



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Pre-session working group**

**Fiftieth session**

3 – 21 October 2011

**Responses to the list of issues and questions with regard to  
the consideration of the combined sixth and seventh periodic  
reports**

**Mauritius\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**Response to the issues raised in paragraph 1 of the list of issues and questions (CEDAW/C/MUS/Q/6-7)**

1. The process of drafting the report involved consultations with different Ministries, Institutions, Government and non-governmental organizations and civil society. The objective of such consultations was to seek relevant inputs from these different organizations, particularly those which work for the advancement of women and deal with issues of discrimination against women. Inputs were received from respective stakeholders. Information and data pertaining to women's health, education, employment and training, social security, protection, sports and other significant information were collected at the level of relevant Ministries/Departments in various sectors to reflect the situation of women in Mauritius and assess progress made on the enjoyment of the rights espoused by the Convention. Consultative meetings were held with all stakeholders, Ministries, governmental institutions and non-governmental organizations that were briefed on the significance of the State report and their expected contributions to the successful writing of the report, as per the guidelines of the Convention on the Elimination of All Forms of Discrimination against Women reporting format. The draft document was circulated amongst stakeholders, including civil society organizations; the views expressed have consequently been incorporated therein and validated. All relevant views and comments were taken on board and included in the report, so as to faithfully reflect the situation of discrimination against women from diverse sources. The Ministry secured the support and collaboration of Government Ministries/Departments and NGOs, for the preparation of the draft report which contains detailed information and disaggregated data, including programmes and services implemented at all levels.

2. With regard to adoption of the report, it has been officially submitted on behalf of the State of Mauritius and has the approval of Government. However, this report has not been submitted to the Parliament as it is not the practice to do so.

**Response to the issues raised in paragraph 2**

3. A number of national laws have been passed which incorporate most of the principles found in the Convention. The Constitution, which is the supreme law of the country, prohibits discrimination, inter alia, on the ground of sex. It also provides that no law shall be discriminatory either in itself or in its effect. The Equal Opportunities Act 2008 prohibits any direct or indirect discrimination in different fields, such as employment, recruitment, promotion, treatment of employees in both the public and the private sector, distribution of services and access to education. It further provides for provisions against sexual harassment. The Sex Discrimination Act also incorporates most of the provisions of the Convention, as mentioned in the third, fourth and fifth periodic reports (2004) of Mauritius. In its Government Programme 2010-2015, Government has declared its intention to undertake a constitutional review. This process will include wide ranging consultations and a team of constitutional experts will be appointed to assess the application of the Constitution since 1968 and consider the appropriate constitutional reforms.

4. The Task Force Report of 2001 "the report" has identified discriminatory provisions in our national legislation in relation to international instruments such as the International Labour Organization Convention No. 111 on Discrimination (Employment and Occupation), the Convention on all Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights. The Government has set up a Monitoring Committee, co-chaired by the Honourable Attorney-General and the Minister of Labour, Industrial Relations and Employment, to look into the implementation of the recommendations made in the Task Force Report with the objective to bring about a harmonization of our national legislation with the provisions of the abovementioned international instruments. The Monitoring Committee has met on five occasions, and has held consultations with all

stakeholders in order to take their views and comments on board when carrying out this harmonization exercise. Since this process of consultation is still on-going, the implementation of the recommendations has not yet started. The Labour Act 1975, which was identified in the Task Force Report as being discriminatory, has nevertheless already been repealed and replaced by the Employment Rights Act 2008 (the Act). Under the Act, as per the recommendations of the Committee on the Elimination of Discrimination against Women, maternity benefits for female employees are no longer restricted to three confinements and have been extended to all confinements. The Act also introduces the concept of paternity benefits to all male workers. Further, the issue of violence at work, including sexual harassment, has been addressed by the Act. Sexual harassment has been defined as “making an unwelcome sexual advance, or an unwelcome request for sexual favour, or engaging in any other unwelcome conduct of a sexual nature towards another person, in circumstances in which a reasonable person would have foreseen that the other person would be humiliated, offended or intimidated”. The female worker is also protected against any dismissal for reporting a case of sexual harassment.

### **Response to the issues raised in paragraph 3**

5. Members of the judiciary as well as officers of the Attorney General’s Office and the Office of the Director of Public Prosecutions have the opportunity during the course of their duties to attend conferences, workshops and seminars on human rights. In 2008, a judicial seminar on human rights was organized jointly by the Judiciary and the Attorney General’s Office with the assistance of the United Nations Development Programme (UNDP) whereby participants were sensitized on the provisions of various United Nations international human rights instruments as well as on regional instruments such as the African Charter on Human and Peoples’ Rights. In the Government Programme 2010-2015, Government has announced its intention to review the institutional set up for the training of judges, magistrates and law officers. It is intended to set up a fully-fledged institute to provide for the continuous training of judges, magistrates and law officers. In fact, a draft Institute for Judicial and Legal Studies Bill is being finalised by the Attorney General’s Office.

### **Response to the issues raised in paragraph 4**

6. Government has set up a Commission to investigate into the appropriateness of the Muslim Personal Law and its impact on women. However, a consensus could not be reached among the different schools of thought in the Muslim community in the country.

### **Response to the issues raised in paragraph 5**

7. Mauritius has adopted the Equal Opportunities Act which prohibits discrimination on various grounds, including colour, ethnic origin, race, sex as well as sexual orientation in various spheres of activities, namely employment, education, provision of goods, services or facilities, accommodation, disposal of immovable property, companies, partnerships, “*sociétés*” or registered associations; clubs; and access to premises and sports. The establishment of an Equal Opportunities Division within the National Human Rights Commission and of an Equal Opportunities Tribunal with wide powers are provided for, so as to enforce the provisions of the Act. Section 27(3)(f) of the Act makes provision for the Equal Opportunities Division to prepare appropriate guidelines and codes for the avoidance of discrimination and to take all necessary measures in order to ensure that the guidelines and codes are brought to the attention of employers and the public at large. However, the Government has now decided to create a fully-fledged, independent and dedicated Equal Opportunities Commission separate from the National Human Rights Commission. The Prime Minister’s Office has been working closely with the Attorney-General’s Office on the amendments to be brought to the Equal Opportunities Act to provide for the

establishment of an Equal Opportunities Commission to operate as an independent body. In this context, a draft Bill has been prepared.

#### **Response to the issues raised in paragraph 6**

8. Following a brainstorming session with stakeholders in 2008, a Working Committee has produced a Green Paper on the new concept of legal aid, applications for legal aid, the eligibility test, the expanding and extension of legal aid services and the establishment of a Legal Aid Board. The possibility of providing for legal aid at enquiry stage is being seriously considered. Members of the legal professions will also be encouraged to do more pro bono work. The Green Paper has been circulated to all stakeholders for their views and comments.

9. Women victims of domestic violence are afforded legal aid according to the provisions of the Legal Aid Act. Further, most of the legal aid applications are in respect of family law matters, that is, divorce, alimony, rights of visit and custody of children. The Attorney General's Office also assists victims of domestic violence by providing services of counsel, as and when required at Court level, to the Ministry. Government intends to review the Legal Aid Act shortly.

#### **Response to the issues raised in paragraph 7**

##### *Change in Appellation*

10. In line with the paradigm shift from "Women in Development" to "Gender and Development", the Ministry of Women's Rights, Child Development and Family Welfare was restyled Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) in May 2010, after the general elections.

##### *Human and financial resources*

##### **Human resources**

*Funded positions by programmes*

*Programme on Women's Empowerment and Gender Mainstreaming- Gender Unit*

2008	2009	2010	2011
	22.4%	18.2%	17.4%

##### **Number of staff Parastatal bodies involved in the promotion of gender equality**

Year	2008	2009	2010	2011
National Women Entrepreneur Council	27	25	25	28
National Women Council	291	297	298	307

##### **Financial resources**

*Financial resources by programmes*

*Programme on Women's Empowerment and Gender Mainstreaming- Gender Unit*

2008	2009	2010	2011
	Rs52,050,000	Rs101,930,000	Rs98,275,000

**Budgetary provision (Rs Million) allocated to Parastatal bodiesinvolved in the promotion of gender equality**

<i>Financial Year</i>	<i>2007-2008</i>	<i>2008-2009</i>	<i>2010</i>	<i>2011</i>
National Women				
Entrepreneur Council	Rs4,8 million	Rs11, 5 million	Rs8, 2 million	Rs5 million
National Women Council	Rs40,4 million	Rs77,5 million	Rs58 million	Rs60 million

***Major achievements***

11. The major achievements are as follows:

– Paragraph 128 (i) of the Government Programme 2010-2015, stipulates that “Government will sustain its policies, programmes and projects from a gender perspective while extending technical assistance to all Ministries for the formulation of gender sectoral policies”.

– As the National Gender Machinery, the role of the MGECDWF is to coordinate and monitor gender mainstreaming in all policies and programmes of Government. The objective of Government is to ensure that all Ministries have adopted their gender sectoral policies in the coming five years.

– A National Steering Committee on Gender Mainstreaming under the chairpersonship of the Honourable Minister has been established and has as overall objective, to monitor and evaluate the implementation of the National Gender Policy Framework in all sectoral Ministries through the formulation and implementation of their respective gender policies.

– In a bid to sustaining the GFPs mechanism, the MGECDWF deemed it important to institutionalize a structure that was sustainable over time, whilst ensuring that the concept of gender permeates in all policies and programmes of Government. The MGECDWF has therefore encouraged sectoral Ministries to establish Gender Cells comprising a Gender Focal Point (not below the rank of Principal Assistant Secretary); a Senior Technical Officer; Senior Officers of the Human Resource and Finance Sections; a Senior Officer of the Statistics Division; and any other co-opted Officer, as deemed necessary.

– As at date, the MGECDWF has been officially informed of the setting up of the following Gender Cells at the level of respective Ministries:

- Public Infrastructure National Development Unit, Land Transport and Shipping
- Tourism and Leisure
- Education and Human Resources
- Agro-Industry and Food Security
- Industry and Commerce
- Health and Quality of Life
- Civil Service and Administrative Reforms
- Labour, Industrial Relations and Employment
- Youth and Sports

12. In 2010, eight Ministries had formulated their gender sectoral policies, namely:- Public Infrastructure National Development Unit, Land Transport and Shipping; the MGECDWF; Education and Human Resources; Agro-Industry and Food Security; Industry and Commerce; Youth and Sports; Health and Quality of Life; and Labour, Industrial Relations and Employment.

13. This exercise will now be extended to four additional Ministries in 2011. These are the Ministries of Energy and Public Utilities; Tourism and Leisure; Fisheries and Rodriguez; and Civil Service and Administrative Reforms.

**Response to the issues raised in paragraph 8**

14. In addition to its ongoing campaigns on women's empowerment and gender equality, the MGECDWF has consolidated its information and education campaign to sensitise women on the provisions stipulated under the Convention, as well as the Optional Protocol and enquiry procedure.

15. The MGECDWF conducts sensitization programmes on women's legal rights. In the context of International Women's Day 2011, the MGECDWF organized a Forum on "Women as Agents of Transformation", and a series of publications were launched, comprising, inter alia, a Booklet entitled "10 Questions and Answers on the Convention on the Elimination of All Forms of Discrimination Against Women", aimed at familiarizing readers with the Convention and its Optional Protocol.

**Response to the issues raised in paragraph 9**

16. Efforts at all levels are being taken to accelerate the realization of women's substantive equality with men in various areas. On 13 November 2010, Mrs. Monique Agnes Ohsan-Bellepeau, was nominated Vice President of the Republic of Mauritius. There were 15 per cent of women who occupied the post of Ambassador in 2010.

**Response to the issues raised in paragraph 10**

17. Provision is not made for the application of temporary measures in the Equal Opportunities Act. However, under the Sex Discrimination Act, provision is made under section 9 for special measures to be taken to achieve substantive equality between men and women, people of different marital status and women who are pregnant.

**Response to the issues raised in paragraph 11**

18. With regard to information on the monitoring of impact of measures taken, the Family Welfare and Protection Unit of the Ministry is proposing to seek consultancy services in 2012 to undertake a monitoring and evaluation exercise of the "Men as Partners" Programme which has been implemented by the MGECDWF in collaboration with the Mauritius Family Planning and Welfare Association since 2003. In the light of the Monitoring and Evaluation report, new ventures towards combating prevailing gender stereotypes pertaining to the roles of women and men in the family, community and society would be explored.

**Response to the issues raised in paragraph 12**

19. Domestic violence is not categorised as a criminal offence and it cannot be prosecuted ex officio. There is no legal provision which specifically criminalises domestic violence. Instead, there are a number of criminal offences under which a person who commits any act of domestic violence can be prosecuted. These range from the offences of murder and manslaughter (where death has ensued), to aggravated assault, assault, rape, attempt upon chastity, sexual harassment, threat, criminal intimidation and sequestration.

20. Domestic violence has been widely defined under the Protection from Domestic Violence Act 1997 (the PDVA), and it is not limited only to physical assault or injury

committed on the victim, but intimidation, harassment, ill-treatment, threat, damage to the property of the victim, confining or detaining the victim, or an attempt to do any of the above acts. The PDVA entitles any person victim of an act of domestic violence to apply for a protection order, an occupation order or a tenancy order. Once the order is granted by the Court, the perpetrator who committed the act of violence on the victim has to comply with the order, and any condition attached thereto. If the perpetrator fails to comply with the order, he commits a criminal offence and on conviction, is liable to a fine not exceeding 25,000 rupees and imprisonment for a term not exceeding two years. Amendments were brought to the PDVA in 2007, in line with the Government Programme 2005-2010 which highlighted the need to strengthen the enforcement mechanism of the Act. The PDVA as amended provides for harsher penalties for the offence of wilfully failing to comply with any order made under the Act. Under section 13 of the Act, where a person has been convicted for failure to comply with any order, he is liable to a fine not exceeding 25,000 rupees and imprisonment for a term not exceeding two years. The 2007 amendments also provide that the Court has the power, on a second or subsequent conviction, to sentence a person to a fine not exceeding 50,000 rupees and imprisonment for a term of 2 years. In exceptional cases, the Court has the power to order a person who is convicted of an offence under the Act, to attend counselling sessions, instead of sentencing him. However, if the person fails to comply with the order for counselling sessions, the Court may impose sentence for the original offence. The amendments further provide that the Court may, in addition to any order, order the perpetrator to pay alimony to the victim and any child. The Protection from Domestic Violence (Amendment) Act 2007 has yet to enter into force. The amendments made in 2007 also conferred power on the Chief Justice to make rules for the purpose of applications for protection orders. The Protection from Domestic Violence (Amendment) Act 2007 has not yet been proclaimed pending the finalization of the draft rules which have been prepared by the Rules Committee.

21. The Police Family Protection Unit (PFPU) deals primarily with cases of domestic violence and its duties are laid down under Section 11 of the above Act. Whenever a case of domestic violence is reported to the PFPU, victims are thoroughly interviewed and counselling is carried out for both victim(s) and perpetrator(s) by staff of PFPU. Cases warranting further counselling are referred to psychologist and/or Family Counselling Service of the MGECDWF.

22. In cases of domestic violence, where victims are seriously injured or when violence persists despite counselling, victims are provided with necessary assistance and guidance when applying for a Protection Order. In cases where further acts of domestic violence are committed on victims subject of a Protection Order, perpetrators are arrested and dealt with according to Section 13 of the Protection from Domestic Violence Act.

23. From January 2008 to 31 March 2011, a total number of 9017 cases have been reported to the Police. Of these, 1355 spouses have been assaulted whilst under a Protection Order. A breakdown of the cases is at given at annex I.

24. The data on the number of reported domestic violence cases against women as well as data on women murdered by their husbands, intimate partners or ex-husbands during the last four years is at annex II. Information on prosecutions of perpetrators and sentences imposed on them are found at annex I.

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*Female victims in reported cases committed by spouses, ex-spouses, concubine or ex-concubine , 2009 & 2010*

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	2009	2010
Offences		
Homicides	8	7
Murder	5	3

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*Female victims in reported cases committed by spouses, ex-spouses, concubine or ex-concubine , 2009 & 2010*

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Wounds and blows causing death without intention to kill	1	1
Attempt at murder	1	3
Involuntary homicide	1	
Assault and other related offences	2,605	2,494
Wounds and blows causing loss of an eye or both eyes; an arm, a leg, or a thigh broken.	1	
Assault with premeditation	4	4
Simple assault	2,600	2,487
Assault causing sickness or incapacity for personal labour for >20 days	0	3
Sexual Offences	33	14
Rape	4	4
Attempt upon chastity	2	1
Sodomy	26	9
Sexual harassment	1	
Other offences against Persons and Morality	1	6
Sequestration	1	3
Criminal intimidation	0	3

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*Source: Mauritius Police Force (MPF)*

### **Study of the Extent, Nature and Costs of Domestic Violence to the Mauritian Economy**

25. The findings of the report are as follows:

- The prevalence rate of physical abuse construed as arguments between intimate partners turning into physical abuse is 3.9 per cent;
- The percentage of women who are victims of physical abuse is 5.9 per cent compared to 1.9 per cent for men;
- For physical abuse it is estimated that some 5353 men have been victims at least once over the last year compared to some 16,536 women;
- As far as domestic violence taking the form of sexual abuse is concerned, 1 per cent of the sample reported being victims of sexual abuse over the last 12 months.
- Male victims of sexual abuse represents only 0.2 per cent of all sample compared to 1.4 per cent for female victims;
- Domestic Violence taking the form of emotional abuse is more widespread than physical and sexual abuse and represents 10 per cent of the sample having reported such abuse;
- There seems to be just a marginal difference regarding emotional abuse between men and women;
- Victims of various forms of abuse tend to be over representative of the lower educational achievement lower income as well as low or occupational status backgrounds;
- 38 per cent of victims falling into the category of victims of physical abuse do not consider themselves as victims;



- Only 15.6 per cent of victims who stated being victims of emotional abuse over the last year consider themselves as victims of domestic violence;
- 36 per cent of the sample targeted know at least some people who are victims of domestic violence of which 6 per cent know many victims;
- A monetary value has been calculated to know the burden that such type of violence creates on the economy;
- Direct costs to victims amount to approximately Rs221 million;
- Indirect costs to the economy and society, in terms of low productivity at work, loss of household chores and absence from work amount to approximately Rs988 million;
- Direct cost incurred by service providers amount to nearby Rs196 million for the period 2008-2009;
- The total cost estimated is Rs1.4billion for the period 2008-2009;
- The major causes of domestic violence are:
  - Substance Abuse;
  - Extra-marital affairs;
  - Financial problems;
  - Interference of in-laws;
  - Lack of conflict management skills; and
  - Lack of communication.

### **Audit Report**

26. The findings of the Audit Report on the Existing Services and Care provided in the Family Support Bureaux (FSBx) and Shelters are as follows:

#### **Family Support Bureaux (FSBx)**

27 Clients attending FSBx and their partners do not have a high educational level.

The support services offered to victims in FSBx are appreciated by clients. Besides, the services offered do match the needs of the clients. The legal protection (Protection Orders and Occupation Orders) seems to be effective in discouraging perpetrators of domestic violence. However, one facility, which is not presently available in FSBx, is a refuge for whenever victims feel insecure. Victims would feel secure if a place was available to sleep over the night in case they face some kind of danger from their partners.

28. In terms of programme of delivery the officers of the FSBx as well as other professionals are highly appreciated. However, while some services in particular, legal advice, counselling and informing clients on court procedures meet victims expectations, others, in particular training and employment opportunities, social aid facilities and what a divorce entails are not appropriately delivered.

29. FSBx are fulfilling their mandate. However, some additional facilities need to be provided as suggested by victims. Officers in FSBx should make additional efforts to empower victims of domestic violence to benefit from the training and employment facilities provided by the MGECDWF and other national stakeholders since victims of domestic violence need to develop their economic autonomy. The setting up of a crèche

will address the need for care for the child of the victims. However, more attention should be devoted on “How to build trust in a relationship with their partner”.

30. The audit of services and responses of clients in FSBx show that the intervention dimension is adequately addressed though there is room for improvement as per observations and recommendations. However, discussions with officers from FSBx also indicate that more effective communication campaigns should be organized in the community in collaboration with CBOs and other stakeholders as addressing the issue of domestic violence has a strong component of prevention.

31. Many clients interviewed are keen to continue life with their partner particularly those having children. However, they feel at a loss on how to change the behaviour of their partner. This change in behaviour necessitates a comprehensive approach whereby the perpetrator is made accountable to the justice framework. At present the FSBx are providing a customer interface with the perpetrator but does not relate the perpetrator with the social environment for perpetrators. Although perpetrators may be called upon to attend counselling sessions and officers might affect home visits to both, victim and perpetrator yet no established on-going programme to empower the perpetrator to stop victimising the partner is in place. Formal interagency protocols would facilitate genuine and effective partnerships, which will improve the quality.

### **Shelters**

32. There is a lack of personnel for the management of shelters and hence the quality of service offered to victims tends to be of a basic nature which might not fully empower a victim. While shelters in other countries provide services, such as job seeking skills training, job training, job placement, support groups, and/or substance (i.e. drugs and/or alcohol) abuse treatment these services are not provided in a systematic way. If shelters cannot provide these services, they can usually refer their clients to agencies that do so.

33. It can be said that stakeholders working in shelters consider that there is a need for safe, affordable housing for victims of domestic violence. Without access to housing options, women will find it difficult to flee from abusive relationships and would be forced to live in substandard conditions or return to their barterers. While some battered women may need only short-term, emergency shelter, others may require long-term housing assistance and a variety of support services. The scarcity of housing options thereby leading victims to spend longer periods of time at the shelter puts additional stress on management and the range of services available.

34. The three shelters considered here address the needs of those who require long-term housing assistance and they function more as a Transitional housing service than an emergency shelter. Transitional housing is placed between emergency and permanent housing. Transitional housing is designed as a bridge to self-sufficiency and permanent housing. Residents usually remain from six months to two years, and are typically required to establish goals to work towards economic stability. However, the description of activities shows that shelters in Mauritius do not have the means and are not in a position to work towards the economic stability of the victim.

35. A review of literature shows that the characteristics of transitional housing for battered women vary but generally cater for the following:

- Offer housing at a single location though some may be scattered site units;
- Provide a wide range of support services such as childcare, child development programmes, financial assistance, clinical therapy, and counselling in life planning and job development;

– Are owned and operated by domestic violence service providers. However, some represent partnerships between suppliers who construct and own the units and a service provider that operates the programming for clients.

36. The principles for service delivery in shelters meet the basic requirements. However, more comprehensive and quality services should be provided for the empowerment of the victim.

**Response to the issues raised in paragraph 13**

37. With a view to addressing the problem of domestic violence, a National Domestic Violence Committee (NDVC) comprising senior officials from different Ministries, department and NGOs has been set up in February 2009 by the MGECDWF with a view to promoting and adopting a coordinated approach in dealing with the scourge of domestic violence.

38. Concurrently, Area Domestic Violence Committees (ADVC) have be set up to handle cases expeditiously and for case conferencing at regional level to ensure proper follow-up on all cases of domestic violence reported to the relevant authorities for example Police Department, Police Family Protection Unit, Ministry of Health and Quality of Life amongst others. The meetings of the ADVC have been held twice every two months since November 2009. An evaluation workshop involving the representatives of the ADVCs was held in December 2010 and a meeting of the National Domestic Violence Committee meeting is scheduled at the end of May this year to examine the shortcomings identified and provide recommendations with a view to ensuring a coordinated approach towards addressing cases of domestic violence.

39. Ongoing training is being organized for police officers especially Station Orderlies and Telephone Operators, who are the first responders, in reported cases of Domestic Violence with a view to providing clear guidance on responding to Domestic Violence with a more professional and sensitive approach and to give the victims/abusers the relevant information and advice as promptly as possible. On-going in-house training is also being imparted to personnel of the Police Family Protection Unit (PFPU) to better equip them with skills to deal with cases of Domestic Violence and promote a multi-agency response and support to victims/abusers/children. Details on the number of Police Officers trained and the training courses are at annex III.

40. As per strategic objective 2, sensitization campaigns on various issues pertaining to Domestic Violence, Child Abuse including exploitation in whatever forms are being organized island-wide with the aim of empowering victims and abusers to control abuse. Statistics on the sensitization campaigns are at annex IV.

41. On the other hand community policing has been introduced since 2010 involving the community and the police to improve our service. The PFPU is sensitizing the general public by providing awareness campaigns and educational programs through the Community Policing about Sexual and Gender Based Violence, Child and Elderly Abuse and the services offered by the Unit.

42. The Police intensified its prevention campaign to show further proactiveness to support the community against crime and violence. Since 2008 it has been organising a one week exhibition/Security Week at national level whereby the Police Family Protection Unit participated and it was a very good opportunity to carry out a vast campaign on Exploitation of Women through exhibition of posters and distribution of pamphlets/stickers. The number of persons who attended the Security Week is found at annex V.

**Response to the issues raised in paragraph 14**

43. There is no specific offence of marital rape but section 249 of the Criminal Code criminalizes the offence of rape. It is arguable that it is possible to prosecute for the offence of marital rape under that section of the Criminal Code as it stands. It is intended to make express reference to this offence in the Sexual Offences Bill which is currently under preparation. The matter was, in fact, being considered by a Select Committee of the National Assembly under the previous Government but the report could not be finalized before the dissolution of the Assembly in 2010.

**Response to the issues raised in paragraph 15**

44. The Combating of Trafficking in Persons Act (the Act) was passed by the National Assembly in April 2009. This Act protects and provides assistance to all victims of human trafficking, irrespective of gender.

45. Under this Act, any person who traffics another person or allows another person to be trafficked commits an offence.

46. The Act defines “trafficking” as:

(a) The recruitment, sale, supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of a person:

(i) By the use of threat, force, intimidation, coercion, abduction, fraud, deception, abuse of power or abuse of a position of vulnerability; or

(ii) By the giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or

(b) The adoption of a person facilitated or secured through illegal means, for the purpose of exploitation.

47. Under the Act, “sexual exploitation” is included in the definition of “exploitation”. As for “sexual exploitation”, this term has been defined as obtaining financial or other benefits through the involvement of another person in prostitution or in other kinds of sexual services, including pornographic acts or the production of pornographic materials, as a result of subjecting another person to one of the means listed in paragraph 46 (a) of the definition of “trafficking” above.

48. Any person who commits the offence of trafficking under the Act is, on conviction, liable to penal servitude for a term not exceeding 15 years. Also, he may be ordered to pay compensation to a victim for damage or loss or destruction to property, physical or psychological injury or other injury and for loss of income or support resulting from the commission of the offence.

49. Amongst other measures, the Act provides that a country can be declared as a country from which persons are being trafficked to Mauritius or a country of destination to which persons present in Mauritius are being trafficked. It further provides for the setting up of a screening mechanism to determine whether persons who travel to or from Mauritius, with regard to these countries are victims of trafficking. Further, where any victim of trafficking is a non-citizen, he may be granted temporary residence in Mauritius, which can be extended on humanitarian grounds, taking into account the likelihood that the person may be harmed, killed or trafficked again if returned to his country of origin or the country from which he has been trafficked.

50. The Act also provides for the repatriation of any victim of trafficking, taking into account his safety during the repatriation process, his safety in the country to which he is to be returned, and the possibility that he may be harmed, killed or trafficked again. In

addition, the Act contains several provisions to facilitate the return of victims of trafficking to Mauritius.

### Cases of trafficking in persons for period 2009 -2010

#### Breakdown cases of trafficking in persons for the year 2009 (January to December)

<i>Year</i>	<i>Offence</i>	<i>No of Cases</i>	<i>Pending Prosecution</i>	<i>Conviction</i>	<i>Dismissed</i>	<i>Under Enquiry</i>
2009	Causing Child to be Sexually abused	1		1		
2009	Child Trafficking	1				1(DPP)
2009	Procuring , Enticing and Exploiting Prostitutes	2				2 (1 Case DPP)
2009	Debauching Youth	1				1(DPP)
2009	Causing a Child to be engaged in prostitution	1				1
<b>Total</b>		<b>6</b>		<b>1</b>		<b>5</b>

#### Breakdown cases of trafficking in persons for the year 2010 for Island Of Mauritius

<i>Year</i>	<i>Offence</i>	<i>No of Cases</i>	<i>No. of Accused</i>	<i>Under Enquiry</i>
2010	Causing Child to be Sexually abused	2	6	2
2010	Child Trafficking	3	4	3
<b>Total</b>		<b>5</b>	<b>10</b>	<b>5</b>

### Trafficking in persons

#### Cases sent to prosecution/DPP during the year 2010 for Island Of Mauritius

<i>S/no.</i>	<i>Offence</i>	<i>No of Cases Pending Prosecution/DPP</i>
1	Causing Child to be Sexually abused( to engage in Prostitution)	5
2	Human/Child Trafficking	1
3	Procuring , Enticing and Exploiting Prostitutes	1
4	Debauching Youth	6

#### Breakdown of cases of trafficking in persons convicted during the year 2010

<i>S/no.</i>	<i>Offence</i>	<i>No. of Cases convicted during the year 2010</i>	<i>Outcome</i>
1	Keeping Brothel	1	Accused No 1. Conditional Discharge – to furnish a surety Rs 50,000 within 21 days. Good Behaviour for a period of 3 years in default , to undergo 12 months imprisonment+ Rs 500 accused No. 2

<i>S/no.</i>	<i>Offence</i>	<i>No. of Cases convicted during the year 2010</i>	<i>Outcome</i>
			Conditional Discharge –to furnish a surety Rs 50,000 within 21 days. Good Behaviour for a period of 3 years in default , to undergo 12 months imprisonment+ Rs 50
2	Causing Child to be Sexually Abuse ( to engage in Prostitution)	3	<p>Case 1: Accused No. 1, 12 months imprisonment + Rs. 1000 /=-; accused No.2, four weeks imprisonment. + 2 Weeks; accused No. 3, 6 months + Rs 1200/-</p> <p>Case 2: accused No.1, 2 years imprisonment + Rs 500/-cts; accused No.2, three months imprisonment + Rs 500 cts; accused No.3, Conditional Discharge + Rs 15000/- + two years good behaviour failing which six months Imp.</p> <p>Case 3: Accused No. 1, 2 years imprisonment Rs 500 Cts; accused No.2, 1 year imprisonment. Rs 500 Cts; accused No. 3, 6 months imprisonment. + Rs 500/-</p>

#### ***Support services provided to victims of trafficking***

51. As for the rehabilitation of the victims of trafficking, the Act provides for the setting up of centres to give temporary accommodation suited for the needs of victims of trafficking. Amongst other services, these centres can provide counselling, rehabilitation, education and training facilities to the victim.

52. On an average, the number of women accessing the services of Chrysalide varies between 20 and 25 annually. Inmates are mostly victims of substance abuse, who often have recourse to prostitution to obtain drugs/alcohol. Disaggregated data available at the level of Chrysalide does not clearly demonstrate “per se” that inmates are sex workers.

#### **Response to the issues raised in paragraph 16**

53. The Ministry of Tourism and Leisure had, before the presentation of the Sixth and Seventh Periodic Report, carried out a sensitization campaign in the Commercial Sexual Exploitation of Children by distributing brochures to the front-liners of the tourism industry. The brochure was worked out with the collaboration of “Association des Hoteliers et Restaurateurs de l’Ile Maurice” (AHRIM), Mauritius Tourism Promotion Authority (MTPA), Tourism Authority, Police du Tourism, Association of Inbound Operators Mauritius (AIOM), Office of the Ombudsperson for Children, “Brigade pour la Protection des Mineurs” and Soroptimist in order to help inform and advise tourists as well as stakeholders of the industry more efficiently about sexual exploitation of children.

54. The Special Collaborative Programme for Support to Women and Children in Distress is being implemented by the MGECDWF in collaboration with the Ministry of Finance and Economic Development; the Ministry of Social Security, National Solidarity and Reform Institutions; the Ministry of Education and Human Resources; the Ministry of

Youth and Sports; the Mauritius Council of Social Services (MACOSS); the National Empowerment Foundation (NEF) and the Women in Networking (WIN), amongst others since 2009. The objective of the Programme is to support women and children in distress aimed at enhancing their livelihoods and integrating them in the mainstream of development. Various studies confirm that social exclusion is often the result of such diverse factors as illiteracy, poverty, chronic diseases, gender-based violence, domestic violence, harassment, sexual assault, child abuse, divorce/broken families, teenage pregnancies, prostitution, substance abuse, HIV/AIDS and disability. Moreover, in accordance with the Programme Based Budget Estimates 2011, the Women and Children's Solidarity Programme operating under the Prime Minister's Office and the Special Collaborative Programme for Support to Women and Children in Distress operating under the MGECDWF have been merged. A sum of Rs40m has been allocated for the year 2011. Henceforth, the MGECDWF will implement the Programme, however funds (Rs8.8m) already earmarked for projects approved under WCSP will be disbursed to NGOs in due course. As at date, 45 projects to the tune of Rs41.84 million have been approved and are being funded.

#### **Response to the issues raised in paragraph 17**

55. In line with the Government Programme 2005-10, the MGECDWF has adopted a rights based approach to implement its programmes and projects for women's empowerment and promotion of gender equality. It has also adopted a paradigm shift from women in development to gender and development so as to translate into actions the various commitments taken at international and regional fora, including, the Commonwealth Plan of Action on Gender and Development, the SADC Declaration on Gender and Development and the Millennium Development Goals.

56. All these international instruments, among others, aim at increasing women's participation in the frontline of democracy, and decisions that affect their lives and their political, social and economic empowerment. For the two last general elections held in July 2005 and in May 2010, the main political parties honoured their pledge to increase women representation in National Assembly and there was a marked increase in the number of women candidates. Women now represent 18.8 per cent of the Members of the National Assembly. Furthermore, in the judiciary there are over 56 per cent of women Judges and Magistrates; and in the public service, 35 per cent of holders of the post of Permanent Secretaries are women.

57. In 2001, the Indian Ocean Commission (IOC) formulated a sub-regional gender policy for the period 2009-2013. Objective 2 of the policy is to intensify efforts to increase the participation of women in decision making and reach the objective of parity. In July 2010, a regional workshop was organized by the IOC and the three main axes of interventions were identified in order to achieve Objective 2 of the Policy, namely, (a) increasing women's participation in politics; (b) setting up a regional platform on women in politics and strengthening the capacity of the platform in negotiation and lobbying skills; and (c) promoting the drafting of a law favouring a greater representation and participation of women in politics.

58. A road map was formulated to guide activities of the Regional Platform, which include, amongst others, devising training manuals for capacity building programmes for women parliamentarians and newly elected MPs; engaging the media for the promotion of empowerment of women in politics; and building capacity of women parliamentarians on effective advocacy and lobbying skills.

59. In line with the IOC Gender Policy and Strategy, a National Platform of Women in Politics has been launched at the national level on 8 March 2011. The objective of the National Platform is to implement objective 2 of the IOC sub-regional gender policy. The

Membership of the Platform includes representatives of the MGECDWF; the National Women's Council, Ministry of Foreign Affairs, Regional Integration and International Trade; Women in Network/Women in Politics, Gender Links, Trade Unions, University of Mauritius, Student Council, Commission for Women's Affairs, Local Authorities, the private sector and the media. The National Platform will ensure that women's participation in politics is increased. Concurrently, Gender Links (NGO) has been conducting capacity building of local authorities, including village councillors, on gender equality, and the importance of an increased participation of women in politics.

#### **Response to the issues raised in paragraph 18**

60. As regards participation of women in the national decision-making process, Mauritius is committed to the decision taken under the SADC Declaration on Gender and Development to increase women's participation in politics and decision-making by 30 per cent. Furthermore, Mauritius has already achieved the 35 per cent of women participation at the level of decision-making in the public sector with 7 women Permanent Secretaries out of a total of 13 for the year 2010. Participatory Advisory Committees are operational in all women Centres whereby women and men are given equal opportunity to participate in decision-making in community development. An Action Plan for that purpose has been formulated.

#### **Response to the issues raised in paragraph 19**

61. As per the data from the Central Statistics Office, the following observations can be made on illiteracy rates (%) by region and gender in the Republic of Mauritius.

	2000 Census		
	Both Sexes	Male	Female
Rural	18.7	14.3	23
Urban	10	7.3	12.7
Total	15	11.3	18.5

Source: Central Statistical Office (CSO), 2000.

62. The National Women's Council which operates under the aegis of the MGECDWF has launched an Adult Literacy Programme. Since the launching of this programme in 1986, 8000 women of 16 to 80 years of age have been trained. The programme targets women in this age group who have had no schooling or who have not yet reached reading readiness.

63. The main objectives of the programme are to promote:

- Employment
- Self-esteem
- Autonomy
- Good health

This programme is dispensed in 38 Centres both in rural and urban areas, throughout the island. These Centres included Women's Centres, Community Centres, Social Welfare Centres and Socio-Cultural Halls among others.

#### **The ALED Programme**

64. The course on "Adult Literacy for Entrepreneurship Development" (ALED) is a supplement to the Adult Literacy Programme since September 2008. The ALED Programme has been designed by the National Women's Council:



- To enhance the self-confidence of women to engage in income generating activities.
- To provide women with basic skills of bookkeeping required for effective budgeting which could reduce the incidence of indebtedness.

### Way forward

65. The National Women's Council is working towards the Introduction of Information Technology (IT) as a tool for teaching adults to become literate. The services of a Consultant would be retained for an assessment of the Adult Literacy Programme prior to the introduction of IT in Adult Literacy Syllabus. This initiative aims at:

- Making the course more efficient
- Enabling illiterate women to make use of modern technology.

### Response to the issues raised in paragraph 20

66. The Prevocational education is provided to those pupils who have been unsuccessful at the Certificate of Primary Education. As the performance of girls is largely better than that of boys, by a difference of more than 10 per cent points in pass rate, girls are found in larger numbers in the secondary academic education. Consequently they are fewer in number in prevocational education with nearly twice as many boys than girls in this sector (table 1).

67. Girls are also underrepresented in vocational courses but efforts are being made by the Mauritius Institute of Training and Development (MITD) to offer a wide range of vocational courses.

**Table 1: Enrolment in prevocational education**

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Boys	4673	5457	6121	6399	5957	5336	5114	4764
Girls	2653	3031	3724	4025	3616	3159	2919	2678
Ratio B:G	1.8	1.8	1.6	1.6	1.6	1.7	1.8	1.8

**Table 2: Enrolment in Mauritius Institute of Training and Development (MITD) Centres (Full time courses) in 2009**

<i>Course Level</i>	<i>Year I</i>			<i>Year II</i>			<i>Year III</i>			<i>Total</i>		
	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>	<i>T</i>	<i>M</i>	<i>F</i>
National Trade Certificate	1,87	1,30								1,87	1,30	
Foundation	8	2	576	-	-	-	-	-	-	8	2	576
National Trade Certificate Level 3	1,12	1,00								1,12	1,00	
	2	1	121	-	-	-	-	-	-	2	1	121
National Trade Certificate Level 2	277	222	55	124	123	1	-	-	-	401	345	56
Certificate	197	68	129	-	-	-	-	-	-	197	68	129
Diploma	134	103	31	72	33	39	-	-	-	206	136	70
Higher National Diploma	84	63	21	80	59	21	37	25	12	201	147	54
Degree		12	4	-	-	-	-	-	-	16	12	4



who are primarily women above 40 years of age. A refund of 75 per cent is provided on training and capacity building assistance, compared to the normal rate of 50 per cent for other categories.

### Response to the issues raised in paragraph 22

*Average income of employed population by occupation, 2010*

ISCO* major occupational group	Average monthly income (Rs)		
	Male	Female	Total
Legislators, Senior officials and managers	52,500	36,900	48,500
Professionals	39,900	27,400	35,200
Technicians and associate professionals	25,600	18,000	22,000
Clerks	15,900	12,600	14,000
Service workers, shop sales workers	14,200	7,600	11,700
Skilled agricultural and fishery workers	8,700	4,700	8,200
Craft and related trade workers	10,700	5,400	10,000
Plant and machine operators and assemblers	13,200	5,500	11,200
Elementary occupations	10,100	4,500	7,800
Total	15,700	10,500	13,900

\* International Standard Classification of Occupations

*Source: Continuous Multi-Purpose Household Survey*

*Note : (1) Average monthly income is derived from (i) Employee - gross pay before any tax and other deductions and includes all allowances and overtime payments (ii) Self-employed - net income obtained after deductions of expenses*

*(2) The estimates are subject to sampling error as they are based on information collected from a sample of households instead of all households; thus the above figures must be used with caution.*

Industrial Sector	Average monthly income (Rs)		
	Male	Female	Total
Agriculture & Quarrying	10,000	4,400	8,600
Manufacturing, Electricity & Water	14,500	6,600	11,300
Construction	11,000	15,700	11,100
Trade, repairs	13,800	9,100	12,100
Hotels, restaurants	13,600	7,600	11,400
Transport, storage	17,700	15,200	17,400
Financial intermediation	32,300	23,500	28,300
Real estate	21,300	14,000	18,500
Public Administrative	23,700	20,500	23,000
Education	23,600	16,900	19,500
Health	21,400	16,500	18,700
Other services	11,000	5,000	7,200

Industrial Sector	Average monthly income (Rs)		
	Male	Female	Total
All sectors	15,700	10,500	13,900

Source: Continuous Multi-Purpose Household Survey

74. In the Employment Rights Act 2008 has replaced the Labour Act 1975. According to the Employment Rights Act 2008 (Act No. 33 of 2008, proclaimed on 2 February 2009), “discrimination” includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

75. In order to ensure equal opportunities for women and men in the labour market and to uphold the principle of equal pay for work of equal value, provision has been made in the said Act to the effect that:

(a) No worker shall be treated in a discriminatory manner by his employer in his employment or occupation on the ground of sex with regard to access to employment and conditions of employment (*Section 4*);

(b) Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing the same type of work [*Section 20(1)*];

(c) Where an employer has recourse to the services of job contractor, the job contractor shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing the same type of work [*Section 20(2)*].

(d) An agreement shall not be terminated by an employer by reason of:

(i) A worker’s race, colour, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status or family responsibilities [*Section 38 (1)(a)*];

(ii) A worker’s absence from work during maternity leave [*Section 38 (1)(b)*].

### **Response to the issues raised in paragraph 23**

76. With a view to eliminating discrimination against women and addressing discrimination against women, especially in the workplace, the following measures have been taken at the level of the Ministry of Labour, Industrial Relations & Employment (MLIRE):

(a) In the recent review of two Remuneration Regulations in the Field Crop and Orchard and Livestock sectors, the discriminatory provisions prescribing wages on a gender basis have been removed. The wages are now prescribed on a job content basis.

(b) In order to ensure equal opportunities for women and men in the labour market, provision has been in the new Employment Rights Act (No. 33 of 2008) to the effect that no worker shall be treated in a discriminatory manner by his employer in his employment or occupation.

(c) Specific provision has been made in the Employment Relations Act 2008 for the protection of fundamental rights of workers. Section 29 of the new Act provides that

every employee shall have the right to establish or join, as a member, a trade union of his own choice, without previous authorization and without distinction whatsoever or discrimination of any kind including discrimination as to occupation, age, marital status, sex, sexual orientation, colour, race, religion, HIV status, national extraction, social origin, political opinion or affiliation.

(d) Moreover, specific provision has been made in the Employment Rights Act 2008 for protection against sexual harassment (affects women mainly). Severe penalties are laid down whereby any person who commits such an offence shall, on conviction, be liable to a fine not exceeding 75,000 rupees and to imprisonment for a term not exceeding two years.

77. Under the UNDP funded project “Capacity Building for Gender Equality and Empowerment of Women” implemented as from September 2005, two studies relating to discrimination were carried out, details of which are as follows:

***A Study on Discriminatory Practices in the Mauritian Labour Market***

78. The study involved a situation analysis of the labour market with a view to identifying discriminatory practices against women or men regarding, inter alia, remuneration, occupational segmentation, training policy and entrepreneurship. The recommendations contained in the final report are intended to provide the basis for the development of policies to address the discriminatory practices identified. The report has not yet been released as Government has decided that the report should be reviewed and updated in the light of recently passed legislation pertaining to discrimination.

***A Study on Discriminatory Provisions in National Legislation***

79. The study aimed at identifying discriminatory statutes and provisions in existing legislation using the ILO Convention No. 111 on Discrimination in Employment and Occupation (which prohibits discrimination on a number of grounds including sex) as benchmark and eventually bringing our national legislation fully in line with the said Convention. The final report has already been released to stakeholders in September 2008 for consideration of implementation of the recommendations therein. A Monitoring Committee (MC) under the co-Chairpersonship of the Attorney-General and the Ministry of Labour, Industrial Relations and Employment, and comprising representatives of Ministries concerned was set up in February 2010 to monitor the implementation of the recommendations contained in the report and also to ensure a more holistic approach and concerted action concerning the various amendments to be brought to our national legislation. In respect of the concern of the committee as to the enforcement of the Labour Laws, it must be noted that by virtue of Section 3 of the Industrial Court Act, the Industrial Court is vested with exclusive civil and criminal jurisdiction to try any matter arising out of the Labour Laws.

80. There were 15 cases of non-compliance with the Sex Discrimination Act which have been referred to the Director of Public Prosecutions by the Sex Discrimination Division (SDD) and the Police.

81. Prosecution is not always a solution to a breach of the Sex Discrimination Act, inasmuch as a case stands or falls on the assessment of the credibility of the witness by the Court. Under Section 25 of the Sex Discrimination Act, the SDD is, first and foremost, legally bound to bring about mediation between the victim and the perpetrator.

82. Detailed statistics regarding reported sexual harassment cases are being kept as from October 2009. According to statistics available for period October 2009 to February 2010, no case of alleged sexual harassment at work was reported to the Inspection & Enforcement Section of the MLIRE.

83. Raising awareness on the rights of women as provided for in the Employment Rights Act 2008 is an on-going process carried out by officers of the Information, Education & Communication Section of the MLIRE through seminars, talks at enterprise level, programmes on radio, as well as by telephone when members of the public ask for information. For period January to December 2010, the talks delivered and seminars conducted covered some 1,845 female workers out of a total of 4,347 workers. The areas usually covered in the seminars/ talks/programmes include, among others:

- Discrimination in employment and occupation;
- Maternity benefits; and
- Protection against termination of employment.

**Response to the issues raised in paragraph 24**

84. Migrant workers enjoy the same terms and conditions of employment as those laid down for local workers in our legislation. The contract of employment of a migrant worker is examined and vetted by the MLIRE to ensure that it contains no abusive clauses and that it is in full conformity with the prevailing labour law.

85. Regular inspection visits are carried out by officers of the Special Migrant Workers' Unit of the MLIRE to ascertain that employers are complying with terms and conditions of employment as provided for in the vetted contract of employment. No cases of discriminatory or unfair treatment towards migrant women workers have been observed, or reported, in the course of inspection visits. The Occupational Safety and Health Inspectorate perform regular visits at the dormitories occupied by the migrant workers to verify their living conditions (water supply, toilet facilities, food canteens, etc.). Moreover, the MLIRE has recently come up with the Occupational Safety and Health (Employees' Lodging Accommodation) Regulations 2011 (effective as from 28 January 2011) to improve the standards of living conditions in lodging accommodation provided to any employee including migrant workers.

86. Other specific conditions of employment applicable to migrant workers are:

- Entitlement to an air ticket to enable them to return to their home country at the expiry of their contract or for any cause whatsoever;
- Accommodation with water, electricity and gas free of charge;
- Relevant fees for entry visa, work permit and residence permit to be borne by the employer;
- All expenses for repatriation of corpse in case of death of a migrant worker to be borne by the employer; and
- Insurance cover for injury or death of migrant worker arising out of and in the course of employment to be made available by the employer.

87. The Employment Rights Act 2008 applies equally to local and expatriate workers, thereby guaranteeing to the latter equal protection on terms and conditions of employment and in the event of termination of employment by their employer. The Employment Relations Act 2008 guarantees the fundamental right of migrant workers to freedom of association and protects their right to organize and engage in collective bargaining. Migrant workers working in Mauritius are free to remit any sum of money to their families in their country of origin.

88. Fourteen migrant workers who came from Bangladesh on 6 January 2011 to work for a private company, met with a road accident on 12 January 2011 at 07.30 a.m. while being vehiculated in the company transport. Ten of them perished on the same day and

were repatriated to their country the next day. The remaining one perished on 18 January 2011 and was repatriated on the same day. Costs of the repatriation were borne by the company, the Government and other contributors. Claims of workman compensation on behalf of the deceased workers are being processed.

#### **Response to the issues raised in paragraph 25**

89. The Ministry of Health and Quality of Life (MHQL) is responsible for the overall provision of reproductive health services in Mauritius. Since 1994, under the United Nations Population Fund (UNFPA) funded projects for the strengthening of our Sexual Reproductive Health Programme, the following activities are being carried out;

- Campaigns are being carried out to sensitise both primary and secondary school students on Reproductive Health issues.
- Further a new country programme of action 2008-2011, which is funded by UNFPA, provides for the following activities to be carried out in both primary and secondary schools and for out of school youths:
  - Life skill sessions for 20,000 primary students and 30,400 secondary school students.
  - Awareness in Sexual Reproductive Health (SRH) for 80,000 secondary school students and 40,000 primary students.
  - Inter-college poster competition on SRH issues.

A National Sexual and Reproductive Health (SRH) Strategy and Plan of Action 2009-2015 is being implemented which includes SRH awareness campaign in educational institutions.

- Moreover the MHQL chaired a committee which was involved in including a class sex education in the school curricula.

90. The Ministry of Education and Human Resources adheres to the UNESCO-driven concept of sex education as a life skill, meant to facilitate the emergence of a balanced individual with healthy attitudes and values for sound and responsible citizenship. Education on reproductive and sexual health is already covered both in primary and secondary curriculum frameworks and is also integrated in the Teacher Training Programme. At primary level, the subject is taught under 'Health Education' and at secondary level, the topic cuts across the curriculum, with substantive focus on subjects like Health and Physical Education, Integrated Science and Biology. Besides, a mechanism has been put in place to partner with other stakeholders (like Ministry of Health & Quality of Life, Ministry of Youth & Sports, Mauritius Family Planning and Welfare Association, *Action Familiale*) to complement school curriculum materials to further enhance exposure of students on various aspects of sexual health education. Health issues also comprise the component on drugs and HIV/AIDS, which is introduced as early as primary school level (Standard V & VI). Sensitisation, through workshops for all School Heads and teachers has been held to ensure effective delivery of the programme.

#### **Response to the issues raised in paragraph 26**

91. Abortion is an offence under section 235 of the Criminal Code. It is an offence for any person to procure the miscarriage of any woman quick with child by any food, drink, medicine or by violence or any other means. The woman who procures her own miscarriage also commits an offence under that section. There is no defence in the case of therapeutic abortion or where a woman has been raped.

92. Following the death of a journalist in early 2009, as a result of an unlawful abortion, there were well-publicized debates and press articles on the issue of abortion. The then Minister responsible for women's rights chaired a consultative meeting on 29 April 2009

with relevant stakeholders, including women's organizations, socio-religious bodies, civil society and trade unions on whether abortion should be legalized. There was no consensus among the participants and it was decided to invite stakeholders to submit their proposals in writing to the MGECDWF. No policy decision has been taken yet.

**Response to the issues raised in paragraph 27**

93. There is no Family Court but a Family Division of the Supreme Court, which hears exclusively family law cases, including divorce and child custody cases.

94. In the Government Programme 2010-2015, mention has been made, in the context of judicial reforms, of the setting up of a Court of Appeal and a High Court. It is further stated that the High Court will have a Family Division with all the required support services. A draft Family Court Bill (the Bill) has been prepared, which has as object, inter alia, to set up a Family Court and provide for conciliation and speedy settlement of disputes relating to family affairs. There is an on-going consultation process at present, whereby views and comments are being invited on the draft Bill from different stakeholders.

95. One of the major reforms which have been suggested in the Report on the Family Justice System concerns divorce laws. In the context of the modernization of our judicial and legal system, the law on divorce has been reformed with the voting of the Divorce and Judicial Separation (Miscellaneous Provisions) Bill by the National Assembly in March this year. The Act is to be proclaimed shortly.

96. The objects of this Bill are firstly, provide for divorce or judicial separation by mutual consent or acceptance in principle of the breakdown of a marriage, secondly, reduce, from five to three years, the period of separation required for a divorce or judicial separation on the ground of "*rupture de la vie commune*", thirdly, simplify the process following the lodging of a petition and lastly, provide for the automatic conversion of a provisional decree into a permanent decree three months after the provisional decree has been granted, unless one of the parties objects to same not later than 15 days before the expiry of the three months.

97. At present, the grounds on which a divorce petition can be lodged are limited to "*faute*" or "*rupture de la vie commune*". Under the new law, two new grounds of divorce have been introduced, namely, the acceptance in principle of the breakdown of marriage and by mutual consent. The former will apply where the parties to a marriage agree to a divorce but not to the consequences thereof. It is the Judge to whom the petition is presented, who decides upon the consequences of the divorce. As for divorce by mutual consent, it will apply where the parties to a marriage agree on the divorce and its consequences. The Judge in this case will grant the divorce and ratify the agreement submitted by the parties. It is worth pointing out that the Judge may refuse to ratify the agreement and to grant divorce if he finds that the agreement does not sufficiently provide for the interests of the children or of any of the spouses. He can also order the deletion or modification of any clause of the agreement which he considers not to be in the interests of the children or any one of the spouses.

98. In both scenarios, the divorce cannot be sought before a period a 24 months since the celebration of the marriage and the Judge has to ensure that all efforts have been made for a reconciliation of the parties, and that they have given their consent to the divorce out of their own free will.

99. The Family Court referred 171 cases to the Probation and Aftercare Service for enquiry in 2010. The nature of cases referred is as follows:

- (a) Custody of minor
- (b) "Droit de visite"



- (c) “Droit d’hébergement”
- (d) Counselling in view of reconciliation
- (e) Counselling in view of facilitating access to minor
- (f) Variation of custody order
- (g) Supervised visitation

**Supreme Court (matrimonial unit) quarterly return of cases, year 2011**

**Quarter: 1**

**Period: January to March**

**Number of divorce of cases lodged**

<i>Month</i>	<i>January</i>	<i>February</i>	<i>March</i>
Number of cases	114	203	243

**Number of divorce cases disposed**

<i>Month</i>	<i>January</i>	<i>February</i>	<i>March</i>
Number of cases	223	224	236

*By petitioner: husband*

<i>Dismissed</i>	<i>Nil</i>	<i>Nil</i>	<i>1</i>
Set aside	17	16	17
Struck out	Nil	Nil	Nil
Withdrawn	3	Nil	Nil
Aux torts partages	23	18	32
Faute	52	51	37
Judicial separation	Nil	Nil	Nil
Rupture de la vie commune	5	3	2
<i>By petitioner : wife</i>			
Dismissed	Nil	Nil	Nil
Set aside	21	21	25
Struck out	Nil	Nil	Nil
Withdrawn	2	Nil	Nil
Aux torts partages	13	31	27
Faute	84	81	95
Judicialseparation	Nil	1	Nil
Rupture de la vie commune	3	2	Nil

Disposed by number of children

Disposed by married life

*Name of Officer filling in the return: Addool Sameer Ramjaun*

*Rank of Officer: Court Officer*

*Signature: (Sd) A.S.Ramjaun*

*Date: 07/04/11*

**Supreme Court  
(Family division)  
Statistics**

	Year 2009	Year 2010
No. of divorce petitions lodged	2084	2219
No. of divorce petitions disposed of	2150	2152

## Annexes

## Annex I

## Breakdown of cases of domestic violence from January 2008 to date (31.03.11)

Year	<i>No. of Domestic violence cases</i>	<i>Outcome of cases</i>							
		<i>No. of spouses assaulted whilst being under protection order</i>	<i>No. of cases where spouses are under protection order have been assaulted and passed away as a result thereof</i>	<i>Enquiry in progress</i>	<i>Awaiting DPP's advice</i>	<i>Pending Court</i>	<i>Filed/Classified</i>	<i>Dismissed</i>	<i>Sentenced</i>
2008	1933	350	NIL	29	74	879	402	78	471
2009	2967	426	NIL	643	128	1152	347	63	634
2010	3514	458	NIL	1085	203	1114	412	86	614
2011 (as at 31.03.11)	603	121	NIL	541	NIL	14	5	8	35
<b>TOTAL</b>	<b>9017</b>	<b>1355</b>	<b>NIL</b>	<b>2298</b>	<b>405</b>	<b>3159</b>	<b>1166</b>	<b>235</b>	<b>1754</b>

## Annex II

### Statistics of domestic violence for PFPU for the period 2007-2010

*Statistics of domestic violence for PFPU for the period 2007*

Nature of Offence	2007	
	M	F
Physical abuse	94	2349
Extra-marital	28	321
Drunkenness	8	395
Gambling	1	14
Financial constraints	2	55
Abandoning conjugal roof	65	318
Psychological abuse	1	40
Verbal abuse	6	220
Ill treatment	10	609
Harassment	21	506
Failing to pay alimony		27
Drug abuse	1	58
Conflict with husband		564
Conflict with wife	65	
Conflict with in laws	5	62
Conflict with children	5	103
Conflict with brother & sister		14
Conflict with parents	2	18
Conflict with relatives	5	33
Divorce procedure	9	65
Family abandonment	2	38
Irresponsible	8	311
Threat	9	386
Total	347	6507

### Statistics of domestic violence for PFPU for the period 2008

Nature of problem	2008	
	M	F
Physical abuse	96	1243
Extra-conjugal life	90	294
Drunkenness	106	206
Gambling	13	3
Financial constraints	11	94
Social aid		8

<i>Nature of problem</i>	2008	
	M	F
Attempt upon chastity		1
Abandoning conjugal roof	82	267
Abandoning pregnant wife		3
Psychological abuse	8	17
Verbal abuse	45	135
Ill treatment	53	487
Harassment	46	319
Failing to pay alimony		14
Drug abuse	9	39
Conflict with husband		349
Conflict with wife	106	
Conflict with in laws	13	65
Conflict with children	12	68
Conflict with brother& sister	7	25
Conflict with parents	5	13
Conflict with relatives	7	44
Conflict with neighbour	4	10
Conflict with tenant		1
Divorce procedure	15	41
Family abandonment	6	21
Breach of protection order	1	4
Sexual deviant		13
Irresponsible	87	235
Threat	14	276
Care & custody of child	27	52
Suicide tendency	3	
Missing	1	
Mental patient	1	1
Other	6	2
Personal belonging	1	
Neglect	1	1
Conflict with partner	8	5
Insult	5	12
Causing annoyance through phone	1	1
Conflict with boyfriend		2
Conflict with landlord		2
Total	890	4372

**Statistics of domestic violence for PFPU for the period  
2009 – 2010**

Sno.	Nature of Offence	2009		2010	
		M	F	M	F
1	Physical Abuse:				
a.	Assault	80	1177	138	1504
b.	Burns				2
c.	Biting				
d.	Pulling Hair		2		9
	Total				
2	Psychological Abuse:				
a.	Ill treatment	94	433	116	345
b.	Extra- marital affair	112	150	48	109
c.	Humiliation	9	38	6	27
d.	Intimidation	4	8	13	12
e.	Isolation	7	17	17	10
	Total				
3	Verbal Abuse:				
a.	Swearing	61	305	111	477
b.	Insulting	24	98	31	124
c.	Harassment	94	324	66	321
	Total				
4	Sexual Abuse (Sodomy, Taking indecent photograph, forcing to see pornographic film etc)	4	2	13	11
5	Financial Constraint (drunkenness, gambling, irresponsible etc)	155	230	62	143
6	Damaging Properties in the house	3	7	9	15
7	Threat to commit 1 – 6	39	181	38	186
	Other Offences :				
1	Family Abandonment	44	24	39	26
2	Abandoning Pregnant Wife	3	6		1
3	Care and Custody of child	44	63	67	123
4	Teenage Pregnancy		4		
5	Failing to pay alimony		4	3	24
6	Conflict with neighbour		1	9	21
7	Divorce Procedure	22	34	7	17
8	Abandoning Conjugal Roof	25	44	7	7
9	Pregnancy		1		
10	Social Aid		2		2
	Property Dispute			1	1
	Conflict with Laws			6	7

<i>Sno.</i>	<i>Nature of Offence</i>	<i>2009</i>		<i>2010</i>	
		<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
	Conflict with husband				
	Conflict with Children				
	<b>Total</b>	829	3155	807	3524

**No. of persons who have been murdered by their husband from 2007 to 2010**

	<i>Year</i>			
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
No of victims	2	6	11	6

**No. of cases of convictions for domestic violence from 2007 to 2010**

<i>Sno.</i>	<i>Offence</i>	<i>Year 2007</i>	<i>Year 2008</i>	<i>Year 2009</i>	<i>Year 2010</i>
1	Breach of Protection Order	12	8	7	8
2	Failing to Comply with Protection Order	1	-	1	2

## Annex III

<i>Details of Training Courses</i>	<i>Number of Police Officers Trained</i>
<b>YEAR 2007</b>	
Protection from Domestic Violence Act	33
Training on Trafficking in Persons	86
<b>YEAR 2008</b>	
Training Course On Commercial Sexual Exploitation of Children (CSEC)	13
Protection from Domestic Violence Act	24
Training on Trafficking in persons	39
<b>YEAR 2009</b>	
Protection from Domestic Violence Act	297
Training on Protection from Domestic Violence Act	196
Training Course On Commercial Sexual Exploitation of Children (CSEC)	8
Training on Trafficking in persons	44
<b>YEAR 2010</b>	
Training Course On Commercial Sexual Exploitation of Children (CSEC)	8
Training on Protection from Domestic Violence Act	324
Training on Trafficking in persons	359



## Annex IV

**Sensitization Campaign on Child Abuse including Commercial Sexual Exploitation of Children for the period 2007 to 2010**


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**YEAR 2007**


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**Talks and Lectures delivered by Police Family Protection Unit (PFPU)**

1.	Primary Schools	42	4746 pupils
2.	Secondary Schools	2	260 pupils
3.	Social Welfare Centres	5	215 persons
<b>TOTAL</b>			<b>5221 persons</b>

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**Year 2008**


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*Talks and Lectures delivered by Police Family Protection Unit (PFPU)*

1.	Primary Schools	18	2024 pupils
2.	Secondary Schools	3	130 pupils
3.	Social Welfare Centres	13	775 persons
<b>TOTAL</b>		<b>34</b>	<b>2929 persons</b>

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**Year 2009**


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*Talks and Lectures delivered by Police Family Protection Unit (PFPU)*

1.	Primary Schools	50	5358 pupils
2.	Secondary Schools	6	826 pupils
3.	Social Welfare Centres	16	1431 persons
<b>TOTAL</b>		<b>72</b>	<b>7615 persons</b>

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**Year 2010**


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*Talks and Lectures delivered by Police Family Protection Unit (PFPU)*

1.	Primary Schools	74	5676 pupils
2.	Secondary Schools	9	688 pupils
3.	Social Welfare Centres	30	1572 persons
<b>TOTAL</b>		<b>113</b>	<b>7936 persons</b>

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**Radio and TV Programmes from 2007 to 2010**


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<i>Sno.</i>	<i>Programme</i>	<i>Topic</i>
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**YEAR 2007**

1.	MBC Radio Cool FM (17.3.07)	Ecole Buissonnière, Violence against Children & Child Protection Unit
2.	Radio Plus (29.8.07)	Child Prostitution
3.	MBC TV Le Dossier (24.10.07)	Child Protection & Juvenile Delinquency

<i>Sno.</i>	<i>Programme</i>	<i>Topic</i>
YEAR 2008		
1.	Radio Maurice (8.3.08)	Child Abuse and Exploitation
2.	MBC TV (29.5.08)	Prevention of Abuse against Women and Children
3.	MBC Radio Cool FM(1.6.08)	Violence Against Women & Children
4.	MBC Radio Cool FM (4.6.08)	Role of PFPU in combating Domestic Violence & Child Abuse
5.	Top FM (4.6.08)	Domestic Violence, Child Abuse & Elderly Abuse
6.	Radio Mauritius( 22/11/08)	Domestic Violence
YEAR 2009		
1.	MBC TV (26.5.09)	Family ties and Women
2.	Bhojpuri Radio Programme(12/08/09)	Sexual and Reproductive Health and Gender
3.	Radio One (02/09/09)	Child Abuse
4.	Radio Mauritius(17/09/09)	EnsamNou Combat criminalité- Domestic Violence & Child Abuse
YEAR 2010		
1.	Radio Mauritius(10/08/09)	Domestic Violence
2.	Radio One(13/09/10)	Violence against Children
3.	Radio Kool(14/09/10)	Violence a l'égard des enfants
4.	Radio Kool(23/09/10)	“ A Vous de jugal” Sexual Harassement
5.	Radio One ( 01/12/10)	“ à la violence a l'égard des femmes
6.	Radio Plus(09/12/10)	“ La Violence Conjugale”

**Annex V****Security week from 2008 to 2010**

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	<i>YEAR</i>		
No of persons who attended Security Week	2008	2009	2010
	35 000	55 000	35 000

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