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**PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS AND  
OTHER INTERNATIONAL ORGANISATIONS**

**MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS INTERNATIONALES**

**No. 45/2012 MMG/HR/28/3**

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter dated 8 December 2011 from the Chair-Rapporteur of the Working Group on discrimination against women in law and in practice requesting information from Member States on discrimination against women in law and in practice, has the honour to submit herewith the submissions of the Government of Mauritius:

**The Constitution:**

The Constitution, which is the supreme law of the country, prohibits discrimination on, *inter alia*, the ground of sex. It also provides that no law shall be discriminatory either in itself or in its effect. In its Government Programme 2010-2015, Government has declared its intention to undertake a constitutional review. This process includes 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.

**Equal Opportunities Act:**

The Equal Opportunities Act 2008 prohibits against any direct or indirect discrimination on various grounds, including sex, 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.

**Employment Rights Act 2008**

Under the Act, maternity benefits for female employees is no longer restricted to three confinements and has 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 welcome 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.

It is also worth mentioning the 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.

#### **Combating of Trafficking in Persons Act 2009**

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.

Under this Act, any person who trafficks another person or allows another person to be trafficked commits an offence. The Act defines "trafficking as:

- (i) the recruitment, sale supply, procurement, capture, removal, transportation, transfer, harbouring or receipt of a person:
  - (a) by the use of threat, force, intimidation, coercion, abduction, fraud, deception, abuse of power or abuse of a position of vulnerability; or
  - (b) by the giving or receiving of payments or benefits to obtain the consent of a person having control or authority over another person; or
- (ii) the adoption of a person facilitated or secured through illegal means, for the purpose of exploitation.

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 (a) of the definition of "trafficking" above.

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 support resulting from the commission of the offence.

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.

### **Divorce and Judicial Separation Act**

The Divorce and Judicial Separation (Miscellaneous Provisions) Act has been passed and its objects are, firstly, to provide for divorce or judicial separation by mutual consent or acceptance in principle of the breakdown of a marriage, secondly, to 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, to simplify the process following the lodging of a petition and lastly, to provide for the automatic conversion of a provisional decree into a permanent decree 3 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 3 months.

Under the Act, two new grounds of divorce have been introduced, namely the acceptance in principle of the breakdown of marriage and by mutual consent.

### **Protection from Domestic Violence Act**

The Protection from Domestic Violence Act (The Act) was passed in 1997, which had as purpose to reduce and prevent domestic violence and to ensure that, where such violence occurs, there is effective legal protection through the issue by the Court of Protection Orders, Occupation Orders and Tenancy Orders. Important amendments were made to the Act in 2007, including provisions to allow the Court to order the perpetrator to pay alimony to the victim spouse and any child of the parties, and to order the perpetrator to attend counselling sessions instead of sentencing him. Where the perpetrator falls to comply with the counselling order, the Court may impose the original sentence on the perpetrator.

Also, the 2007 amendments also provided for harsher penalties for perpetrators who fail to comply with any order issued by the Court under the Act. These amendments made in 2007 have come into operation in September 2011. Also, the Act has been further amended in 2011 to allow the Chief Justice to make rules for the hearing of applications for protection, occupation and tenancy orders. This has brought uniformity and consistency in the procedure for the hearing of all applications under the Act.

The Ministry of Gender Quality, Child Development and Family Welfare, being the lead agency of the National Gender Machinery (NGM), acts as the policy making and monitoring body for the women's empowerment and the promotion of gender equality. The NGM is also responsible for the reporting on the status of gender equality, at both the regional and international levels.

In line with the paradigm shift from "Women in Development to Gender and Development", a national Gender Policy Framework (NGPF) was launched in 2008 which stands as a generic policy document that builds on past achievements and ongoing national efforts to achieve gender equality and is guided by State action towards human-centred and sustainable development. It further provides the guidelines for each Ministry/Department and Agency to derive their organisational specific gender policy which will guide their strategic framework for programmes and budgeting. The revised policy framework provides the guiding principles of the policy; the broad operational strategies; and the institutional arrangements for achieving gender equality. The policy framework also calls upon a strategic partnership at the levels of the State; within organisations; among the private sector; the media; political parties; and civil society organisations to consolidate resources to achieve gender equality.

As a means to oversee and evaluate the implementation of the NGPF, a National Steering Committee on Gender Mainstreaming (NSCGM) has been set up which enables the assessment of the extent to which progress is being made in regard to commitments and concerns raised both at regional and international levels. As at date, 8 Ministries have already formulated their sectoral gender policies whilst 4 other ones are in the process of finalizing their gender sectoral policies.

In a bid to ensure that the concept of gender permeates in all policies and programmes of all Ministries, the NGM has facilitated the setting up of Gender Cells. The Gender Cell comprises a Gender Focal Point, a Senior Technical Officer, Senior Officers from the Human Resource and Finance Divisions as well as Statistics Division. The Gender Cell is spearheaded by the Gender Focal Point who has the responsibility to trickle down information received at meetings of the NSCGM and provide feedback to the NSCGM on the status of gender mainstreaming at the level of his/her respective Ministry.

Another strategy put in place to eliminate discrimination against women in the political life is a National Platform of Women in Politics which has set up in 2011 so as to increase the representation of Women in Politics. An Action Plan has been developed which consists, amongst others, a Training for trainers for women politicians, an Awareness Raising Campaign on the national Platform as well as a Voters' Campaign.

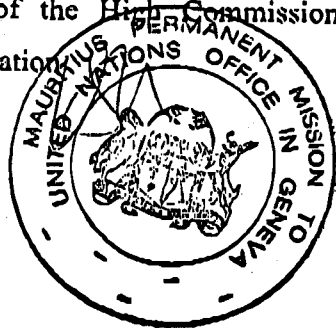
The National Women's Council and the national Women Entrepreneur Council, both operating under the aegis of the Ministry implement policies for the social and economic empowerment of women in the public life. A holistic and coherent approach has been adopted by the NWC to address women's issues by facilitating their involvement in economic activities, promoting self-development and employability through literacy, strengthening capabilities through capacity building such as leadership skills, and facilitating women's access to information for their well-being.

In parallel, the NWEC is responsible for the promotion of an entrepreneurship culture by providing support and assistance to potential and existing women entrepreneurs. Services which are offered are, *inter alia*, business counselling, trade fairs, skills development programme and training programmes in favour of these women.

The Ministry of Gender Equality, Child Development and Family Welfare has spearheaded a national initiative through the setting up of a National Platform of Women in politics. The platform was launched in the context of the celebration of the 2011 International Women's Day and its aim is to increase women's participation in politics. The membership of the platform cuts across political parties and comprises representatives of the Government and the Civil Society. An Action Plan has been formulated and is being

implemented, with the target of having 300 women trained to join politics by December 2012.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to Office of the High Commissioner for Human Rights the assurances of its highest consideration



Geneva, 6 March 2012

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