

# **MAURITIUS COUNTRY REPORT ON THE AU SOLEMN DECLARATION ON GENDER EQUALITY IN AFRICA**

## **Introduction on Background**

The island of Mauritius has an area of 1,865 km<sup>2</sup> and is situated in the south west Indian Ocean slightly over the tropic of Capricorn in latitude 20<sup>0</sup> South and longitude 57<sup>0</sup> East of Greenwich. It is 2000 km off the east coast of Africa and some 855 km east of Madagascar and it is almost entirely surrounded by coral reefs. The Republic of Mauritius includes the islands of Mauritius, Rodrigues, St. Brandon and Agalega. As at 31<sup>st</sup> December 2005, the total population of the Republic of Mauritius was estimated at 1,248,592:1,211,308 in the island of Mauritius and 36,995 in Rodrigues.

The population of Mauritius is multi-cultural comprising of Indian, African, European and Chinese immigrants. Co-existence among Mauritians of different ancestry has led to a sharing of cultures and values, a collective participation in festivals and increased understanding between people of different backgrounds. Mauritius is today a unique melting pot of peoples, languages and cultures. The population density is 650 to the square kilometre for the island of Mauritius and 356 for Rodrigues.

In March 1992, Mauritius became a Republic with a Mauritian-born president as head of state. Under the amended constitution, political power remained with parliament. The unicameral National Assembly has up to 70 deputies. Sixty-two are elected by universal suffrage, and as many as eight "best losers" are chosen from the runners-up by the Electoral Supervisory Commission using a formula designed to give at least minimal representation to all ethnic communities and under-represented parties. Elections are scheduled at least every 5 years.

Like men all Mauritian women of the age of eighteen and above have the right to vote and to be elected as a member of the Legislative Assembly. However, very few women stand as candidates as regard to the Legislative, Municipal and Village elections. In this respect, it was recommended that political parties should provide extra help and support to female candidates. A review of the status of women's participation in political and public life does not show any improvement.

The Council of Ministers (cabinet), responsible for the direction and control of the government, consists of the Prime Minister (head of government), the leader of the majority party in the legislature, and about 20 ministries. Since July 2005, out of 20 Ministers, there are two women Ministers who are responsible for the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection and the Ministry of Social Security, National Solidarity, Senior Citizens Welfare & Reform Institution. There are now 12 elected women in the National Assembly compared to only 4 in the previous one that is a three fold increase in women's representation.

Mauritius has witnessed a massive development in the last decades. From a monocrop economy, depending mainly on sugar, it has diversified its economic

activities into, textile and apparel industry, tourism and financial services.

The country is equipped with a highly skilled labour force and a very good infrastructure thereby attracting Foreign Direct Investment. The annual GDP growth rate at market prices was 1.3% for the year 2005 and 3.9% for the year 2006. The per Capita Gross National Income at market prices has reached 5096 US Dollars for the year 2005 and 5297 US Dollars for the year 2006. As a result the standard of living has gone up. The country now has a life expectancy at birth of 68.9yrs for male and 75.6yrs for female. As at Census 2000, the adult literacy rate was 88.2% for male and 80.5% for female.

To face globalisation and a new economic environment, the Government has taken several steps. High value-added, capital intensive and knowledge-based activities are on the priority list. The Information Technology sector is undergoing rapid changes so as to be fit for the next millennium. The aim is to make Mauritius a centre for high-tech and software services, which can be exported. The other sectors namely Tourism, Textile, Agriculture and Financial services are also undergoing changes in a positive direction.

The Ministry of Women's Rights, Child Development & Family Welfare was created in 1982. The creation of the Ministry is a testimony of the Government's commitment to place women's development high on its agenda, as a key route to growth and development. It is a key Ministry as it caters for women who represent more than 50% of the population. Its main objective is to frame and execute policies and programmes geared towards upgrading the status of women, children and family units, safeguarding their rights, protecting them against all kinds of abuse and discrimination and ensuring their economic development and welfare within the civil society. It also creates the right conditions and propitious environment for the harmonious development of individual woman, man and the child and to ensure that women enjoy equal opportunities and equal rights within society.

Mauritius has ratified several important international human rights and instruments. It acceded to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in July 1984 and ratified the Convention in 1985. Mauritius has ratified the Convention on the Rights of Child (CRC) in 1990 and ratified the ILO Convention on the Worst Forms of Labour. In 1993, the Government signed the Hague Convention on Civil aspects of Child Abduction. The Optional Protocol to the CEDAW, the Optional Protocol on the CRC on the Involvement of Children in Armed Conflicts and the Optional Protocol on the CRC or the sale of children, child prostitution and child pornography has been signed in November 2001. It has signed the SADC Declaration on Gender and Development in 1997 and in September 1998, it signed the Addendum to the Declaration on the Prevention and Eradication of Violence Against Women and Children. Mauritius is a party to the Beijing Platform of Action and has also identified gender-based violence as one of the critical priority areas at the Fourth World Conference on Women in Beijing. Mauritius has also signed the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and its ratification is in process.

## **COMMITMENT 1: HIV/AIDS AND OTHER RELATED INFECTIOUS DISEASES**

The transmission of HIV/AIDS continues to be a matter of concern in Mauritius. The number of cases reported as at June 2006 stood at 2475 at the ratio of 4.5% to 1% males to females.

### **National Aids Committee (NAC)**

The National Aids Committee (NAC) chaired by the Prime Minister is the highest multi sectoral body for HIV/AIDS issue making recommendations on HIV/AIDS policies to Government, ensuring implementation of the projects, programmes and activities of the Strategic Plan. Equal and due attention is being given to women. The NAC also liaises with financial stakeholders at national, regional and inter-national levels to ensure availability of sufficient resources to achieve the targets set.

### **Aids Secretariat**

The AIDS Division of the Ministry of Health and QL has been strengthened and operates as a full fledged Secretariat. It also ensures that implementing agencies of the National Strategic Plan are in fact implementing their respective activities.

In Mauritius, a five (5)-year National Strategic Plan was adopted in 2001 to control HIV/AIDS. The overall goal of the National HIV/AIDS Strategic Plan 2001-2005 was:

- To prevent new HIV infections and to continue caring and supporting people affected with HIV/AIDS in view to reduce morbidity and mortality associated with HIV infections; and
- To minimize its psychological impact on individuals and the population at large.

Subsequently, Strategic objectives were identified and prioritized in order to achieve the overall goal. These were:

- (1) To generate an environment conducive to effective HIV/AIDS control
- (2) To reduce STI/HIV new infection among groups with high risk behaviour
- (3) To reduce vulnerability among youth and children
- (4) To reduce vulnerability of business sector and workplace including tourism sector
- (5) To reduce Mother to Child Transmission of HIV
- (6) To improve utilization of Sexually Transmitted Infections services
- (7) To provide care and support to people infected by HIV
- (8) To reduce nosocomial infection including HIV
- (9) To reduce poverty as vulnerability and risk factors of HIV/AIDS
- (10) To strengthen surveillance and research
- (11) To contribute to the regional cooperation among Indian Ocean countries

- (12) To strengthen institutional set-up for management and co-ordination of the national response to HIV/AIDS and proper monitoring and evaluation.

### **Evaluation**

A first evaluation of the plan indicates that a greater awareness has been created at national level. Improved health care facilities are now available to people affected and infected. A better synergy exists amongst various institutions, Ngo's and the Civil Society.

### **Prevention of Mother to Child Transmission of HIV**

The Prevention of Mother to Child Transmission project was set up in December 1999. An HIV test is being offered after counseling to all pregnant women attending the Antenatal clinic in the public sector. The counseling is being carried out by staff of the AIDs Secretariat and trained nursing personnel. It is accepted by almost all of them.

Free Antiretroviral prophylactic treatment is given to pregnant HIV positive women during the last trimester and to the newborn for six weeks. Cæsarian Section is preferred to normal delivery. The transmission rate is reduced from 20% to 1%. Out of 88 babies born to HIV positive mothers who had prophylactic treatment, none got contaminated while among the 23 mothers who did not attend the ANC, thus had no prophylactic treatment, 3 positive cases were detected.

### **Training of Trainers (TOT) Programme**

In order to address the issue of HIV/AIDS among women, a National Sensitisation Campaign has been carried out in collaboration with the AIDS Secretariat of the Ministry of Health and Quality of Life. A Training of Trainers Programme has been conducted for 40 staffs which aim at empowering them to act as facilitators for the sensitization campaigns on HIV/AIDS in all Women Centres and for Women Associations.

A Day Care Centre is also operating since December 1999 with trained personnel to provide treatment to those infected as well as monitoring their follow up.

### **Legislation**

An HIV and AIDS Preventive Measures Bill is being prepared with a view to provide for measures for the control and prevention of the propagation of HIV and AIDS by way of:

- (a) making available HIV testing facilities;
- (b) the registration of those facilities;
- (c) the testing of donated blood;
- (d) the counselling of persons affected with HIV or AIDS;

- (e) the regulation of surgical and dental procedures;
- (f) a system of syringe and needle exchange.

It also provides for the punishment of any person who knowingly or recklessly places other persons at risk of being infected with HIV or who is in possession of syringe, needle or other article with intent to infect other persons with the virus.

### **Sexually Transmitted Diseases**

According to the health statistics, reported cases of syphilis are decreasing whereas figures of cases of gonorrhoea seem erratic, and there is no definite trend in one way or another. It is well known that figures concerning STDs are underreported.

STDs are presently being treated at the specialized Social Hygiene Clinic and in dermatology and venerology out-patient departments in regional hospitals. .

## **COMMITMENT 2: PEACE AND SECURITY**

Mauritius is a party to major instruments and resolutions pertaining to women and Peace and Security. The Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women in Africa was signed in January 2005. The issue of ratification is now being examined.

As a member of the newly established UN Human Rights Council, Mauritius will continue to ensure the advancement of human rights and fundamental freedoms, and particularly those of women.

In International fora, Mauritius commonly advocates the promotion of the role of women in peace building and conflict resolution, as well as the protection of the rights of women in countries affected by conflicts.

Mauritius regularly nominates women to attend training courses/seminars/workshops pertaining to Peace and Security. The participation of women in electoral observer missions is promoted, for example, the inclusion of women in the recent observer mission to Zambia.

### **COMMITMENT 3: CHILD SOLDIERS**

The rights of children are safeguarded under the Child Protection Act enacted in 1994 and amended in 2005. The law provides under the Child Protection Act (Amendment 2005), Section 13A that no person shall wilfully and unlawfully recruits, transports, transfers, harbours or receives a child for the purpose of exploitation.

Recruitment in armed forces is regulated under the Public and Discipline Forces Service Commission and only those above 18 years are eligible for recruitment.

The issue of child soldiers is not relevant to Mauritius.

#### **COMMITMENT 4: GENDER BASED VIOLENCE**

The government of Mauritius has ratified international instruments such as CEDAW and is also a signatory of regional instruments such as the Gender and Development Declaration of 1997 as well as the Addendum on the Prevention and Eradication of Violence Against Women and Children along with other African Heads of States. As such Mauritius is under the obligation to take appropriate measures towards the empowerment of women.

Mauritius is also a party to the Beijing Declaration and Platform for Action that emerged out of the 4<sup>th</sup> world conference on Women held in 1995 and which affirms the commitment of states to adhere to the 12 critical areas of concern regarding women and gender

Being also a signatory to the Protocol against transnational organized crime to prevent, suppress and punish trafficking in persons, especially women and children supplementing the UN Conventions Mauritius is also under the obligation to comply with the minimum standards for the elimination of trafficking of persons as required by the Protocol.

The MWRCDFW&CP and UNICEF commissioned a study on commercial Sexual Exploitation of Children in Mauritius in 2004 and a National Action Plan (NPA) on the protection of children against sexual abuse including commercial sexual exploitation of children based on the following 4 components :

- (i) Coordination and cooperation
  - (ii) Prevention
  - (iii) Protection
  - (iv) Recovery and Reintegration
- was elaborated in 2003-2004.

The NPA also aims at developing strategies to be implemented by all stakeholders including government, private sector, NGOs, the community and the family for the best interests of the child

A Drop in Centre for the rehabilitation of children victims of CSEC is also operational.

However, it is to be noted that there are no known cases of trafficking in women in Mauritius and in the absence of reported cases it is difficult to assess the existence and magnitude of the phenomenon in the island.

Following recommendations from the Beijing Conference and in accordance with one of the critical areas of concern (violence against women) the government passed a Protection from Domestic Violence Act in 1997 to assist victims of gender –based violence in obtaining protection from their abusive spouses.

The Act provides protection to “spouse” meaning either a man and a woman who

- Are or have been civilly or religiously married to each other

- Are living or have lived together as husband and wife; and
- Whether they have lived together or not but are parents of a common child and provides for the issue of :

- **Protection Order:** which has the effect of restraining the spouse from engaging in any conduct which may constitute an act of domestic violence
- **Occupation Order:** which grants exclusive right to the victim of domestic violence to live in the residence belonging to the aggrieved spouse or both of them
- **Tenancy order:** which has the effect of vesting in the aggrieved spouse the use of all or any furniture household appliances and household effects in the residence to which the order relates

In 2001 a Task Force chaired by Mrs. Patten (Barrister at Law) submitted a report on laws that are discriminatory towards women and subsequently the Protection from Domestic Violence Act as well as other legislation deemed to be discriminatory towards women have been amended.

The Protection from Domestic Violence Act was amended in 2004 to include the following:

- Providing protection to all family members sharing the same household
- Increasing the time limit before an application is heard from 7 to 14 days
- Increasing the penalty for breach of orders from Rs 10,000 to Rs 25,000 and
- Making provision for counseling of perpetrators of violence

Conscious of the need to address the issue of gender based violence in a comprehensive manner, the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection has adopted a broad framework to respond to gender based violence and the areas of focus are:

### **1) Prevention**

Through ongoing IEC Campaign, regular talks and activities are organized in different regions falling under the purview of the Family Support Bureaux to sensitise the public at large on issues pertaining to domestic violence.

Ongoing public awareness campaigns principally aim at reducing the incidence of domestic violence in Mauritius.

Moreover, a simplified version of the CEDAW has been published and distributed widely across the island and is also available on the Website of the Ministry.

### **2) Projects**

A series of innovative projects including Zero Tolerance Clubs and, 'Men as Partners' Programme to combat domestic violence by involving members of

the community and enhancing male participation and involvement in matters related to domestic violence were set up.

### **3) Capacity Building**

Training of service providers including medical practitioners, magistrates and police officers has been carried out to improve responses to cases of violence

### **4) Forging Social Coalitions**

A multidisciplinary and comprehensive framework that builds on partnerships between Ministries, NGOs and Community Based organisations has also been adopted by the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection to bring meaningful changes in addressing the issue of gender violence. In this connection a Partnership Against Family Violence Committee has been set up to further provide protection, services and rehabilitation to victims of violence.

## **National Policy Paper on the Family**

The Mauritian economy has undergone structural changes with unprecedented rapidity. Such changes have impacted upon the ways families earn their living and function thereby presenting tremendous challenges to families who have to adapt to new realities. Certain social realities and developments are also having a significant impact on the ability of families to fulfill their traditional roles, namely;

- a) Ageing of the population
- b) Changes in the role and function of women
- c) Changes in the family structure from a traditional extended family to a nuclear family type
- d) Erosion of family values
- e) Consumerism and globalisation
- f) Unemployment and family poverty

These various challenges have prompted the need for a policy paper that will address the problems faced by families and provide strategies to promote their well being. In May 2006, the Ministry launched the National Policy Paper on the Family which has the following objectives:

- Identify the problem areas and remedy the obstacles to proper family functioning.
- Promote knowledge and understanding of family life including parenting responsibilities.
- Render the family institution safe and secure for children and other vulnerable members.
- Ensure families have the resources they require to meet the needs of its members.
- Make families aware of their social responsibility to the community and for the protection of the environment

Further, to meet those objectives, the following core policy areas have been identified:

- a) Creating a strong foundation and strengthening marriage relationships
- b) Balancing work-life and family life
- c) Promotion of values for family life
- d) Enabling families to nurture the young
- e) Support services for the family, in such areas as Health, Housing, social security and welfare etc.

An Action Plan to implement the recommended actions of the National Policy Paper on the family will be elaborated shortly

### **Institutional Support**

The Ministry operates a network of 6 Family Support Bureaux across the island and offers the following services free of charge to families and children in distress:

- 1) Psychological and legal counseling;
- 2) Assistance to adult victims of domestic violence;
- 3) Assistance to children victim of abuse
- 4) Individual, couple and mass counseling on all family related problems

The above services are offered in a holistic manner within the same premises and in a decentralized manner with a view to minimize further trauma to victims of violence and to enable the public to have easier access to the various services.

Liaison officers, Psychologists and Legal Resource Persons provide counseling to clients in strict confidentiality and Family Protection Officers (FPOs) provide assistance to victims of domestic violence in the filing of an application for a protection order at District Court. As for the Child Welfare Officers (CWOs) they extend assistance to children victims of abuse and provide advice to parents on problems relating to ill-treatment of children. Both the FPO and CWO refer clients to psychologists for counseling purposes

Hotlines are also operational on a 24-hour basis to cater for family related problems and officers intervene promptly to assist victims who call on the Hotlines

### **Financial support to address the needs of victims and witnesses**

Under the Families in Distress Scheme, women victims of Domestic Violence who for various reasons cannot return to their previous residence are temporarily placed at a shelter following an Interim Protection Order. Upon their discharge from the shelter, they are given an allowance of Rs 3,000 to meet their immediate needs

- Deepen the understanding of the problem of Gender – Based Violence ,its causes and consequences through studies ,community – based dialogues and public awareness campaigns and further develop strategies which will set specific short term and long term objectives to:

- Respond effectively and adequately to the needs of individual victims and survivors of Gender –Based Violence
- Take appropriate action with regard to the perpetrators of Gender-Based Violence
- Build the capacity of law enforcement agencies to address Gender –Based Violence
- Train Media to cover issues of violence against women with sensitivity and enlist their support to promote equal and peaceful gender relations at the household level

A first study was carried out with the financial assistance of UNICEF in 1997. Based on its findings, a model framework for an integrated approach to combat violence against women was developed in 1999 with the assistance of Consultants from the Commonwealth Secretariat. The model framework took the form of an Action Plan for an integrated approach towards eliminating violence against women in Mauritius, decentralization of activities for more efficient service delivery, and development of a database on domestic violence through regular studies and surveys.

In 1999, the Ministry, decided to commission a 2<sup>nd</sup> study entitled “**Criminological Research on Domestic Violence**” which was entrusted to the KPMG consultancy firm after public tender. The team consulted stakeholders and institutions dealing with domestic violence and submitted its report in March 2000.

Conscious of the need to address gender based violence in a comprehensive manner; this Ministry has consolidated its networks with key partners to address the problem of violence in the family. For the effective enforcement of the recent amendments to the Protection From Domestic Violence Act, a workshop was also organized to familiarize Magistrates on the implementation of the Act as well as the issue of various orders stipulated therein.

## COMMITMENT 5: GENDER PARITY PRINCIPLE

**Section 3** of the Mauritian **Constitution**, stipulating the “fundamental rights and freedom of the individual”, provides that

*“... in Mauritius, there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex... each and all of the following Human Rights and Fundamental Freedom*

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- (a) The right of the individual to life, liberty, security of the person and the protection of the law*
- (b) Freedom of conscience, of expression, of assembly and association and freedom to establish schools; and*
- (c) The right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation.”*

**Section 16** of the **Constitution**, which deals with “Protection from Discrimination” states, under **Subsection (1)**, that

*“... no law shall make any provision that is discriminatory either of itself or in its effect”.*

**Under Subsection (3)**, “discriminatory” means

*“... affording different treatment to different persons attributable wholly to their respective descriptions by race, caste, place of origin, political opinion, colour, creed or sex.”*

It should be noted that the process of amendment of the Constitution to add a guarantee of non-discrimination in terms of gender, has started since 1995 when reference to “sex” in the definition of discriminatory practices had been included.

### **Sex Discrimination Act (2002)**

The “**Sex Discrimination Act (2002)**” protects women from discrimination on the basis of their gender.

According to **Section 4(1)** of the Act,

*“...A person discriminates against another person if the first-mentioned person makes, on any of the grounds specified in subsection (2), any distinction, exclusion or preference, the intent of the effect of which is to nullify or impair equality of opportunity or treatment or employment.”*

**Subsection (2)** of the said Section of the Act details the grounds referred to in subsection (1), consisting of

1. Sex, marital status, pregnancy or family responsibility; or
2. A characteristic that generally appertains, or is imputed, to a person of the same sex or marital status as that other person, or to a person who is pregnant or has family responsibility.

Under **Section 4(3)** of the Sex Discrimination Act (2002),

*“Any act or omission or any practice or policy that directly or indirectly results in discrimination against a person on a ground referred to in subsection (2), is an act of discrimination regardless of whether the person is responsible for the act or omission or the practice or policy, intended to discriminate and shall constitute an offence.”*

The definition covers practices which although not intending to discriminate, are discriminatory in effect and not reasonable or justifiable.

### **HUMAN RIGHTS COMMISSION**

Following the enactment of the Sex Discrimination Act, a Sex Discrimination Division was set up by the Human Rights Commission which receives and enquires into written complaints, following which it endeavours to bring conciliation and make such recommendations as it deems appropriate.

### **Women Have Equal Rights To Employment**

The right to the same employment opportunities between men and women is ensured by Section 5 of the Sex Discrimination Act (2002) stipulating that:

*“ No employer shall, in relation to recruitment, selection or employment of any other person for purposes of training, apprenticeship or employment, discriminate against that any other person on the grounds of sex, marital status, pregnancy or family responsibility in:-*

- (a) The advertisement of the job;*
- (b) The arrangements made for the purpose of determining who should be offered for employment;*
- (c) The terms and conditions on which employment is offered; and*
- (d) The creation, classification or abolition of jobs.”*

### **Sexual Offences Act 2003**

The Sexual Offences (Miscellaneous Provisions) Act 2003 reinforces the sanctions associated with sexual offences. When cases of sexual assault are reported at the Police Department or the Ministry of Health and Quality of Life, apart from medical examination, victims are referred to the Family Protection Unit of the Ministry, where appropriate structures exist for interviewing or counselling them in privacy and ensuring sufficient emotional support following the stress and trauma they experienced. Sexual assault has been widely condemned in sensitization campaigns through posters, talks on radio and TV in Women Centres.

The Sexual Offences Act is in the process of being amended to make penalties more severe for perpetrators of sexual abuse.

## **LEADERSHIP OF POLITICAL PARTIES/THE EXECUTIVE BRANCH OF THE STATE**

Mauritius is a parliamentary democracy based on the Westminster model. The National Assembly has up to 70 deputies. Sixty-two are elected by universal suffrage, and as many as eight "best losers" are chosen from the runners-up by the Electoral Supervisory Commission using a formula designed to give at least minimal representation to all ethnic communities and under-represented parties. Elections are scheduled at least every 5 years.

For the last general elections held in July 2005, the main political parties honoured their pledge to increase women's representation in the national Assembly and there was a marked increase in the number of Women candidates. There are now 12 elected women in the National Assembly compared to only 4 in the previous one that is a three fold increase in women's representation.

### **Women and Politics**

	No of females	Total	% female
Ministers	2	20	10
Deputy Ministers	0	3	0
Members of Parliament	12	70	17.1
Urban Councillors	16	116	12.7
Rural Councillors	89	1488	6.0

## **WOMEN AND PUBLIC SERVICES SECTOR**

As regards participation of women in the national decision making level in the public sector, Mauritius has already achieved the required percentage.

### ***Statistics for Women in the following: Numbers and Percentages***

	No of Females	Total	%female
Senior Chief Executive	2	5	40.0
Permanent Secretary	11	31	35.5
Principal Assistant Secretary	20	58	34.5
Directors or Heads of Departments in Ministries	66	191	34.6
Boards of Commissions or Parastatals	51	373	13.7

## **THE JUDICIARY**

There has been affirmative action to have a more equitable representation of women in the judiciary.

### ***Statistics for women in the following: Number and Percentages***

	Female	Total	% Female
Chief Judge	0	1	0.0
Senior Puisne Judge	0	1	0.0
Judges	5	11	45.5
President Industrial Court	1	1	100.0
President Intermediate Court	1	2	50.0
Vice President Industrial Court	0	0	-
Vice President Intermediate Court	1	3	33.3
Magistrate Intermediate Court	5	7	71.4
Senior District Magistrate	5	9	55.6
District Magistrate	5	14	35.7
Registrar	0	1	0.0

## **COMMITMENT 6: HUMAN RIGHTS OF WOMEN**

Mauritius has endorsed various international instruments. Mauritius acceded to the Convention of the Elimination of all forms of Discrimination against Women (CEDAW) in July 1984, ratified the Convention in 1985 and signed the Optional Protocol to the CEDAW in November 2001. Mauritius also signed the SADC Declaration on Gender and Development in 1997 and in September 1998 signed the Addendum to the Declaration on the Prevention and Eradication of Violence against Women and Children. Mauritius is also a party to the Millennium Development Goals (MDGs) especially in regard to poverty reduction, education, maternal health, gender equality; to the implementation of the Beijing Platform for Action in regard to the advancement of women, to eliminate discrimination against women in line with CEDAW.

The Ministry is in the process of strengthening its National Gender Machinery (NGM) through a recently launched project on 'Capacity Building for Gender Equality and Empowerment of Women'. The project is being jointly implemented by the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection, and the Ministry of Labour, Industrial Relations and Employment, under the UNDP Country Programme 2005-2007.

The project seeks to strengthen existing institutional and human resource capacity to implement the National Gender Policy and its National Action Plan, and contribute to the empowerment of women.

Specific activities under the project include:

- Carrying out an overall capacity enhancement of NGM stakeholders, including GFPs and members of civil society, to core-stream gender into their respective policies, plans and programmes. Training and capacity building initiatives would be sustained through institutions and training bodies such as the Ministry of Civil Service Training Unit amongst others.
- Setting up of a Gender Information System, which would consist of a web-interface that would act as a system of interconnectivity between Gender Focal Points (GFPs) and contain a documentation center.
- Carrying out a Gender Audit among GFPs to assess the level of gender mainstreaming and barriers being faced.
- Undertaking Qualitative analysis of sex disaggregated data and policies and legislation of the Government of Mauritius using a gender sensitive lens, and provide recommendations
- Facilitating the setting up of a Parliamentary Gender Caucus to further the gender agenda and contribute to women's empowerment.
- Carrying out a 'Labour Market Study' to examine the present situation of men and women in the labour market; identifying discriminatory practices

regarding their remuneration, occupational segmentation, training policy and entrepreneurship.

- Carrying out a 'Tracer Study' to identify problems of the predominantly female retrenched workers from the textile industry and coping mechanisms being adopted.
- Carrying out a 'Harmonisation Study' to revise all national discriminatory legislative provisions and bring the latter in line with ILO Convention 111.
- Carrying out a training on 'Negotiation Techniques/Collective Bargaining' with predominantly female trade union cadres and members, as well as potential trainers in the field of collective bargaining/ social dialogue to empower them with regard to negotiation techniques.

It is to be acknowledged that gender is a cross-cutting issue which has fully been recognised as a key factor to strengthen a country's ability to grow and improve the standard of living. Redressing the gender standard in Mauritius will surely help in bringing about an active promotion and protection of all human rights for women

## **COMMITMENT 7: LAND, PROPERTY AND INHERITANCE RIGHTS**

Women are formally treated equally with men under the law with respect to their legal capacity to conclude contracts and administer property in their own name, without interference or consent of the male partner. However, specific provisions may apply in relation to the matrimonial regime, although the impact then, is equally felt upon men and women.

Women have the right to now choose their matrimonial regime. Under 'separation des biens' both spouses retain and manage their wealth and property separately. Under 'communauté des biens' the man remains the head of the community and has exclusive control over those goods forming part of the community. However, the woman retains the right to manage that part of her wealth which does not go into the community.

Other provisions under 'communauté' ensure that she does not become destitute by losing the house of her husband's heirs. She can enjoy the usufruct of her deceased husband's estate. Inheritance in Mauritius follows the 'Forced Heirship Rules', whereby both men and women have an equal right to inheritance. Widows/widowers inherit from their spouse in any circumstances, depending upon the matrimonial regime. In fact, widows and daughters, just like widowers and sons, have the right to inheritance even if there is no will, and can also receive property under a will. Further, there is no legal or customary constrain on a testator to bequeath the same share of property to widows and daughters as to widowers and sons.

In both government and private institutions, people (irrespective of gender) qualify for bank loans by

- (a) Producing pay slips
- (b) Evidence of residential address
- (c) Copy of national Identity cards

The qualifying requirements affect both men and women equally, irrespective of their sex or marital status.

Women need the consent of the husband to obtain credits if they are married on the "Communauté de bien" matrimonial regime; just as the husband need the consent of the wife.

## **COMMITMENT 8: EDUCATION**

Mauritius has attained the Millennium Development Goals and ranks very high amongst the African countries with the following features:

- Universal primary education
- Access to all educational institution is guaranteed.
- Boys and girls are given the same facilities in all schools
- Education is free at primary. Secondary and tertiary level and a grant is provided at the level of pre-primary schools.
- Any pregnant student is allowed to attend school including after delivery.
- School is compulsory up to the aged of 16, according to the education act.
- Textbooks have been reviewed to ensure elimination of stereotypes.
- Provision of human rights and gender sensitisation are done at the level of schools and colleges.
- There have been major infrastructural developments in the construction of new schools and colleges in different areas around the island so as to enable children to attend schools near their places of residence. These developments have been made to reduce school absenteeism and provide facilities for more children to attend school. There has been the construction of 34 additional secondary schools till date. The total seats in secondary schools have increased from 4795 in 2001 to 10455 in 2006.
- The government is also committed to encourage girls to take up non-traditional subjects like science and technology as well as choosing careers which are generally male dominated.
- Government also provides scholarships equally to boys and girls.
- The government has through the Trust Fund for Social Integration of Vulnerable Groups provided ways and means for poor families so that their children do not miss schools.
- In 2004, more than 13000 children have benefited from the Poverty alleviation Programme of the Trust Fund for the Social Integration of Vulnerable Groups both in Mauritius and in Rodrigues. The Trust Fund provides transport facilities, uniforms and education materials and basic furniture with a view to encouraging needy children to attend schools.
- The Trust Fund has also financed the setting of a mobile Training Centre to be run by IVTB to encourage school dropouts and young adults not attending school to integrate a training programme that would keep them away from the ills of drug addiction and other social problems.
- A ZEP Project was put forward to reduce failure of the pupils at primary school and thus constitutes a new approach to fight poverty and social exclusion on a long term. The essence of the project is to build a bridge between the school and the social environment of the pupil at his home.
- The ZEP project is meant for an average pupil's population of 12000 which on balance caters for about 5,000 families living in the deprived regions of the country.
- To promote proper development of children the issue of Corporal punishment has also been taken into consideration. Schools are provided with circular depicting the legal provisions existent in the country to safeguard children from any form of corporal punishment. Written

explanations are demanded in cases of corporal punishment/child abuse and appropriate actions taken.

## **COMMITMENT 9: THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA**

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was signed by Mauritius in Addis, Ababa on 28 January 2005 with reservations to Articles 6(b), 6(c), 10(2)(d), 11 and 14(2)(c) of the Protocol. The State Law Office has advised that there is no legal impediment to ratify and that the reservations on ratification are to be maintained. The views of Ministries and Department on the measures being taken in line with the Protocol were sought. It is observed that we are successfully implementing the provisions of the Protocol.

Mauritius maintains these reservations as follows:

- (i) Article 6(b) which stipulates that the minimum age of marriage for women shall be 18 years;
- (ii) Article 6(c) provides for polygamy which is not recognized in Mauritian law;
- (iii) Article 10(2) refers to appropriate measures to be taken to ensure the increased participation of women in all levels of structures established for the management of camps and settlement for asylum, seekers, refugees and displaced persons in particular women;
- (iv) Article 11 refers to the protection of women in armed conflicts; and
- (v) Article 14(2)(c) deals with appropriate measures to protect reproductive rights authorizing medical abortion in cases of sexual assault, rape and incest.

The ratification of the Protocol is in process.