

# THE IMPACT OF THE E MAPUTO PROTOCOL IN MAURITIUS

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## 1 Introduction

### 1.1 Background

Mauritius has a population of about 1.3 million with about 639,000 women, which implies that more than half of the population are women.<sup>1</sup> To ensure better protection for the women on its territory, the country ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2017. This report seeks to assess the impact of the Maputo Protocol in Mauritius.

To do so, desktop research was undertaken on human rights in Mauritius, including the legal provisions, and literature on women's rights in Mauritius. This desktop research was supplemented by a questionnaire filled in by the Ministry of Gender Equality and Family Welfare (Response by MGEFW) to obtain information that is

not in the public domain (on file with author). The researcher also had informal conversations, either via email or through telephone calls, with law practitioners, the National Human Rights Commission, academics, students studying law at the undergraduate level and representatives of civil society organisations, including women's rights organisations.

### 1.2 Human rights in Mauritius

Mauritius has ratified several international human rights instruments as demonstrated in the Table below:

*Table: Human rights treaties ratified by Mauritius*

Treaty/Convention	Date of ratification/ accession
International Covenant on Civil and Political Rights (ICCPR)	12 December 1973
International Covenant on Economic, Social and Cultural Rights (ICESCR)	12 December 1973

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1 Statistics Mauritius 'Gender Statistics – 2018' available at [https://statsmauritius.govmu.org/Documents/Statistics/ESI/2019/EI1466/Gender\\_Stats\\_Yr18.pdf](https://statsmauritius.govmu.org/Documents/Statistics/ESI/2019/EI1466/Gender_Stats_Yr18.pdf) (accessed 22 November 2020).

International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	30 May 1972
International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	9 July 1984
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	9 December 1992
Convention on the Rights of the Child (CRC)	26 July 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	12 February 2009
Convention on the Rights of Persons with Disabilities (CRPD)	8 January 2010
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	24 September 2003
The Hague Convention on the Civil Aspects of International Child Abduction	23 March 1993
African Charter on Human and Peoples' Rights	19 June 1992
African Charter on the Rights and Welfare of the Child	14 February 1992

Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	3 March 2003
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	23 June 2017

Mauritius is a dualist state, which means that international instruments have to be domesticated for them to have effect at the domestic level.<sup>2</sup> Some of these international instruments have been translated into domestic laws through acts of parliaments.<sup>3</sup> Nevertheless, the majority of them still do not have domestic application.<sup>4</sup>

When Mauritius was colonised by the British, they signed the Treaty of Capitulation which, amongst others, stated that they will not change the French laws at the time. However, as time went by, the British enacted different laws which made Mauritius a dual legal system, with both French Napoleonic laws and British common laws.<sup>5</sup> As such, human rights in Mauritius are protected through different laws. The section that follows studies some of the

2 *Matadeen v Pointu* Privy Council Appeal 14 of 1997 para 24; *Jordan v Jordan* 2000 SCJ 226; *Pulluck v Ramphul* 2005 SCJ 196; and *Ex Parte Hurnam Devendranath, a Barrister-at-Law* 2007 SCJ 289.

3 For instance, Protection of Human Rights Act 1998; Workers Rights Act 2020; Equal Opportunities Act 2008; and Protection from Domestic Violence Act 1997, as amended.

4 See A Budoo & R Mahadew 'The Golden Jubilee of the Mauritian Bill of Rights: A milestone to celebrate or time for reflections?' in M Addaney, MG Nyarko & E Boshoff (eds) *Governance, human rights, and political transformation in Africa* (2020) 91-115.

5 AH Angelo 'Mauritius: The basis of legal system' *The Comparative and International Law of Southern Africa* (1970) 3(2) 228.

relevant domestic laws that provide for human rights, with a focus on laws on women's rights. It is to be noted that as at the time of writing, the country is still negotiating a Gender Equality Bill.

### 1.2.1 *The Constitution*

The Constitution of 1968, which is the supreme law of the land,<sup>6</sup> protects fundamental rights and freedoms in its chapter II, which was inspired by the European Convention on Human Rights.<sup>7</sup> Hence, it is of no surprise that chapter II of the Constitution emphasises on civil and political rights with no mention of economic, social and cultural rights.<sup>8</sup> Section 3 provides for non-discrimination on the basis of, amongst others, sex in the implementation of the following rights: the right to life, liberty and security of the person; right to protection of the law; 'freedom of conscience, of expression, of assembly and association and freedom to establish schools'; and the right to protection of privacy and property. These rights are subsequently developed in the different sections of chapter II of the Constitution.

Section 16 of the Constitution further provides a double protection from discrimination by stating that no law or its effect shall be discriminatory, and that no public official shall treat a person in a discriminatory manner. It describes 'discriminatory' as follows:<sup>9</sup>

... affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.

It is to be noted that when adopted, the Constitution did not include sex as a basis of non-discrimination. It was only in 1995 that the Constitution was amended by Act 23 of 1995 to replace 'colour or creed' by 'colour, creed or sex'.<sup>10</sup>

The rights in chapter II of the Constitution are enforceable by virtue of its section 17. The procedure under section 17 is elaborated in section 2 of the Supreme Court (Constitutional Relief Rules) 2000. According to these rules, reaffirmed in the case of *Noordally v the Attorney General and the Director of Public Prosecutions*,<sup>11</sup> only an aggrieved person can bring a case under section 17. Hence, there is no *actio popularis* in the country since the Supreme Court is cautious and admits such cases only when the applicant has sufficient standing as an aggrieved person.<sup>12</sup> It is important to highlight that section 17 is only applicable to chapter II, that is sections 3 to 16<sup>13</sup> and any other consti-

6 Section 2 of the Constitution of Mauritius.

7 *Matadeen* case (n 2).

8 R Mahadew 'Economic and social rights as constitutional guarantees, compared to privileges under the welfare state system: An assessment of the case of Mauritius' (2018) 19 *ESR Review* at 9: Economic, social and cultural rights in Mauritius are protected by virtue of Mauritius being a welfare state.

9 Section 16(3) of the Constitution of Mauritius.

10 Oxford Constitutions of the World 'Constitution of the Republic of Mauritius (Amendment) Act (23 of 1995) 23 August 1995.

11 *Noordally v the Attorney General and the Director of Public Prosecutions* 1986 MR 220/ SCJ 339.

12 Budoo & Mahadew (n 4).

13 *Matadeen* case (n 2): 'Section 1 itself is not justiciable by application for redress under section 17(1), which refers only to contraventions of sections 3 to 16. Strictly speaking, therefore, the contravention must have been of section 3, interpreted in the light of section 1. Their Lordships have no

tutional issues are subjected to section 83 of the Constitution.

Moreover, the non-inclusion of socio-economic rights in the Constitution implies that Mauritian women are not afforded a constitutional protection of their socio-economic rights. Mauritian women rely on the welfare state for the provision of socio-economic rights. In case of non-realisation therefore, they cannot obtain constitutional relief due to non-justiciability of socio-economic rights in the country.

### 1.2.2 *The Mauritian Civil Code*

Emphasising on the inalienability of human rights, the Mauritian Civil Code, inherited from the French colonialists provides that nobody can renounce their civil rights and fundamental freedoms.<sup>14</sup> It also provides for the civil rights of foreigners and corporations.<sup>15</sup> Moreover, it presents the respect of private life as a right in its article 22 while providing for legitimate limitations. In line with gender equality, the Mauritian Civil Code provides that both wife and husband can add each other's surnames to their own, which can be passed to their children.<sup>16</sup> Moreover, with regards to inheritance, both spouses are entitled to inherit from each other in case of death and the law makes no distinction between sons and daughters during such as processes.<sup>17</sup> The Mauritian Civil Code also provides for safeguards for

both parties in cases of divorces.<sup>18</sup> Marriage of children between 16 to 18 is still permitted under the Mauritian Civil Code with the consent of the parents, legal guardian or Judge in Chambers.<sup>19</sup> However, this provision will be changed with the Children's Bill which is expected to increase the age of marriage to 18.

### 1.2.3 *The Mauritian Criminal Code*

The Mauritian Criminal Code criminalises a range of violent crimes, including sexual violence, freedom from which is a recognised human right.<sup>20</sup> One stride towards women's rights in Mauritius was the amendment to the Criminal Code in 2012 to allow for abortion if:<sup>21</sup>

- (a) the continued pregnancy will endanger the pregnant person's life;
- (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;
- (c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus which will affect its viability and compatibility with life; or
- (d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the police.

This amendment is in line with the Maputo Protocol despite the fact that it was effected before Mauritius ratified the document. Even though abortion is

13 doubt that the democratic nature of the sovereign state of Mauritius is an important matter to be taken into account in the construction of any part of the Constitution and in particular its guarantees of fundamental rights and freedoms'.

14 Article 11 of the Mauritian Civil Code.

15 Articles 12 to 15 of the Mauritian Civil Code.

16 Articles 37 and 38 of the Mauritian Civil Code.

17 Articles 731 to 738 of the Mauritian Civil Code

18 Articles 229 to 268 of the Mauritian Civil Code.

19 Article 145 of the Mauritian Civil Code.

20 Article 1(j) of the Maputo Protocol that includes sexual violence in the definition of violence against women.

21 Section 235A of the Criminal Code; Act 11 of 2012.

allowed only in specific cases as cited above, this can be considered as a progressive step of the country. Nevertheless, sodomy is still criminalised in Mauritius through section 250 of the Criminal Code demonstrating that the country is still held back by archaic provisions in some areas of human rights.

#### 1.2.4 *The Protection from Domestic Violence Act*

The Protection from Domestic Violence Act was adopted in 1997 to 'provide protection to the victims of domestic violence'. It defines domestic violence<sup>22</sup> as 'the infliction or attempted infliction of injury, intimidation, forcible engagement in an act from which the spouse had a right to refrain'. It further emphasises that it is not only against one's spouse and/or kids, but anyone living under the same roof. The Act provides protection orders,<sup>23</sup> counselling sessions organised by the Ministry,<sup>24</sup> occupancy order,<sup>25</sup> tenancy order, and ancillary

orders.<sup>26</sup> The Protection from Domestic Violence Act was amended in 2016 to include violence by any member living under the same roof. However, it does not recognise same-sex relationships since it only recognises persons who are of opposite sexes.<sup>27</sup> Hence, if a partner in a same-sex relationship does not live under the same roof and is a victim of violence by the other partner, it will not be considered as domestic violence.

#### 1.2.5 *The Equal Opportunities Act*

The Equal Opportunities Act, which repeals and replaces the Protection from Sex Discrimination Act 2002, defines the different forms of discrimination that are within the scope of the act such as direct discrimination,<sup>28</sup> indirect discrimination,<sup>29</sup> and discrimination by victimisation and makes reference to discrimination on the ground of sex and sexual orientation.<sup>30</sup> It further highlights that the 'discriminator's motive is irrelevant' in determining whether there has been any discrimination.<sup>31</sup>

Part V of the Equal Opportunities Act states that a person sexually harasses another in:<sup>32</sup>

... circumstances in which a reasonable person would have foreseen that the other person would be humiliated, offended or intimidated, he –

(a) makes an unwelcome sexual advance, or an unwelcome request for a sexual favour, to another person; or (b) engages in any other unwelcome conduct of a sexual nature towards another person.

- 22 Section 2 of the Protection from Domestic Violence Act 1997: '... any of the following acts committed by a person against his spouse, a child of his spouse or another person living under the same roof – (a) wilfully causing or attempting to cause physical injury; (b) wilfully or knowingly placing or attempting to place the spouse or the other person in fear of physical injury to himself or to one of his children; (c) intimidation, harassment, ill-treatment, brutality or cruelty; (d) compelling the spouse or the other person by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse or the other person has the right to abstain; (e) confining or detaining the spouse or the other person, against his will; (f) harming a child of the spouse; (g) causing or attempting to cause damage to the spouse's or the other person's property; (h) threatening to commit any act mentioned in paragraphs (a) to (g)'.
- 23 Section 3 and 3A of the Protection from Domestic Violence Act.
- 24 Section 3B of the Protection from Domestic Violence Act.
- 25 Section 4 of the Protection from Domestic Violence Act.

- 26 Sections 8 and 8(B) of the Protection from Domestic Violence Act.
- 27 Section 3 of the Protection from Domestic Violence Act.
- 28 Section 5 of the Equal Opportunities Act.
- 29 Section 6 of the Equal Opportunities Act.
- 30 Section 7 of the Equal Opportunities Act.
- 31 Section 8 of the Equal Opportunities Act.
- 32 Section 25(1) of the Equal Opportunities Act.

Such a conduct ‘includes making or issuing an unwelcome oral or written statement of a sexual nature to a person or in the presence of a person’.<sup>33</sup> It also provides a list of what constitutes acts of sexual harassment.<sup>34</sup> If someone feels that they have been aggrieved under the Equal Opportunities Act, they may ‘lodge a written complaint’ within 12 months of the date of the act to the Commission that provides details of the ‘alleged act of discrimination’. However, the Commission can extend the delay of 12 months if the complainant shows a good cause.<sup>35</sup> The Commission has the mandate to resolve a matter through conciliation.<sup>36</sup> If such is not possible, the Commission must, with the consent of the complainant, refer the complaint to the Equal Opportunities Tribunal,<sup>37</sup> set up under Part VII of the Equal Opportunities Act. Any party that is not satisfied with the order of the Tribunal has the right to appeal to the Supreme Court within 21 days of the date of the order of the Tribunal.<sup>38</sup>

The case of *Dalwhoor v Belle Mare Beach Development Co Ltd*<sup>39</sup> (Employment Relations Tribunal 2019) is relevant for women’s rights. The Tribunal was approached with a case about whether the prohibition of a ‘tika (decorative mark/coloured dot worn in the middle of the forehead by Indian women, especially Hindu married women)’ by the employer constituted discrimination. The Tribunal held that:

33 Section 25(2) of the Equal Opportunities Act.

34 Section 26 of the Equal Opportunities Act.

35 Section 28 of the Equal Opportunities Act.

36 Section 32 of the Equal Opportunities Act.

37 Section 33 of the Equal Opportunities Act.

38 Section 41 of the Equal Opportunities Act.

39 *Mrs Sooleka Dalwhoor v Belle Mare Beach Development Co Ltd (The Residence Mauritius)* 16 January 2019.

... considering the manner in which the Respondent implemented its decision to ban the tika to all employees, the more so a decision emanating from a misconceived interpretation of the law, we hold that on the principles of fairness and best practices of good employment relations, the Respondent’s action was irrational, unmeasured and undesirable.

### 1.2.6 *The Workers’ Rights Act*

The Workers’ Rights Act 2019 replaces the Employment Rights Act 2008. Part II of the Workers’ Rights Act focuses on measures against discrimination in employment and occupation. Discrimination includes different treatments to different workers, amongst other things, on the basis of sex, sexual orientation, gender, marital or family status and pregnancy.<sup>40</sup>

### 1.2.7 *The Local Government Act*

The Local Government Act is relevant for the current report since it contains a quota provision in line with substantive equality. Section 11(6)(2) – introduced by an amendment in 2014 – requires that:<sup>41</sup>

... every group presenting more, than 2 candidates at an election of a Municipal City Council or Municipal Town Council shall ensure that not more than two thirds of the group’s candidate for election to that Council are of the same sex.

This provision is ground-breaking for Mauritius where female representation in politics is low. However, the quota provision is only at the local level and does not apply to the national level.

40 Section 5(5)(a) of the Workers’ Rights Act.

41 Section 11(6)(a) of the Local Government Act 2011.

### 1.3 Overview of the status of women's rights in the country

As seen above, there are many laws that ensure the protection of women's rights in Mauritius. However, there are still many challenges in the realisation of women's rights in Mauritius. Such challenges are what led Mauritius to be ranked 115 out of 153 countries around the world in the 2020 Global Gender Gap Index.<sup>42</sup> This index takes into account economic participation and opportunity, educational attainment, health and survival and political empowerment.<sup>43</sup> While Mauritius ranks first in health and survival, it is 116th in economic participation and opportunity, 74th in educational attainment (despite free primary, secondary and tertiary education), and 124th in political empowerment.<sup>44</sup> These figures demonstrate that the country is lagging behind when it comes to civil, political, economic, social and cultural rights. Some of the issues that Mauritian women face are discussed below.

#### 1.3.1 Non-recognition of religious marriages by civil law

One area that has not received much focus and which could be considered to be the basis of several women's rights violations in Mauritius, is the non-recognition by civil law of religious marriages which have not been registered under Civil Status Act. According to the Civil Status Act of 1982, marriage includes both 'civil and religious marriage'.<sup>45</sup> It recognises religious marriages with civil effects<sup>46</sup> and

requires past religious marriages to be registered for them to have civil effects.<sup>47</sup> The Civil Status Act also provides for a separate regime for marriages celebrated under Muslim rites, which are registered with the Muslim Family Council.<sup>48</sup> The Muslim Family Council is responsible for making rules for the celebration and dissolution of marriages under this regime. Thus, marriages registered by the Muslim Family Council do not benefit from the safeguards in the Mauritian Civil Code in case of divorce and death of the husband,<sup>49</sup> and in instances of polygamy.<sup>50</sup> It has been argued that for religious marriages that have not been registered, there is the possibility of men taking more than one wife, thus leading to polygamous situations which are criminalised by section 257 of the Mauritian Civil Code.<sup>51</sup> There were calls to re-introduce a Muslim personal law in Mauritius following the Civil Status Act (Amendment Act) of 1987 which repealed the previous Muslim Personal Law to regulate religious marriages under the freedom of religion provision of the Constitution of Mauritius. However, the case of *Bhewa v Government of Mauritius*<sup>52</sup> confirmed that there is no need for a Muslim personal law for the enjoyment of freedom of religion and that the civil law ensured monogamy and the protection of women from discrimination in line with Mauritius' international obligations. Therefore, Mauritian women

42 World Economic Forum 'Global Gender Gap Report 2020' (2019) 9.

43 World Economic Forum (n 42) 8.

44 World Economic Forum (n 42) 12-13.

45 Section 2(i) of the Civil Status Act.

46 Section 25 of the Civil Status Act.

47 Section 74 of the Civil Status Act.

48 Section 30 of the Civil Status Act.

49 See section 1.2.2 of the Civil Status Act.

50 Section 257 of the Mauritian Civil Code criminalises bigamy in civil marriages or marriages with religious effects.

51 Musawah 'Thematic report on muslim family law and muslim women's rights in Mauritius' shadow report submitted to the Committee on the Elimination of Discrimination Against Women (October 2018) 8.

52 *Bhewa v Government of Mauritius* 1990 MR 79.

who do not register their marriages with the Civil Status Office do not have protection of the civil law when it comes to equal rights in and after marriage, and monogamy. This extends to the girl child who is in a religious marriage. They are also not afforded the protection of non-discrimination as per section 16(4)(c) of the Constitution.<sup>53</sup>

### 1.3.2 *Child marriages*

Child marriage is also a human rights issue for Mauritian girls. Despite affecting both girls and boys, the incidence is higher between girls with 127 girls compared to six boys being married in 2018, and 94 girls compared to seven boys being married from January to August 2019.<sup>54</sup> It is to be noted that these are registered marriages, and the actual number is higher since there are many instances where such marriages are not recorded. The number is not as high as other African countries, but one child married is one too many due to the various human rights violations.<sup>55</sup>

In 2020, the government adopted the Children's Act which prohibits marriage of a child, be it a civil or reli-

gious one, in line with the Maputo Protocol. This follows efforts by the government to sensitise the population about child marriage. For instance, the Ombudsperson for children carried out sensitisation campaigns against child-marriage,<sup>56</sup> and the then Ministry of Justice (it has now been converted into a division under the Aegis of the Ministry of Foreign Affairs, Regional Integration, and International Trade – MFA), Human Rights and Institutional Reforms launched a video clip on 'No to child marriage' on the occasion of Human Rights Day on 10 December 2018.<sup>57</sup>

### 1.3.3 *Women's political participation*

Women's political participation in Mauritius is a challenge since the proportion of women in the political sphere compared to men is minimal. For instance, in the November 2019 general elections, only 14 women were voted to be part of the 70 members' National Assembly.<sup>58</sup> The Cabinet of Ministers comprises of 3 women out of 23, with two being Ministers (Minister of Social Integration, Social Security and National Solidarity, and Minister of Gender Equality and Family Welfare) and one being the Vice-Prime Minister, and Minister of Education, Tertiary Education, Science and Technology.<sup>59</sup>

53 Section 16(4)(c) of the Constitution: 'Subsection (1) shall not apply to any law so far as that law makes provision ... or the application, in the case of persons of any such description as is mentioned in subsection (3) (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description'.

54 'Mariages: de janvier à août 2019, 101 mineurs se sont dit "oui"' *L'express.mu* 11 January 2020 available at <https://www.lexpress.mu/article/368028/mariages-janvier-aout-2019-101-mineurs-sont-dit-oui> (accessed 20 November 2020).

55 A Budoo 'It's time Mauritius took decisive steps to outlaw child marriages' *The Conversation* 3 July 2018 available at <https://theconversation.com/its-time-mauritius-too-k-decisive-steps-to-outlaw-child-marriages-99226> (accessed 20 November 2020).

56 Republic of Mauritius 'Ninth combined to tenth combined periodic report of the Republic of Mauritius on the implementation of the African Charter on Human and Peoples' Rights (January 2016 to August 2019)' submitted to the African Commission on Human and Peoples' Rights (2019) para 68 (2019 State Report).

57 2019 State Report (n 56) Annex 1, 158.

58 Website of the National Assembly available at <https://mauritiusassembly.govmu.org/Pages/Members.aspx> (accessed 22 November 2020).

59 Website of the Prime Minister's Office available at [https://pmo.govmu.org/Pages/My\\_Cabinet.aspx](https://pmo.govmu.org/Pages/My_Cabinet.aspx) (accessed 22 November 2020).



These figures demonstrate that women do not participate in politics on an equal basis with men. One can argue that political parties cannot be held liable for such low participation of women in politics if women themselves are not willing to participate in the political sphere. Hence, there is a need for affirmative action to ensure more female political participation such as the quota system which will ensure that at the very outset, political parties recruit women as their candidates.

As for local elections, as demonstrated in section 1.2.7 above, the Local Government Act imposed a quota to ensure more balanced gender representation. This amendment did increase the number of female candidates to 127 out of 726 in 2015, compared to 58 in 2010.<sup>60</sup> However, 127 out of 726 is still a low figure.

### 1.3.4 Domestic violence

Domestic violence is the most common form of violence against Mauritian women and in many instances, such cases go unreported due to the family dynamics.<sup>61</sup> Statistics demonstrate that 24 per cent of women are victims of violence, with sometimes seven cases being reported per day.<sup>62</sup> Moreover, about 40 per cent of women in the rural and suburb areas have been 'physically, verbally, emotionally or sexually abused

by their partners'.<sup>63</sup> In 2018, there were 531 applications for protection orders, out of which 270 were issued, with 506 interim protection orders.<sup>64</sup>

Such domestic violence also occurs against children who are in child marriage/live in situations. In many instances, these are not reported unless the child is severely injured or loses their life. Two cases that gained considerable media coverage are that of a 13-year old in a religious marriage situation who died while she was two months pregnant, and that of another 13 year old pregnant girl who was assaulted by her adult partner.<sup>65</sup>

Another form of domestic violence is that of parents/spouse or partners of parents against children. There are many instances in Mauritius where children have been assaulted by parents/spouse or partners of parents to such an extent that the child loses their life. One case that shook Mauritius in November 2020 of a two-year old boy who was killed by his step-father while the mother did not do anything.<sup>66</sup> Such incidents also affect the girl child. In 2020, in March, the lifeless body of a 10-year old girl was found, following which the mother and the step-father acknowledged hitting her to an extent that she lost her life.<sup>67</sup> These cases received

60 2019 State Report (n 56) 81.

61 'Domestic violence: The untold suffering of women' *Sunday Times* (11 August 2020) available at <https://www.sundaytimesmauritiustimes.com/1-e-domestic-violence-the-untold-suffering-of-women/> (accessed 22 November 2020).

62 'Violence domestique: Sept cas rapportés en une journée' *L'express.mu* (17 September 2019) available at <https://www.lexpress.mu/article/361127/violence-domestique-sept-cas-rapportes-en-une-journee> (accessed 22 November 2020)

63 *Sunday Times* 2020 (n 61).

64 2019 State Report (n 56) 112.

65 Mrinal Roy 'Never again' *Mauritius Times* (9 July 2018) available at <http://www.mauritiustimes.com/mt/never-again/> (accessed 22 November 2020).

66 'Une mort atroce à deux ans : Pourquoi la mère d'Ayaan n'a rien fait?' *L'express.mu* (16 November 2020) available at <https://www.lexpress.mu/article/385149/une-mort-atroce-deux-ans-pourquoi-mere-dayaan-n-rien-fait> (accessed 22 November 2020).

67 'Meurtre d'une gamine de 10 ans: un bébé des parents déjà mort en janvier' *L'express.mu* (30 March 2020) available at <https://www.lexpress.mu/node/373708> (accessed 22 November 2020).

extreme media coverage since the children lost their lives. Many children, including the girl child, are subjected to domestic violence on a daily basis without knowing how to get out of it unless someone else notices the child's suffering. One such case is that of an anonymous report of a six year old who was being abused by the step-mother since the person saw her with severe bruises.<sup>68</sup> If such reports are not made on time, the child is at risk of perpetual violence that can lead to loss of life.

Older women, as a vulnerable group, are also not protected from this scourge. In many instances, they are mis-treated by their children, with some even being raped by their sons.<sup>69</sup> In addition, mothers are assaulted for their old age pension – with one such case happening in 2020 against an 87 year old.<sup>70</sup> Such assaults are often related to drug abuse.<sup>71</sup>

There are many reasons for domestic violence in Mauritius which include 'early age of marriage, low income, low standard of living index, alcohol consumption of the batterer and large families in small dwellings'.<sup>72</sup> Domestic

violence is still considered as a private issue in Mauritius where parties try to settle the issue without seeking protection of the law – which explains why marital rape is not criminalised in the country. It is even worse for children, who despite the Child Protection Unit of the MGEFW, are too afraid of their parents/spouse or partners of parents to make complaints. Not only are these issues often kept within the realm of the family and household premises, but neighbours also refrain from reporting cases citing it is their (the victims') personal matter. COVID-19 has exacerbated the vulnerabilities of victims with them having had to spend a protracted period in the house with their perpetrators.

### 1.3.5 *Teenage pregnancies*

Teenage pregnancies impact on several human rights of teenagers. They are either the result of sexual violence<sup>73</sup> or romantic relationships without any proper sex education.<sup>74</sup> In 2017, there were 208 cases of registered teenage pregnancies and in 2016, there were 96 cases of sexual violence against teenage girls recorded, with 45 cases of teenage pregnancy.<sup>75</sup> Teenage pregnancy impacts on the right to education, health and life of the mother. In Mauritius, teenagers are allowed to attend schools when they are pregnant but, in many instances, they stop to do so due to stigmatisation.<sup>76</sup> Furthermore, most of the teenagers who fall pregnant come from

68 'Mo pann kapav get sa bann mark-la dan so figir, monn bizin denonse' *Defimedia.info* (21 November 2020) available at [https://defimedia.info/info-soiree-mo-pann-kapav-get-sa-bann-mark-la-dan-so-figir-monn-bizin-denonse?fbclid=IwAR0G8uD8dOBGi-5ZmV7j\\_nqVEcHnTE8YaVKS2X\\_SSjTFzprR1Qbob-TtjyA](https://defimedia.info/info-soiree-mo-pann-kapav-get-sa-bann-mark-la-dan-so-figir-monn-bizin-denonse?fbclid=IwAR0G8uD8dOBGi-5ZmV7j_nqVEcHnTE8YaVKS2X_SSjTFzprR1Qbob-TtjyA) (accessed 22 November 2020).

69 'Violée par son fils: "Ki to pe faire? To pas respecté moi, mama mwa"' *L'express.mu* available at <https://www.lexpress.mu/artic/383913/violee-son-fils-ki-pe-fer-pa-respecte-mwa-mama-mwa> (accessed 29 March 2021).

70 'Neglect and abuse of older people around the world intensified by COVID-19' *HelpAge* (15 June 2020).

71 'Drogue et violence: Ces jeunes qui terrorisent leurs parents' *Defimedia.info* (29 April 2019) available at <https://defimedia.info/drogue-et-violence-ces-jeunes-qui-terrorisent-leurs-parents> (accessed 29 March 2021).

72 *Sunday Times* 2020 (n 61).

73 'Teenage pregnancy: A growing concern!' *Sunday Times* (2 April 2018) available at <https://www.sundaytimesmauritius.com/teenage-pregnancy-a-growing-concern/> (accessed 22 November 2020).

74 'Teen mums at school' *Defimedia.info* (9 April 2018) available at <https://defimedia.info/teen-mums-school> (accessed 22 November 2020).

75 *Sunday Times* 2018 (n 61).

76 *Defimedia.info* (n 71).

fragmented families with poor economic conditions and hence, the girl is forced to leave school to cater for herself and her child.<sup>77</sup>

It has been argued that teenage pregnancies, except in cases of sexual violence, is a result of lack of information and awareness.<sup>78</sup> Mauritius is still a conservative society where parents, in the first instance, are reluctant to have discussions on sexual and reproductive health. In the second instance, the government has not yet adopted comprehensive sex education to educate teenagers on sexual and reproductive health. The assumption is that such modules will corrupt the mind of the teenagers.

### 1.3.6 *Lesbian, bisexual, transgender and queer (LBTQ) women*

One can be 'tempted' to categorise Mauritius as a sexual minorities friendly country where persons forming part of sexual minorities 'not persecuted and their rights are respected'.<sup>79</sup> However, even if there is no extreme use of physical violence, patriarchal and conservative Mauritian society has negative attitudes towards non-heterosexual persons, including LBTQ women. One such instance is the homophobic statement on social media against a woman police constable who was killed in a drug operation that reads as follows:<sup>80</sup>

By her look, I think she really thought she was a man and should do such manly

thing. But unfortunately, reality got back at her. A woman (despite being a wanna-be man) VS two-thugs-the equation is not hard. RIP Officer. You were killed due to your own foolishness. Missions like that are for strong, well-trained and muscular men.

This statement is not only targeted at LBTQ women but also to heterosexual women who are expected to not take part in such operations since they are not 'strong, well-trained and muscular men'.

Such negative attitudes violate the human rights of LBTQ women. According to an organisation working in the area of queer persons,<sup>81</sup> till now there has been no comprehensive study to document the incidences of physical violence against sexual minorities, including LBTQ women in Mauritius. Despite the lack of statistics, reports suggest that sexual minorities, including LBTQ women, are victims of 'black-mail, harassment, discrimination and violence from relatives' and colleagues.<sup>82</sup> In some instances, they are kidnapped by their family in order to not meet their partners,<sup>83</sup> refused from donating blood<sup>84</sup> and suffer discrimination at the workplace.<sup>85</sup> Recently, a transgender woman discussed challenges she faces as a queer woman and highlighted most of the above issues faced by the LBTQ women in Mauritius, with her wanting to commit suicide.<sup>86</sup>

77 As above.

78 As above.

79 R Mahadew & DS Ramnauth 'A psychological reflection on issues surrounding the LGBTI community in Mauritius' in S Namwase & A Jjuko (eds) *Protecting the human rights of sexual minorities in contemporary Africa* (2017) 159.

80 On file with author; the statement was deleted from Facebook.

81 Young Queer Alliance, on file with author.

82 Collectif Arc-en-Ciel Individual Submission to Mauritius Third Period Review (2018).

83 Mahadew & Ramnauth (n 79) 167.

84 Mahadew & Ramnauth (n 79) 166.

85 As above.

86 'Kyrah transgenre: "À force d'être stigmatisée tu ne penses qu'au suicide"' *ION News* (5 February 2021) available at <https://ionnews.mu/kyrah-transgenre-a-force-detrestigmatisée-tu-ne-penses-quau-suicide/> (accessed 29 March 2021).

Only one law has a direct bearing on LBTQ women, which is article 250 of the Mauritius Penal Code that criminalises sodomy. This article prevents transgender and queer women from engaging in sexual activities with a man. The Constitution provides for non-discrimination on the basis of sex, thereby omitting persons forming part of sexual minorities even if the Equal Opportunities Act includes non-discrimination on the basis of sexual orientation (however, it applies only in work settings).<sup>87</sup> Moreover, the law does not provide for name change for transgender persons and the law is unclear for those who have undergone a name change abroad.<sup>88</sup> The Domestic Violence Act of Mauritius, although making reference to 'spouse', defines the same as 'either of a man or women',<sup>89</sup> which excludes same-sex relationship, thereby excluding LBTQ women from its scope. Hence, LBTQ women do not have protection of the law unless it is in the work settings, with their conduct sometimes being criminalised under article 250 of the Mauritian Penal Code.

The Maputo Protocol defines a woman as 'persons of female gender, including girls'.<sup>90</sup> The use of the word 'gender' includes all women who identify as a woman, irrespective of their sex at birth. Therefore, even if the *travaux préparatoires* do not show the debates around the purpose of the use of the term 'gender' instead of 'sex', the Maputo Protocol's provisions apply to lesbian, bisexual, transgender and queer (LBTQ)

women<sup>91</sup> by virtue of them identifying as women.

Additionally, the Maputo Protocol does not only provide for physical violence but also for acts that cause 'psychological and economic harm'.<sup>92</sup> So, the psychological effects of the negative attitudes are also considered as violence against women, and one should not only focus on physical violence.

## 2 Ratification of the Maputo Protocol

Mauritius signed the Maputo Protocol on 29 January 2005 and acceded to the document on 16 June 2017, with the instrument of accession being deposited with the African Union on 23 June 2017.<sup>93</sup> The long period between signature and ratification might imply that the country was in no hurry to show its firm commitment to the document.

The following reservations, with explanations were entered into upon ratification:<sup>94</sup>

- The Republic of Mauritius declares that it shall not take any legislative measures under article 6(b) and 6(c) of the Protocol where these measures would be incompatible with provisions of the laws in force in Mauritius.

87 Section 1.2.5 above.

88 Collectif Arc-en-Ciel (n 82) 4.

89 Section 2 of the Domestic Violence Act.

90 Article 1(k) of the Maputo Protocol.

91 A Budoo 'The Maputo Protocol and inclusivity' in Centre for Sexualities, AIDS and Gender and Centre for Human Rights (eds) *TransMaputo: Conversations on the African human rights of persons of female gender* (2019).

92 Article 1(j) of the Maputo Protocol.

93 African Union 'List of countries which have signed, ratified/acceded to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' available at <https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLE%27S%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf> (accessed 20 November 2020).

94 2019 State Report (n 56) para 42.

- The Republic of Mauritius declares in relation to article 9 of the Protocol that it shall not take any legislative measures under article 9 of the Protocol that it shall use its best endeavours to ensure the equal participation of women in political life, in accordance with its Constitution.
- The Republic of Mauritius declares that it shall not take any measures under articles 4(2)(k), 10(2)(d) and 11(3) of the Protocol.
- The Republic of Mauritius declares that it shall use its best endeavours to achieve the aims in article 12(2) of the Protocol, in accordance with its Constitution, and the accession to the Protocol should not be regarded as an acceptance of positive discrimination by the Republic of Mauritius.
- The Republic of Mauritius declares that it shall not take any measures under article 14(2)(c) of the Protocol in relation to the authorisation of medical abortion in cases of sexual assault, rape and incest where the matter has not been reported to the police or where the pregnancy has exceeded its fourteenth week.

Hence, the reservations were mainly in the areas of child marriage,<sup>95</sup> monogamy,<sup>96</sup> legislative measures to ensure women's political participation, women refugees, including their protection from violence,<sup>97</sup> positive discrimination to attain substantive equality, and termina-

tion of pregnancies in the event the pregnancy has exceeded 14 weeks.<sup>98</sup> Till now, no reservation has been withdrawn despite Mauritius' draft Children's Bill increasing the age of marriage to 18 years with no exception.

Ratification of international instruments in Mauritius is the responsibility of the Cabinet of Ministers which is the supreme authority for taking policy decisions for the government. International instruments can only have significance in Mauritius if they are endorsed by Cabinet upon the request of relevant ministries. Accordingly, initial considerations are made by the concerned Ministry in consultation with the Attorney General's Office and other stakeholders. The Attorney General's Office then carries out a compatibility review whereby the implications of the specific treaty will be assessed in the light of domestic policies, laws, and Mauritius' international obligations. Once the request for ratification is endorsed by Cabinet the MFA deposits the instrument of ratification with the relevant international body.

According to the response by MGEFW, government agencies and civil society organisations were consulted in the process of ratification of the Maputo Protocol. The Maputo Protocol was ratified recognising its potential to enhance the protection of women and girls because of the breadth of the rights it contains. They indicated that the repetitive calls of the African Commission on Human and Peoples' Rights (African Commission) to state parties who have not ratified the Protocol to do so were also persuasive. The African

95 However, Mauritius does not have a reservation to art 21(2) of the African Children's Charter which is similar to art 6(b) of the Maputo Protocol.

96 Musawah (n 51): The Mauritian law is ambiguous when it comes to religious marriages and only recognises 'religious marriages with civil effects. However, many men in some communities contract more than one religious marriage; See sec 1.3.1 above.

97 JM Mujuzi 'Mauritian courts and the protection of the rights of asylum seekers in the absence of dedicated legislation' 2019 31(2-3) *International Journal of Refugee Law* 2-3 321: Mauritius has not ratified the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and African Union Convention for the Protection and

Assistance of Internally Displaced Persons in Africa. It has also not adopted any laws for the protection of refugees.

98 See sec 1.2.3 above.

Commission had also recommended Mauritius to ratify the Maputo Protocol in its previous 2017 concluding observations.<sup>99</sup>

### 3 Government focal point

The Human Rights Division of the MFA is usually the focal point for all international instruments.<sup>100</sup> As for the Maputo Protocol, since it concerns gender equality, the Planning and Research Unit of the MGEFW is also considered as a focal point. The MFA is further responsible for bilateral and multilateral discussions and negotiations with international governmental organisations on a range of issues including human rights and then communicates with the concerned ministries. The Human Rights Division of the MFA coordinates all government activities pertaining to human rights and offers a great advantage for institutionalising all responsibilities of the state in relation to the African Charter. The channel of communication is dealt with effectively.

The Response by the MGEFW indicated that although they are well informed about the Maputo Protocol, there is a need for further consolidation of information.

### 4 Domestication or incorporation

Since Mauritius is a dualist state, the Maputo Protocol needs to be domesticated for it to have effect at the local level. As indicated above, several laws, including the Constitution, provide for certain aspects of women's rights. However, there is no comprehensive law on women's rights till date. In 2018, the MGEFW started the process of drafting a Gender Equality Bill,<sup>101</sup> which is now at the level of the Attorney General's Office. There have even been consultations with relevant stakeholders for inputs.<sup>102</sup> It has been recognised that when enacted, this Bill will 'serve as a fundamental legislation for ensuring the rightful place of women'.<sup>103</sup>

However, at the time of writing, the Bill has not yet been tabled for discussion.<sup>104</sup> The Response by the MGEFW indicated that the objectives of the Gender Equality Bill are to, among other things:

- (i) Promote, protect and provide a legal framework for gender equality in public and private spheres;

99 African Commission on Human and Peoples' Rights 'Concluding observations and recommendations on 6th to 8th Combined Report of the Republic of Mauritius on the implementation of the African Charter on Human and Peoples' Rights' adopted during its 60th session (8 to 22 May 2017) para 58 (2017 Concluding Observations).

100 Website of the Human Rights Division available at <https://humanrights.govmu.org/Pages/About%20Us/Vision-&Mission.aspx> (accessed 20 November 2020).

101 Republic of Mauritius 'Eighth periodic report submitted by Mauritius under article 18 of the Convention pursuant to the simplified reporting procedure, due in 2018' to the Committee on All forms of Discrimination Against Women (19 June 2018) 50.

102 As above.

103 Website of the Government of Mauritius 'Gender Equality Bill to serve as a fundamental legislation for women, says Vice-Prime Minister Jeewa-Daureeawoo' (28 February 2019) available at <http://www.govmu.org/English/News/Pages/Gender-Equality-Bill-to-serve-as-a-fundamental-legislation-for-women,-says-Vice-Prime-Minister-Jeewa-Daureeawoo.aspx> (accessed 20 November 2020).

104 Website of the Mauritius National Assembly available at <https://mauritiusassembly.govmu.org/Pages/Bills.aspx> (accessed 20 November 2020).

- (ii) Provide for equal opportunities for all persons with greater attention to intersectionality of gender and other social categorization i.e. disability, age, race, class among others and create responsibilities for individuals and entities in public and private sphere;
- (iii) To eliminate gender based discrimination in particular discrimination against women based on gender roles;
- (iv) To promote equality and gender balance between family roles –unpaid care work and employment for men and women to improve the status of women;
- (v) To promote gender mainstreaming and integration in national development;
- (vi) To provide for special measures to ensure gender equality; and
- (vii) To provide for gender balance in public state finance management through Gender Responsive Budgeting.

Moreover, the Gender Equality Bill will be applicable to:

- (i) Individuals as well as public and private entities in the Republic of Mauritius in all spheres and binds operation in all arms of government-judiciary, executive and legislature and in appointive and elective positions.
- (ii) Professional and labour organizations.
- (iii) Political Parties.

Hence, if adopted, the Gender Equality Bill will ensure a more comprehensive protection for women's rights. To ensure that the Maputo Protocol becomes integral to the Gender Equality Bill, it is recommended that there is a provision which makes specific reference to the CEDAW and the Maputo Protocol. This will ensure that the Gender Equality Bill also covers those rights in the Maputo Protocol that have

not been mentioned expressly in the Bill. Moreover, the Parliamentary Gender Caucus, set up in 2017,<sup>105</sup> together with civil society organisations, need to ensure that the Maputo Protocol's language is adopted in the Gender Equality Bill.

## 5 Legislative reform or adoption

It is to be noted that no compatibility study was done prior to the ratification of the Maputo Protocol. Hence, there is no comprehensive document that elaborates on the laws in Mauritius that are in contravention with the Maputo Protocol. However, there have been amendments made to the country's existing laws that have an impact on women's rights.

In addition to the amendments to the Criminal Code<sup>106</sup> and the two new Bills in the form of the Children's Bill<sup>107</sup> and the Gender Equality Bill,<sup>108</sup> the government is in the process of proposing amendments to the Constitution that can have a bearing on women's rights. One of the amendments relate to gender quota to ensure more female representation in politics. This was following several calls from the international community to ensure more female representation in politics. During parliamentary debates of this Amendment Bill, reference was made to article 9 of the Maputo Protocol as the legal basis for the adoption of positive measures to promote political participation.<sup>109</sup> These

105 2019 State Report (n 56) 289.

106 See sec 1.2.3 above.

107 See sec 1.2 above.

108 Section 4 above.

109 Republic of Mauritius 'Sixth National Assembly: Parliamentary Debates (Hansard)' First session 8 December 2018 at 32 available at <https://mauritiusassembly.govmu.org/Documents/Hansard/2018/hansard3618.pdf> (accessed 20 November 2020).

Amendments have not yet been adopted despite being presented in 2018.

Moreover, still in 2018, the government introduced a Mauritius Family Planning and Welfare Association Bill to 'provide for a more appropriate and modern legislative framework that makes provision for sexual and reproductive health and rights in accordance with international standards'.<sup>110</sup> This new Bill will establish a new Mauritius Family Planning and Welfare Association with the mandates to, among others:<sup>111</sup>

- (a) promote awareness on planned parenthood with a view to maintaining the fertility rate at a reasonable level;
- (b) promote family welfare, healthy ageing, good health and social integration through effective family planning services by addressing the need for sexual and reproductive health and rights in the community through information, education and advocacy; and
- (c) work for the advancement of the rights of women, men and young persons with a view to enabling them to make free and informed choices regarding their sexual and reproductive health and rights.

However, this Bill has not yet been adopted into law.

In 2018, the country adopted the National Women's Council Act that instituted a new National Women's Council to:<sup>112</sup>

- (a) promote women's empowerment and gender equality;
- (b) ensure and promote the active participation of women in the social, economic and political fields in

order to further their overall empowerment; and

- (c) provide a platform for women to voice their needs, concerns and aspirations.

The National Women's Council empowers women through training and sensitisation campaigns.

The Response by MGEFW indicates that there has been no additional resource allocation as a result of ratification of the Maputo Protocol. Therefore, there is no budget to popularise the provisions of the Maputo Protocol. Nevertheless, the government has engaged in sporadic gender budgeting initiatives. For instance, in 2018, the government allocated about \$5000 to each ministry 'to promote sensitisation and awareness programmes, and implement activities on gender mainstreaming'.<sup>113</sup> The government also offered a one-off grant to build crèches in companies so that more women can join the workforce. The government also increased the monthly basic retirement pension so that older persons are more financially stable. The budget adopted for 2020-2021 in the context of COVID-19 recognised violence against women as a 'stain on society' and proposed to set up a Gender Policy Observatory.<sup>114</sup> Moreover, the Development Bank of Mauritius will provide women entrepreneurs with loans of \$5.02 million at a concession rate of 0.5 per cent per year.<sup>115</sup> One can note from the 2020 budget that the government has main-

110 2019 State Report (n 56) para 186.

111 As above.

112 2019 State Report (n 56) para 283.

113 Website of the Government of Mauritius available at <http://www.govmu.org/English/News/Pages/Budget-2018-2019-Enhancement-of-Gender-Equality-and-Support-to-the-Elderly.aspx> (accessed 20 November 2020).

114 Minister of Finance, Economic Planning and Development 'Budget Speech 2020-2021: Our new normal: The economy of life' (2020) paras 318 and 319.

115 Ministry of Finance (n 114) 322.



streamed gender during the resource allocation process.

## 6 Policy reform or formulation

In 2008, the government adopted the National Gender Policy Framework (NGPF) with the purpose of 'gender equality and women's empowerment'.<sup>116</sup> Its aim was to strengthen 'accountability and coherence across government and non-state actors to achieve gender equality and women's empowerment in line with human rights treaty obligations and intergovernmental policy commitments'. However, this policy is outdated and the government is in the process of formulating a new Gender Policy Framework. The new Framework will be for the next ten years and will be 'an effective tool for Ministries and other institutions to review policies and promote gender equality'.<sup>117</sup> The Gender Policy is not yet in the public domain at the time of writing. However, the response by the MGEFW indicates that even if the new Gender Policy refers to the Maputo Protocol as one of its guiding principles, the CEDAW is given a position of primacy as the main instrument that inspired the policy.

According to the response by the MGEFW, general comments of the African Commission are persuasive and provide guidance while implementing policies, programmes projects and activities at national level.

116 NGPF 4.

117 Website of the Government of Mauritius available at <http://www.govmu.org/English/News/Pages/A-new-National-Gender-Policy-to-review-policies-and-promote-gender-equality.aspx> (accessed 20 November 2020).

## 7 Impact on the judiciary

Till date, no decision of the Mauritian courts mentions the Maputo Protocol or the general comments on its provisions.

## 8 Awareness and use by civil society

Civil society organisations in Mauritius are aware of the Maputo Protocol. For instance, they have used the Maputo Protocol as a tool to advocate for the elimination of child marriage and have made calls to the government to withdraw its reservations under article 6(b) of the Maputo Protocol.<sup>118</sup>

The most prominent civil society organisation working on women's rights in Mauritius is Gender Links. It has three main areas of focus which are Safe Haven Halfway Home which hosts women who are survivors of violence, Ending Child Marriage and the Media project to ensure more women's voices in media.<sup>119</sup> Together with Young Queer Alliance, Media Watch Organisation and SOS Femmes, it has produced shadow reports to the CEDAW Committee.<sup>120</sup> However, its focus is the Southern African Development Community Protocol on Gender and Development as reflected in its Strategy for 2016 to 2020. The strategy was

118 Centre for Human Rights 'Ratification of the Maputo Protocol by Mauritius: Reflections, Expectations and Next Steps' (28 September 2017) available at [https://www.up.ac.za/faculty-of-law/news/post\\_2569008--ratification-of-the-maputo-protocol-by-mauritius-reflections-expectations-and-next-steps](https://www.up.ac.za/faculty-of-law/news/post_2569008--ratification-of-the-maputo-protocol-by-mauritius-reflections-expectations-and-next-steps) (accessed 20 November 2020).

119 Website of Gender Links available at <https://genderlinks.org.za/countries/mauritius/> (accessed November 2020).

120 Gender Links and Others 'Report to CEDAW from Mauritius' available at [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MUS/INT\\_CEDAW\\_CSS\\_MUS\\_32569\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/MUS/INT_CEDAW_CSS_MUS_32569_E.pdf) (accessed 22 November 2020).

adopted before Mauritius ratified the Maputo Protocol and it is hoped that the new strategy will also lean on the Maputo Protocol.

In addition to Gender Links, civil society organisations such as MACOSS (with a Women's Cell) and the Global Rainbow Foundation have engaged with the Maputo Protocol. For instance, on the one hand, together with Gender Links, MACOSS was part of the state report drafting procedure, attended training workshops and provided inputs on the implementation of the Maputo Protocol. On the other hand, the Global Rainbow Foundation, in collaboration with Ditshwanelo, a civil society based in Botswana with observer status before the African Commission, presented a shadow report to the 9th to 10th Periodic Report of Mauritius.<sup>121</sup> The shadow report included provisions of the Maputo Protocol relating to women's political rights, violence against women and religious marriages.

Till now, no organisation working on women's rights has observer status with the African Commission despite civil society organisations resolving to apply for such observer status.<sup>122</sup>

## **9 Awareness and use by lawyers and judicial officers**

Most lawyers and judicial officers admitted to the Mauritian Bar studied either in Mauritius or in the United Kingdom. As demonstrated in section 10 below, minimal focus is placed on the African human rights system, let alone the Maputo Protocol, at the undergraduate level in universities in

Mauritius. For those studying in the United Kingdom, they are more comfortable with the European human rights system than the African human rights system. Hence, when lawyers and judicial officers join the profession, they do so with very limited knowledge of the Maputo Protocol.

The Institute for Judicial and Legal Studies (IJLS), established by the Institute for Judicial and Legal Studies Act 2011, is responsible for, amongst others, the continued education of judicial and legal officers.<sup>123</sup> It offers Continuing Professional Development Programmes under section 9 of the Law Practitioners Act 2011 and the Judicial and Legal Studies (Continuing Professional Development Programmes) Regulations 2012. The IJLS would have been a good platform to introduce the Maputo Protocol to lawyers and judicial officers. However, the Institute has not yet offered a course on the African human rights system or the Maputo Protocol.<sup>124</sup>

Till date, no lawyer has mentioned the Maputo Protocol in their pleadings. This might be due to the dualist system or the lack of training on the Maputo Protocol at university level and in the Continuing Professional Development Programmes.

121 Ditshwanelo and Global Rainbow Foundation's shadow report submitted to the African Commission (2020).

122 Centre for Human Rights 2017 (n 118).

123 Section 4 of the Institute for Judicial and Legal Studies Act.

124 Website of the IJLS available at <http://www.ijls.mu/index.php/lecture-notes?start=0> (accessed 20 November 2020).

## 10 Higher education and academic writing

The main university in Mauritius with focus on Mauritian law<sup>125</sup> is the University of Mauritius which has a Faculty of Law with Management that offers undergraduate courses in law. For students in the LLB programme, human rights is a core module taught over a semester.<sup>126</sup> The syllabus for the module<sup>127</sup> provides for, amongst others, an introduction to the African human rights system with the outline also mentioning women's rights. The Module Map shows that the students spend two sessions, a total of eight hours, on the regional human rights system. One can already conclude from the time allocated to regional human rights system that the students do not have much time to learn about the Maputo Protocol. As a former LLB student at the University of Mauritius, the researcher can confirm that at the time (2008) human rights was taught, there was little focus on the African human rights system. However, to assess whether things have changed, a student who studied the human rights Module in the past year was interviewed. According to them, they do spend more hours on human rights. However, the Maputo Protocol is just mentioned in passing without any details on the document while the CEDAW is given more focus for women's rights protection. Hence, it can be concluded that students studying human rights at undergraduate level at the University of Mauritius are not

familiar with the provisions of the Maputo Protocol.

Another university, the Open University of Mauritius, also has a similar degree with students having a module in human rights. The students have a student manual for that programme.<sup>128</sup> There are units on both women and Africa and human rights. The human rights manual dedicates a whole section to the Maputo Protocol which elaborates on its provisions, general comments and cases at the regional level on the document. However, unfortunately, none of the students of that course were available to interview so as to assess whether lecturers spend much time on the topic.

In addition to the module in human rights, students at the University of Mauritius participate in the annual African Human Rights Moot Court Competition organised by the Centre for Human Rights, University of Pretoria.<sup>129</sup> These cases focus on the African human rights system, with students having to submit written submissions and argue a hypothetical case as if they before the African Court on Human and Peoples' Rights. Very often, these cases have a women's rights component thereby exposing the participating students to the Maputo Protocol.

As for academics, many authors (either in law or other disciplines) write on women's rights in Mauritius.<sup>130</sup> Nevertheless, the only one making

125 There are branches of British universities in Mauritius that offer English LLB syllabus.

126 University of Mauritius website available at <https://www.uom.ac.mu/Images/Files/programmes/FLM/YR2014/Undergraduate/LM310EA.pdf> (accessed 20 November 2020).

127 On file with author.

128 On file with author.

129 For more information, see the Centre for Human Rights Website available at <https://www.chr.up.ac.za/moot> (accessed 20 November 2020).

130 R Ramtohl 'Fractured sisterhood: The historical evolution of the women's Movement in Mauritius' *Afrika Zamani* (2010-2011) 18-19, 71-101; R Ramtohl 'Intersectionality and women's political

consistent reference to the Maputo Protocol is Mahadew, who is a senior lecturer at the Faculty of Law with Management at the University of Mauritius. This might be attributed to the fact that he studied a Master's in Human Rights in Democratisation in Africa, one of the focus of which is the African human rights system, including the Maputo Protocol. Mahadew was also the technical assistant to assist the state in drafting its report under the Maputo Protocol (not yet submitted – see section 12 below).<sup>131</sup>

## 11 Impact on independent state institutions

Mauritius has three main human rights institutions whose mandate extend to women's rights namely the National Human Rights Commission, the Equal

citizenship' (2015) 33(1) *Journal of Contemporary African Studies* 27-47; V Tandrayen-Ragoobur 'Gendering governance: The case of Mauritius' (2014) 33(6) *Equality, Diversity and Inclusion* 535-563; R Ramtohul 'Gender and insecurity in Mauritius' in MR Izarali, O Masakure & E Shizha (eds) *Security, education and development in contemporary Africa* (2017); R Ramtohul 'Women's political representation in small island developing states: a comparative analysis of Mauritius and Seychelles' (2020) 3(1) *Small States and Territories* 83-98; and MY Yoon & S Bunwaree 'Women's legislative representation in Mauritius: 'A grave democratic deficit' (2006) 24(2) *Journal of Contemporary African Studies* 229-247; MG Techane & R Mahadew 'The impact of the African Charter and the Maputo Protocol in Mauritius' in VO Ayeni (ed) *The impact of the Africa Charter and the Maputo Protocol in selected African countries* (2016) 165-182; and R Mahadew 'Mauritius decriminalizes abortion in certain cases – Lessons from the travaux préparatoires' (2015) 36(2) *Statute Law Review* 160-174.

131 Centre for Human Rights 'Mauritius drafts its state party report on the Maputo Protocol' (29 July 2019) available at <https://www.chr.up.ac.za/news-archive/1777-mauritius-drafts-its-state-party-report-on-the-maputo-protocol> (accessed 20 November 2020).

Opportunities Commission<sup>132</sup> and the Ombudsperson for Children.

Section 3 of the Protection of Human Rights Act 1998 establishes the National Human Rights Commission. As a body corporate, it is not under the control of any person or authority. The main functions of the Commission are detailed in Section 3A of the Act as follows and concerns mainly the promotion and protection of human rights. The Act creates a Human Rights Division with the power to enquire into any written complaint from any person alleging to be a victim of human right abuse or denial.<sup>133</sup> The language of the Protection of Human Rights Act is gender-neutral and hence there is no specific unit dealing with women's rights. Nevertheless, the National Human Rights Commission engages on women's rights during their talks and workshops which are often held in secondary schools, youth centres, recreational centres, Citizen Advice Bureau and other public institutions across the island. However, such sensitisation campaigns rarely mention the CEDAW, let alone the Maputo Protocol even if their target groups include women, amongst others.

The Ombudsperson for Children Act establishes the Office of the Ombudsperson for Children. The objectives of the office consist of the ensuring 'that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals', the promotion of 'the rights and best interests of the child', and 'compliance

132 Section 1.2.5 above.

133 Section 4 of the Protection of Human Rights Act 1998.

with the' CRC.<sup>134</sup> Again, the language of the Ombudsperson for Children Act is neutral and does not specifically mention the girl child. Although the Office of the Ombudsperson has been involved in sensitisation campaigns that concerns the girl child, for instance against child marriage,<sup>135</sup> there is no reference to the Maputo Protocol with its focus being CEDAW.

Usually, members of the National Human Rights Commission are invited to contribute to state reports although they have no active mandate in the implementation/follow-up of concluding observations.

## 12 State reporting

The Human Rights Division of the MFA has the primary responsibility to ensure that appropriate actions are taken and implemented for the state to meet its international reporting obligations regarding human rights.<sup>136</sup> For treaties such as the CEDAW and the Maputo Protocol, the MGEFW and the Human Rights Division of the MFA have shared responsibility for the preparation of state reports. The Human Rights Division has also set up a National Mechanism for Reporting and Follow-up (NMRF) which is 'chaired by the Hon. Minister responsible for human rights and comprises representatives of Ministries and Departments, National Human Rights Institutions ... and Non-Governmental Organisations/the Civil

Society'.<sup>137</sup> It is an 'inter-ministerial structure set up ... for effective reporting and implementation of treaty obligations, engagement with the international and regional human rights systems and follow up on the recommendations or decisions' from, amongst others, the African Commission.<sup>138</sup> They also discuss the outcomes of state party reviews – for instance, the 20 August 2020 meeting of the NMRF discussed, amongst others, the outcome of Mauritius' participation in the 66th session of the African Commission where the 2019 State Report was reviewed.<sup>139</sup>

According to the response by the MGEFW, the process of preparing reports involves gathering inputs from relevant government ministries, state departments and civil society organisations, and by conducting thorough consultations with the Attorney General's Office. Once the report is prepared, it is sent to the Cabinet for approval. Once approved by the Cabinet, the report is submitted to the MFA for transmission to the African Commission.

Till date, Mauritius has submitted three state reports to the African Commission.<sup>140</sup> The first two reports were submitted before Mauritius ratified the Maputo Protocol. However, they made mention of women's rights by virtue of the country's obligations under

134 Section 5 of the Ombudsperson for Children Act.

135 2019 State Report (n 56) para 68.

136 Website of the Human Rights Division of the MFA available at <https://humanrights.gov.mu.org/Pages/About%20Us/Vision-&-Mission.aspx> (accessed 22 November 2020).

137 Website of the Human Rights Division of the MFA available at <https://humanrights.gov.mu.org/Pages/Human%20Rights/TreatyConvention.aspx> (accessed 22 November 2020).

138 As above.

139 Website of the Human Rights Division of the MFA available at <https://humanrights.gov.mu.org/Documents/NEWS%26EVENTS/NMRF%20-%20WEBSITE.pdf> (accessed 22 November 2020).

140 Website of the African Commission available at <https://www.achpr.org/statereportsandconcludingobservations> (accessed 22 November 2020).

the African Charter.<sup>141</sup> The 2019 State Report of the Republic of Mauritius to the African Commission,<sup>142</sup> despite being submitted after Mauritius ratified the Maputo Protocol, was not prepared under the 2009 Guidelines on State Reporting under the Maputo Protocol which provides for a Section A on the African Charter and a section B on the Maputo Protocol. Instead, it mentions women's rights and the Maputo Protocol in the document without going into details in the different provisions of the Maputo Protocol.

According to the Response by the MGEFW, this was due to a misunderstanding that a separate report under the Maputo Protocol could be submitted instead of it being submitted as Part B of the state report to the African Commission – this came after they received training on state reporting to the African Commission, with a focus on 2009 Guidelines on State Reporting under the Maputo Protocol by the Centre for Human Rights, University of Pretoria.<sup>143</sup> They also received a technical assistant in the preparation of the report under the Maputo Protocol.

The response by the MGEFW also indicated that once they were apprised of the misunderstanding, Cabinet set up an inter-ministerial committee to examine the Maputo Protocol Report. However, with the onset of the COVID-

19 pandemic, the Committee could not examine the report before the deadline for submission and the 2019 report was submitted as it was. The Response by MGEFW further stated that they intended to submit a report in compliance with the 2009 Guidelines on State Reporting under the Maputo Protocol with the 11th periodic under the African Charter in 2021.

Although the concluding observations for the 2019 Report are not yet available, the 2017 concluding observations made several references to women's rights as follows:

- Ratification of the Maputo Protocol;<sup>144</sup>
- Article 16(4) of the Constitution which provides an exemption to the prohibition on discrimination on personal status law, which is discriminatory towards women;<sup>145</sup>
- Women's political participation,<sup>146</sup> and
- Violence against women<sup>147</sup>

According to the shadow report of Ditshwanelo and the Global Rainbow Foundation, out of the 32 recommendations of the 2017 concluding observations, '19 (59 per cent) were not implemented, 6 (19 per cent) recommendations were partly implemented, 4 (13 per cent) recommendations were implemented' there was no information on 3 (9 per cent) recommendations in the state report.<sup>148</sup>

Specific to women's rights, Mauritius ratified the Maputo Protocol shortly

141 Republic of Mauritius 'Country report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the African Charter on Human and Peoples' Rights' submitted to the African Commission (November 2014); and Republic of Mauritius 'Sixth to eighth combined periodic report of the Republic of Mauritius on the implementation of the African Charter on Human and Peoples' Rights' submitted to the African Commission (March 2016).

142 2019 State report (n 56).

143 Centre for Human Rights 2019 (n 131).

144 2017 Concluding Observations (n 99) para 58.

145 2017 Concluding Observations (n 99) Recommendation vii.

146 2017 Concluding Observations (n 99) Recommendation viii.

147 2017 Concluding Observations (n 99) Recommendation xxiii.

148 Ditshwanelo and the Global Rainbow Foundation (n 121) 8.

after the 2017 concluding observations were issued. As for women's political participation, although the 2019 State Report does not mention it, the government is in the process of debating amendments to the Constitution that will provide for a quota system to ensure more gender balance.<sup>149</sup> Concerning violence against women, the MGEFW has, amongst others, trained police officers to ensure effective response to cases of domestic violence<sup>150</sup> and has 'reinforced its sensitisation programmes targeting men, women, youth and religious leaders'.<sup>151</sup>

### 13 Communications

One pertinent case concerning discrimination against women in Mauritius heard at the international level is that of *Shirin Aumeeruddy-Cziffra and 19 other Mauritian Women v Mauritius* at the Human Rights Committee.<sup>152</sup> This case concerned the Immigration (Amendment) Act of 1977 and the Deportation (Amendment Act) of 1977 which required husbands of Mauritian nationals to apply for a resident permit while such was not the case for wives of male Mauritian nationals. The Human Rights Committee recommended Mauritius to amend these two laws to avoid discrimination on the basis of sex.

As for the African Union level, till now, an analysis of the databases of the institutions shows that only the African Commission has had the opportunity to receive two cases against Mauritius<sup>153</sup>

and both were ruled inadmissible as follows:

- *Goornah v Republic of Mauritius*.<sup>154</sup> This case concerned violations of the African Charter and alleged that Mauritius violated the victim's right to fair trial. The complaint was submitted after three years one month and 15 days from the time the local remedy was exhausted and was dismissed since the complainant could not justify why three years one month and 15 days between the exhaustion of local remedies and the submission of the complaint could be considered as reasonable time.
- *Digbeejaye Koonjul v the Republic of Mauritius*.<sup>155</sup> This case also had the right to a fair trial as subject matter and was also ruled inadmissible since the applicants could not provide arguments as to why the complaint was not submitted within reasonable time.

Hence, no case has been submitted to the African Commission under the Maputo Protocol.

### 14 Special mechanisms and promotional visits of the African Commission

The last promotional visit of the African Commission to Mauritius was from 13 to 17 August 2019.<sup>156</sup> The mission's delegation consisted of:

Honourable Commissioner Soyata Maiga who is the Chairperson of the Commission, Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and

149 Section 5 above.

150 2019 State Report (n 56 above) para 268.

151 2019 State Report (n 56 above) para 269.

152 *Shirin Aumeeruddy-Cziffra and 19 other Mauritian women v Mauritius* Human Rights Committee CCPR/C/12/D/35/1978 9 April 1981.

153 Website of the African Commission available at <http://www.achpr.org/communications/>.

154 *Romy Goornah (Represented by Dev Hurnam) v Republic of Mauritius* Communication 596/16 2018.

155 *Digbeejaye Koonjul v the Republic of Mauritius* Communication 569/15 (2020).

156 Website of the African Commission available at <https://www.achpr.org/pressrelease/detail?id=432> (accessed 22 November 2020).

Those at Risk, Vulnerable to and Affected by HIV, and Chairperson of the Working Group on Indigenous Populations/Communities in Africa; Honourable Commissioner Hatem Essaiem who is the Commissioner Rapporteur on the Human Rights Situation in the Republic of Mauritius and Chairperson of the Committee for the Prevention of Torture in Africa; and Honourable Commissioner Remy Ngoy Lumbu who is the Special Rapporteur on the Situation of Human Rights Defenders in Africa.

As can be noted, the Special Rapporteur on the Rights of Women in Africa was not part of the delegation.

The delegation was expected to meet with a range of stakeholders including 'officials from relevant Government ministries, national human rights institutions, civil society organisations, a cross-section of human rights actors in the country, and other stakeholders'.<sup>157</sup> The report on the Mauritius promotional visit has not yet been finalised by the delegation at the time of writing and hence the meetings and recommendations are not in the public domain. Nevertheless, the response by the MGEFW indicates that the government were recommended the following by delegation during their visit:

- To continue the efforts undertaken and all initiatives aimed at better enjoyment and effective protection of human rights in the country;
- To accelerate the adoption and promulgation of draft laws aimed at strengthening the effective realisation of human rights for the benefit of populations in general and vulnerable groups in particular;
- To consolidate the achievements as well as the actions underway within the framework of the implementation of social, economic and cultural rights;

157 As above.

- To strengthen coordination, monitoring and evaluation to improve the effectiveness of existing policies, programs and strategies in the area of protection and human rights.

As can be noted, the recommendations are very general and do not concern specific aspects of women's rights. However, as indicated, these are recommendations of the delegation during their visit and their reports might be more specific on the findings and recommendations.

### **15 Factors that may impede or enhance the impact of the Maputo Protocol**

The Maputo Protocol is a comprehensive document which, if implemented at the local level, will ensure an enhancement in the protection of women's rights. However, as indicated, the country has not yet domesticated the document. Although the country is in the process of negotiating a Gender Equality Bill, such Bill is premised on the CEDAW. Although the CEDAW relates to women's rights, it can be argued that it is not specific enough. The provisions of the Maputo Protocol relating to, amongst others, child marriage, violence against women, LBTQ women and monogamy, might be a better inspiration for the Gender Equality Bill. Moreover, the Maputo Protocol has innovative provisions relating to budgetary allocations,<sup>158</sup> which can ensure a better allocation of resources for women's issues. Hence, the Gender Equality Bill, if adopted without

158 Article 4(2)(i) of the Maputo Protocol: 'States Parties shall take appropriate and effective measures to ... provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women'; and article 26(2) of the



incorporating the provisions of the Maputo Protocol, might impede the impact of the Maputo Protocol at the domestic level.

Related to the above, one challenge that the implementation of the Maputo Protocol might face is the fact that Mauritius gives more importance to the UN human rights system, as compared to the African human rights system. Techane and Mahadew<sup>159</sup> in a similar study in 2016, highlighted that the 'detached physical location of Mauritius from Africa mainland', with the majority of the population being of Asian descent, might be the reason for the country giving precedence to the UN human rights system at the expense of the African human rights system. Despite this, Mauritius had a member on the African Commission, Commissioner Yeung Sik Yuen, whose mandate came to an end in 2020. He was involved in meetings concerning the Maputo Protocol in Mauritius.<sup>160</sup> Hence, despite the geographical location and population demographics, Mauritius does interact with the regional human rights system. The 2019 State Report and the willingness of the MGEFW to follow the 2009 State reporting Guidelines indicate that the country is aware of its obligations under African human rights instruments.

The NMRF's composition of all relevant stakeholders is an opportunity for ensuring the implementation of the Maputo Protocol at the domestic level. It is recommended that the NMRF's

members are trained on reporting under the Maputo Protocol so that they can present a report under the 2009 State Reporting Guidelines with both a Part A and a Part B. Civil society organisations in the NMRF need to be more forceful in ensuring that the concluding observations by the African Commission are implemented. They need to disseminate these concluding observations to the population, including the media, and ensure discussions for their implementation.

The media in Mauritius has been very pro-active in bringing into fore issues of women rights by, for instance, reporting on child marriage, teenage pregnancy and violence against women, including domestic violence. However, they focus on issues when it is too late – reporting on deaths due to violence, for instance. The media needs to use their platform as a tool to discuss preventative measures. They can also increase awareness on the Maputo Protocol, the African Commission and the implementation of concluding observations by hosting debates between members of the NMRF.

Despite the fact that the Maputo Protocol is a comprehensive document on women's rights, the African Union has adopted the Protocol to the African Charter on the Rights of Persons with Disabilities in Africa in 2018 and the Protocol to the African Charter on the Rights of Older Persons in 2016. These two Protocols enhance the Maputo Protocol's provisions<sup>161</sup> on these vulnerable groups. The government of Mauritius has not yet ratified these two documents, which can provide for a better framework for the protection of vulnerable women in Mauritius.

Maputo Protocol: States Parties 'undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised.'

159 Techane & Mahadew (n 130) 180-181.

160 Centre for Human Rights 2017 (n 118).

161 Articles 22 and 23 of the Maputo Protocol.

Civil society organisations in Mauritius have been instrumental in the ratification of the Maputo Protocol. However, they do not yet have observer status with the African Commission. They need to therefore apply for observer status to ensure more engagement with the African Commission. Mauritius, despite having ratified the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights (African Court Protocol), has not yet made a declaration under its article 34(6) to allow non-governmental organisations with observer status before the African Commission to bring cases to the African Court. In addition to applying for observer status with the African Commission, civil society organisations in Mauritius need to lobby the government to make a declaration under article 34(6) so that they can bring cases of violations of the Maputo Protocol to the African Court. Civil society organisations must also lobby the government to ratify the two Protocols mentioned in the previous paragraph.

Generally, there is a lack of data collection relating to women's issues in Mauritius. For instance, as highlighted by UN Women, Mauritius needs to collect data concerning 'gender and poverty, women's access to assets including land, physical and sexual harassment, and gender and the environment'.<sup>162</sup> Furthermore, there is a need to adopt an intersectional lens when collecting data on women to include women with disabilities, women who form part of sexual minorities, women with limited education background, unemployed women, women of different racial groups, older women

and poor women, amongst others. Such data will allow an assessment of who is at risk of violations and the government and civil society organisations can then direct their efforts towards them.

162 Website of UN Women available at <https://data.unwomen.org/country/mauritius> (accessed 22 November 2020).