, educate on Menstrual health, STD, HIV and AIDS, abortion etc)
- Need to address disparity in access by poor women and other marginalised women like sex workers.
- Access to clean toilet and clean water in schools and hospitals
- Research on teenage pregnancy, the indicators, the root causes, its relation with poverty and gender based violence, feminization of HIV/AIDS

- Ensure universal health coverage for comprehensive sexual, reproductive, maternal and new born health care e.g. expanded access to health insurance.

## CHAPTER 6 - Way forward

This shadow report is an overall assessment of the application of CEDAW articles in the Republic of Mauritius. The recommendations at the end of each chapter provide an understanding for a more targeted intervention and Research that needs to be done.

There is a lack of statistics in certain sectors, and also a dire need for a robust research using existing figures as baseline to understand progress not only on a quantitative level but most importantly on a qualitative level. There is no long term follow-up on survivors and perpetrators of gender based violence to know if they have come out of the circle of violence and perpetration.

Research done in Mauritius are not implemented through a holistic approach. Programmes and projects done by stakeholders and the Ministry of Gender Equality, Child Development and Family Welfare are not monitored with proper evaluation to know if beneficiaries have benefitted from the projects and if there has been an improvement in the lives of people and the community at large. Courses offered by the MGECDFW are very often stereotypical and do not encourage women to go out of the box.

Although girls are doing better than boys in education the glass ceiling is very much present when it comes to women in politics and on Board of Directors.

This shadow report has identifying existing gaps and key challenges as well as at providing recommendations so as to enable the identification of future sectors of interventions in line with CEDAW and the commitment to gender equality, human rights, the empowerment of women and girls and the eradication of gender based violence, the recommendations must be implemented with proper monitoring and evaluation.

The main actions to be taken by the government are:

1. NO TO CHID MARRIAGE – marriage should not happen before the age of 18 and the laws should be changed
2. Clean running water and a shower in schools. Toilets should be equipped with sanitary bins
3. Sanitary pads should be distributed in primary and secondary schools
4. SRHR should be in the curriculum in schools for girls and boys of seven to nineteen years (to address – sexual health, Teenage pregnancy, menstrual health, abortion and backstreet abortion, contraception, HIV&AIDS, STD, etc.)
5. Abortion should be legalized
6. Marital rape is an offence and should be in the law
7. Shelters for children and adults should be reviewed
8. An institution for for the rehabilitation of perpetrators
9. LGBTI Law – same sex marriage
10. A robust research using existing figures as baseline to understand progress not only on a quantitative level but most importantly on a qualitative level.
11. Laws to have a quota/affirmative actions for women in politics and women ministers
12. % women sitting on Boards in the private sector should go up by at least

30%

13. Support to women in Parliament and at work – kindergarten – this will help them perform better knowing that their babies are safe
14. Ramps in all schools, buildings, streets
15. People in wheel chairs are dependent due to poor infrastructure
16. A good monitoring and Evaluation tool to measure and to show the baseline data including the emotional/psychological progress, the economic progress and the educational progress achieved by the women who followed the courses.

## Annex A

### Attitudes that fuel gender violence

One of the major drivers and obstacles to ending VAW is the persistence of discriminatory attitudes and social norms that normalise and permit violence. Cultural norms, practices, and traditions play an important role in defining a country or society. Unfortunately, some cultural norms are at times used or distorted to justify practices or crimes, including various forms of GBV. Several studies have identified culture as the major contributing factor to GBV. However, some scholars have pointed out that some perpetrators 'abuse' or hide behind culture to justify their horrendous acts.<sup>9</sup>

The attitude survey provides important insight into the factors that drive GBV. Thus while over three quarters of women and men in Mauritius agreed or strongly agreed that women and men are equal, 36% women and 45% men said that "if a wife does something wrong, her husband has the right to punish her." 25% women and 32% men (almost one third) said "if a man beats a woman this shows that he loves her." Over a third women and 42% men said that "if a woman wears a short skirt, this shows that she is asking to be raped." Although men had more regressive views than women, the fact that a high percentage of women subscribe to these patriarchal views and norms underscores the extent to which GBV has been normalised in our communities.

In Rodrigues a low proportion of women and men strongly agreed that both men and women must share household chores at 46% female and 42% male. The figures in Rodrigues show that both women and men believe in the supremacy of men with a percentage of 45% women and 41% men strongly agreed that 'if a man beats a woman it shows that he loves her'. The patriarchy is ingrained in the mentality of Rodriguans with 57% women and men strongly disagree that 'People should be treated the same whether they are male or female'. Sexual violence is not only rooted in the attitudes of men but of women as well with 76% women and 75% men agreed that 'If a woman wears a short skirt she is asking to be raped'. 39% women and 36% men strongly agreed that 'if a wife does something wrong her husband has the right to punish her'. 41% women and 38% men strongly agree that 'If a woman works she should give her money to her husband'.

Increasing evidence suggests that the collective and individual attitudes of men towards gender norms and cultural practices fuel their behaviours, including GBV (Pulerwitz and Barker, 2008). Scholars around the world have shown that support for inequitable gender norms directly influences men to use violence against women. This points to the need to target behaviour change.

There is an urgent need for a comprehensive research looking at all aspects of gender issues and gender based violence. The 2012 research done by Gender Links can be used as a benchmark to know the progress that has been done. This kind of comprehensive research must be done at least every five years but new elements of societal gender problems included in the questionnaires to know the prevalence, roots and causes of GBV, mechanism and support in place as well as places of safety.

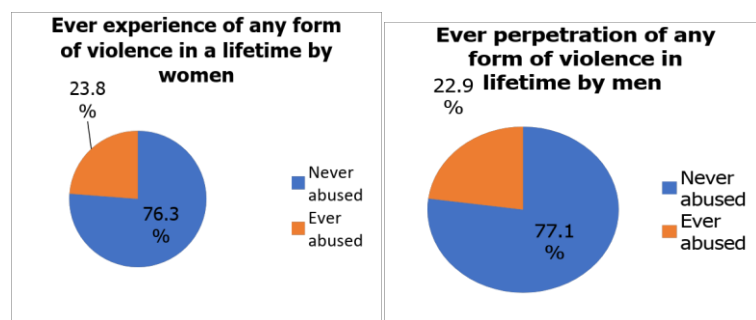
Overall 1357 participants in Mauritius were interviewed. The sample breaks down into 52% women and 48% men. Based on the overwhelming evidence that most cases of GBV are in fact VAW, the women’s questionnaire asks about women’s experience of violence, while that for men concerns their perpetration of violence. Corroboration of the two questionnaires provides strong evidence of the extent, causes, effects, response, support and prevention mechanisms in place in the countries where the research has been undertaken.

Corroborating existing evidence, women tend to be over-representative of victims of the physical and sexual forms of abuse. As a matter of fact, the percentage of women who are victims of physical abuse is 5.9% as compared to 1.9% for men. Rather similarly, male victims of sexual forms of domestic abuse make up only 0.2% of the sample as compared to 1.4% for female victims. For emotional forms of abuse, there seems to be just a marginal difference between males and females. Other characteristics of victims of the various forms of abuse are that they tend to be over-representative of the lower educational achievement; lower income as well as lower occupational status backgrounds.

### GBV in lifetime

Two separate questionnaires were used in the survey to determine lifetime experiences of GBV by women aged 18 and above and perpetration of GBV by men of similar age was collected.

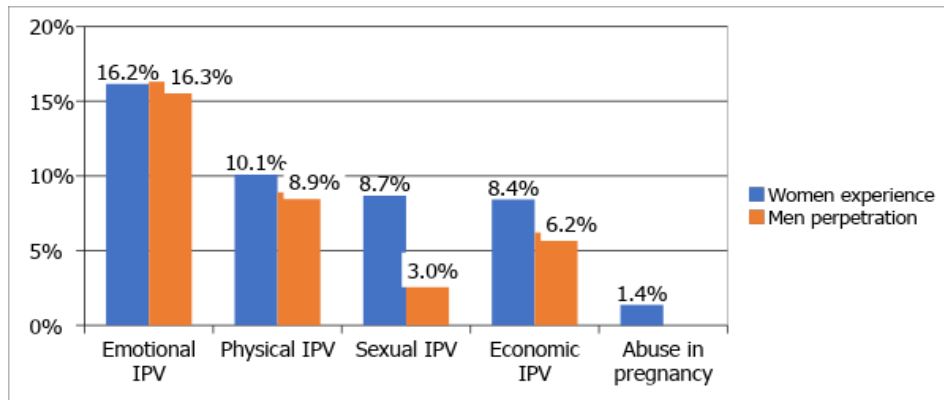
### Any experience of GBV by women or perpetration of GBV by men



Source: VAW Baseline Studies in Mauritius, Gender Links

**The most predominant form of GBV experienced by women and perpetrated by men in Mauritius occurs within intimate partnerships.** Figure 17 shows that 23.8 % of women interviewed in the study reported experience of some form of GBV at least once in their lifetime while 22.9% of men reported ever perpetrating GBV in their lifetime.

### Forms of IPV experiences and perpetration in lifetime

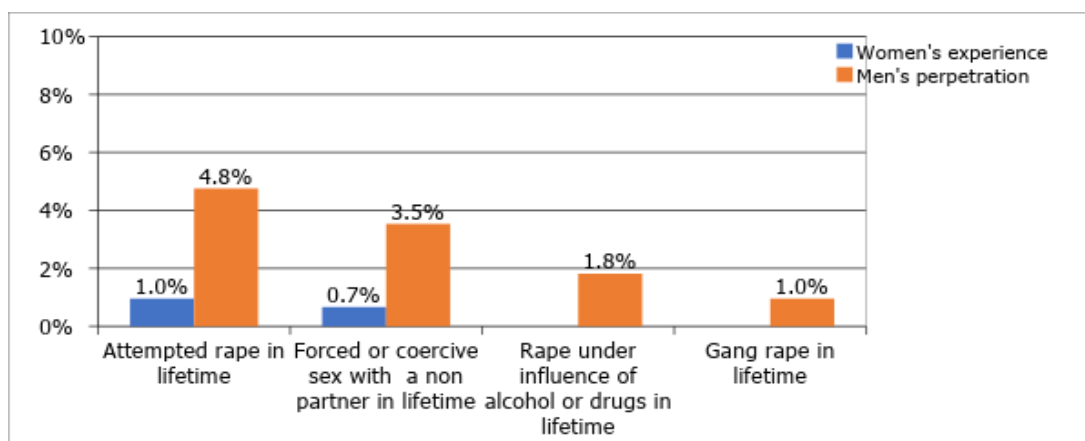


Source: VAW Baseline Studies in Mauritius, Gender Links

The figure 18 shows that the proportion of women reporting experience was greater than the proportion of men admitting perpetration. The most commonly experienced and perpetrated form of IPV is emotional IPV whilst the least commonly reported form is economic IPV. Sixteen per cent of ever-partnered women experienced or men perpetrated emotional IPV in their lifetime respectively.

The Survey done by the MRC in 2010 highlights that “ Domestic violence taking forms of emotional abuse is more widespread than physical and sexual abuse.”

### Different types of rape experiences and perpetration in lifetime



Source: VAW Baseline Studies in Mauritius, Gender Links

Figure 19 shows that none of the women interviewed had experienced drugged or drunk rape or gang rape. However, 2% of men admitted to raping non partners under the influence of drugs while 1% had gang raped.

### Under reporting of rape

Women that were raped by non-partners were further asked whether they had reported the incidents to the police or if they had sought medical help. The statistics on rape is quite revealing. While 4.8% men have agreed that they have perpetuated rape only 1.0% agreed to have been raped and 1% men agreed to have done gang rape while 0% women said they have been gang raped.

In all the study settings the majority of women who experienced violence did not seek help or support, a finding corroborated in other studies world-wide thus qualifying GBV as the “silent epidemic”. For example, a study of 42,000 women undertaken across 28 member States of the European Union found that only one third of victims of intimate partner violence and one quarter of victims of non-partner

violence contacted either the police or support services following the most serious incident of violence. Victims reported the most serious incident of partner violence to the police in only 14 per cent of cases.<sup>10</sup> Another global study by Palermo and others (2013) found that, on average, just seven percent of women who experienced violence ever reported to a formal source such as a doctor, the justice system, or a social service provider. They analysed Demographic and Health Survey data from 284,281 women in 24 countries collected between 2004 and 2011. In 20 of the 24 countries they analysed, most women told no one at all. These results suggest that GBV prevalence estimates based on health systems data or on police reports may underestimate the total prevalence of GBV, ranging from 11- to 128-fold, depending on the region and type of reporting.

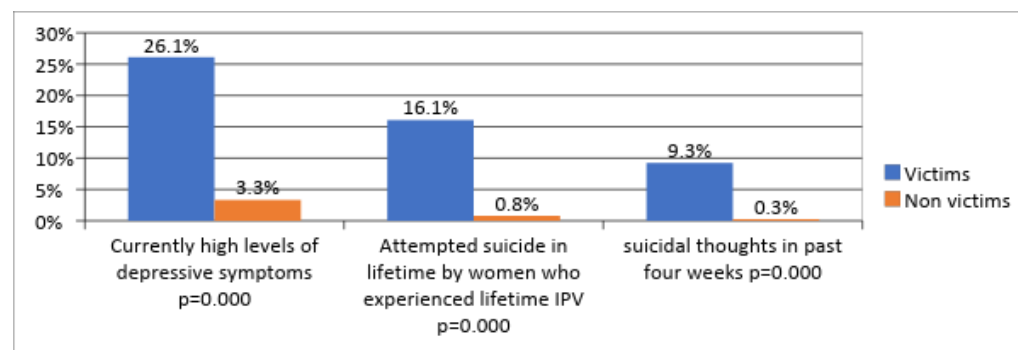
Establishing reasons of why victims do not violence or seek support is of paramount importance in fighting this scourge. One of the many reasons why survivors of violence do not respond is the fear of being victimised. In many settings, the police system and even the health sector are deeply entrenched into the same notions of patriarchy and gender inequitable perspectives and thus women do not feel comfortable that they will be heard or their report will be taken seriously.

Underreporting is very high in Mauritius

- The prevalence of GBV in the Gender Based Violence Survey is 15 times higher than reported at Family Support Bureau
- Rape is 11 times higher than reported to the police
- Sexual violence is 61 times higher than reported to the police

### **Effects of GBV**

#### **Mental health consequences associated with IPV**



Source: VAW Baseline Studies in Mauritius, Gender Links

Figure 20 shows that experience of IPV is associated with mental health problems. Women who experienced IPV in the 12 months to the survey were significantly more likely to have depressive symptoms and suicidal thoughts in the four weeks before the survey. Twenty seven percent of women who experienced IPV in the 12 months before the survey had depressive symptoms. Almost a tenth (9%) of these women had suicidal thoughts in the four weeks to the survey.

GBV impacts on the rights of women and girls across economic, social and political lines, undermining development, peace, and the realisation of human rights for all. The individual women who are victims of such violence often experience life-long emotional distress, mental health problems and poor reproductive health, as well as being at higher risk of acquiring HIV and intensive long-term users of health services. In addition, the cost to women, their children, families and communities is a significant obstacle to reducing poverty, achieving gender equality and ensuring a

peaceful transition for post-conflict societies. This, in conjunction with the mental and physical health implications of gender-based violence, impacts on a state or region's ability to develop and construct a stable, productive society, or reconstruct a country in the wake of conflict.<sup>11</sup>

Findings from the six countries show that education, age and employment status had varying influences on women's vulnerability to violence. Victims, predominantly women, came from poor to affluent communities across geographic, race, ethnic and economic divides. This shows that GBV cuts across all socio-economic and demographic classes. Every woman is at risk and any man can be a perpetrator. Thus, GBV awareness messages should target everyone.

### **Strengthening the methodology**

As part of the Sixteen Days of Activism in 2014, Gender Links and UNICEF convened a one and half day *Critical Thinking Forum* on measuring GBV. The forum brought together a broad range of experts to review methodologies for measuring GBV in the SADC region, and the underlying drivers, including childhood experiences of violence. The meeting revisited the methodologies used in conducting VAW Baseline studies in six SADC countries including Mauritius.

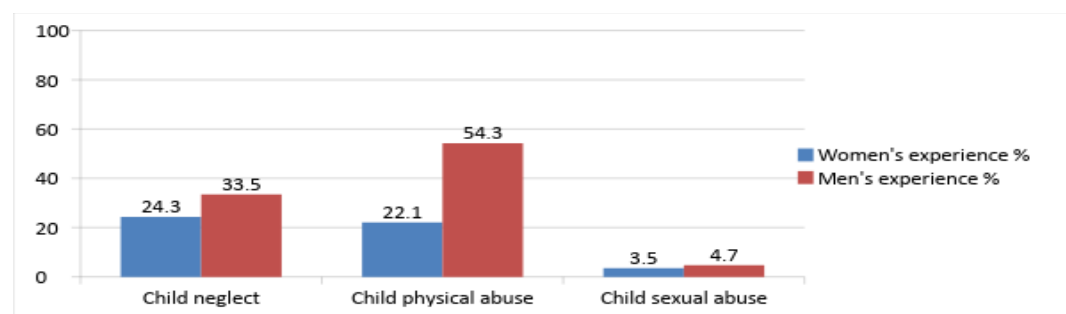
### ***The Combatting of Trafficking in Persons Act 2009***

Combating of Trafficking in Persons Act of 2009 prohibits all forms of trafficking of adults and children, prescribing penalties of up to 15 years' imprisonment for convicted offenders. The Child Protection Act of 2005 prohibits all forms of child trafficking and the Judicial Provisions Act of 2008 prescribes punishment for child trafficking offenses of up to 30 years' imprisonment. And yet the US 2016 Trafficking in Persons Report highlights Mauritius as "a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking. Girls from all areas of the country are induced or sold into sex trafficking, often by their peers, family members, or by businessmen offering other forms of employment. Taxi drivers allegedly introduce child sex traffickers to victims with whom they engage in commercial sex acts."

The media regularly reports cases of girls being abducting for prostitution. The latest being two girls of 15 and 16 (*Le Mauricien of Friday 14<sup>th</sup> October 2016*)

According to a survey done by Gender Links in June 2016 about 93% of respondents, mostly NGOs and Government officials, said they do not know what trafficking is let alone knowing if there are laws in place to protect victims.

### **Experience of child abuse by women and men**



*Source: VAW Baseline Studies in Mauritius, Gender Links*

Figure 21 shows that child abuse was common for both women and men. However, a higher proportion of men than women experienced all forms of child abuse studied.

<sup>11</sup> United Nations Economic Commission for Africa African Centre for Gender and Social Development (ACGSD) (2010), Violence against women in Africa: Situational Analysis.



The most common form of child abuse experienced by men was physical abuse followed by neglect and lastly sexual abuse. The most common form of child abuse experienced by women was neglect. The least common form of child abuse experienced by both women and men was child sexual abuse.

The finding that child neglect was most commonly experienced by women, in fact a quarter of the women, shows that women suffer from a continuum of emotional abuse that may stretch from childhood into adulthood. This is also true for physical abuse.

### ***Child physical abuse***

Child physical abuse is defined as ever experiencing an incident such as being beaten with a whip and left with a bruise or mark. This could have occurred at home, school or in the community. Almost one in every five (22%) women interviewed and one in every two (54%) men experienced child physical abuse.

### **Abuse on the girl child**

The Review Paper on «Criminal Protection of Children's Rights" of May 2016 highlights that

"In Mauritius law, criminal protection against violence of children's rights is provided by various Acts: Criminal Code, Criminal Code (Supplementary) Act, Child Protection Act, Employment Rights Act and the Protection from Domestic Violence Act. With a view to strengthening our legislation the commission has reviewed from a comparative perspective the criminal protection of children's right in various jurisdictions in relation to sexual offences, abduction, endangering child's life and criminal responsibility. According to Article 19 of the UN Convention on the Rights of the Child, to which Mauritius has acceded, —States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse"

A child, according to the Child Protection Act (CPA) means any unmarried person under the age of 18. Any person who ill-treats a child or otherwise exposes a child to harm shall commit an offence. Child trafficking is also an offence under the Act. Child abduction is also provided for in the law The Act, furthermore, deals with sexual offences against children. Thus, any person who causes, incites or allows any child to be sexually abused by him or by another person, to have access to a brothel or to engage in prostitution shall commit an offence.

According to the Child Protection Act any unmarried person under 18 is a child. But what happens to the girl child who is married between the ages 16 and 18. Does she not get any protection? NGOs working with children are concerned with girls being sexually abused and going into prostitution.