

GENDER COUNTRY PROFILE FOR

THE REPUBLIC OF MAURITIUS

FINAL REPORT

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LIST OF ACRONYMS AND ABBREVIATIONS

AAP	Africa Adaptation Programme
AM	Alliance Morisien
AN	Alliance National
BPfA	Beijing Platform for Action
BTWP	Back to Work Programme
ICCPR	International Covenant on Civil and Political Rights
CDU	Child Development Unit
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CYC	Correctional Youth Centre
DOVIS	Domestic Violence Information System
DPP	Director of Public Prosecutions
ERA	Employment Relations Act
FAO	Food and Agriculture Organisation
FWPU	Family Welfare and Protection Unit
GAP	Gender Action Plan
GBV	Gender-based Violence
GDI	Gender Development Index
GDP	Gross Domestic Product
GFP	Gender Focal Point
GGI	Gender Gap Index
GII	Gender Inequality Index
GNI	Gross National Income
GPI	Gender Parity Index
GTER	Gross Tertiary Enrolment Rate
FMRA	Fisheries and Marine Resources Act
HDI	Human Development Index
HSC	Higher School Certificate
ICCPR	International Covenant on Civil and Political Rights

ICPD	International Conference on Population and Development
ICT	Information Telecommunication Technology
ILO	International Labour Organisation
IOC	Indian Ocean Commission
IOM	International Organisation of Migration
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual
MAIFS	Ministry of Agro Industry and Food Security
MESWMCC	Ministry of Environment, Solid Waste Management and Climate Change
MFPWA	Mauritius Family Planning and Welfare Association
MGEFW	Ministry of Gender Equality and Family Welfare
MHC	Mauritius Housing Company
MIE	Mauritius Institute of Education
MIEUX	Migration European Union Expertise
MITD	Mauritius Institute of Training and Development
MIOD	Mauritius Institute of Directors
MLHRDT	Ministry of Labour, Human Resource Development & Training
MMS	Mauritius Meteorological Services
MHW	Ministry of Health and Wellness
MPF	Mauritius Police Force
NAP	National Action Plan
NCCG	National Committee on Corporate Governance
NCE	National Certificate of Education
NGO	Non-Governmental Organisation
NHDC	National Housing Development Company Limited
NSAP	National Strategy and Action Plan
NSCGM	National Steering Committee on Gender Mainstreaming
NSIF	National Social Inclusion Foundation
NWC	National Women's Council
ODPP	Office of the Director of Public Prosecutions
NWEC	National Women Entrepreneur Council
OSHA	Occupational Safety and Health Act
PDVA	Protection from Domestic Violence Act
PGC	Parliamentary Gender Caucus

PGCE	Post Graduate Certificate in Education
PFPU	Police Family Protection Unit
PRB	Pay Research Bureau
PSAC	Primary School Achievement Certificate
RPTC	Regional Peacekeeping Training Centre
SADC	Southern African Development Community
SC	School Certificate
SDA	Sex Discrimination Act
SDG	Sustainable Development Goal
SME	Small and Medium Enterprise
SRM	Social Register of Mauritius
STI	Sexually Transmitted Infection
TAMS	Technology Acquisition and Modernisation Scheme
TIP	Trafficking in Persons
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organisation
WIN	Women in Networking
WIP	Women in Politics
WRA	Workers' Rights Act

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EXECUTIVE SUMMARY

The Republic of Mauritius continues to make progress in advancing women's and girls' rights and the attainment of gender equality in the country. The findings of this study show that significant progress has been made towards removing formal barriers to achieving gender equality. Nonetheless, a lot remains to be done before gender equality is achieved. The Gender Country Profile for the Republic of Mauritius includes an updated sector wise gender gap analysis in line with the EU Gender Action Plan (GAP) III. The GAP III is an ambitious vision on gender equality and women's empowerment for EU external action. It seeks to catalyse progress on empowering women and girls, and safeguard gains made on gender equality since the adoption of the Beijing Declaration and its Platform for Action on 15 September 1995.

The study looks at the six thematic policy areas set out by GAP III, namely:

1. Ensuring freedom from all forms of gender-based violence;
2. promoting sexual and reproductive health and rights;
3. promoting economic and social rights and empowering girls and women;
4. promoting equal participation and leadership;
5. integrating the women, peace and security agenda; and
6. addressing the challenges and harnessing the opportunities offered by the green transition and the digital transformation;

The Republic of Mauritius has signed and ratified different treaties to protect women's rights and prevent discrimination against women. Mauritius has domesticated most of the treaties it has signed and ratified where legislations have been introduced to give effect to these treaties. The Children's Act 2020 has been in force since 24 January 2022 and this will enable Mauritius to address earlier reservations to some of the Articles of the Maputo Protocol. The Act brings an end to child marriages and cohabitation in the country, where girls who are the main victims of these practices will be better protected.

The Constitution of the Republic of Mauritius provides for non-discrimination. Although most of the laws of Mauritius do not discriminate on the basis of gender, there are certain exceptions, as highlighted in this report, e.g., Section 3 of the Mauritius Citizenship Act (1968) and Section 6 of the Pensions Act (1951). A Gender Equality Bill is being finalised, which will seek to attain substantive equality and prohibit discrimination against women, which remain essential for the transformation of unequal power relations between men and women. Existing legislation does not provide a clear definition of rape and there is a need to recognise and criminalise marital rape.

In order to ensure freedom from all forms of gender-based violence, Mauritius has introduced a range of measures aimed at combating gender-based violence. Domestic violence remains the predominant form of gender-based violence in the country. The Protection from Domestic Violence Act 1997 has been amended on numerous occasions to ensure that all victims are provided with adequate support and assistance. However, domestic violence remains a serious social and health concern for many women, culminating in life-threatening injuries and at times, death. The Covid-19 pandemic and the two lockdowns that Mauritius experienced in 2020 and 2021 amplified the problem of domestic violence in the country. Women in abusive relationships were confined with their aggressors during the lockdowns and were therefore unable to escape from violent and abusive situations. Often, social and cultural norms as well as limited knowledge of the protection that the law provides, together with weak enforcement of the law, aggravates the problem. There is also a need to look into the harassment of women and girls in public spaces.

In response to national and international concerns about the worrying prevalence of domestic violence in Mauritius and the ensuing security risks especially towards women, a High-Level Committee was set under the chairpersonship of the Honourable Prime Minister in January 2020. The National Strategy and Action Plan 2020-2024 (NSAP) of the High-Level Committee on the Elimination of Gender Based Violence in the Republic of Mauritius was launched by the Government in November 2020. The NSAP aims to respond to the cultural and institutional specificities of Mauritius and promotes collaboration across Government and civil society organisations to work towards the elimination of GBV. Moreover, in December 2021, a Memorandum of Understanding was signed between the Mauritius Research and Innovation Council and the Ministry of Gender Equality and Family Welfare to operationalise the Observatory for Gender-Based Violence. The Observatory will make recommendations and proposals to improve the services and facilities offered by the public institutions and civil society in the field of GBV and will enable the collection of evidenced-based information and gender disaggregated data on the status of GBV.

Concerning the promotion of sexual and reproductive health and rights, the welfare state ensures that the population has access to free healthcare, including in the domain of sexual and reproductive health. There is nonetheless the need for greater focus on the rights aspect as the focus so far has been more specifically on the health aspect. While much has been achieved, areas that require further work include the continued prevalence of backstreet abortion and teenage pregnancies. There is also the issue of decision-making about contraceptive use and family planning. The findings of this study reveal that women are often unable to negotiate safe sex practices. Women should be able to make decisions concerning their fertility free from coercion and violence. Additionally, there is a need for comprehensive sex education in schools as a strategy to prevent teenage

pregnancies. A wider reflection leading to informed policy measures on handling adolescents who are sexually active needs to be undertaken.

With regard to the promotion of economic and social rights and empowering girls and women, although the Constitution of Mauritius does not specifically provide for economic and social rights, these rights are integrated into and catered for under other pieces of legislation. The welfare state also provides free education, free access to health services, social aid to vulnerable groups and universal pensions to the elderly. Wage or employment discrimination on grounds of sex is illegal and the labour laws contain a number of provisions that protect women. However, women tend to be concentrated in the lower paid and low-end jobs, leading to a gender pay gap of 24%. There is also a gender gap in employment as there are fewer women who are active in the labour market, indicating that marriage, pregnancy and childcare tend to deter women from (re)entering the labour market. This state of affairs represents an equality issue but also constitutes an underutilisation of human capital and loss of revenue. Data from the 2018-2019 time use survey shows that on average, women spend more time on household chores than men (4.4 hours against 1.7 hours). The unequal division of labour within the household implies that women spend less time at work in paid activities and more time at home in unpaid activities.

Women are also over-represented among the unemployed, whereas unemployed women tend to be more qualified than unemployed men. Furthermore, women with disabilities are more disadvantaged than men with disabilities with regard to educational attainment and in the labour force. In fact, women with disabilities are less active than men with disabilities. This is an area that warrants further study. The feminisation of poverty is a reality in Mauritius, with female-headed households being most vulnerable. The State has adopted a Marshall Plan to eliminate absolute poverty and reduce inequality, which has led to the adoption of a range of anti-poverty measures.

While real progress has been achieved in the education sector, more needs to be done in the technical sector including ICT, where women and girls lag behind. The provision of free tertiary education might encourage more women to enrol in courses especially those who missed out on university education due to childcare and family commitments. Women and girls need to be encouraged to venture into non-stereotyped areas, especially science, engineering and information technology, where there are more employment and career prospects. Digital technologies can provide a wide array of benefits to women in Mauritius. There is also a need for gender to be mainstreamed in the curriculum at all levels.

At the level of managerial and leadership roles, the presence of women in senior positions in government stood at 39.7% in 2020. Women are also more likely than men to be employees. Women are underrepresented in leadership and decision-

making positions in the private sector as well. Women have a minority presence on boards and sub-committees. Initiatives are being taken by organisations in the private and business sector towards attaining gender equality and gender equity. Business Mauritius and the Mauritius Commercial Bank have set up measures towards gender equity and gender mainstreaming. The Mauritius Institute of Directors is working towards improving women's presence in leadership position and a Women's Leadership Academy was launched in October 2021.

Women remain underrepresented in politics and at this level, Mauritius still has a significant gender deficit. Politics in Mauritius remains highly male dominated and very few women have been able to make inroads into the political system. Some progress has been made at local government level, especially through the New Local Government Act. Electoral reform is a key factor which could open up the political space to women. The media can also play a more significant role towards educating the public and eliminating predominant gender biased stereotypes.

The gender dimension of climate change is a recent area of work in the Mauritian context. The Climate Change Act 2020 has made provision for gender to be taken into consideration. Climate change and environmental disasters represent a threat to women's health and livelihoods. In fact, a gender analysis of the effects of climate change can provide important data to guide planning and policy making.

For the Island of Rodrigues, the Rodrigues Regional Assembly through the Commission for Women's Affairs has adopted a range of measures geared towards the empowerment of women, especially women entrepreneurship. However, there is a lack of gender disaggregated data on Rodrigues and there is a need for a comprehensive gender profile for Rodrigues.

1. INTRODUCTION

The Republic of Mauritius comprises the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago. Since independence on 12th March 1968, Mauritius has made significant progress towards advancing women's and girls' rights as well as the attainment of gender equality in the country. The State adopted a policy of gradually removing formal barriers to women's access to legal, political, educational and economic institutions. The comprehensive welfare state provides free health care, universal pensions, state provision of free education at all levels as well, thereby enabling women and girls who may have been disadvantaged by patriarchal culture and/or precarious income situations to benefit. Government policy also enabled wide-ranging prospects to become available to women including employment opportunities and legal amendments to eliminate sex discrimination and protect citizens from gender-based violence. Mauritius has ratified the main international and regional treaties and conventions pertaining to human rights, women's rights and gender equality. The State amended the Constitution in 1995 to render sex discrimination unconstitutional, and passed national legislation to enhance the protection of women in several areas.

Mauritius is among the countries that established a National Gender Machinery at an early stage. The National Gender Machinery for Mauritius, namely the Ministry for Women's Affairs was set up in 1975, in the wake of the International Women's Year to provide a governmental institutional platform to address women's rights and gender inequalities in the country. The appellation of this Ministry was modified in 2010 from the Ministry of Women's Rights, Child Development and Family Welfare to the Ministry of Gender Equality, Child Development and Family Welfare, following the evolution in policy perspectives from women's rights and women and development towards gender equality. The appellation of the Ministry was modified to the Ministry of Gender Equality and Family Welfare in 2020. The Ministry of Gender Equality and Family Welfare (MGEFW) has been working towards setting up the right conditions and environment for the harmonious development of Mauritian children, women and their families.

Although women and men in Mauritius have equal rights and wider economic and educational opportunities than the previous generations of Mauritians did, gaps primarily driven by patriarchal norms and values, hinder the attainment of gender equality and gender equity in practice. Moreover, the socio-economic consequences of the COVID-19 crisis are disproportionately affecting women in Mauritius. Women tend to be significantly present in the informal and vulnerable sectors of the economy and many have lost their source of income. Women are also underrepresented in leadership positions, especially in parliament, local and regional Council and their participation in the labour force remains in deficit.

Gender-based violence, especially towards women, is an entrenched problem in the Mauritian society.

The Gender Country Profile for the Republic of Mauritius will document the progress achieved towards the attainment of gender equality and examine how far the Republic of Mauritius has been able to address gender gaps and empowerment of women in line with the various regional and international conventions ratified. The gender country profile will also enable the identification of specific areas that require targeted intervention and where gender inequality is still a pertinent problem.

1.1 Gender Action Plan III

The Gender Country Profile for the Republic of Mauritius includes an updated sector wise gender gap analysis in line with the EU Gender Action Plan (GAP) III. The GAP III is an ambitious vision on gender equality and women's empowerment for EU external action. It seeks to catalyse progress on empowering women and girls, and safeguard gains made on gender equality since the adoption of the Beijing Declaration (2015) and its Platform for Action.

One of the key objectives of GAP III is to contribute to the empowerment of women, girls and young people to fully enjoy and benefit from their rights and increase their participation in political, economic, social, and cultural life. Moreover, GAP III strongly supports the participation and leadership of girls and women, promoting these, for example, through governance programmes and public administration reforms. GAP III also strives to address structural causes of gender inequality and gender-based discrimination, including by actively engaging men and boys in challenging gender norms and stereotypes.

The GAP III provides a set of objectives and indicators to monitor progress in the implementation as well as measuring the results. These strive to:

- Promote a transformative approach and will mainstream a gender perspective in all policies and actions.
- Encourage change in social attitudes, including actively engaging men and boys and by putting a focus on young people as drivers of change.
- Address all intersecting dimensions of discrimination, including sexual orientation, disability and age among others.
- Set the ground for a more active role of women in peace and security.

In view of accelerating progress towards gender equality and women's and girls' empowerment, GAP III has set objectives and action in six key thematic policy areas, namely:

1. Ensuring freedom from all forms of gender-based violence;

2. Promoting sexual and reproductive health and rights;
3. Promoting economic and social rights and empowering girls and women;
4. Promoting equal participation and leadership;
5. Integrating the women, peace and security agenda; and
6. Addressing the challenges and harnessing the opportunities offered by the green transition and the digital transformation.

1.2 Key Concepts

This sub-section elaborates on the key concepts that cut across the main thematic in the report.

1.2.1 Gender

The concept of gender was introduced in the early 1970s to distinguish the acquisition of social attributes from biological attributes for which the term 'sex' was assigned (Mitchell, 2007). Gender represents a complex social system that structures the life experiences of all human beings. Nonetheless, gender is also a description of people's characteristics and behaviours which may or may not be determined by their sex (Browne, 2007). Cultural ideas about gender are deeply intertwined with those of sexuality. Acceptable forms of sexual expression can vary widely from society to society and these acceptable forms are based on the gender ideology of that particular society. In her writings on *Gender Trouble*, Judith Butler (1990) rejects a binary categorisation of gender into the masculine and feminine, arguing that gender differences are effects of contingent social practices. Gender identities can therefore be wider to include other gender identities such as gay, lesbian, transexual etc.

1.2.2 Gender stereotypes

Gender stereotypes are a causal factor of different expectations of men and women and therefore play a central role in shaping women's and men's professional achievements (Robeyns, 2007). Prejudice and stereotypes give women with similar professional qualifications and experience as men fewer opportunities to reach leadership positions in the labour market. In similar vein, notions of appropriate masculinity and femininity render it more likely that a boy will be discriminated against if he wanted to be a babysitter in comparison with a girl. Gender stereotypes wield considerable power as they have the potential to influence people's actions and reality itself. Gender stereotypes also affect individuals who do not fit into the male-female binary as they may not conform to expected gendered behaviour.

1.2.3 Social and gender norms

Social norms held by individuals and their reference groups are values, beliefs, attitudes and practices that assert preferred power dynamics for interactions between individuals and institutions. Norms are operationalised through beliefs, attitudes and practices. Norms can be descriptive or injunctive. Descriptive norms are beliefs about what is considered a normal practice in a social group or an area. Injunctive norms state what people in a community should do (UNDP, 2019). The family usually sets norms, and experiences from childhood create an unconscious gender bias as parents' attitudes towards gender influence children into adopting gendered behaviours and expectations. Social norms tend to create and reinforce gender inequalities.

Gender norms refer to the unspoken rules that govern the attributes and behaviours that are valued and considered acceptable for men, women, and gender minorities, and hold together the gender system (Heise et al., 2019). Gender norms impose codes of masculinity and femininity and notions of what the appropriate and 'normal' behaviour for a man or a woman is (Robeyns, 2007). Norms are embedded in institutions, defining who occupies leadership positions, whose contributions are valued, and whose needs are accommodated. In this way, restrictive gender norms reproduce and reinforce power hierarchies, both between and among women and men, boys and girls, and gender minorities. The norm that places the responsibility of caring for children and the elderly on women reinforces their financial dependence and socio-economic vulnerability (Badgett and Folbre, 1999). Gender norms therefore create and reinforce power imbalances between men and women.

Gender inequality has long been associated with persistent discriminatory social norms that prescribe social roles and power relations between men and women in society (UNDP, 2019). In fact, social and cultural norms often foster behaviours that perpetuate inequalities. Discriminatory social norms and stereotypes reinforce gendered identities and determine power relations that constrain women's and men's behaviour in ways that lead to inequality. Norms influence expectations for masculine and feminine behaviour considered socially acceptable or looked down on. Women often face strong conventional societal expectations to be caregivers and homemakers, for example.

Social institutions tend to be 'gendered' as they take gender differences that are created by gender inequalities as 'natural' and use these differences as a justification for those inequalities. These institutions include the educational system, the media, the family, the labour market and workplace as well as trade unions.

Policymakers tend to focus on what is tangible, such as laws, policies and budgets. This is largely driven by requirements to measure impact and demonstrate effectiveness. Yet, it is important not to neglect the invisible power of norms at

the risk of missing a deeper understanding of social change. Social norms have the power to keep women from claiming their legal rights due to pressure to conform to societal expectations (UNDP, 2019). Social norms also prevail when individuals lack the information or knowledge to act or think differently. Moreover, due to intersecting social dynamics, it becomes important to take action on more than one fact at a time when challenging discriminatory norms that impede gender equality and women's empowerment (UNDP, 2019).

Norms are, nonetheless, amenable to change through policy and legal reform or community-based programmes involving social movements and citizens.

1.2.4 Gender equality

Gender equality is a fundamental human right and a key driver of economic growth. The 2019 Human Development Report states that "gender inequality is one of the greatest barriers to human development" and that "the world is not on track to achieve gender equality by 2030" (UNDP, 2019: 147). Gender inequality within households and communities is characterised by inequality at different levels. The concept of substantive gender equality highlights the importance of human rights and capabilities and that these are crosscutting issues. According to Leach et al. (2016: 7), there are multiple dimensions to pursuing gender equality, namely:

- (1) Redressing socio-economic disadvantage in the domains of work, wellbeing and access to resources. This involves ensuring equal access to decent work and secure livelihoods; the recognition, reduction and redistribution of unpaid care work; equal access to quality education, health and other social services and public goods; and equal access to and control over resources and their benefits including ecosystem-based resources.
- (2) Enhancing recognition and dignity. This includes challenging stereotypes around masculinity and femininity, assuring freedom from violence and violations of dignity and security, assuring bodily integrity and sexual and reproductive health and rights and recognition and respect for diverse forms of knowledge production and application.
- (3) Ensuring equal participation of men and women in decision-making at all levels. This includes supporting agency, power and voice in institutions and decision-making.

Gender equality ultimately requires the realisation of all human rights. Women have made greater and faster progress in areas where their individual empowerment or social power, namely, basic capabilities, is lower. However, they face a glass ceiling in sectors where they have greater responsibility, which represent enhanced capabilities such as in positions of political leadership.

1.2.5 Gender justice

Gender justice is important in a society for all citizens, irrespective of their gender identity, to benefit equally from opportunities and entitlements. Robeyns (2007: 65) argues that a society can only be considered gender just if the following three principles are met:

1. The expected capabilities for men and women are the same and the only inequalities between men and women that are justified are those (a) that are (directly or indirectly) due to sex differences that are not gender differences, and (b) which cannot be rectified by human intervention.
2. The constraints on choice deriving from expected capabilities should not be structured according to morally irrelevant characteristics such gender.
3. The merits of the different opinions with regard to expected capabilities need to be justified and should not be gender biased.

1.3 Methodology

Data for the Gender Country Profile of the Republic of Mauritius and gender gap analysis has been drawn from both primary and secondary sources. Secondary data was collected from published sources, including academic publications, government, agency and NGO reports, official statistics and ongoing collaboration between the different stakeholders. Primary data has been collected through consultative meetings and semi-structured interviews with key stakeholders in government ministries and parastatals, the private sector and business community, the judiciary, international organisations, cooperative societies as well as civil society organisations and the media. The methodologies employed thus include documentary analysis as well as qualitative research with consultative meetings as the methodological tools.

A qualitative methodology is more appropriate for sensitive topics and issues which cannot be quantified. Semi structured interviews and qualitative methodology however, do not generate statistics. Rather, they bring out the key societal issues and problems, often the nature and extent of the problem based on the experiences of the interviewees. Key respondents who were interviewed provided important qualitative data as they informed the research team of the pertinence of the problems they saw on a daily basis. When it comes to research on gender sensitive issues, it is highly unlikely to obtain quantitative data and qualitative research is a more relevant methodology to adopt. Moreover, in order to ensure confidentiality and to protect the identity of respondents, especially on sensitive issues discussed, we have not cited the stakeholders interviewed. These stakeholders highlighted important social and gender concerns which warrant further consideration.

Annex 1 details the list of consultative meetings with key stakeholders on the different issues organised by the research team. The report maps out the areas that will require further support and what are the entry points and opportunities at different levels for EU support and dialogue in the context of GAP III.

The main challenge to the research was the problem of nonresponse from some stakeholders which hindered primary data collection to some extent. A further challenge, which is also a recommendation to be considered, is the lack of gender disaggregated statistics as the data is not collected. At times, some stakeholders did not see the rationale of collecting sex disaggregated statistics as it was not done in the past. This situation points towards the need for gender training at all levels and wider gender awareness on a national scale.

For the Rodrigues component, due to the closure of borders caused by the Covid-19 pandemic and impossibility of carrying out a site visit, data was more limited. Moreover, there was no response from NGOs and civil society organisations based in Rodrigues. Data was supplied by the Commission for Child Development, Family Welfare, Women's Affairs and others.

1.4 Structure

The first section of the report comprises a background section that focuses on the political, legal and human rights situation in Mauritius. The next section examines the key gender equality issues, barriers and challenges as presented by the six key thematic policy areas of GAP III. The following sections explore the mapping of support by EU and international actors as well as entry points and opportunities for support and dialogue in the context of GAP III. The concluding section and recommendations follow.

2. THE COUNTRY CONTEXT

The Constitution of Mauritius enshrines the right to equality under Article 3 and 16 and the amendment to Article 16(3) of the Constitution added sex as another characteristic which ensured that women have the same legal rights as men. Everybody is equal before the law and nobody can be discriminated against, directly or indirectly, on grounds including age, sex, creed, ethnicity or even religion. Women and men have the right to equal enjoyment of rights and freedom, including opportunities and responsibilities in the social, economic, cultural and political spheres (Task Force Report, 2001). Yet, in spite of the elimination of sex discrimination in the legal framework and increased educational and economic opportunities for women, Mauritius remains a patriarchal society, one where deep-seated patriarchal norms and values continue to hinder women's progress, emancipation and empowerment. Whereas Mauritius has made major progress towards creating de jure equality between women and men, there is still a lot to be done before de facto equality between men and women is attained in the country.

In 2020, the population comprised 639,712 females compared to 626,028 males. Women outnumbered men by 13,684 as they lived on average 6.8 years longer than men (Statistics Mauritius, 2021a). The 2019 Human Development Index (HDI) value for Mauritius was 0.804, which put the country in the 'very high human development' category at the time and positioned it at 66 out of 189 countries and territories (UNDP, 2020a). The Gender Development Index (GDI) value for Mauritius was 0.791 for women and 0.811 for men in 2019, indicating a gender disparity. The inequality is more pronounced in the Gross National Income (GNI) per capita figures which stood at \$15,870 for women and \$34,898 for men (UNDP, 2020a). At the level of the UNDP's Gender Inequality Index (GII) which reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity, Mauritius had a GII value of 0.347, ranking it 78 out of 162 countries in the 2019 index (UNDP, 2020a). One of the most significant discrepancies was at the level of women's participation in the labour market which was 45.2% compared to 72.0% for men. In fact, unemployed women are generally more qualified than their male counterparts: 22.0% of unemployed women possessed tertiary qualifications compared to 17.5% men (Statistics Mauritius, 2021a).

Mauritius is ranked 110th out of 156 countries with a score of 0.679 in the Global Gender Gap Index of the World Economic Forum in 2021 whereas it was ranked 88th in 2006 with a score of 0.633. These figures indicate that slight progress has been made in 15 years. The figures indicate that more work needs to be done to attain parity which carries a score of 1.00. In the Sub-Saharan African region, Mauritius ranks 21st on the Gender Gap Index (GGI). The GGI seeks to measure

gender equality across four key areas: economic participation and opportunity, educational attainment, health and survival and political empowerment.

Although the Constitution and laws provide for equal rights for women, legal measures are often not effectively enforced, thus resulting in women still facing problematic situations and insecurity largely because of entrenched gender stereotypes. In fact, gender inequality has long been associated with persistent discriminatory social norms that prescribe social roles and power relations between women and men in society. Social norms held by individuals and their reference groups are values, beliefs, attributes and practices that assert preferred power dynamics for interactions between individuals and institutions (Marcus and Harper, 2014). Norms are operationalised through beliefs, attitudes and practices. Women still face strong conventional societal expectations to be caregivers and homemakers, whereas men are expected to be the breadwinners or heads of household. Such social norms therefore limit women's opportunities and choices.

Women are largely underrepresented in leadership positions in the business sector as well as in parliament, local council and district council. In 2020, only 11.9% of working women were heads of business compared to 18.6% among men (Statistics Mauritius, 2021a). The civil service, on the other hand, has a good representation of women in senior positions. The proportion of women in the most senior positions in government services (Senior Chief Executive, Permanent Secretary, Deputy Permanent Secretary, Director, Manager, Judge and Magistrate) was 39.7% as at 2020 (Statistics Mauritius, 2021a). Women and girls spend 19% of their time on unpaid care and domestic work, compared to 4.8% spent by men. Moreover, women of reproductive age (15-49 years) often face barriers with respect to their sexual and reproductive health and rights (UN Women, 2021). These issues will be discussed in greater detail in the subsequent sections of the report.

Gender Cells have been set up in line ministries in July 2010 in view of institutionalising a structure that will be sustainable and which will enable gender mainstreaming of government policies and programmes. Senior officers of the various units and/or departments within Ministries are to attend to gender inequality issues. Government also allocates a sum of Rs 200,000 to Ministries to be used towards gender mainstreaming and gender sensitive initiatives. The extent to which this initiative has been successful towards enabling gender mainstreaming remains to be seen. Some Ministries have experienced difficulties towards internalising and institutionalising their gender policy statements. The concept of Gender Cells is a good initiative and some fine-tuning will help to ensure better efficiency and efficacy of the cells.

The National Gender Machinery

The Ministry of Gender Equality and Family Welfare (MGEFW) looks into the implementation level of gender equality and women's rights in Mauritius. The Ministry has a holistic approach in implementing the Gender and Development strategy of the Government. The Gender Unit of the MGEFW is the principal arm of the Government working towards the attainment of gender equality and women's empowerment in Mauritius. It oversees and coordinates the implementation of gender mainstreaming strategies in the policies and programmes of all ministries and implements policies and programmes geared towards empowering women, in view of bridging any gender gaps. In 2008, Mauritius adopted a National Gender Policy Framework, which aimed to address discriminatory practices in various areas, articulating the Beijing Platform for Action (BPfA) together with the Millennium Development Goals and other international commitments that Mauritius has agreed to uphold. The MGEFW is working on an updated National Gender Policy for 2021-2030 that will be aligned to the SDGs and responsive to the vision of the government.

The National Steering Committee on Gender Mainstreaming (NSCGM), set up in June 2010, monitors the implementation of the National Gender Policy Framework in all sectoral ministries. The committee provides a platform for the Gender Focal Points (GFP) (representatives of Ministries) to provide feedback on the implementation of their sectoral gender policies. The NSCGM also enables the GFPs to be apprised of emerging gender concerns and issues at global and regional levels, and on the follow up of the implementation of recommendations of international and regional treaties ratified. The mechanism of the GFPs has met with challenges at different levels, which risks hampering efforts towards gender mainstreaming. There is a need to ensure that designated officers' duties towards gender concerns do not clash with their regular duties at the ministries. There is also a need to ensure that officers transferred across departments and Ministries have been trained on gender mainstreaming in order to ensure continuity.

The National Women's Council (NWC), which is a parastatal body operating under the aegis of the MGEFW, has been engaged in a national campaign to disseminate information on gender equality and gender issues in the country. Sensitisation campaigns take place in the network of women's empowerment centres across the island, including Community Centres. The National Women's Council has a network of some 800 Women's Associations. The MGEFW also has the "Men as Caring Partners" and "Working with Boys for Gender Equality" programmes that target men and youngsters in the different communities to sensitise them on gender equality, challenge patriarchal attitudes and deep-rooted stereotypes concerning the roles and responsibilities of women and men in family and society.

The Concluding Remarks of the CEDAW Committee on Mauritius' eight periodic report expressed concern over the lack of resources available for the effective implementation of plans and policies, as well as insufficient monitoring and a lack

of evaluation mechanisms. The Committee also highlighted the absence of a national action plan on the advancement of women and girls in Mauritius. There is a need for enhanced technical capacity and guidance on a systemic approach towards implementing gender mainstreaming at various levels.

2.1 Political, legal and human rights situation

Chapter II of the Constitution of the Republic of Mauritius guarantees each Mauritian citizen protection of his/her fundamental rights and freedoms, irrespective of race, place of origin, political opinions, colour, creed or sex. Any aggrieved individual whose rights under Chapter II of the Constitution have been, are being or are likely to be contravened, may seek redress in the Supreme Court under Section 17 of the Constitution.

Economic, social and cultural rights in the Republic of Mauritius are enshrined and implemented under several pieces of legislations, including the Workers' Rights Act 2019, the Mental Health Care Act 1998, the Public Health Act 1925 and the Food Act 1998, the Education Act 1957, the National Pensions Act 1978 and the Social Aid Act 1983. Furthermore, a number of existing legislations have been amended and new laws were introduced to ensure the protection of human rights. These include: the Equal Opportunities Act 2008, the Independent Police Complaints Commission Act 2016, the Criminal Code, the Extradition Act 2017, the Prevention of Terrorism Act 2002, the National Wage Consultative Council Act 2016, the National Minimum Wage Regulations, the Protection from Domestic Violence Act 1997 and the Data Protection Act 2017, amongst others.

Mauritius is committed to gender equality where it has ratified numerous international and regional treaties and signed international commitments including the Sustainable Development Goals (SDGs) that promote gender equality and specifically women's rights. Most recently, in July 2021 Mauritius signed the Violence and Harassment Convention, 2019 (No. 190) in 2021 under the ILO.

As part of its commitments and obligations, Mauritius has been domesticating most of the provisions of the treaties to ensure its enforceability at national level. Mauritius is a dualist State where treaties cannot become law until they are domesticated. The Gender Unit of the MGEFW works towards harmonising domestic policies with the international and regional human rights instruments related to women's empowerment and gender equality. It is also responsible for the follow up and provides regular reports.

2.1.1 International and regional treaties

Mauritius has ratified(r) and/or acceded(a) to the following treaties which work towards ensuring gender equality and equity:

1. The International Covenant of Economic, Social and Cultural Rights (CESCR) (1973a);
2. The International Covenant on Civil and Political Rights (CCPR) (1973); and The Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1) (1973a);
3. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1984a);
4. Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW-OP) (2008r);
5. The Convention on the Rights of the Child (CRC) (1990);
6. The Optional Protocol to the CRC on the Involvement of Children in Armed Conflicts (2009r);
7. The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (2011r);
8. The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) (1992a);
9. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP) (2005a);
10. The inquiry procedure under the convention against Torture (CAT, Art.20) (1992);
11. The Hague Convention on the Civil Aspects of International Child Abduction (1993a)
12. The Beijing Platform for Action (BPfA) (1995);
13. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2003a);
14. The Convention on the Rights of Persons with Disabilities (CRPD) (2010r);
15. The Optional Protocol on Communications Procedure to the CRC (2012) (signed only);
16. The Paris Agreement of Climate Change (2015);
17. The Post-2015 Sustainable Development Goals Agenda inclusive of a stand-alone Goal 5 which is to “Achieve Gender Equality and Empower all Women and Girls”.
18. The Convention for the protection of individuals with regards to automatic processing of personal data (European Treaty 108) (2016a).

19. Mauritius has ratified 52 International Labour Organisation (ILO) Conventions, inclusive of the eight core conventions: Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No.98); Equal Remuneration Convention, 1951 (No. 100); Abolition of Forced Labour Convention, 1957 (No. 105); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No.182).

20. The Government of Mauritius has ratified the “*Violence and Harassment Convention 2019 (No. 190)*” and also adopt its accompanying “*Violence and Harassment Recommendation 2019 (No. 206)*” on 01/07/21.

These are enshrined in the labour legislation of Mauritius, namely the Occupational Safety and Health Act (OSHA) 2005 and the Workers’ Rights Act (WRA) 2019. The principles of both legislations apply equally and without any distinction whatsoever to all workers, local and migrants, serve as benchmarks to assess human rights impacts of business enterprises and make provisions for the protection of workers’ fundamental rights and a safe work environment. The laws of the country apply equally to interns and atypical workers, those employed in non-standard contract of employment, and across all sectors of employment.

The framework set out in these instruments provides a clear roadmap for preventing and addressing violence and harassment in the world of work, including gender-based violence and harassment. The framework thus contributes towards the achievement of the targets set within the 2030 Agenda for Sustainable Development, as well as those canvassed in the context of the COVID-19 pandemic. In the light of the present COVID-19 crisis, the Conventions and Recommendations are more relevant than ever, as the pandemic has exposed and widened existing inequalities and economic insecurities that increase the risk of harassment and violence in the world of work.

Mauritius has endorsed the following:

- The Common Market for Eastern and Southern Africa (COMESA) Gender Policy (2002)
- The African Solemn Declaration on Gender Equality (2004)
- The African Union Gender Policy (2009)

With the coming into force of the Children’s Act 2020 on 24 January 2022, where the age of marriage has been raised to 18 years old; Mauritius should be able to

ratify the Southern African Development Community (SADC) Protocol on Gender and Development.

Table 1: Regional Instruments

Convention/Treaty/Protocol	Date of signature	Date of ratification(r)
Cultural Charter for Africa	18 March 1986	
African Charter on Human and Peoples' Rights	27 February 1992	19 June 1992 (r)
African Charter on the Rights and Welfare of the Child	07 November 1991	14 February 1992 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	09 June 1998	03 March 2003 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	29 January 2005	16 June 2017(r)
Protocol on the Statute of the African Court of Justice and Human Rights	-	
African Charter on Democracy, Elections and Governance	14 December 2007	

2.1.2 Gender concerns in the laws of Mauritius

This section looks at some of the key gendered discrepancies in the laws of Mauritius at present. Law enforcement in Mauritius has historically been and still is a stereotypically masculine profession. Although the laws in Mauritius are written in the masculine, the interpretation of the laws as per the Section 5 of the Interpretation of General Clauses Act of 1974, clarify this as follows: *'Words importing the masculine shall include the feminine and the neuter.'*

In the World Bank's *Women, Business and the Law 2020* index, covering 190 economies and structured around the life of a working woman, Mauritius has a score of 91.9 out of 100 (World Bank, 2020). On issues related to constraints on freedom of movement, laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, constraints on women's starting and running a business, and gender differences in property and inheritance, Mauritius has obtained a perfect score. Indeed, whereas the Civil Code of Mauritius is over two hundred years old, it ensures that inheritance is gender neutral. However, during the consultative meetings, a few stakeholders pointed out that there are still cases where girls are not aware of their inheritance rights and tend to accept that boys inherit the family wealth, if not most of it. Sensitization campaigns on rights via the media could help solve this matter. On

laws affecting women's work after having children and laws affecting the size of women's pension, the *Women, Business and the Law 2020* index recommends that Mauritius considers reforms to improve legal equality for women. Mauritius has a lower score on the Women, Business and Law 2022 Parenthood Indicator (60 out of 100) and here the World Bank recommends that the state administers 100% maternity leave benefits and to make paid parental leave available¹.

2.1.2.1 Discrimination v/s non-discrimination

The Constitution of Mauritius is the Supreme law of the country, where the forefather of the Constitution was inspired by the European Convention on Human Rights for its provisions for the protection and promotion of human rights in Mauritius. Specifically, Sections 3 and 16 provide for non-discrimination. However, Section 16 of the Constitution provides for exceptions to the non-discriminatory provision as follows:

(4) Subsection (1) shall not apply to any law so far as that law makes provision-

(a) for the appropriation of revenues or other funds of Mauritius;

(aa) for a minimum number of candidates for election to local authorities to be of a particular sex, with a view to ensuring adequate representation of each sex on a local authority;

(ab) for a minimum number of candidates for election to Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly;

(b) With respect to persons who are not citizens of Mauritius; or

(c) for 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.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, caste, place of origin, political opinions, colour, creed or sex) to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of a local authority or any office in a body corporate established directly by any law for public purposes.

(6) Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5).

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3)

¹ <https://wbl.worldbank.org/content/dam/documents/wbl/2022/snapshots/Mauritius.pdf>

may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13, 14 and 15, being such a restriction as is authorised by section 9(2), 11(5), 12(2), 13(2), 14(2) or 15(3), as the case may be.

Some examples of where the acts of parliament actually discriminate include:

1. Section 3 of Mauritius Citizenship Act 1968 discriminates against non-Mauritian children in cases of joint adoption where the male adopter is not a citizen of Mauritius. This discriminatory practice can be remedied by amending Section 3 of the Mauritius Citizenship Act 1968 by removing the words 'the male' to 'at least one of the' for to read as follows (emphasis added):

"3. Citizenship on adoption

*Where under any enactment relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Mauritius, and the adopter, or in the case of a joint adoption **at least one of the** adopters, is a Citizen of Mauritius, the minor shall become a citizen of Mauritius as from the date of the order."*

The adopted child should be given the choice of which nationality to choose at the age of 18 if the issue of holding a Mauritian nationality is conflicting with his/her right to hold another nationality.

2. Section 6 of the Pensions Act 1951 covering retirement states:

"(2) A gratuity may be granted to a female officer, in accordance with this Act, who retires on the ground of marriage on or after completing 5 years of pensionable service, whether the marriage took place before or after her appointment to the public service, or on the ground that she is about to marry, notwithstanding that she is not otherwise eligible under subsection (1) for the grant of any pension, gratuity or other allowance.

(3) The gratuity granted under subsection (2) shall be computed in such manner as may be prescribed.

(4) Where an officer, who is appointed on or after 1 July 2008 but before 1 January 2013, retires on or after the age of 55 but before the age of 65, on grounds other than marriage, medical grounds, abolition of his office or reorganisation of the department to which he belongs, the pension payable to the officer shall be computed in such manner as may be prescribed."

In the section on retirement, the Pay Research Bureau 2021 Report (PRB) based on the Pension Act states:

13.29 (vi) *"a female officer reckoning five years' pensionable service may retire on ground of marriage, irrespective of age".* (page 145)

13.31 (vi) *"A female officer, reckoning not less than five years' pensionable service, retiring on grounds of marriage qualifies for a gratuity of an amount equivalent to 18% of the*

last monthly salary times number of months of pensionable service, subject to a maximum of one year's pensionable emoluments.” (page 146)

The provisions for retirement of female officers in both the Pensions Act 1951 and the Pay Research Bureau report are specific for women and as such, male officers are not eligible to apply for and benefit from these provisions. On economic and human capital grounds, this represents a loss especially where highly qualified and trained women retire on marriage grounds. These provisions hold less relevance in contemporary Mauritian society and are discriminatory on the basis of sex especially in current times where women are highly educated and are engaged in high level professions. Role differentiation between men and women within employment has significantly declined in present day Mauritian society. Additionally, these provisions do not leave the option or choice to the couple to decide on whether it will be the husband or the wife who will retire to attend to the household and/or children, depending on various factors and circumstances such as who earns a higher income. Legislation and policies on retirement should be gender neutral and offer the same conditions to men. Provision could also be made for one of the adults in a couple to be able to retire on parental grounds instead of strictly on marriage grounds as is the case at the moment. This will enable couples who are not married or in a ‘free union’ but who have children to be able to retire to look after the children.

On the issue of granting leave without pay to officers holding substantive appointment whose spouse is on official leave overseas, the PRB report (2021) Recommendation 20 (16.4.94 C, page 24) clearly states “spouse” with regard to eligibility. As such a male officer would qualify for leave to accompany his wife who is working overseas, and same would be for a female officer to accompany her husband working overseas. It is important to ensure that all policies and practices are gender neutral.

While the Equal Opportunities Act 2008 further elaborates and enhances the existing protection against sex discrimination under the Constitution and also covers sexual orientation and sexual harassment; Section 13 of the Act provides for exceptions where sex discrimination would be legally acceptable.

Section 13 of the Equal Opportunities Act 2008:

Exceptions to sections 10 to 12

“(1) Notwithstanding sections 10 to 12, an employer or prospective employer may discriminate on the ground of sex where being of a particular sex is a genuine occupational qualification for employment, promotion, transfer or training.

(2) For the purposes of subsection (1), being of a particular sex is a genuine occupational qualification where—

(a) the duties relating to the employment or training can only be performed by a person having particular physical characteristics, other than strength or stamina, that are possessed only by persons of that sex;

(b) the duties relating to the employment or training need to be performed by a person of a particular sex to preserve decency or privacy because they involve the fitting of clothing for persons of that sex;

(c) the duties relating to the employment or training include the conduct of searches of the clothing or bodies of persons of a particular sex;

(d) the nature of the establishment where the work is carried out requires a position to be held by a person of a particular sex because—

(i) it is a hospital, prison or other establishment for persons requiring special care, supervision or attention;

(ii) the other persons are all of the same sex, except where the presence of a person of the opposite sex is exceptionally required; and

(iii) it is reasonable, having regard to the essential character of the establishment, that the position should not be held by a person of the opposite sex; or

(e) the holder of the position provides persons with personal services for promoting their health, welfare or education, and those services can most effectively be provided by a person of a particular sex.

(5)

(e) in determining who should be offered employment where the employer employs no more than 10 employees on a full-time basis; or

(f) in determining who should be offered employment or training where, for purposes of authenticity, the duties relating to the employment or training require the participation of a person of a particular age, sex, race or colour—

(i) in a dramatic performance or other form of entertainment; or

(ii) as an artist's photographic or exhibition model in the production of a work of art, visual image or sequence of visual images."

The Equal Opportunities Act 2008 repealed the Sex Discrimination Act 2005 (SDA 2005), where Section 9 of the SDA 2005 provided for measures to be taken to achieve equality as follows:

'Special measures intended to achieve equality.

A person may take special measures for the purpose of achieving substantive equality between –

(a) men and women;

(b) people of different marital status; or

(c) women who are pregnant.'

This could have allowed for affirmative action and/or positive action similar to Section 158 and 159 of The Equality Act 2010² in the UK. However, the repealed Section 9 of the Sex Discrimination Act 2005 would not have been applicable in employment, training and/or education matters as this would not have been covered as an exception under the subsection 16(4) to 16(7) of the Constitution. However, the use of the sub-section 16(4) to 16(7) are provisions which enable positive discrimination. Further amendments to the Constitution can be made as and when required, similarly to amendments made in regard to the Local Authority Act 2011 and the Rodrigues Regional Assembly Act 2001 to allow affirmative action and/or positive action.

2.1.2.2 Governance, leadership and decision making

During the last national election, in November 2019, the main political parties lined up 3 male candidates in most of the constituencies whereas none lined up 3 female candidates in any of the constituencies. There has nonetheless been an increase in the number of women in parliament (20%) but not in terms of Ministers appointed (12.5%) despite the fact that most of the women parliamentarians are from the government coalition.

To ensure gender equity in parliament, amendments to Section 16(4) of the Constitution are needed as proposed by the Constitution (Amendment) Bill (No. XXII of 2018):

Section 16 of the Constitution is amended, in subsection (4), in paragraph (aa) –

- 1. (a) by deleting the words “local authorities” and replacing them by the words “the Assembly or a local authority”;*
- 2. (b) by deleting the words “on a local authority” and replacing them by the words “in the Assembly or local authority”.*

The above proposed amendments should be followed with amendments to the First schedule of the Constitution of Mauritius where a Subsection 2A is added as follows:

2A. Constituency candidates of party not to be of same sex

- (1) Every party presenting more than 2 candidates at a general election shall ensure that not more than two thirds of the total number of candidates sponsored by that party are of the same sex.*
- (2) Every party presenting more than 2 candidates in a particular constituency at a general election shall ensure that they should not all be of the same sex.*

² <https://www.legislation.gov.uk/ukpga/2010/15/part/11/chapter>

(3) Where, at the prescribed time, a party does not comply with subparagraphs above, all the candidates of that party shall be considered not to belong to any party and their nomination papers shall have effect accordingly.

Amendments to the Representation of the People Act 1958 could be made after amendments to the Constitution accordingly. This would help to increase the number of women in parliament, similar to the Local Government Act of 2011 at Local and Municipal levels and Rodrigues Regional Assembly Act 2001 in Rodrigues.

The Ministerial Committee which was set up in January 2016 made recommendations on the reforms needed where the proposed Constitution (Amendment) Bill (No XXII of 2018) was introduced into the National Assembly on 04 December 2018. The Bill, inter alia, proposed to amend the deficiencies of the current electoral system while promoting inclusiveness and maintaining social and political stability. It aimed to: (i) introduce a dose of proportional representation; (ii) do away with the requirement for mandatory declaration as to the community to which a constituency candidate belongs to; ***(iii) seek better gender representation in National Assembly***; and (iv) provide for anti-defection measures to enhance stability. However, the Bill was not put for second reading, allowing for further consultations with a view to obtain the required number of votes as per the Constitution in order to pass the amendment.

The Ministerial Committee also made recommendations for Rodrigues to provide, inter alia, a fairer representation of women and more equitable representation of parties in the Rodrigues Regional Assembly. These recommendations have been adopted and implemented. In 2016, amendments were made to the Rodrigues Regional Assembly Act 2001, section 8(a), to allow for not more than two thirds of the total number of the candidates presented by each registered party to be of the same sex. The law also provides that the Party list pertaining to the allocation of seats under the proportional representation system does not comprise of more than two thirds of persons of the same sex.

Section 11 of the Local Government Act 2011 which was amended in 2015 provides that every group presenting more than 2 candidates at a Municipal election should ensure that not more than two-thirds of the candidates should be of the same sex under subsection 6 as follows:

(6) (a) 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 candidates for election to that Council are of the same sex.

(b) Where the group forms part of an alliance, it shall be sufficient for the alliance to comply with paragraph (a) without each group forming part of the alliance necessarily complying with that paragraph.

Further amendments could be made to Section 11 where the nomination of candidates in the different wards of the Municipal town and/or cities should not be all of the same sex. A Sub-section 4(c) could be added, where the subsection 4 shall read as follows, with emphasis on the proposed amendment added:

Section 11(4) of the Local Government Act 2011

- (a) *Four Councillors of a Municipal City Council or Municipal Town Council shall be returned from each electoral ward under the simple majority system.*
- (b) *Every person entitled to vote at an election referred to in this section shall vote for not more than 4 candidates.*
- (c) *Every group presenting more than 2 candidates at an election on any particular ward, they shall ensure that not more than two thirds of the group's candidates for this particular ward are of the same sex.*

Section 12 of the Local Government Act 2011 may have contributed to the slight increase in the number of women candidates in the last Village Election in 2020 compared to the election in 2012, from 30% to 32% as per the available figures published by the Office of the Electoral Commissioner.

Table 2: Village Council Elections – Comparative Statistics

	2012			2020 (Provisional figures)		
Villages	130			130		
Polling Stations	183			190		
Electors	489,284			538,727		
Voters	247,299			312,005		
Voter Turnout (%)	50.54%			57.92%		
Candidates	Total	M	F	Total	M	F
	3867	2693	1174	5383	3658	1725

Source: Office of the Electoral Commissioner³

Sections 13(5) and 13(6) of the Local Government Act 2011 read as follows:

³ <https://electoral.govmu.org/Pages/Election%20Results/VCE/Main.aspx>

Election of Councillors to District Councils

(5) In Village Councils electing 2 representatives to the respective District Council, one ballot will be held with each Village Councillor having the option of voting for one or 2 candidates and the 2 Councillors receiving the most votes shall, subject to subsection (6), be elected.

(6) Where, at an election under this section, 2 or more Councillors obtain the same number of votes –

(a) in a case where, at an election for 2 representatives, 2 candidates are placed first with the same number of votes, the 2 candidates shall be elected; and

(b) in every other case, the elections shall be decided by a drawing of lots done by the person who presides over the meeting.

There is a need to amend these sections to ensure that women are given the opportunity to take up leadership positions and are more involved in the decision-making process. It is in fact at the level of the District Councils that major decisions regarding local issues are taken. The District Councils of Rivière du Rempart and Savanne do not have any women Councillors at the moment.

It is proposed that Section 13(5) and 13(6) of the Local Government Act 2011 be amended as follows, emphasis added on the amendments:

*(5) In Village Councils electing 2 representatives **who shall not be of the same sex** to the respective District Council, **one ballot for each sex** will be held with each Village Councillor having the option of voting for one candidate **in each category (male or female)** and the Councillor receiving the most votes **in their respective category (male or female)** shall, subject to subsection (6), be elected.*

*(6) Where, at an election under this section, 2 or more Councillors obtain the same number of votes **in the respective category (male and/or female)**, in every other case, the elections shall be decided by a drawing of lots done by the person who presides over the meeting.*

Thereafter a new subsection 7 to Section 13 of the Act (which is very similar to the present subsection 5 and 6) is to be added as follows:

(7) where all the candidates standing for Councillors to the District Council can only be of the same sex:

(a) In Village Councils electing 2 representatives to the respective District Council, one ballot will be held with each Village Councillor having the option of voting for one or 2 candidates and the 2 Councillors receiving the most votes shall, subject to subsection (6), be elected.

(b) Where, at an election under this section, 2 or more Councillors obtain the same number of votes –

(i) in a case where, at an election for 2 representatives, 2 candidates are placed first with the same number of votes, the 2 candidates shall be elected; and

(ii) in every other case, the elections shall be decided by a drawing of lots done by the person who presides over the meeting.

Under the proposed amendments, at least 4 women Village Councillors could have been District Councillors for the District Council of Rivière du Rempart, where presently all the Councillors are men. Similarly, other District Councils such as Savanne, where there is presently no woman Councillor, could have had at least 2 women Councillors. The proposed amendments would also lead to an increase in the number of women Councillors in the other District Councils.

At present, all of the Chairpersons of the District Councils are men.

Section 7(b)(iii)(c) Finance (Miscellaneous Provisions) Act 2019 added Section 133(1)(b) to the Section 133(1) of the Companies Act 2001 as follows:

133. Qualifications of directors

(b) Notwithstanding any provision of this Act, there shall be at least one woman on the Board of a public company.

This amendment imposed a legal obligation to have at least one woman on the Boards of Public Companies.

Similarly, Section 49(c) Finance (Miscellaneous Provisions) Act 2019 added Section 4D to the Statutory Bodies (Accounts and Audit) Act 1972 which read as follows:

4D. Gender representation on Boards

Notwithstanding any other enactment establishing a statutory body, there shall be, on every Board, at least one woman as member of the Board.

Where a legal obligation is also imposed on the statutory bodies to have at least one woman on their board.

The National Code for Corporate Governance (NCCG) for Mauritius (2016) was launched in 2017. Page 18 of the document under the heading Board Diversity, it stipulates the following (with emphasis added):

*All organisations should have directors from both genders as members of the Board i.e. **at least one male and one female director**. All Boards are encouraged to have a non-discrimination policy that covers its senior governance positions, including disability, gender, sexual orientation, gender realignment, race, religion and belief, and age.*

The NCCG addresses the issues of women underrepresentation by ensuring that at least one of the sexes shall be on the board whereas the amendments brought

by the Finance (Miscellaneous Provisions) Act 2019 to both the Companies Act 2001 and the Statutory Bodies (Accounts and Audit) Act 1972 may create a situation where there is no man on the board.

It would be best for the two Acts and the NCCG 2006, to address the issue of the underrepresentation of women by replacing, ***'at least one woman'*** from the Acts and ***'at least one male and one female'*** from the NCCG by ***'there shall be both sexes (male and female)'***

The Mauritius Institute of Directors' (MIOD) recent actions of awareness and campaigns to train women directors to sit on corporate bodies have been influenced by the requirements of female directors on board of corporate bodies and the need for capacity building to fulfil this requirement with calibre female members on the boards. The focus is on capacity building first before advocating for raising the number of women on the boards if there is no natural growth in the number of women on the boards at par with their male counterparts.

2.1.2.3 Gender-based violence

The Protection from Domestic Violence Act 1997 (PDVA) has been amended on numerous occasions to ensure that it is effective in its application and that victims, especially women, are being protected. Unfortunately, a culture of not giving due focus to the dire consequences of domestic violence has, for long, prevailed in Mauritius despite domestic violence having led to loss of life for some women and victims being traumatised for life⁴. During the course of the fieldwork undertaken for this study, the research team came across victims of domestic violence who had to receive intensive care because of the severity of the violence they had been subjected to in the domestic arena. Some of these victims are well educated women working in prominent positions, who were not first-time victims of domestic violence. Some of the perpetrators of domestic violence are highly qualified professionals. However, in all the cases observed, most victims tend to withdraw their complaints at the police station and during the second appearance of the perpetrator in court. Concern about family reputation, stigma and shame as well as pressure to prioritise the best interests of children were the most common causes of women victims of domestic violence withdrawing their complaints.

There is a longstanding cultural belief in Mauritian society that has considered domestic violence to be a 'private' matter between spouses. This state of affairs has unfortunately permeated institutions in Mauritius, including law enforcement, resulting in due attention not given to the dire consequences of domestic violence. During the consultative meetings, women activists and other professionals working in this field mentioned that Protection Orders often do not

work and that women victims are discouraged from reporting cases of domestic violence and the matter is usually dropped as a result of the victim withdrawing his/her complaint. Here, there may be a need to amend the law so that once a complaint has been filed, it becomes difficult to withdraw it. During the consultative meetings, stakeholders acknowledged the problem and recommended a stay of prosecution agreement with the perpetrator on him/her satisfying the following conditions:

- a. The victims and perpetrator are now on better terms;
- b. No incident of domestic violence has been suffered by the victims since it was reported;
- c. Any lapse from the perpetrator would result in the start of prosecution of this specific case of domestic violence together with the new one.

At the level of the Police, with amendments made to the Protection from Domestic Violence Act and the institution of the High-Level Committee on the Elimination of Gender Based Violence as well as the National Strategy and Action Plan, actions are being taken in view of reducing the extent of domestic violence in the country. Domestic-violence-related cases are now considered as high profile and Police Officers are vested with powers to arrest perpetrators in such cases and in most cases, bail is denied by the Police. In instances where bails are granted by a court of law, conditions are imposed upon the perpetrators and are subject to judicial control by police. Arrests are also effected in cases of breaches of Protection Order, Tenancy Order and Occupancy Order. Circulars and orders have been issued to guide Police Officers in their duties regarding domestic violence cases. Tables 3 and 4 below provide data on the number of cases of domestic violence that have been reported at Police Stations and the number of cases where accused have been arrested and sentenced.

Table 3: Number of Domestic Violence cases reported at Police Stations

Offence	2017		2018		2019		2020		2021 (Jan-Aug)	
	M	F	M	F	M	F	M	F	M	F
Breach of PDVA	425	2290	278	2012	340	2487	400	2473	337	1719
Breach of Protection Order	30	239	25	276	19	237	12	180	15	112
Breach of Interim Protection Order	-	13	-	14	3	19	2	15		14

Source: Mauritius Police Force

Table 4: Number of cases prosecuted under PDVA where accused have been arrested and sentenced

Offence	2017		2018		2019		2020		2021 (Jan-July)	
	M	F	M	F	M	F	M	F	M	F
Breach of PDVA	63	-	343	-	667	-	738	3	396	6
Breach of Protection Order	189	-	178	-	189	-	105	-	77	-
Breach of Interim Protection Order	5	-	14	-	17	-	18	-	4	-

Source: Mauritius Police Force

Some legal practitioners who were interviewed stated that there is insufficient judicial activism in the interpretation of the existing laws in Mauritius to render marital rape a crime. For example, amendments made to the PDVA in 2016 where the meaning of Domestic Violence has been extended to also include: *compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain*, together with other existing laws, could have recognised and criminalised marital rape. Marital rape is a human rights issue. There is a need for cases of complaints to be processed by the courts without much delay to ensure that justice prevails. Moreover, there is a need for wider national consultations on this matter as stakeholders indicated that there has been resistance from certain religious and cultural circles in the past when the Sexual Offences Bill was proposed in 2010. The National Strategy and Action Plan on the Elimination of Gender-Based Violence has among its proposed actions, to amend the existing law to account for “marital rape” as a sexual assault.

In 2014, the Law Reform Commission of Mauritius⁵ recommended that:

All forms of domestic violence should be criminalised, including the intentional conduct of seriously impairing the psychological integrity of a spouse or partner through coercion or threats.

Other circumstances can be provided in the Criminal Code as aggravating circumstances so as to provide for a harsher penalty. Circumstances, such as the relationship of the perpetrator and survivor (a former or current spouse or partner, a member of the family, a person cohabiting with the victim); the offence was committed inter alia against a person with special needs, a pregnant woman, or a person who, due to whatever reason, is incapable of resisting; a weapon was used; the act was committed in the presence of a minor; or in repeated incidents of domestic violence, regardless of the level of injury. Provision should be made in our

⁵ Report of the Advisory Committee on the Reinforcement of Framework for Protection against Domestic Violence, Presented by Pierre Rosario Domingue (Chair, Advisory Committee & CEO, Law Reform Commission) (November 2014) – Paragraph 2.1.1, page 23.

Criminal Code that manslaughter committed by the spouse or partner of the victim is an aggravating circumstance.

Express provision should be made in our law that rape includes marital rape.

Section 242 of the Criminal Code, which provides that manslaughter committed by any person on his spouse, as well as on his accomplice, at the very moment he finds them in the act of adultery is excusable, should be repealed."

The age of consent in Mauritius is 16 and the law prohibits rape which is considered as a crime. The offence of rape is criminalised under Section 249(1) of the Criminal Code which covers 'Rape, attempt upon chastity and illegal sexual intercourse', namely:

"(1) Any person who is guilty of the crime of rape, shall be liable to penal servitude for a term which shall not be less than 10 years."

However, the Criminal Code and the Criminal Procedure Act (1853) do not provide the definition of rape. The Courts in Mauritius apply French doctrines and jurisprudence, and from these, the following three elements need to be proved to establish rape:

- 1. "La conjonction sexuelle normale et illicite ;*
- 2. L'emploi de la violence ou plutôt l'absence de consentement de la femme ;*
- 3. L'intention criminelle de l'agent."*

Table 5: Number of Rape Cases - 2018-2020

Year	No. of cases advised	No. of cases prosecuted	No. sentenced
2018	48	4	1
2019	45	3	1 (Warning)
2020 up to 01.07.2020	18	2	Nil

Source: Office of the Director of Public Prosecutions

Data from the Office of the Director of Public Prosecutions (Table 5) shows that very few reported cases of rape are prosecuted. Victims of sexual assault, rapes and incest are offered different options to which they can have recourse to when it comes to reporting a case to the police. Priority should be given to providing them with assistance and support to ensure their well-being and welfare. Moreover, cases take a long time to reach the prosecution office. Sometimes the time delay between the commission of the offence and trial can be consequential. Given the long time period that has elapsed between the commission of the offence and trial, very often when the case comes for trial, the victim can either no longer remember the incident, or there is a withdrawal as they have reconciled. There is therefore a need to review the time taken during enquiry and the manner in which the enquiry is carried out.

Furthermore, there is a need for a new definition of rape that includes penetration, however slight, of all orifices by any object or body part by a man or woman, the explicit criminalisation of marital rape, a new offence of sexual assault, with aggravating factors for both rape and sexual assault, as well as new offences of sexual assault without violence on minors under the age of 16 and 18 (Equality and Justice Alliance, 2020).

Sexual Intercourse with minors is unlawful under Section 249(4) and (5)(a) of the Criminal Code which are as follows: -

(4) Any person who has sexual intercourse with a minor under the age of 16 or a mentally handicapped person, even with his consent, shall, be liable to penal servitude for a term not exceeding 20 years.

(5) (a) Any person who has sexual intercourse with a specified person, even with consent, shall commit an offence and shall, on conviction, be liable to penal servitude.

Table 6: Number of rape cases, sexual intercourse with minor under 16 and sexual intercourse with specified person – 2015-2019

Offence	Year					Total
	2015	2016	2017	2018	2019	
Rape	24	33	26	20	19	122
Sexual intercourse with minor under 16	116	117	88	122	111	554
Sexual intercourse with specified person	1	-	1	1	2	5
Sexual intercourse with mentally handicapped person	-	-	-	-	1	1

Source: Mauritius Police Force

The data in Table 6 indicates that the offence of ‘sexual intercourse with minor under 16’ accounts for a high number of cases. However, there are no legal provisions that differentiate for sexual activity between peers. During the consultative meetings with stakeholders, it was highlighted that under the current law, minors are being prosecuted for having consensual sexual relations and boys are mainly arrested and detained in police cells before being prosecuted. The current legislation and state of affairs lead to a situation of gender inequality where young boys are being victimised and traumatised. It is important that all sexual offences involving young people be gender-neutral and have appropriate close-in-age defences to prevent criminalising consensual sexual activity between young people and their peers (Equality and Justice Alliance, 2020).

Section 235 A of the Criminal Code of Mauritius as amended in 2012 allows abortion under specific circumstances which are restrictive. Despite the

amendment to the law, backstreet abortion remains a problem in Mauritius, putting the lives of mainly women from disadvantaged backgrounds at risk since women from privileged backgrounds are able to afford a safe abortion overseas. The problem of unwanted pregnancies needs to be looked into as well women's sexual and reproductive rights.

Parliament has voted the Children's Act 2020 which received the Presidential Assent in December 2020 came into force as of 24th January 2022. Section 12 and Section 73 of the Children's Act 2020 render both civil and religious under-age marriages unlawful, as well as cohabitation with a child and unmarried partners. This enables Mauritius to comply with the different treaties and protocols. Section 5 of the Children's Act 2020 reinforces the existing legal provisions such as discrimination on the grounds of sex and also make provision for the protection of children against physical and non-physical violence while repealing the Child Protection Act 1995 and the Juvenile Offenders Act 1935. There is a much broader definition of trafficking under the amended Section 2(b) of the Combating of Trafficking in Persons Act 2009.

2.1.2.4 Employment and labour matters

The coming into force of the Workers' Rights Act 2019 (WRA) repealed the Employment Rights Act 2008 while maintaining all the existing provisions which ensure that women are not discriminated against at work, such as equal remuneration for work of equal value under Section 26 of WRA 2019.

While extending the existing rights for women such as maternity pay from 12 weeks to 14 weeks, the WRA 2019 has also removed the need to be in employment with the same employer for 12 months to benefit from paid maternity leave.

Stakeholders such as Business Mauritius made a proposition to government for parental leave. So far limited paternity leave has been maintained, namely five days. In view of affording working parents' quality time to care for their newly born baby, Government in its Programme 2020-2024 put forward a proposal to introduce the notion of parental leave in the labour legislation during the term of its present mandate. The 30 days parental leave as proposed by the current Government will allow both spouses to share between themselves the responsibilities of looking and caring of their new born. Such measures will ensure that Mauritius satisfies the criteria under World Bank's Women, Business and Law indicators (workplace) on the availability of parental leave.

Section 5 of WRA 2019 further enhances the legal provisions against gender discrimination more so as it prohibits discrimination on the basis of sexual orientation as does the Equal Opportunities Act 2008. The other provisions of the

WRA 2019 such as flexi time and work from home which may facilitate couples and single parents to combine their family and domestic duties with their career. Such provisions will be of great help to women given the current reality in Mauritius where women still perform the bulk of household and domestic chores. Working women should be made aware of all their rights under the WRA 2019 and enforcement action should be taken against employers not abiding by the laws and regulations.

Section 114 of the WRA 2019 provides for protection against violence at work, which also covers harassment and sexual harassment at work, in compliance with the ILO treaty but Mauritius does not have any similar provision as per the Section 114 of the WRA 2019 for harassment on the street. However, Section 26 of the Equal Opportunities Act 2008 covers numerous acts of sexual harassment other than those at work for instance which an individual may suffer, with a fine not exceeding Rs 100,000 and imprisonment of a term not exceeding 5 years. Legislation against verbal sexual harassment, which Mauritius presently does not have, is required to deal with the problem of street harassment of women and girls in the country.

2.1.2.5 Education

The education laws, regulations and policies in Mauritius have been gender neutral with a general net improvement at the level of girls' education in Mauritius. Free secondary school education was introduced in 1977 followed by compulsory primary education for those aged between 5 and 13 through an amendment to the Education Act 1958 in 1991. Further amendments to the Education Act 1958 in 2004 rendered schooling compulsory up to the age of 16 in Mauritius as of 2005.

The State has been providing free tertiary education at undergraduate level in public universities in Mauritius since January 2019. Diploma and degree programmes are now free in public tertiary education institutions, polytechnics and MITD training centres. Moreover, the Higher Education Act was voted in December 2017 to enable a better regulation of the higher education sector. The new legislation makes provision for a modern regulatory framework through the overhaul of the Tertiary Education Commission and its replacement by a new structure comprising separate entities, namely a Higher Education Advisory Council for policy direction, a Higher Education Commission for the registration and accreditation of higher education institutions and a Quality Assurance Authority for quality assurance of higher education in line with international standards (Government of Mauritius, 2019).

Section 3 of University of Mauritius Act 1971 specifically stipulates that there shall be no sex discrimination in the recruitment of members of staff and students.

However, there is a gender difference in the number of students in certain fields of study with mainly boys opting for engineering and more girls selecting the humanities and social sciences. Even at the level of staff, administrative positions are mainly held by women at the University of Mauritius. The principle of temporary special measures may be an option to look into in order to ensure gender equity.

2.1.2.6 Gender equality

A Gender Equality Bill⁶ is being finalised. The aim of the bill is to eliminate gender-based discrimination in the Republic of Mauritius. The Gender Equality Bill and eventual Act will bring Mauritius closer towards fulfilling its international and regional obligations towards CEDAW and the Maputo Protocol. The proposed Gender Equality Bill will distinguish between sex and gender discrimination.

The laws in Mauritius allow both men and women regardless of their status to own property equally, which are also their constitutional rights.

The Constitution of Mauritius provides for protection against violence, torture, inhuman treatment and slavery as per Section 4, 7 and 6. The Criminal Code and Civil Code of the country also provide for the rights of property and dignity to all.

The Protection of Human Rights Act 1998 enables individuals to make complaints to the National Human Rights Commission for violation or likely violation of their human rights as enshrined in the Constitution. They may also seek remedy under Section 17 of the Constitution for violation of their constitutional rights.

Section 10 of the Constitution provides for access to justice and equal protection before the law as the Privy Council pointed out in *Darmalingum V The State* (2000) UKPC. However, while legal aid and assistance may be available to individuals under the Legal Aid and Legal Assistance Act (1973), this is limited to certain cases and not for appeal to the Privy Council. Access to legal aid and assistance in Mauritius is also means tested. With the intervention of the private sector, individual and/or groups of lawyers and other NGOs/associations, pro bono legal advice and services are now available to those in need, thereby giving access to justice to those who otherwise would not be able to meet the legal costs.

There are specific laws concerning women such as the National Women's Council Act 2016 which was promulgated in 2018 and established the National Women's Council (NWC) as an institution promoting women's empowerment in the social, economic, and political fields. It also provides a platform for women to voice their needs, concerns and aspirations, as the available data shows that the women are lagging behind when it comes to economic empowerment. Additionally, the

⁶ The EU provided technical support for the drafting of the Gender Equality Bill.

National Women Entrepreneur Council Act 1999 established the National Women Entrepreneur Council (NWECC). The NWECC ensures the coordination of entrepreneurial activities of women and caters for their needs and development as laid down in the Act.

2.1.2.7 Sexual orientation and gender identity

Sexual orientation is a socially constructed concept referring to the belief that people can be meaningfully categorised in terms of the gender of their sexual partners (Plummer, 1992). Sexual orientation is not covered in the Constitution of Mauritius. Nonetheless, the Equal Opportunities Act 2008 prohibits discrimination on the basis of sexual orientation, among other statuses, in employment and education, and with respect to the provision of goods or services, and accommodation, among other areas. Other legislation including the Workers' Right Act 2019 and the Employment Relations Act 2008 (as amended) prohibit discrimination on the basis of sexual orientation.

Under the Criminal Code of Mauritius, 'sodomy' is a criminal offence. Section 250 of the Criminal Code states that "*Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years*". The current law disproportionately affects the LGBTIQI people through the criminalisation of their sexual identities. A distinction needs to be made for sexual acts, including sodomy, between consenting adults.

The Law Reform Commission of Mauritius has made numerous recommendations since 2007 for the reform of the sexual offences provision in the Criminal Code. In 2007, it recommended that consensual acts of 'sodomy' committed in private by adults be decriminalised in accordance with international human rights standards. The Law Reform Commission gave substantive arguments for the decriminalisation of sodomy as per human rights treaty obligations, the United Nations Covenant on Civil and Political Rights and precedent cases in other jurisdictions, stating that "*We are therefore of the view that such acts should cease to be a criminal offence under our law*"⁷. In 2013, Geoffrey Robertson, Queen's Counsel to the Privy Council, submitted a preliminary report entitled "Media Law and Ethics in Mauritius" wherein he proposed that hate speech in the media targeting, inter-alia, sexual orientation be made an offence under Mauritian laws. In 2016, the Law Reform Commission, in its Interim Report on "Reform of Criminal Code", suggested that Section 282 of the Criminal Code of Mauritius be revised to include sexual orientation as a social group on aggravating circumstances grounds. In 2017, the Director of Public Prosecutions advanced that Section 250 of the Criminal Code 1838 of Mauritius might not be

⁷ Law Reform Commission of Mauritius – Issue Paper on 'Human Rights Dimension of Sexual Offences Bill No. VI of 2007' (June 2007). URL: <https://lrc.govmu.org/lrc/?p=2422>

constitutional. There are presently cases before the Supreme Court challenging the constitutionality of Section 250 and judgment in these cases is awaited.

Violence due to homophobia and transphobia is an unfortunate lived reality for many LGBTQI persons living in Mauritius (Young Queer Alliance, 2017). In a survey carried out by the NGO Young Queer Alliance, 60.2% of respondents reported being victims of discrimination, stigmatisation and/or violence due to their sexual orientation and/or gender identity. The survey revealed that violence as a result of sexual orientation and/or gender identity took place in various spheres of the society, including at home, in schools, in public transport and on the streets but also in universities, at the workplace, hospitals or at police stations (Young Queer Alliance, 2017). There is a need for de-stigmatisation and wider societal awareness of the plight of the LGBTQI community and for them to be protected from homophobic and hate crimes.

Section 282 of the Criminal Code Act 1838 of Mauritius states:

“Any person who, with intent to stir up contempt or hatred against any section or part of any section of the public distinguished by race, caste, place of origin, political opinions, colour or creed - ”.

Section 282 of the Criminal Code Act 1838 does not mention of ‘sexual orientation’ as a social group or section of the public. As such, hate motive or prejudiced opinion as the basis of criminal acts against an individual based on their sexual orientation and gender identity cannot be considered as an aggravating factor for criminal sentences under the Criminal Code Act 1838. Amending Section 282 of the Criminal Code to include real or perceived ‘sexual orientation’, ‘gender identity’ and ‘gender expression’ as aggravating circumstances and recognition of hate crimes that are driven by homophobia may provide better legal protection to LGBTQI people. It is important to ensure that the staff of law enforcement agencies, including the Mauritius Police Force and members of the Judiciary are fully trained and conversant on handling cases of homophobia and hate crimes against members of the LGBTQI group.

In November 2018, the Ministry of Justice, Human Rights and Institutional Reforms obtained technical assistance from the Human Dignity Trust, one of the members of the Equality & Justice Alliance, based in UK, to assist in advancing the rights of LGBT people. The assistance provided includes the undertaking of sensitization activities, engaging with international networks of experts and champions, and receiving support to develop resources, knowledge and capacity to draft and amend legislation with a view to enhancing protection of the LGBT people in Mauritius (Government of Mauritius, 2019).

2.1.2.8 Climate Change

The Climate Change Act 2020 mentions gender issues to be taken into consideration when studies are being made on climate change by the department, thus endorsing the 2005 Paris Agreement of Climate Change and the Sendai Framework for Disaster Risk Reduction 2015-2030.

3. KEY GENDER EQUALITY ISSUES, BARRIERS AND CHALLENGES

This section examines indicators and data for the GAP III six thematic areas of engagement in Mauritius.

3.1 Ensuring freedom from all forms of gender-based violence

The UN General Assembly defines violence of gender against women as *“any act of gender-based violence that results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”* (UN, 1994).

Gender-based violence (GBV) includes harmful acts directed at an individual based on their gender. It is rooted in gender inequality, especially the abuse of power and harmful norms. GBV is a serious violation of human rights and a life-threatening health and protection issue. It undermines the health, dignity, security and autonomy of its victims, although it is often shrouded in a culture of silence. Violence against women is rooted in the patriarchal structure that oppresses women. Victims of violence may suffer sexual and reproductive health consequences, including forced and unwanted pregnancies, unsafe abortions, traumatic fistula, sexually transmitted infections including HIV, and even death. GBV disproportionately affects women and girls. Intimate partner violence has been associated with a range of factors including age, wealth, marital status, number of children, educational attainment and economic empowerment (UNDP, 2019). In fact, the 2019 Human Development Report states that “violence against women is one of the cruellest forms of women’s disempowerment” (UNDP, 2019: 166). Violence against women and girls is sustained by individual behaviours and beliefs as well as by social norms, triggered by unequal power relations the structure gender roles at the household level.

In Mauritius, domestic violence is the predominant form of GBV in the country, cutting across class, level of education, religion and ethnicity. Domestic violence is a major social problem that victimises women primarily. In 1997, the Protection from Domestic Violence Bill was enacted by the Government, thereby criminalising domestic violence. The Protection from Domestic Violence Act of 1997 was subsequently reviewed in 2004, 2007, 2011 and 2016 to ensure that all victims of domestic violence are provided with adequate support and assistance. The amendments were geared towards rendering the legal provisions more responsive to the needs of victims of domestic violence and to ensure better protection for them. The law provides enhanced protection to spouses and children of spouses as well as from violence perpetrated by members other than spouses living under the same roof. Gender-based violence involves a wide variety of offences including assault, aggravated assault, rape, sodomy, sexual harassment, kidnapping, trafficking in persons, attempt upon chastity, bullying,

intimidating, threatening, stalking including online acts of stalking, prostitution, pornography offences including domestic violence.

Moreover, the definition of domestic violence has been expanded to include economic violence which has been made a criminal offence. The Act provides for Protection Orders, Occupation Orders, Tenancy Orders and Ancillary Orders, all of which can be enforced by the courts⁸. However, domestic violence remains a serious social and health problem for women despite being a legal and criminal offence, culminating in widely reported and a growing number of cases femicides/deaths and life-threatening injuries over the years. The main problem remains the enforcement of the law. Limited knowledge or ignorance of the protection that the law affords to victims of domestic violence, the procedures for obtaining a Protection, Occupation or Tenancy Order are key impediments to many women victims of domestic violence. Many victims, especially women, are not aware of the different support services provided by the state and NGOs. Consequently, due to lack of knowledge and/or information as well as fear of stigmatisation and reprisal from the aggressor, many victims do not seek help.

Apart from the deep-seated effects on the lives of citizens, domestic violence represents a considerable cost to the Mauritian economy. A UNDP study of the 'Economic cost of intimate partner violence' (2017) showed that the aggregate economic costs of domestic violence cost the state about Rs 2 billion (MUR) annually, approximating 0.6% of GDP then. Another study commissioned by the Parliamentary Gender Caucus with the support of the UNDP revealed that factors including excessive alcohol consumption, unemployment, long hours of work, substance abuse, gender inequality within the household and a higher level of education of survivors, were key risk factors and triggers for domestic violence in Mauritius (Koodoruth and Sultan, 2018). Indeed, when women exert autonomy in the household, they often face a backlash that includes violence.

The State, via the Ministry of Gender Equality and Family Welfare (MGEFW) and the Mauritius Police Force (MPF), has implemented a number of measures geared towards combating domestic violence in the country. The CP's Circular No. 12/2016 which lays down the procedures to deal with cases of domestic violence and provides general guidelines to police officers to ensure strict compliance with the provisions of the PDVA. The MGEFW in collaboration with the MPF, through the Family Support Bureaux and Police Family Protection Unit, provides services to handle cases of domestic violence. The Family Welfare and Protection Unit (FWPU) of the MGEFW implements policies and programmes covering family

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- a) **Protection Order** restrains the abuser from further acts of violence and ordering him to be of good conduct. The Order can last for a period not exceeding 2 years.
 - b) **Occupation Order** grants exclusive rights to the victim to live in the residence which may belong to the victim, the abuser or both
 - c) **Tenancy Order** gives the victim exclusive right to occupy a rented house and the spouse who rented the house would continue to pay the rent.

issues and also intervenes in family related problems, including domestic violence, through 6 Family Support Bureaux. One of the objectives of this unit is to develop relevant strategies to address the problem of GBV including domestic violence. These six Family Support Bureaux offer a range of services including counselling, psychological counselling, legal advice, assistance to victims of domestic violence and counselling services to perpetrators.

The MGEFW developed a National Action Plan to Combat Domestic Violence in 2007 and a Protocol of Assistance to Adult Victims of Sexual Assault has been operational since March 2006. Moreover, the MGEFW has developed a computerised system for the registration of reported cases of domestic violence, known as the Domestic Violence Information System (DOVIS). The DOVIS is an important tool which can be used to record, monitor and access cases at the Family Support Bureaux. The MGEFW is seeking the assistance of the Mauritius Research and Innovation Council to operationalise the Gender-Based Violence Observatory which will collect and analyse data on the scope and trends of GBV in Mauritius. In 2013, Government launched the Victim Empowerment and Abuser Rehabilitation Policy in line with the costed National Action Plan to end Gender-Based Violence (2012-2015). It aimed at setting up guidelines for both the public and private sectors to fight against gender-based violence in the workplace. Furthermore, the Mobile App “LESPWAR” was launched in November 2020 which enables a victim of Gender Based Violence to rapidly connect with the Police Main Command and Control Centre via the press of a panic button.

The MPF set up the Police Family Protection Unit (PFPU) in 1994. This unit focuses on the effective implementation of the PDVA and in 2020, it had 11 sub units covering all police divisions in the country, including one unit in Rodrigues. In October 2020, under the aegis of the MPF, the PFPU launched the Outreach Programme for victims of domestic violence with the support of UNDP. The rationale behind the Outreach Programme was mainly to sensitize the community on domestic violence and to encourage people to report the matter. It was a three months programme which began on 3 October 2020 and ended on 19 December 2020 and was extended to Rodrigues for three days. The Outreach Programme encouraged early reporting of domestic violence cases as well as to ensure that victims receive timely and adequate support from relevant institutions. During the Programme, a desk was set up by the PFPU with a view to record complaints on spot (both in Mauritius and Rodrigues). The MPF has developed a number of training programmes aimed at improving the capacity of the police to handle cases of domestic violence.

Non-Governmental Organisations (NGOs) are also involved in the national effort towards combating domestic violence. Four NGOs currently provide emergency accommodation to women and children victims of domestic violence. These are: Chrysalide, Passerelle, SOS Femmes and Safe Haven Halfway Home. They provide

child-care services for residents, rehabilitation of women, education and also assist them towards becoming financially independent and finding employment. The shelters are open 7 days a week and operate on a 24-hour basis. Government pays a capitation grant of Rs 400 for women victims of domestic violence and a capitation grant of Rs 341 for children staying with their mothers at the shelters provided by the NGOs. The Office of the DPP recommends the setting up of additional shelters on a geographical basis over the island in order to provide immediate transitional housing facilities to women victims of GBV and to their accompanying children.

At present, 83.3% of legal frameworks that promote, enforce and monitor gender equality, with a focus on violence against women, are in place in Mauritius (UN Women, 2021). Although legislations ensuring different legal and administrative frameworks have been put in place to combat domestic violence, women still suffer disproportionately, when compared with the number of cases reported by men. Official statistics reveal that GBV remains high in the country, with women being the majority of victims. In fact, the number of cases of domestic violence against women that were reported to the Ministry of Gender Equality and Family Welfare (MGEFW) rose by 9.1% in 2020 to reach 2,425 cases, whereas in 2019, there were 2,222 reported cases (Statistics Mauritius, 2021a). Men also experienced domestic violence although the number of reported cases is much lower than for women, with 289 cases in 2019 and 309 in 2020 (Statistics Mauritius, 2021a).

Table 7: Reported cases of domestic violence at MGEFW - 2020

Type of violence	Men (%)	Women (%)
Verbal assault by spouse/partner	33.3	33.1
Physical assault by spouse/partner	19.8	32.7
Threatening assault by spouse	-	8.7
Physical assault by others living under the same roof	-	3.2
Verbal assault by others living under the same roof	10.8	-

Source: Statistics Mauritius (2021a)

In recent times the degree of violence has intensified, resulting in brutal murders of a few women. In 2019, out of 4315 cases of domestic violence reported at the level of the Police Family Protection Unit (PFPU), over 80% were against women, whereas 1933 of the 2222 cases reported to Family Support Bureaux were women victims. Even among the elderly who are victims of domestic violence, women make up the majority. In 2019, there were 907 reported cases of women elderly victims of domestic violence and 388 cases of men elderly victims.

Moreover, in 2018, there were seven reported femicides where women were killed by their intimate partners, five in 2019 and five in 2020 (January to November). As far as femicide during the COVID-19 pandemic is concerned, for the period March to October 2020, four cases of femicide have been reported to Police as compared to the same period in year 2019 where seven cases have been reported⁹. These statistics highlight the fact that women face higher degrees of insecurity than men, which can even result in death or serious injuries. There is a need to look into amending the law to make provision for financial measures to protect the children of a couple in case of violent death of the woman or man and where these children do not have a responsible party to take care of them.

Table 8 provides data on the number of protection orders issued under the Protection from Domestic Violence Act 1997 (PDVA). The statistics show that women make up the majority of applicants for Protection Orders, although there are also cases of men applying for a Protection Order. Nearly half of the number of applications for a Protection Order result in the issue of it in the case of women. The number of applications that are either withdrawn or dismissed also carries a gender dimension with the number of women being most significant. During the interviews and working sessions with stakeholders, respondents highlighted the fact that women tend to face greater pressure at different levels to withdraw cases and/or complaints about domestic violence. Unfortunately, some of these women are repeated victims of domestic violence and the risk of loss of life or serious injury remains very real

Some of the measures under the PDVA, such as under Section 3(7)(b) of the Act, where the court may order the Commissioner of Police to provide police protection to the aggrieved spouse until such time the interim order is served on the respondent spouse, is not being enforced on the ground that there is a lack of adequate resources in providing protection on a 24 hours basis to the applicant. The Office of the DPP has recommended that this particular section of the Act should be amended to provide for electronic bracelet to the victim of domestic violence. The victim can activate the bracelet in moment of danger where an alarm would trigger at the police level.

⁹ Source: <https://www.ohchr.org/Documents/Issues/Women/SR/Femicide/2021-submissions/States/Mauritius-1.docx>

Table 8: Protection Orders (spouse/partner) under the Protection from Domestic Violence Act 1997 at the District Courts by sex - 2016 - 2020

	2016		2017		2018		2019		2020	
	M	F	M	F	M	F	M	F	M	F
Applications received	112	1,701	136	1,406	97	1,416	118	1,442	120	1,300
Interim Protection Orders issued	107	1,596	107	1,268	74	1,236	103	1,285	81	1,102
Protection Orders issued	80	1,041	71	849	46	783	39	767	41	629
Applications withdrawn/struck out/dismissed/set aside	56	598	73	636	60	573	55	638	74	583
Cases where parties have been ordered to attend counselling sessions	-	29	3	36	4	21	1	57	3	38

Source: Annual Statistics - The Judiciary

Whereas the Government, through the Ministry of Gender Equality and Family Welfare as well as the Mauritius Police Force, has adopted a number of measures, legal and policy-oriented, to combat GBV, the problem remains deeply entrenched in Mauritian social reality. The rise in the number of women police officers and establishment of the Police Family Protection Unit are indeed commendable measures. Some Police Officers have also undergone training on GBV. However, it is of capital importance to have staff working on enforcement, both male and female, who have received in-depth and relevant training on gender equality and gender equity as well as on GBV. Although the PFPU has mainly women police officers, the MPF remains highly male dominated with men holding the high-ranking and decision-making positions in the police force. This becomes problematic at the police stations when women victims come to file complaints of domestic violence.

Similarly, at the level of the Judiciary, it is important that all the staff, both men and women Judges and Magistrates, are gender-sensitive. Here, there is a need for comprehensive gender training for all officers of the MPF as well as the Judiciary especially in District Courts, to enable and facilitate women's access to justice and for these institutions to be victim-friendly. Magistrates should also have first-hand knowledge of the work conducted by NGOs in relation to domestic violence. The Office of the Director of Public Prosecutions is the lead agency for the training of stakeholders to create a more gender sensitive legal culture. In August 2021, the Office of the Director of Public Prosecutions conceptualized and put in place training and multi stakeholder gender awareness campaigns for LGBTIQ for the legal profession at the Institute of Judicial and legal Studies as well as for the police and prosecution service in July and August 2021. Moreover, the Office of the Director of Public Prosecutions is working in close collaboration with the Attorney General's Office to come up with a prosecutor's toolkit to improve the prosecution of GBV offences.

Societal norms and values that are predominant in Mauritius still consider family matters as 'private', including domestic violence, thereby discouraging victims, both men and women, from seeking the help of authorities. In fact, the study on

The Sociological Profiling of Perpetrators of Domestic Violence in Mauritius commissioned by the Parliamentary Gender Caucus revealed that conservative norms, values and beliefs about women's roles and expected lower position to men in society was a risk factor towards domestic violence (Koodoruth and Sultan, 2018). Men felt threatened by their spouse's high level of education, triggering violence in an attempt to control women. Stereotyped gender roles, unequal power relations and patriarchal bias within a relationship are risk markers of domestic violence as they correlate highly with the perpetration of violence (Koodoruth and Sultan, 2018).

The Concluding Observations of the Committee on the Convention on the Elimination of All Forms of Violence Against Women (CEDAW) on the eighth periodic report submitted by Mauritius in 2018, raised concerns about the gender stereotypes that perpetuate violence against women, as well as the prevalence of reported cases of gender-based violence, made mostly by women. The Committee called upon the Mauritian State Party to strengthen the institutional and legal responses to victims and perpetrators.

The law in Mauritius prohibits rape, although there is no specific mention of spousal rape. In fact, the law stipulates that a spouse cannot force or threaten the other partner into a sexual act "from which the spouse or the other person has the right to abstain". However, from consultative meetings with stakeholders, it was noted that there is often little knowledge of the law at the level of the police officers handling such cases and also among the population.

The Law Reform Commission of Mauritius has made numerous recommendations, since 2007, for the reform of the sexual offences provisions in the Criminal Code. In 2019, it presented draft provisions to replace the existing law including a new definition of rape that includes penetration, however slight, of all orifices by any object or body part by a man or woman, the explicit criminalisation of marital rape, a new offence of sexual assault, as well as new offences of sexual assault without violence on minors under the age of 16 and 18 (Equality and Justice Alliance, 2020).

Moreover, Section 242 of the Criminal Code which provides that manslaughter committed by any person on his spouse, as well as on his accomplice, at the very moment he finds them in the act of adultery is excusable, should be repealed, as recommended by the Law Reform Commission of Mauritius and the Office of the Director of Public Prosecutions.

The Covid-19 pandemic and the two lockdowns that Mauritius experienced in 2020 and 2021 aggravated the problem of domestic violence in the country. Women in abusive relationships were confined with their aggressors during the lockdowns and were therefore unable to escape from violent and abusive situations. The UNDP report on "The Socio-Economic Impact Assessment of

COVID-19 in Mauritius' revealed that there was an increase of 33% of domestic violence cases during the lockdown period 20 March to 30 May 2020 where 520 cases were officially reported, out of which 93% of the victims were women. Of these victims, 111 women left the conjugal roof during the lockdown. The report also pointed out that 73% of domestic violence cases involved Intimate Partner Violence and that the incidence of domestic violence among the poorest of the poor was much higher (UNDP, 2020b).

The persistent problem of violence against women in the family highlights the need for research into the culture of masculinity in Mauritius to understand what are the causal factors that drive men to be violent towards women and children despite the economic progress that Mauritius has undergone and educational opportunities available to citizens. An in-depth knowledge and understanding of the predominant culture of masculinity will enable more focused remedial strategies to be devised. Furthermore, the plight of women as victims of domestic violence, despite it being criminalised shows that the criminal justice response falls behind in terms of effectiveness. Specialised expertise for the handling of such cases is needed as well as better coordination among the different agencies handling the cases. Another unfortunate reality is that the protection given to victims appears to be deficient as there is a significant risk of re-victimisation and the support and assistance available to victims may neither be sufficient nor most relevant at the time. There is a need for station managers and other supervising officers to ensure strict compliance to the CP circulars and for the Commissioner of Police to take firm action across all districts to ensure compliance.

In response to national and international concerns about the worrying prevalence of domestic violence in Mauritius and the ensuing security risks especially towards women, a High-Level Committee was set under the chairpersonship of the Honourable Prime Minister in January 2020. The aims of the High-Level Committee are to:

- Assess the current state of affairs with regard to the elimination of violence against women in terms of legislative framework and its enforcement, policies, procedures and awareness/sensitisation campaigns undertaken and;
- Identify problem areas and come up with a national strategic plan geared towards the elimination of GBV in the Republic of Mauritius and a roadmap to give effect to policies and achieve the Government's overarching goal of gender equality.

In order to bridge the gap of safe reporting and under-reporting, the High-Level Committee on the Elimination of Gender Based Violence, under the chairpersonship of the Honourable Prime Minister, proceeded with the development of a mobile application, "LESPWAR", for victims of Gender Based

Violence, which was launched on 25 November 2020 in the context of the International Day for the Elimination of Violence Against Women. In line with international experiences, “LESPWAR”, serves to increase Victim’s safety by providing the right platform for all age groups of women and men victims/survivors of gender-based violence to feel secure, protected and taken care of by all the authorities concerned in order to maintain a stable and healthy life. The app is operational on a 24-hour basis and is manned by the Police at the Police Main Command and Control Centre. All requests received on the app are attended to within 15 mins to provide necessary assistance to victims and any collateral victims. Follow-ups are made by the Police Family Protection Unit for further professional intervention or referral to other agencies under the parent ministry. The mobile app LESPWAR has been selected as the World Summit on Information Society (WSIS) Prize 2021 Champion. The mobile app project was among the top five most voted under the C10 Category - Ethical dimensions of the Information Society. As at 1 September 2021, there were 1960 registered users of the app, 844 panic alerts and 115 genuine cases among which 3 arrests have been made¹⁰.

The National Strategy and Action Plan 2020-2024 (NSAP) of the High-Level Committee on the Elimination of Gender Based Violence in the Republic of Mauritius was launched by the Government in November 2020. The NSAP aims to respond to the cultural and institutional specificities of Mauritius and promotes collaboration across Government and civil society organisations to work towards the elimination of GBV. The components of the NSAP have guided the formulation of its accompanying four-year Action Plan, with activities in four focus areas:

1. Changing of societal norms and beliefs that are against principles of gender equality and equity;
2. Putting the needs of survivors first;
3. Improving legal remedies and services delivered by public institutions;
4. Monitoring and evaluating progress made.

The NSAP is a novel and innovative project that proposes wide ranging measures and involves stakeholders from different sectors. Proposed activities include research on specific areas and problems including sensitive matters such as abortion, stigmatisation of marginalised groups, exploitative working conditions as well as the setting up of a gender-based violence observatory that will be the central agency for investigation and analysis of information with respect to all forms of gender-based violence. There is a plan to raise awareness on social norms underpinning Mauritian society, including masculinities. Moreover, training and sensitisation campaigns on gender inequalities and inequities are planned as well as further amendments of the PVDA to enable teleconferencing

¹⁰ Source: Police Main Command and Control Centre.

and allow the use of recordings as a form of testimony. Proposed legal amendments will account for marital rape as a sexual assault and 'lack of consent' will be included as a basis for the charge of rape in the law. The planned Gender Equality Bill will also give special consideration to GBV. Furthermore, the project will cater for a more efficient response to human trafficking and the formulation of a National Policy Framework against Trafficking.

In December 2021, a Memorandum of Understanding was signed between the Mauritius Research and Innovation Council and the Ministry of Gender Equality and Family Welfare to operationalise the Observatory for Gender-Based Violence. The creation of the GBV Observatory represents a key action for the Government and has been highlighted in the National Strategy and Action Plan 2020-2024 was of the High-Level Committee for the Elimination of GBV in the Republic of Mauritius. The Observatory will make recommendations and proposals to improve the services and facilities offered by the public institutions and civil society in the field of GBV. It will also enable the collection of evidenced-based information, gender disaggregated data as well as readily available information on the status of GBV.

In order to enable a deeper understanding of the magnitude of the problem of GBV in Mauritius, the Office of the DPP recommends the compilation of the following gender disaggregated statistics:

- No. of cases of assault, aggravated assault, rape, sodomy, sexual harassment, kidnapping, trafficking in persons offences, attempt upon chastity, bullying, intimidating, threatening, staking, prostitution, pornography offences.
- No. of cases of violence in same sex couples and opposite sex couples.
- No. of victims admitted to the different shelters.
- No. of GBV cases which have as background misuse of social media platforms.
- No. of GBV cases that ended in femicide.
- No. of cases where perpetrators are hardened criminals who are detained in prison or police cells.
- Data on the most common form of assault used in such cases.
- Data on the protocol in place for protection of victims of GBV during the Covid-19 pandemic.
- No. of cases of protection order lodged by the Ministry of Gender Equality and Family Welfare and Police Family Protection Unit.
- Data on follow up services provided to victims.
- No. of cases reported against police officers or other public officers for GBV.
- Data on the duration of enquiry where perpetrators of GBV are police officers.
- No. of arrests made on the same day that the declaration of the complainant was made.

- No. of withdrawals, convictions and warnings in cases where police officers were concerned.
- No. of cases monitored by the Espwar App and actions taken.
- No. of protection orders dismissed or struck out by the Court.
- Data on sentences and sentencing trend of the Courts.
- Recidivism rate in cases of GBV.
- No. of withdrawals in GBV cases and the reasons behind the withdrawals.
- No. of cases where victims were referred to shelters after being issued with a protection order and follow-up action taken.

The above-mentioned statistics could be compiled by the Observatory for Gender-Based Violence. The Office of the DPP also recommends the establishment of an online domestic violence information system for information sharing across law enforcement agencies.

3.1.2 Trafficking in Persons

Prostitution is strictly prohibited in Mauritius and sex tourism is also illegal. The Combating of Trafficking in Persons Act 2009 gives effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, namely to prevent and combat trafficking in persons and protect and assist victims of trafficking. Nonetheless, human trafficking remains a largely underreported problem in Mauritius. It affects women and girls primarily as they are often driven into sex work and prostitution. The Government is conscious of the problem and some measures have been taken to look into. In December 2015, an Inter-Ministerial Committee on Trafficking in Persons was set up and ministries were invited to forward views and suggestions to the office of the Attorney General. In 2018, a National Steering Committee was set up by the Prime Minister's Office to work on this matter. The Inter-Ministerial Committee set up in 2015 under the chair of the Attorney General has been revived for proper coordination of the issues regarding Trafficking in Persons. The Steering Committee at the Prime Minister's Office meets on a regular basis to monitor progress on Trafficking in Persons and ensure that the recommendations made under the US Trafficking in Persons Report are implemented and that there is coordination between the Law Enforcement Agencies and other stakeholders for addressing this global phenomenon.

A first draft of a National Action Plan (NAP) was prepared by Mauritius. Given that it is a highly technical issue, the assistance of the International Organisation of Migration (IOM) was sought to review of the draft NAP. Mrs Annie Lane, Consultant has been appointed by the IOM for the drafting of the National Action Plan against Trafficking in Persons. A final draft has been submitted to the Prime Minister's Office and views of stakeholders have been sought.

The National Strategy and Action Plan on the elimination of Gender-Based Violence in Mauritius has made provision to provide necessary support to victims

of gender-based violence including Trafficking in Person (TIP) victims. Following a meeting with EU experts, the latter undertook to include legal aid to TIP victims in the Standard Operating Procedure. With regards to health services, TIP victims are provided with such services free of charge and all efforts are being made to provide them with shelter facilities. The INTERPOL and AFRIPOL are assisting investigators in the conduct of enquiries into transnational crime by sharing intelligence. The support of the UNODC will be solicited to strengthen cooperation among regional countries with a view to preventing and detecting offences related to human trafficking.

The Office of the Director of Public Prosecutions is carrying out training for Law Enforcement Officers. Under the Migration European Union Expertise (MIEUX) initiative, funded by the European Union, the Standard Operating Procedures for handling cases of Trafficking in Persons are being formulated. A capacity building programme and training of Law Enforcement Officers is also being funded under this programme which will be implemented by the International Centre for Migration Policy Development. The Office of the DPP is to be designated as the Lead Agency for training of prosecutors and Police.

Furthermore, the Police Department provides assistance in the implementation of actions to address violence against women and girls. The Commissioner of Police carries out regular briefing sessions through Police Steering Committee regarding investigations and collection of evidence. Cabinet has, at its meeting of 09 April 2021, agreed to the proposal of the Police Department managing the Trafficking in Persons victim shelter already set up in the Police Quarters at Vacoas, through a Non-Governmental Organisation after launching an Expression of Interest, accordingly. The Police is launching an Expression of Interest for the day-to-day management of the shelter by an accredited NGO. The International Organisation for Migration has agreed to provide equipment to the tune of 13,000 Euros for the shelter. As regards shelter for female victims of TIP, discussions are ongoing with the Ministry of Gender Equality and Family Welfare and National Social Inclusion Foundation for the signing of a MoU to extend shelter facilities to the Police for the temporary keeping of female TIP victims pending completion of Police investigation. The Police Department is also being designated as the Lead Agency for adult sex trafficking and to work with other stakeholders such as the Ministry of Gender Equality and Family Welfare to provide adequate protection service to adult victims.

The Migration European Union Expertise (MIEUX) has agreed to provide technical and full financial assistance for developing Standard Operating Procedures for handling cases of Trafficking in Persons (TIP). An action fiche has already been approved and consultations with relevant stakeholders have been held.

The MGEFW is mandated to cater for the needs of children who are victims of commercial sexual exploitation. A residential drop-in centre formerly managed by the National Children's Council has been operational since May 2016. The Residential Drop-in-Centre is now managed by a Non-Governmental Organisation (NGO). It caters for the rehabilitative needs of child victims of sexual abuse and commercial sexual exploitation of children, including child trafficking. The centre offers facilities that ensure sustainability in the recovery and rehabilitation of victims of sexual abuse and exploitation and provide specialised support services such as psychotherapy. The children are sent back to school so that they resume studies and/or training programmes, in order to enable them to eventually integrate into mainstream society. The Drop-in-Centre which is managed by the Mauritius Family Planning and Welfare Association (MFPWA) and monitored by the MGEFW also assists child victims of Commercial Sexual Exploitation of Children (CSEC). The Child Development Unit (CDU) which operates under the aegis of the MGEFW offers child protection services. It operates through a network of 6 outstations, providing immediate assistance to children victims of abuse, especially victims of sexual abuse. All cases of alleged child trafficking are made known to the MGEFW and recorded at the level of the CDU for social enquiry. The cases are simultaneously reported to the Police for Criminal Enquiry.

The Mauritius Police Force has introduced a series of measures to prevent trafficking in persons. A specialised section has been set up at the Central Investigation Division and Divisional Central Investigation Divisions of the police to handle cases bearing on human trafficking. The Police is involved with other Government institutions and NGOs to help school dropouts and women involved in prostitution to undergo training to acquire skills for the job market in order to facilitate their integration into society. Furthermore, at the request of the MGEFW, the Mauritius Police Force set up a unit called "*Brigade pour la Protection des Mineurs*" in May 2004. One of the priorities of the Brigade is to act as a watchdog against all forms of exploitation and abuse against children. The Police Family Protection Unit and the *Brigade pour la Protection des Mineurs* have been merged into a new entity called the "*Brigade Pour la Protection de la Famille*". The aim is to have a holistic approach in the fight against GBV.

Table 9: Trafficking in persons recorded from 2016 to 2019 — Island of Mauritius

	2016	2017	2018	2019
Cases of trafficking in persons established under the Combating of Trafficking Persons Act 2009	0	2 (illegal stay)	1	2
Cases of trafficking in persons under the Child Protection Act	4	2	2	2
Cases having bearing on human trafficking	8	3	4	5

Source: Mauritius Police Force

The data in Table 9 indicates that few cases of trafficking in persons are reported to the authorities.

The Children’s Act 2020 provides for the protection of both girls and boys from all forms of harm including violence and for his/her temporary removal or alternative placement if faring in dysfunctional families and families with violence. It also protects children from violence, including corporal punishment and trafficking. Nonetheless, poverty remains a key factor that leads to prostitution and trafficking in persons. Education as well as empowerment of the disadvantaged and vulnerable groups are of major significance to prevent trafficking and exploitation of women and children. The State and NGOs are working on poverty alleviation and empowerment of vulnerable groups. These efforts need to be supported and consolidated and the gender dimensions of poverty to be given special focus.

3.1.3 Street harassment of women and girls

Currently, there are two relevant legislations that criminalise sexual harassment namely: Section 114 of The Workers’ Rights Act 2019 and Section 26 of The Equal Opportunities Act 2008. However, these sections are restricted to sexual harassment in the workplace, in educational institutions or whilst providing services/accommodation to members of the public.

The street harassment of women and girls in Mauritius appears to be deeply ingrained in culture as well as the norms and values of masculinity in Mauritius (Ramtohl, 2017a). A study carried out by Alyssa Fine (2009) was the first attempt towards documenting the problem. She described street harassment both as an indicator and producer of a “culture of sexual terrorism” (2009: 7). The form of street harassment that occurs in Mauritius involves offensive behaviour (verbal, gestural, and physical) directed at women in public and semi-public spaces. Fine’s study revealed that harassers in Mauritius tended to be men of varying backgrounds. While some were described as “drunkards” or “drug

addicts,” many were also professionals in suits and ties. Harassers included school boys as well as older men. Yet, harassers also included law enforcement officials who are generally those responsible for protecting the rights of victims of such violence (Fine, 2009: 47). A women’s organization, the Muvman Liberasyon Fam (MLF) had described the situation of street harassment in 1976 (MLF, 1988). The nature and form of street harassment has not changed and the teasing, touching and stalking that was described by the MLF 45 years ago, is still happening today.

However, very little has so far been done to correct this morally wrong masculine behaviour, which limits women’s and girls’ freedom, violates their bodily integrity in more severe cases and increases the level of insecurity women and girls face, especially in public places (Ramtohul, 2017a). Street harassment can cause substantial fear among women and girls, especially fear of sexual assault and rape. It also has psychological effects on, often leading to feelings of irritation, discomfort, shame, humiliation, and guilt. In order to avoid experiencing harassment, some women resorted to restricting personal appearance, freedom of movement, and work and leisure opportunities (Fine, 2009). This tendency represents a restriction and limitation on women’s rights and freedom in the country because of concern over their security. It also restricts their human rights. Moreover, what is most worrying is the frequency at which the harassment occurs and the fact that it is continuous and unchecked. Patriarchy is still very strongly anchored in Mauritian society and this explains why the silence over the issue. Yet, the situation threatens women’s and girls’ security, freedom and rights as equal citizens. It is an issue that warrants greater focus and action.

In 2018, France introduced the notion of sexism in its legal code by passing a law against verbal sexual harassment, known as the *Loi Schiappa*¹¹. The French law allows law enforcement officers to sanction perpetrators on the spot, instead of leaving victims to wait for a long and arduous trial after the fact. The law covers sexist insults, degrading or humiliating comments, or hostile and offensive “sexual or sexist” behaviour towards a person in public areas, schools or workplaces¹². The law also sends a strong message for broader cultural changes, towards gender equity in public spaces. Additionally, the law treats street harassment as a contravention and not a crime that will require investigation and it spares victims from having to come forward to report the matter at the police station. The model of the French law may be considered for Mauritius, especially to protect women’s rights, freedom and bodily autonomy.

Under the Mauritian law as at now, there is no specific legislation that targets and criminalises the act of verbal sexual harassment in general. The Office of the Director of Public Prosecutions recommends that the adoption of a law

¹¹ The name of the former minister of gender equality of France - Marlene Schiappa

¹² http://circulaire.legifrance.gouv.fr/pdf/2018/09/cir_4

criminalising acts of verbal sexual harassment may help to address the problem of street harassment of women and girls in Mauritius.

3.2 Promoting sexual and reproductive health and rights

The United Nations Population Fund (UNFPA, 2005) delineates three components of reproductive rights:

1. The right to control sexual and reproductive lives;
2. The right to non-discrimination; and
3. The right to reproductive health care.

This framework supports women’s sexual rights, namely the right to safe sex and to be free from unwanted sex, and access to comprehensive and accurate information on Sexually Transmitted Infections including HIV. It also includes the right to family planning services and all-inclusive reproductive health care, including the termination of pregnancy and post-abortion care. Reproductive rights are critical to ensure that women are able to control their fertility and participate in social, economic, and political life (Gertholtz *et al.*, 2011). In fact, sexual and reproductive health constitutes both a human right and a significant component of public health, one that requires constant attention.

Women’s sexual and reproductive health is closely connected to their human rights, including their right to life, their right to be free from torture, their right to health, their right to privacy, their right to education, and the prohibition of discrimination. Women also have a heavier use of reproductive health services than men. However, because reproductive health is often influenced by patriarchal myths and moralistic attitudes about what women should and should not do regarding sexuality and reproduction, women often confront negative or judgemental attitudes from society and from health care providers. Reproductive health is also heavily influenced by laws and policies, especially those concerned with the provision of safe abortion, sexuality education for the youth or the prohibition of discrimination against persons with HIV and AIDS. Restrictive laws on abortion are a major contributor to maternal mortality from unsafe abortion (Royston and Armstrong, 1989).

SDG 3.7. states: *“By 2030, ensure universal access to sexual and reproductive healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes”*.

Article 14(b) of CEDAW states: *“To have access to adequate health care facilities, including information, counselling and services in family planning”*.

Article 14.1 of the Maputo Protocol states: *“Ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:*

- a) *The right to control their fertility;*
- b) *The right to decide whether to have children, the number of children and the spacing of child; and*
- c) *The right to choose any method of contraception.”*

The Declaration and Platform for Action of the 4th World Conference on Women that was held in Beijing in 1995 acknowledged women’s sexual rights as human rights in paragraph 96:

“The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.” (Platform of Action, para. 96).

This was a clear assertion that women, regardless of age, marital status or sexual orientation, have a human right to sexual freedom (Petchesky, 1995: 155).

Mauritius has witnessed a rapid and significant fertility decline within a relatively short period of time, ranging from 6 births per woman in the 1960s to less than 2 births per woman at present, falling below replacement level (Sungkur and Beebeejaun, 2015). Until 2007, Mauritius did not have a sexual and reproductive health policy and strategic framework. Mauritius is a signatory of the 1994 Cairo International Conference on Population and Development (ICPD) Plan of Action in which countries committed themselves to provide the highest possible level of reproductive health services for all their citizens. Components of the ICPD Plan of Action covering Sexual and Reproductive Health that have been adopted in Mauritius include:

- Family planning, including fertility information and services.
- Safe Motherhood.
- Prevention and management of complications of abortion.
- Infant and Child Health.
- Promotion of healthy sexual maturation as from pre-adolescence, responsible and safe sex throughout the lifetime and gender equality.
- Prevention and management of reproductive tract infections, especially sexually transmitted infections including HIV/AIDS.
- Prevention and management of sexual dysfunction.
- Gender and Sexual and Reproductive Health, including elimination of domestic and sexual violence against children, women and men.
- Management of the reproductive tract cancers and breast cancer.

- Geriatrics and reproductive health problems associated with menopause and andropause.

These measures focus mainly on sexual and reproductive health and less on sexual and reproductive rights and autonomy and decision-making within intimate relationships.

The availability of family planning services in Mauritius dates back to 1957 when the Mauritius Family Planning and Welfare Association (MFPWA¹³) was set up and was operating as an NGO. The MFPWA family planning programme was integrated with the government maternal and child health programme in 1972, and thereafter, MFPWA has continued to run a family planning clinic where contraceptive methods and counselling services are offered. The NGO Action Familiale, which was established in 1963, has been promoting the use of natural family planning methods and has been providing counselling services. There is a concerted effort between the Government, MFPWA, and Action Familiale to provide family planning services (MOHW, 2020). As at 31 December 2018, there were 62,528 current users who were registered at the family planning service points of government, MFPWA and Action Familiale in the Republic of Mauritius (MFPWA, Ministry of Health and Wellness). This figure dropped to 57,724 in 2019 and to 57,092 in 2020 (MFPWA, Ministry of Health and Wellness). These statistics reveal a steady decline in the number of registered users of family planning services. This is an issue that will require further research.

The MFPWA was among the first organisations to speak about reproductive rights and the importance of family planning. The official policy and programmes tend to focus more specifically on sexual and reproductive health. The issues of sexual and reproductive rights need to be given greater focus, especially in terms of bodily autonomy. At this level, there is a gender dimension as women in Mauritius tend to have less decision-making power in intimate relationships and bodily autonomy.

The overall goal of the National Sexual & Reproductive Health Strategy and Plan of Action 2009-2015 is:

¹³ The Mauritius Family Planning and Welfare Association Act of 2018 makes provisions for sexual, reproductive health and rights. It aims to:

1. Promote awareness on planned parenthood with a view to maintaining the fertility rate at a reasonable level;
2. 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;
3. 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.

“To contribute to the national efforts towards the improvement of sexual and reproductive health status of all men, women and young people living in Mauritius and to improve the survival of newborn babies and the health status of all children in Mauritius by 2015” (MOHW, 2008).

The National Sexual & Reproductive Health Strategy and Plan of Action 2009-2015 highlights the high rates of unwanted pregnancies, abortion and increase in the use of less reliable family planning methods, increasing Sexually Transmitted Infections (STIs) (MOHW, 2008). Injecting drugs use, not only sexual route of transmission, is the driver of HIV epidemic in Mauritius. The 2014 Contraceptive Prevalence Survey Preliminary Report shows that there has been a decline in the contraceptive prevalence rate among married women aged 15-49 years, from 75.9% in 2002 to 63.8% in 2014 (Sungkur and Beebeejaun, 2015). The 2014 Contraceptive Prevalence Survey also revealed that the unmet need for family planning in Mauritius was 12.5% among currently married women aged 15-49 years. Moreover, 62.4% of women with unmet need for family planning did not intend to use a contraceptive method in the future (Statistics Mauritius, 2020b).

Additionally, data from the 2014 Contraceptive Prevalence Survey showed that the proportion of women aged 15-49 years who reported having had at least one abortion (either spontaneous or induced abortion) increased from 15.5% in 2002 to 15.8% in 2014. Moreover, the proportion of women aged 15-49 years who reported having had at least one induced abortion increased from 3.4% in 2002 to 5.0% in 2014. Among those who had at least one induced abortion, 60.0% had one abortion, 31.9% had two abortions and the remainder had three or more abortions at the time when data for the 2014 Contraceptive Prevalence Survey was collected. The main reasons given for these abortions included financial problems, respondent did not want more children, spacing the next pregnancy and the partner did not want the child and/or children (Sungkur and Beebeejaun, 2015).

Given that by law, abortion is only allowed under very strict conditions in Mauritius, the existing data on reported cases would largely underestimate the true extent of the problem¹⁴. At the consultative meetings, stakeholders mentioned that very few women have recourse to abortion through the formal

¹⁴The Criminal Code was amended in 2012 in order to authorise the termination of pregnancy in specified circumstances, namely, in cases where:

- (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;
- (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.

health service as the law is very restrictive. Consequently, a significant number of unwanted pregnancies end up in abortions. The key issue is that despite the availability of free health care services, including sexual and reproductive health, Mauritius still has a problem of unwanted pregnancies, which could have been prevented by the wide range of health services available. The problem of unwanted pregnancies is also linked to women’s lack of autonomy and decision-making power in intimate settings and relationships and marital rape. During the consultative meetings, women activists confirmed that many women are not aware of marital rape and the significance of consent as well as their rights in intimate settings. This health issue warrants attention and action. The data in Table 10 indicates that abortion remains a matter of concern in Mauritius.

Table 10: No. of cases treated for complications following abortion, including spontaneous

Year	Government Hospitals	Private Clinics	Total
2010	1,412	481	1,893
2011	1,331	519	1,850
2012	1,293	542	1,835
2013	1,104	494	1,598
2014	1,276	501	1,777
2015	1,260	514	1,774
2016	1,125	487	1,612
2017	1,039	353	1,392
2018	969	285	1,254
2019	1,079	238	1,317

Source: Ministry of Health and Wellness (2020b)

Adolescents do not have access to free family planning services offered by the government without their parents’ consent. The legal age of consent to sexual relations is 16. The adolescent birth rate was 23.2 per 1,000 women aged 15–19 in 2019, down from 24 per 1,000 in 2018 (UN Women, 2021). Ensuring the population access to contraception methods of their choice advances human rights, including the right to liberty, freedom of opinion and expression and the right to work and education, with added health benefits (Lowe Morna et al., 2020). Contraceptive prevalence rates indicate that 67% of women between the ages of 15 and 49 in marital or consensual unions use, or their sexual partner use, a traditional or modern method of conception. However, the data also reveals that 51% of women between the ages of 15 and 49 do not have a say in decision-making about contraceptive use (Lowe Morna et al., 2020).

This issue was also raised during consultative meetings with stakeholders. Family planning tends to be perceived as a woman’s issue and it is mainly women who

come to health and community centres to seek family planning services. The women also report that they do not have negotiating power within intimate relationships and it is the man who decides whether and when to have sexual intercourse. Many women have to take contraceptives secretly as they would need to seek the permission of their husbands and the latter would not allow them to do so. This situation was confirmed by male stakeholders as well, that women have less decision-making power on family planning due to the predominant culture in Mauritius. Women are often unable to negotiate safe sex practices which could lead to the feminisation of the HIV/AIDS spread in Mauritius.

From October 1987 (when the first case of HIV case was registered) to end December 2020, there were 8,113 persons diagnosed with HIV in Mauritius of whom 27.0% are women (Statistics Mauritius, 2021a). Furthermore, during 2020, 318 new cases of HIV/AIDS were registered among Mauritians, out of which the percentage of women was 36.8 compared to 23.8 in 2010. Out of the 117 new HIV/AIDS cases detected among women, 77.8% were mainly due to heterosexual relationships as the mode of transmission and 5.1% due to intravenous drug injections. In the case of men, among the 201 new cases of HIV/AIDS, 57.2% was due to heterosexual relations as the mode of transmission whereas 31.8% was due to the injection of drugs (Statistics Mauritius, 2021a). Among the new cases of HIV/AIDS, there is a growing number of younger women in the age-group of 20-29, with 35% of cases, whereas for men, it affected mainly the group aged 30-39 years with 27.9% of cases (Statistics Mauritius, 2021a).

The above statistics reveal that the number of HIV/AIDS cases among women is growing and it is increasingly affecting younger women. Moreover, women seem to contract the virus primarily through heterosexual relations, implying that in most cases, they were contaminated by their male spouse/partner. In the case of men, whereas heterosexual relationships as the mode of transmission is significant, transmission of the virus through intravenous drug injections is also notable. Women appear to have little negotiating or decision-making power, including for safe sex, when it comes to intimate relations. Cultural norms, values and practices amplify the problem by portraying men in the leading and powerful position within the household and intimate relationships. Marital rape is a reality in Mauritian society, one that is still taboo and seldom reported. Given that marital rape is not explicitly an offence and the associated shame and stigma leading to non-reporting of cases, there is no official data that quantifies the true extent of the problem. Yet, from the qualitative interviews carried out with stakeholders, it was highlighted that marital rape is a serious problem in Mauritius, especially as a form of gender-based violence. As such, it has been taken on board in the National Strategy and Action Plan on the Elimination of Gender Based Violence.

3.2.1 The need for comprehensive sex education in schools

Matters related to sexuality, reproductive health and decision-making include access to comprehensive sex education and contraceptive information and services. These are linked to bodily autonomy and reproductive decision-making. According to the International Conference on Population and Development (ICPD) Plan of Action, sex education to promote the well-being of adolescents should specify certain key features, namely:

- Education should take place both in schools and at the community level, be age-appropriate, begin as early as possible, foster mature decision-making, and specifically aim to improve gender inequality.
- Such programmes should address specific topics, including gender relations and equality, violence against adolescents, responsible sexual behaviour, contraception, family life and sexually transmitted infections (STIs), HIV and AIDS prevention.

In Mauritius, sex education is currently addressed in a rather fragmented manner within the school curriculum, despite changes in the sexual behaviour of adolescents (Emambokus and Oogarah-Pratap, 2019). In fact, the primary and secondary school curricula do not contain any formal sex education (Lowe Morna et al., 2021). Students are sensitised on healthy lifestyles and reproductive health issues through the Family Life Education programme, which is carried out on an adhoc basis in schools by government and NGOs (Sungkur and Beebeejaun, 2015).

The Global School Health Survey, conducted in Mauritius, revealed that 22% of adolescents aged 12 to 17 had already had sexual intercourse (WHO, 2014). Of the students who had sexual intercourse, 46.9% had initiated intercourse prior to the age of 14, with there being no significant difference between boys and girls and only 44% had used a condom the last time they had sexual intercourse (WHO, 2014). Teenage pregnancy is a growing problem and the current educational system does not appear to be adequately responding to these challenges. In 2018, 8.9% of all live births that occurred in Mauritius were to women aged 15-19 (Statistics Mauritius, 2020b). The number of reported cases of teenage pregnancy to the Child Development Unit (CDU) rose from 215 in 2019 to 251 in 2020, representing a major increase (MGEFW). Sex is still viewed as a taboo subject and there is resistance to sex education in schools despite the fact that most adolescents have access to the internet which exposes them to a wide range of information as well as disinformation about sex and sexual activities. At the level of authorities, there has been willingness to introduce sex education in schools, but this intention has met with resistance (Lowe Morna et al, 2021).

There is a need for comprehensive sex education within a proper framework for adolescents in Mauritius. Comprehensive sex education will provide the youth

with knowledge, skills and attitudes to develop and sustain positive as well as healthy relationships and to protect themselves from unsafe situations. Given the plural nature of Mauritian society, there is also a need to seek consensus and legitimacy by involving the religious authorities to some extent, especially via the Council of Religions, in order to diminish resistance to new policies that are based on religious and cultural grounds. Furthermore, reproductive and sexual rights for women will remain unachievable if they are not connected to a strong campaign for economic justice and an end to poverty (Petchesky, 2000: 12). There is also a need for greater focus to be given to the sexual and reproductive rights of people in disadvantaged and vulnerable groups, including the disabled. During discussions held with stakeholders, it was highlighted that disabled women are particularly vulnerable to sexual abuse.

Autonomy in the context of reproductive rights is an important factor. It entails the right of women to make decisions concerning her fertility and sexuality free of coercion and violence. Informed consent of women and respect of their rights are also important at the level of health care services. People need to be aware of their formal rights so that they are able to make informed decisions about their lives. In adverse situations, sexual and reproductive rights will mean little to all, which is worse for women who are more directly concerned. Women's lack of control over their own bodies and sexuality lies at the root of a wide range of human rights violations. There is also a need to sensitise men on sexual and reproductive health and rights and involve them in family planning activities to a larger extent.

3.3 Promoting economic and social rights and empowering girls and women

The Republic of Mauritius has enacted laws which promote and protect the economic and social rights of all citizens. The right to work is provided for under the Workers Rights (Amendment) Act 2019, the right to health in the Public Health Care Act 1925, Mauritius Mental Health Care Act 1998 and the Food Act 1998 and the right to education in the Education (Amendment) Act 2020. Moreover, Mauritius has a comprehensive welfare state that provides free education, free access to health services, social aid to vulnerable groups and universal pensions to the elderly. The social security system provides for basic benefits including social aid, unemployment hardship relief, contributory pensions, industrial injury benefits and refund of contributions made to the National Savings Fund. As indicated in the section on the political, legal and human rights situation, a number of laws have been amended in order to render them in line with the different international and regional treaties and instruments which require legislation and policies to be gender sensitive. Nonetheless, in the Concluding Observations on the fifth Periodic Report of Mauritius, the United Nations Economic and Social Council recommended that the State provide the National Human Rights Commission with an explicit mandate to protect and promote economic, social and cultural rights (UNEDC, 2019).

3.3.1 Labour and employment

Women's contribution to the economy and to the development of the country has been recognised and acknowledged by the State. Increasing numbers of women are active members of the labour force and women have equal rights to employment in Mauritius. However, at present the gender equality aspects of the labour market policy require additional monitoring.

Wage or employment discrimination on grounds of sex is illegal. The labour laws contain a number provisions that protect women. Section 114 of the Workers' Rights Act 2019 (WRA) protects workers from violence at the workplace, including sexual harassment which mainly affects women. Section 25 of the Equal Opportunities Act 2008 also criminalises sexual harassment. The Government of Mauritius has ratified the "*Violence and Harassment Convention 2019 (No. 190)*" and has also adopted its accompanying "*Violence and Harassment Recommendation 2019 (No. 206)*" on 01/07/21. The framework set out in these instruments provides a clear roadmap for preventing and addressing violence and harassment in the world of work, including gender-based violence and harassment.

The National Wage Consultative Council Act 2016 introduced minimum wages and regulates work practices in both the formal as well as the informal sector. The National Minimum Wage Regulations 2017 introduced the minimum wage of Rs 8,140 per month for all full-time employees. The minimum wage was revised to

Rs 9,700 in 2020. With the Additional Remuneration 2021, the amount has been reviewed to Rs 10,075 a month. The minimum wage benefitted men and women in precarious employment situations and protects them from exploitation. Basic wages are also adjusted annually to compensate workers for the rise in the cost of living. Moreover, all legal and administrative provisions regarding health and safety and the workplace are governed by the Occupational Safety, Health Act 2005.

Section 52 of the Workers' Rights Act 2019 provides the following coverage to pregnant women under its sub sections:

An employer shall not require a female worker to perform work in excess of a normal day's work for a period of at least 2 months before her confinement;

A female worker who is pregnant shall not, on a medical certificate produced to this effect and unless a medical practitioner certifies otherwise, be required to perform duties requiring continuous standing that may be detrimental to her health or the health of the baby; and

An employer shall not, except with the consent of a female worker, require the female worker to work between 6 p.m. and 6 a.m. during the 12 months following her confinement.

Furthermore, the duration of maternity leave has been extended from 12 weeks to 14 weeks, in view of supporting working mothers and enabling them to fulfil their familial obligations. It should also be noted that protection against termination of employment has been extended to a female worker who is nursing her unweaned child. This is in line with the ILO Maternity Protection Convention 2000.

In addition, the Workers' Rights Act 2019 has made provision for 14 weeks' leave on full pay for a female worker adopting a child aged less than 12 months provided she has been in the continuous employment with the same employer for a period of 12 consecutive months and she produces a certified copy of the relevant Court order.

Section 53 of the Workers' Rights Act 2019 provides that a male worker is entitled to 5 continuous working days' paternity leave upon the production of a medical certificate certifying that his spouse has given birth to his child and a written statement from him that his spouse and himself are living under a common roof. This benefit is also extended on a pro-rata basis to part-time male employees. The leave is on full pay for a worker having more than 12 months continuous employment. The application of this provision has been extended to all sectors of employment, including those covered by Remuneration Regulations. Under this section, 'spouse' is defined as a person with whom the worker has contracted a civil or religious marriage.

In 2020, the active population of Mauritius (aged 16 years and above) was 570,000, with 336,600 men and 233,500 women. These figures indicate that only 45.3% of women of working age were in the labour force, compared to 69.3% of men of working age (Statistics Mauritius, 2021a). In fact, the number of persons aged 16 years and over who were not part of the labour force was 431,600, which included 149,400 men and 282,000 women. The statistics indicate that there is a significant number of women who are not in the labour force, despite having widespread access to education. The 2019 IMF Article IV consultations with Mauritian authorities drew attention to the need to explore why a considerable proportion of women in the country are not making themselves available for employment, especially since women have had access to education and training and government has a policy of maternity and paternity leave and has introduced measures, such as a grant scheme on childcare provision.

Table 11: Labour force by age group and sex, 2018 and 2019

Age (years)	2018			2019		
	Male	Female	Both sexes	Male	Female	Both sexes
16 - 19	10.3	5.8	16.1	10.1	5.1	15.2
20 - 24	33.1	29.3	62.4	32.7	27.2	59.9
25 - 29	40.1	32.5	72.6	41.3	34.0	75.3
30 - 34	36.9	27.8	64.7	37.0	28.2	65.2
35 - 39	45.0	31.0	76.0	42.8	32.2	75.0
40 - 44	42.8	28.9	71.7	43.4	30.0	73.4
45 - 49	38.1	23.9	62.0	38.8	25.8	64.6
50 - 54	41.1	22.7	63.8	40.3	22.6	62.9
55 - 59	37.1	17.9	55.0	38.2	19.1	57.3
60 - 64	19.3	7.3	26.6	21.1	8.1	29.2
65 - 69	6.1	2.8	8.9	5.5	2.4	7.9
70 - 74	2.1	0.8	2.9	2.6	1.2	3.8
75+	0.8	0.3	1.1	0.9	0.4	1.3
Mauritian labour force	352.8	231.0	583.8	354.7	236.3	591.0
Foreign labour force	21.3	8.1	29.4	24.5	6.2	30.7
Total labour force	374.1	239.1	613.2	379.2	242.5	621.7

Source: Continuous Multi-Purpose Household Survey (CMPHS), Statistics Mauritius

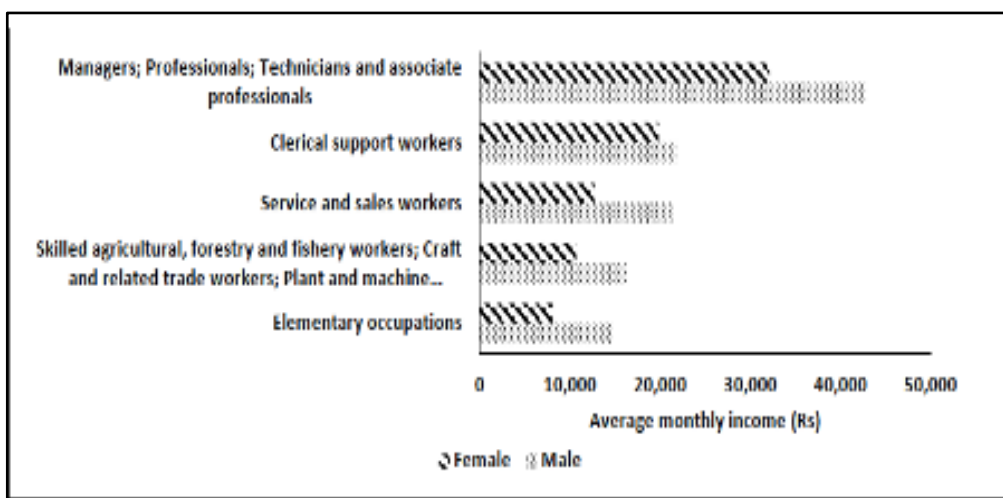
A World Bank study (2019) titled *Mauritius: Earnings Mobility and Inequality of Opportunity in the Labor Market* highlighted the increase in income inequality in Mauritius over the past decades which was driven by a progressive shift from traditional and low-skill sectors to services. The study showed that women generally experience less mobility than men with similar characteristics and that

women are less likely to access employment in general, especially full-time employment.

In another World Bank report titled *Fostering Labour Force Participation among Mauritian Women – Quantitative and Qualitative Evidence*, Gaddis and Ranzani (2020: 10) note that the share of single women who participated in the labour force was about as high as that of men, estimated at 78.3% in 2018. By contrast, married women are significantly less likely to remain in the labour force and the average participation rate among married women was estimated at 52.6% in 2018. The gap between married and single women expands early in women’s life cycle, reaches a peak at around age 25 and virtually closes after age 55, as Mauritians approach the eligible age for the basic retirement pension (Gaddis and Ranzani, 2020: 10). This pattern might indicate that marriage, pregnancy, and childcare deter women from (re)entering the labour market because of prevailing social norms and gender roles that attribute the primary role of caregiver to women (World Bank, 2017). There is a need to close the gender gap in employment. It is not only an equality issue but also represents an underutilisation of human capital, loss of revenue and impacts on economic growth.

Women also, on average, tend to earn less than men. In 2018 for instance, women earned Rs 18,600 per month compared to Rs 24,400 earned by men. The gender pay gap was 24%, implying that women earned 76% of what men earned. There is a gap in earnings between women and men across all occupational groups. In the occupational category of managers, professionals and associate professionals, women earned on average 75% of what men earned. In elementary occupations, women earned around half of what men earned (Statistics Mauritius, 2020b).

Figure 1: Average monthly income (Rs) by occupational group and sex, 2018



Source: Statistics Mauritius (2020b)

Table 12: Average monthly income (Rs) of employees by industrial sector and sex, 2018

Industrial Sector	Male	Female	Both Sexes
Primary	18,800	10,700	17,000
Secondary	19,200	13,800	17,600
<i>of which Manufacturing</i>	<i>20,300</i>	<i>13,500</i>	<i>17,300</i>
<i>Construction</i>	<i>15,900</i>	<i>15,100</i>	<i>15,900</i>
Tertiary	26,900	19,600	23,600
<i>of which Wholesale and retail trade</i>	<i>18,100</i>	<i>15,100</i>	<i>16,800</i>
<i>Accommodation and food service activities</i>	<i>20,200</i>	<i>13,900</i>	<i>17,800</i>
<i>Transportation and storage</i>	<i>27,400</i>	<i>26,600</i>	<i>27,200</i>
<i>Public administration and defence</i>	<i>32,900</i>	<i>30,200</i>	<i>32,100</i>
<i>Education and Human Health & social work activities</i>	<i>34,600</i>	<i>24,700</i>	<i>28,400</i>
All Sectors	24,400	18,600	22,000

Source: Statistics Mauritius (2020b)

Mauritius therefore needs to come up with more women-friendly social policies that will foster women's participation in the labour market and reduce the gender wage gap. The availability of affordable childcare and eldercare could help at this level, as well as flexible work schedules. There is also a need for greater awareness and focus on successful career women as role models in order to help shift existing norms and cultural beliefs on the employment of women in high paid jobs that often entail long office hours. Career promotion and leadership development programmes for women may also help them to prepare for a career in the private sector.

The State has adopted measures to enable greater flexibility for workers. The following flexible working time arrangements has been introduced in the Workers' Rights Act 2019:

Compressed hours

A worker on piece work or task work shall be deemed to have performed a normal day's or week's work, if he completes the task assigned to him within a shorter period of time and he shall be guaranteed wages due for the whole day or week, as the case may be.

Flexi time

The introduction of flexible time arrangements, with a view to better respond to the operational requirement of enterprises and to reconcile work and family responsibilities.

Although the Worker's Rights Act 2019 was recently amended to include flexible working time arrangements, stakeholders pointed out that there is still a lot of confusion as to the rights of working women and there have been instances of complaints and backlash against women who opted for flexible working hours as some employers did not abide by the regulations. The stakeholders stress on the importance of educating working women on their rights as per the Worker's Rights Act. There is also a need for strict monitoring to ensure that employers abide by the law and workers are also able to report instances of abuse.

Shift work

- (i) Workers should not be required to perform night work on more than 5 consecutive nights.
- (ii) Payment of a night shift allowance of 15% of the basic wage in addition to the normal day's wage.
- (iii) Provisions shall be made in some Remuneration Orders to provide for different hours where work is performed on night shift such as hospitality, ICT/BPO sectors.

In June 2015, the Ministry of Labour, Human Resource Development & Training (MLHRDT) introduced the Back To Work Programme (BTWP) for women above 30 years' old who wish to join and/or return to the labour force, after having left their jobs for one reason or another.

The objectives of the BTWP are to:

- (a) ensure that Mauritian women above 30 years of age can have employment in private enterprises or with individual employers;
- (b) help women gain back their self-confidence and learn to integrate or re-integrate the labour market by undergoing a training programme designed to build or re-build self-awareness, self-esteem, social responsibility and entrepreneurial skills and to strengthen interpersonal and communication skills; and
- (c) to arrange for the employment of unemployed Mauritian women in private enterprises or with individual employers.

Criteria for eligibility of Women

Mauritian women should:

- Be aged above 30 years
- Be unemployed for 30 days or more at the time of registration
- Be registered as unemployed at the Employment Information Centre (EIC)
- Be registered on the Back to Work Database

- Not be benefitting from any other Employment and Training scheme

Benefits to Women

- Placement for 12 months in private enterprises or with individual employers, after which, the women may be employed
- Opportunity to follow training in a registered institution
- Payment of stipend during placement of 12 months

Benefits to Employers

- Free access to the database of unemployed women
- Support in the recruitment of women
- Refund of the monthly stipend up to a maximum of Rs10,575 payable per women for a maximum of 12 months placement
- Refund of the training cost up to a maximum of Rs7,500 per women

Employers participating under the Back To Work programme should be private companies including SMEs.

Since February 2015, a monitoring team has been set up at the Ministry of Labour, Human Resource Development & Training to monitor the placement of trainees and also deal with any anomalies and queries received from trainees placed under the Back To Work Programme in private enterprises.

Table 13: Progress Report of the BTW programme - June 2015 to 31 July 2021

Total No. of Women Registered	5169
No. of Women placed	1328
No. of Women not yet placed	2829
No. of Women who have completed their one year placement	1230
No. of Women who got permanent job	670
Total No. of Employers registered	806
No. of Employers participated	304

Source: Ministry of Labour, Human Resource Development & Training

Out of the 1230 women who have completed their one year's placement, 670 women representing (54%) have secured permanent jobs in private enterprises.

Training provided to women by the Ministry of Labour, Human Resource Development & Training

An “Induction to World of Work” training course focusing on soft, professional and computer skills was dispensed to 337 unemployed women registered under the Back to Work Programme. This one-week training was conducted region-wise in collaboration with the Mauritius Institute of Training and Development (MITD) from November 2016 to June 2017 in 12 batches with a view to build/re-build their self-esteem, self-confidence and communication skills and ultimately increasing their employability on the labour market.

In addition, to further empower these women and increase their employability in the labour market, technical courses are currently being dispensed to them by MITD. The courses are fully sponsored by the Ministry of Labour, Human Resource Development & Training and a stipend of Rs 6000 is paid to them at the end of the course. For the year 2018, 79 unemployed women under the BTWP were trained in Bakery/Pastry, Beauty Therapy, Hairdressing, Care of the Elderly and disabled Person and Early Childhood Care. For the year 2019, the Ministry trained 96 women in these technical courses.

The training courses for the year 2020/2021 are still ongoing. The course in Flower arrangement which has been added to the list has already been completed as well as the courses in Beauty Therapy and Hairdressing Techniques whereby 69 women have followed and completed the training courses. Unfortunately, due to the unforeseen circumstances caused by Covid-19 and the confinement period, the other courses such as Bakery and Pastry, Care for the Elderly and Disabled Person and Early Childhood Care which were supposed to end in May 2021 are still under way.

These initiatives taken by the Ministry to assist, train and empower women are laudable. However, there is a need to expand the range of training courses offered beyond the traditionally gender stereotyped areas of cooking and caring, to technical areas which offer better scope on the labour market, e.g. information technology, tourism, electronics, plumbing, mechanic, etc.

3.3.2 Unemployment

Women are over-represented among the unemployed in spite of having a lower labour force participation rate, making up 60.7% of the total unemployed in 2019 and 49.6% in 2020. The unemployment rate for women stood at 10.2% and 4.4% for men in 2019. In 2020, the unemployment rate for women was 11.1% whereas for men, the figure was 7.8% (Statistics Mauritius, 2021a). The Covid-19 pandemic led to job losses among both men and women, thereby affecting the rate

of unemployment. Average monthly income was also lower for women than for men – Rs 19,100 against Rs 25,100 for men in 2019 (Statistics Mauritius, 2020a).

Unemployed women tend to be more qualified than unemployed men, as indicated in Table 14. In fact, 7,100 (27.4%) unemployed women were holders of the School Certificate (SC) or Higher School Certificate (HSC) against 6,700 unemployed men (25.4%). Moreover, 5,700 (22.0%) unemployed women had attained tertiary level education compared to 4,600 (17.5%) unemployed men (Statistics Mauritius, 2021a).

Table 14: Unemployed persons by educational attainment, 2020

Educational attainment	Male		Female	
	Number	%	Number	%
Primary	5,100	19.4	4,600	17.8
<i>Below CPE</i>	<i>4,300</i>	<i>16.3</i>	<i>3,700</i>	<i>14.3</i>
<i>Passed CPE</i>	<i>800</i>	<i>3.0</i>	<i>900</i>	<i>3.5</i>
Secondary	16,600	63.1	15,600	60.2
<i>Form I - V but not passed SC</i>	<i>9,900</i>	<i>37.6</i>	<i>8,500</i>	<i>32.8</i>
<i>Passed SC</i>	<i>4,300</i>	<i>16.3</i>	<i>4,700</i>	<i>18.1</i>
<i>Passed HSC</i>	<i>2,400</i>	<i>9.1</i>	<i>2,400</i>	<i>9.3</i>
Tertiary	4,600	17.5	5,700	22.0
Total	26,300	100.0	25,900	100.0

Source: Continuous Multi-Purpose Household Survey (CMPHS), Statistics Mauritius

3.3.3 Disability

Legislation in Mauritius protects persons with disabilities. Mauritius ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in January 2010 and, enacted as well as amended several pieces of legislation ensuring the inclusion and representativeness of persons with disabilities in different spheres of society. Table 15 highlights the relevant legislation pertaining to persons with disabilities.

Table 15: Legislations pertaining to Persons with Disabilities

Legislations Pertaining to Persons with Disabilities
<ul style="list-style-type: none">• Training and Employment of Disabled Persons Act 1996,• National Council for the Rehabilitation of Disabled Persons Act 1986,• Building Control Act 2012,• National Disaster Risk Reduction and Management Act 2016,• Equal Opportunities Act 2008,• Copyrights Act 2014,• Special Education Needs Authority Act 2018,• Workers’ Rights Act 2019,• The Sports Act 2016,• Excise Regulations,• National Pensions Act 1976,• Protection from Domestic Violence Act 1997,• The Children’s Act 2020,• Society for the Welfare of the Deaf Act 1986,• Lois Lagesse Trust Fund Act 1983,• National Solidarity Fund Act 1991,• Courts Act 1945, Legal Aid and Legal Assistance Act 1973.

The Training and Employment of Disabled Persons Act 1996 imposes a duty to employ persons with disabilities (Section 13) and a duty to provide suitable employment (Section 14). The Training and Employment of Disabled Persons Act was amended in 2012 to lay emphasis on the need to educate and sensitise employers on the importance of employing persons with disabilities and to remove barriers or prejudices with regard to the employment of persons with disabilities. An employer with 35 or more workers has to ensure that he/she employs 3% of the workforce with persons with disabilities. Additionally, the Training and Employment of Disabled Persons Board has embarked on innovative strategic measures to bring greater awareness among employers as well as to establish a network with other training institutions.

The Building Control Act 2012 aims to enhance accessibility of persons with disabilities to public infrastructure. New regulations were introduced in 2017 providing for universal design requirements for construction of new buildings and those which will undergo renovations, requiring them to have a permit to improve accessibility for persons with disabilities and to ensure respect for gender differences. Additionally, the new Copyright Act 2014, domesticated the provisions of the 2013 Marrakech Treaty by making provisions, inter alia, for blind persons to have access to published works in an accessible format. The Equal Opportunities Act 2008 and other legislations prohibit discrimination, inter alia on the basis of impairment.

Government also provides a wide array of social benefits to persons with disabilities. These include a Basic Invalidity Pension to those with a disability of 60% or more. Individuals with severe disabilities and/or who are bedridden or require the constant care of another person, benefit from a Carer’s Allowance. Moreover, individuals who are bedridden and aged above 60 years, benefit from regular domiciliary visits of a doctor. Assistive devices such as wheelchairs and hearing aids are provided free of charge to persons with disabilities.

Persons with disabilities are also entitled to financial assistance, rebates on parking coupons, ICT training, scholarships, legal aid, opportunities for placement of the Service to Mauritius (STM) programme, among others. Mauritius also enacted the Special Education Needs (SEN) Authority Act in 2018. This Act ensures that children with disabilities have access to the best educational opportunities suitable for their specific needs and integrate mainstream education.

A Disability Bill is planned and under preparation. The proposed legislation will provide further protection to persons with disabilities, encourage access to tertiary education for students from low-income families and students with disabilities, and create a Rehabilitation Centre to cater for disabled patients following accidents and surgeries.

Data on disability was collected during the 2011 Population Census, where a person was recorded as a person with disability if he/she had any difficulty to perform a daily-life activity considered normal for his/her age. In 2011, the disability prevalence rate was 47.5 for men and 49.3 for women. Disability prevalence relates to the number of persons with disabilities in an age group to its corresponding population.

Table 16: Population with Disabilities, 2000 & 2011 Population Censuses

Sex	2000	2011
Male	20,576	28,987
Female	20,214	30,881

Source: Statistics Mauritius 2020(b)

The 2011 census revealed that women with disabilities were more disadvantaged than men with disabilities with regard to educational attainment. In 2011, nearly 31% of women with disabilities had no formal education nor had attended pre-primary school, whereas the figure was 14% for men. Moreover, only 19% of women with disabilities reached at least secondary level education when compared to 31% of men with disabilities (Statistics Mauritius, 2020b).

Table 17: Distribution of Population aged 2 years and above by Educational Attainment, 2011

Educational attainment	Population with disabilities	
	Male (%)	Female (%)
Nil and pre-primary	13.7	31.1
Primary	49.1	46.0
Secondary	29.7	18.1
University degree or equivalent	1.3	0.6
Specialised school for the disabled	5.5	3.4
Other & not stated	0.7	0.8

Source: Statistics Mauritius (2020b)

Women with disabilities are less active in the labour force than men with disabilities. In 2011, 2,542 women with disabilities were employed whereas the figure for men with disabilities was 5,893, despite the population of women with disabilities being larger than that of men with disabilities. The number of unemployed women with disabilities stood at 348, whereas 516 men with disabilities were unemployed.

Table 18: Distribution of Population with Disabilities aged 16 years & above by Economic Activity, 2011

Activity status	2011	
	Male (%)	Female (%)
Economically active	24.2	9.9
Employed	22.2	8.7
Unemployed	1.9	1.2
Economically inactive	75.4	89.6
Household duties	0.4	36.1
Studies	2.0	1.8
Disability	42.3	35.6
Retired	29.4	14.3
Other	1.3	1.8
Activity not stated	0.4	0.5

Source: Statistics Mauritius (2020b)

The data in Table 18 shows that 89.6% of women with disabilities were economically inactive and only 9.9% were economically active. 75.4% of men with disabilities were also economically active. A significant gender dimension that is highlighted in the statistics is that 36.1% of women with disabilities were engaged in household duties, indicating that patriarchy and gendered roles also affected women with disabilities. Disability therefore does carry a gender dimension in Mauritius, where women have a higher risk of being marginalised with regard to education and employment. The gender dimension of disability needs to be factored in at the level of planning and policy making as women with disabilities seem to suffer from a double marginalisation.

There is currently no specific legislation that caters to the issue of double marginalisation of persons with disabilities of female gender. The Office of the Director of Public Prosecutions recommends that reliance may be made on the following pieces of legislation in a cumulative manner:

- 1) Discrimination on basis of disability: The Training and Employment of Disabled Persons Act 1996;
- 2) Discrimination on basis of sex: The Equal Opportunities Act 2008 and the Constitution.

3.3.4 Poverty

The feminisation of poverty is a growing problem in Mauritius. In 2017, 11.0% of the women population was living below the poverty line of Rs 7,509 compared to 9.6% for men (Statistics Mauritius, 2020a). In fact, out of the 131,300 people living in relative poverty, 70,800 were women whereas 60,500 were men. The 2017 Household Budget Survey also confirms that female headed households tend to experience a higher incidence of poverty than male headed households, 15.9% for women headed households compared to 7.6% for male headed households. It is to be expected that women who were already in a precarious situation may find themselves worse off with the Covid-19 pandemic and its effects on the economy.

To ensure that social integration keeps pace with economic development, Mauritius has recognised the need to move towards a new framework to guide development and economic growth and has adopted a six pillar strategy to combat poverty:

- Inclusive Economic Growth
- Investment in Education and Training
- Strong Social Security System
- Empowerment of poor families
- Halt to intergenerational transfer of poverty
- Combat Social Ills

A Marshall Plan to eliminate absolute poverty and reduce inequality has been elaborated by Mauritius. The Marshall Plan is a comprehensive national strategy to ensure the realization of the Government Programme, the Government's vision 2030, the African Union's Agenda 2063, and the 2030 Agenda for Sustainable Development, especially Goal 1: "End poverty in all its forms everywhere".

To enable the execution of the proposals of the Marshall Plan against Poverty in an attempt to promote social inclusion, reduce inequalities and vulnerabilities at national level, the Social Integration Division of the Ministry of Social Integration, Social Security and National Solidarity has worked towards the introduction of a series of new measures, programmes, schemes and activities, namely:

1. The introduction of a Social Integration and Empowerment Act 2016 and various Regulations relating to various empowerment schemes to address the problem of absolute poverty.
2. The setting up of a Social Register in Mauritius (SRM) in the names and other relevant particulars of every person who lives in absolute poverty are registered.
3. The establishment of new absolute poverty thresholds for eligible beneficiaries under the Social Register of Mauritius in 2016.
4. The introduction of a Marshall Plan Social Contract in December 2016 as the point of entry of eligible beneficiaries living in absolute poverty to benefit from the various empowerment schemes based on various conditions.
5. To eradicate absolute poverty, new absolute poverty thresholds were introduced for a family of two adults and three children with a minimum threshold of Rs 2,720 and a maximum of Rs 9,520.
6. The payment of a monthly subsistence allowance based on the new absolute poverty thresholds to ensure that the basic needs of people living in absolute poverty are effectively met.
7. The payment of other conditional cash transfers such as a monthly Child Allowance, School Premium, Free Examination Fees, School Materials and Crèche Fees as per new Regulations introduced. Such schemes act as an incentive to encourage eligible households to send their children to school so that they may complete their education, and enhance their employment opportunities.
8. The access to a wide-array of empowerment support services in terms of Education and Vocational Training, Employment and Livelihoods, Healthcare and Family Empowerment Programmes.

9. The provision of free access to Broadband internet to all families on the Social Register of Mauritius (SRM).
10. The provision of tablets to students from SRM families in Grades 10 to 13 to empower them in their studies.
11. The implementation of the Case Management Approach and Monitoring to promote the paradigm shift in the social protection in Mauritius rather than the promotion of 'assistanat'.
12. The establishment of the fully Concrete Social Housing Programme of 50m² for households who are owners of land and allocation of 10% of NHDC social housing units for landless ones as well as implementation of the "Upgrading of Houses" Scheme for those who already own a house.
13. Community Working Groups have been launched to provide a strong platform to regroup private and public partners, NGOs and the civil society to work collaboratively in the field for the advancement of the community.

Despite the advent of the COVID-19 pandemic, government maintained the payment of all conditional cash transfers to all eligible SRM households, who have signed a Marshall Plan Social Contract, thus enabling them to continue securing their basic income and support during the outbreak. There was also a policy decision to extend all Social Contracts, which were meant to terminate by the end of June 2020, up to December 2020 so that they can continue to benefit from various income and empowerment support. Vulnerable families, who felt that they required empowerment support, were encouraged to call at the Social Security Offices for registration under the SRM. The Registration of vulnerable families under the SRM remains open and is ongoing.

Temporary policy measures such as free distribution of food packs and facemasks were also part of the COVID-19 crisis response to all households living in absolute poverty registered under the SRM, as well as to other vulnerable families, including those who receive a Carers' Allowance, as well as residents of Homes and beneficiaries receiving the Basic Invalid Pension.

New budgetary measures 2021-2022 include:

- An upscaling of the absolute poverty thresholds from Rs 2,720 to Rs 3,000 for an adult and Rs 1,360 to Rs 1,500 for a child.
- Households earning a monthly income between Rs 10,500 and Rs 14,000 will be eligible to register for support under the National Database for Vulnerable Groups.
- Provision of free optical glasses to children aged up to 21 years old and free sanitary towels would be provided to girls from grades 6 to 13.

By adopting such measures, government aims to eliminate absolute poverty in Mauritius.

Alternatively, the National Social Inclusion Foundation (NSIF) has also set up a Fortified Learning Environment Unit with the aim to better support children from disadvantaged backgrounds in their education and thereby, respond to the negative impact of poverty on educational outcomes. NSIF is pursuing its efforts to positively respond to the holistic needs of socially deprived children from the age of 3 months to 16 years.

Moreover, support to Homeless Persons is being provided via the COVID-19 Solidarity Committee. This project constitutes the setting up of a Night Shelter and Residential Rehabilitation Centre for the benefit of homeless persons.

Other accompanying measures which have contributed towards raising the purchasing power and standard of living of households of the lower income group include:

- The introduction of the National Minimum Wage since January 2018.
- The introduction of the Negative Income Tax and Special Allowance to support workers in the informal sector so that they get an effective minimum income of around \$ 300 per month.
- The substantial increase in basic pensions since 2019.

The data provided by the Ministry of Social Integration, Social Security and National Solidarity (Social Integration Division) in Tables 19, 20, 21 and 22 shows that there are more women beneficiaries of the poverty alleviation schemes. Women tend to be more vulnerable to poverty and deprivation.

Ministry of Social Integration, Social Security and National Solidarity

(Social Integration Division)

Profiling of Beneficiaries - Recertified Eligible and New Cases, July 2021

Table 19: Number of Beneficiary Households by District & Gender

DISTRICT	FEMALE	MALE	TOTAL
MAURITIUS	1,841	1,451	3,292
RODRIGUES	981	781	1,762
Grand Total	2,822	2,232	5,054

Table 20: Number of Beneficiary Individuals by District & Gender

DISTRICT	FEMALE	MALE	TOTAL
MAURITIUS	7,386	6,328	13,714
RODRIGUES	3,717	3,115	6,832
Grand Total	11,103	9,443	20,546

Table 21: Number of Beneficiary Households by Marital status & Gender

DEMOGRAPHIC MARITAL STATUS	FEMALE	MALE	TOTAL
Consensual Union	144	486	630
Legally Divorced and has not remarried	192	7	199
Married Civilly and Religiously	327	1,060	1,387
Married Civilly only	66	468	534
Married Religiously only	24	76	100
Separated	1,441	80	1,521
Single	483	42	525
Unmarried Parent	116		116
Widowed and not remarried	29	13	42
Total	2,822	2,232	5,054

Table 22: Number of Beneficiary Households by Activity status & Gender

ACTIVITY STATUS	FEMALE	MALE	TOTAL
Contributing family worker	28	22	50
Disabled/invalid	23	81	104
Employee - casual	616	1,127	1,743
Employee - full time	34	77	111
Homemaker	1,716	74	1,790
Not working but looking for work	33	30	63
Retired	4	2	6
Self-employed - casual	304	623	927
Self-employed - full time	10	120	130
Other	54	76	130
Total	2,822	2,232	5,054

3.3.5 Time-use

Time is an important factor that determines the extent to which or whether women are able to take up paid employment and be financially autonomous. Within employment, whereas women now have more opportunities and inequality has been significantly reduced, women continue to bear a disproportionate burden of family caregiving responsibilities where they undertake most of the household chores. However, the family responsibilities that women face frequently undermine their career prospects and reinforce other gender-based discriminatory practices. Women undertake a 'triple role' because of their having to combine unpaid domestic duties with paid employment as well as community management activities (Moser, 1993). When the time spent on household activities is added to their time in paid employment, many married women have significantly less free time than their spouses. Time use is a major variable that helps analyse and understand how women spend their time and what are the implications of prevailing societal expectations in the country, especially on women's health, rights and on the family as a unit.

The study on *The Sociological Profiling of Perpetrators of Domestic Violence in Mauritius* commissioned by the Parliamentary Gender Caucus revealed that domestic violence was less likely to occur in households where male partners played an active and equal role and where there was a more equitable sharing of household duties (Koodoruth and Sultan, 2018). The 2018-2019 time use survey carried out by Statistics Mauritius shows that on the average, men spend 4.7 hours at work (all income earning activities) per day, almost twice that of women (2.5 hours). On the other hand, women spend more time on household chores

(housework and care of household members) than men (4.4 hours against 1.7 hours). At the level of the employed (those having paid jobs or working in their own businesses), men spend 6.8 hours per day at work and women 6.0 hours. Employed women spend 3.6 hours on household chores compared to only 1.7 hours by men. Furthermore, men spend an average of 5.6 hours per day on social, religious, cultural, sports and leisure activities compared to 5.3 hours for women. In terms of time devoted to self-care (including sleep) per day is about 11 hours, the results show no significant difference between men and women (Statistics Mauritius, 2021b).

A comparison with the data from the previous time use survey shows that in 2019, men spent slightly less time at work compared to 2003 (4.7 hours per day in 2019 compared to 4.9 hours in 2003). In contrast, women spent more time at work: an average of 2.5 hours in 2019 compared to 1.9 hours in 2003. Men are now more involved in household chores, with an average of 1.9 hours per day compared to 1.2 hours in 2003. Time spent on social, religious, cultural, sports and leisure activities has increased for both men and women. However, men still spend more time on such activities than women (Statistics Mauritius, 2021b).

Table 23: Average time spent on household chores by sex, 2018 – 19

Activities	Time spent per person daily (minutes)	
	Male	Female
Food and meals management and preparation	24.8	118.3
Cleaning & maintaining of own dwelling & surroundings	19.6	54.3
Do-it-yourself decoration, maintenance and repair	5.0	0.8
Care and maintenance of textiles and footwear	1.8	29.3
Shopping, pet care, payment of bills, etc	18.3	15.5
Childcare and teaching of children	10.3	28.2
Care of adults (sick or elderly)	1.5	4.1
Travel related to above activities	21.7	15.8

Source: Statistics Mauritius (2021b)

Table 24: Average time spent by category of activities, age group and sex, 2018 - 19

Activities	Time spent per person per day (hours)							
	12-24 years		25-59 years		60 years & above		All ages	
	Male	Female	Male	Female	Male	Female	Male	Female
Employment and related activities	2.4	1.8	6.4	3.6	2.2	0.5	4.7	2.5
Production of goods for own household use	-	-	0.1	-	0.1	-	0.2	-
Unpaid domestic services for household and family members	0.6	1.6	1.5	4.4	2.4	4.6	1.4	3.8
Unpaid caregiving services for household and family members	0.1	0.3	0.2	0.9	0.3	0.3	0.3	0.6
Unpaid volunteer, trainee and other unpaid work	-	-	-	-	0.1	-	-	-
Learning	3.1	3.3	0.1	0.1	-	-	0.8	0.8
Socialising and communication, community participation and religious practice	1.7	1.4	1.5	1.4	2.2	2.3	1.6	1.6
Culture, leisure, mass media and sports practices	4.5	3.9	3.5	3.2	5.1	4.7	4.0	3.7
Self-care and maintenance (including sleep)	11.6	11.7	10.7	10.4	11.6	11.6	11.0	11.0
TOTAL	24.0	24.0	24.0	24.0	24.0	24.0	24.0	24.0

Source: Statistics Mauritius (2021b)

The statistics in Tables 23 and 24 indicate that in present day Mauritian society, domestic chores are still overwhelmingly borne by women, although men do take on a certain degree of domestic duties. The unequal division of labour within the household implies that women spend less time at work in paid activities and more time at home in unpaid activities. This was confirmed by women in senior positions in government during the consultative meetings. Despite being professionals in high positions, domestic duties were still largely left to the women and this situation worsened during the two lockdowns and employees were working from home. The women professionals struggled to balance work and domestic chores. This state of affairs has implications for women's career growth, productivity and may also explain why many women are not active in the labour force, which represents a loss of human capital for the country.

3.3.6 Access to financial services and productive resources

Men and women in Mauritius have equal access to financial services and productive resources. Any form of discrimination including sex discrimination is illegal. Data provided by the Bank of Mauritius shows that fewer women than men hold a bank account in Mauritius and have recourse to loan facilities from banks. At the level of deposit accounts, the difference in the number of accounts held by men and women is 55,177. While this is not a drastic difference, it is nonetheless a matter of concern as to why some women do not have a bank account, especially when it is known that the number of women in the population of Mauritius is higher than men, given women's longer life expectancy. Women activists who were interviewed stated that many women in Mauritius are still not aware of their rights, including the fact that they can have their own bank account.

There are no restrictions placed on women for obtaining bank loans and various facilities are available to them. However, in the case of couples who are married in community of property, the law requires that both the woman and the man obtain prior authorisation from the spouse. The figures for loans reveal an even higher gender discrepancy as the number of loans taken by men exceeds that for women by 65,708. This is an area of concern which warrants further investigation and research as it concerns women's economic autonomy and empowerment. It is important to understand the extent to which women are aware of and have a good understanding of the credit facilities available and have the autonomy and decision-making power to avail themselves of and benefit from the facilities offered by government.

Table 25: Banking data as at December 2020

	Male	Female
Number of depositors by sex (banks)	1,006,856	951,679
Number of borrowers by sex (banks)	151,979	86,271
Staffing of the Bank of Mauritius	171	163

Source: Bank of Mauritius

Women and men also have equal rights to housing, land and inheritance and policies governing this sector are gender neutral. Sex disaggregated data on home and land ownership in Mauritius is not presently available. This is an important indicator of economic autonomy and empowerment and the gap in the available data needs to be addressed. At the consultative meetings, stakeholders did highlight the fact that both men and women apply for permits for land use, although sex disaggregated statistics are not available.

The government has instituted different schemes to assist the needy and vulnerable groups as well as all citizens with housing. In the last budget, further Incentives and tax rebates were announced to encourage and enable Mauritian citizens to become homeowners. The Ministry of Housing and Land Use Planning is responsible for the implementation of social housing programmes of the government. The National Housing Development Company Limited (NHDC Ltd) is the executive arm of the Ministry. NHDC housing units are sold to families of different income thresholds with varying subsidies from the government. The beneficiaries may also settle the cost of the houses either by cash or through government sponsored loans from financial institutions such as the Mauritius Housing Company (MHC) or from other lending institutions. All beneficiaries are granted a long-term residential lease expiring on the 30 June 2060 on the plot of State land. The NHDC Ltd has also embarked on a programme to rehabilitate high rise apartments with the aim of improving the living conditions of the inhabitants.

Additionally, the Ministry of Housing and Land Use Planning provides financial assistance for casting of roof slabs and purchase of building materials for households who own a plot of land but cannot afford to complete construction of their house which has reached up to beam level and for households who own a plot of land but cannot afford to start construction of a housing unit. The MGEFW refers cases for assistance with housing, mostly vulnerable women who have been victims of domestic violence to the Ministry of Housing and Land Use Planning. There is a need for a dedicated policy on housing for victims of domestic violence. Tables 26 and 27 provide data on the number of female-headed households that have benefited from the schemes.

Table 26: Breakdown of the female headed-households who have been allocated a NHDC housing unit during period January 2015 to date based on the latest submission of the NHDC Ltd.

Serial Number	Marital Status	No. of Female Headed- Households
1.	Divorced	357
2.	Married Religiously	6
3.	Separated	19
4.	Single with dependents	315
5.	Widow	223
	TOTAL	920

Source: Ministry of Housing and Land Use Planning

Table 27: Breakdown of female headed-households who have benefitted from financial assistance for casting of roof slab grant schemes from January 2015 to date based on the latest submission of the NHDC Ltd.

Sn	Marital Status	No. of Female Headed-Households
1	Divorced	249
2	Married Civilly	699
3	Married Religiously	56
4	Separated	72
5	Single	895
6	Widow	528
	Total	2,499

Source: Ministry of Housing and Land Use Planning

The Ministry of Social Integration, Social Security and National Solidarity offers a Social Housing Support scheme which aims to improve the living conditions and environment for vulnerable families eligible under the Social Register of Mauritius. Families registered under the Social Register of Mauritius who own a plot of land but do not have the means to build a house can benefit from the Fully Concrete Housing (FCH) scheme. This scheme provides for funding up to Rs. 900,000 for the construction of houses of a minimum size of 40 square metres to 50 square metres.

3.3.7 Access to entrepreneurship opportunities

Women are being encouraged to become involved in entrepreneurship activities. There are a few schemes available, from which individuals can seek assistance. Schemes targeting specially women include those offered by the National Women Entrepreneur Council (NWECC) which is a parastatal body operating under the aegis of the Ministry of Gender Equality and Family Welfare since 1999. The NWECC acts as a driver and facilitator towards empowering women entrepreneurs. As at date, 950 active women entrepreneurs are registered with the NWECC. With a view to promote entrepreneurship among youth, including young women, the Ministry of Youth Empowerment, Sports and Recreation has organized training programmes in Entrepreneurial Skills for 562 young people aged 17 to 35 years old in 2019 and 2020, out of which there were 215 young girls. (Source: Annual Statistical Report 2019 and 2020, MYESR).

The Development Bank of Mauritius Ltd. offers a loan scheme to women entrepreneurs who are registered with the SME Registration Unit of the Ministry of Business Enterprises and Cooperative and/or the Small Planters Welfare Fund. The loan is to a maximum of Rs 500,000 with an interest rate of 0.5% per annum and a repayment period of up to seven years. The financing is towards 90% of the cost of the project.

Moreover, the Business and Enterprise Division of the Ministry of Industrial Development, Small and Medium Enterprises and Cooperatives has developed a 10-year master plan to enhance women-friendly infrastructure and business environment. The data in the table below shows that women are registering as entrepreneurs at the Ministry, although the trend shows that more men than women register.

Table 28: Number of Registered Entrepreneurs at the SME Registration Unit of the Ministry of Industrial Development, SMEs & Cooperatives (SMEs Division)

Registration of Entrepreneurs	Men	Women	Total
January 2020 to December 2020	2,158	1,954	4,112
January 2021 to May 2021	676	550	1,226

Source: Ministry of Industrial Development, Small and Medium Enterprises and Cooperatives

Some NGOs have also been providing training in entrepreneurship skills to women. Gender Links Mauritius, for instance, has been training women survivors of GBV on life skills and entrepreneurship. The training included components such as confidence building, decision making, business management, use of

information technology and underlying the structural inequalities between women and men. The main aim was to improve the personal and economic agency of survivors of GBV. We Empower, an NGO set up in 2019, trains women from diverse backgrounds to be entrepreneurs, equipping them with the necessary skills.

3.3.8 Women in managerial and leadership roles

Men currently form the majority of staff in senior positions in government services, as indicated in Table 29. The proportion of women holding these senior positions has fluctuated since 2010. The figure increased gradually from 39.3% in 2010 to reach 45.3% in 2014. However, the overall figure for women’s presence in senior positions in government services has declined after 2014, to reach 40% in 2016 and 36.6% in 2017. The figure rose to reach 39.7% in 2020 (Statistics Mauritius, 2021).

Table 29: Proportion of men & women in senior positions in government services, 2010-2020

Year	Men (%)	Women (%)
2010	60.7	39.3
2011	62.9	37.1
2012	59.3	40.7
2013	60.2	39.8
2014	54.7	45.3
2015	59.9	40.1
2016	60.0	40.0
2017	63.4	36.6
2018	63.0	37.0
2019	60.9	39.1
2020	60.3	39.7

Source: Survey of Employment in Government Services, Ministry of Gender Equality and Family Welfare

The data in Table 29 includes the following senior positions in government: Senior Chief Executive, Permanent Secretary, Deputy Permanent Secretary, Director, Manager, Judge and Magistrate. Currently, in the administrative cadre and at top management level in the civil service, female officers make up 57% of Assistant Permanent Secretaries, 64% of Deputy Permanent Secretaries, 49 % of

Permanent Secretaries and 27% of officers at the rank of Permanent Secretary and above¹⁵.

Table 30: Distribution of employed population by employment status and sex, 2020

Employment status	Male (%)	Female (%)
Employer	1.2	0.7
Own Account Worker	17.4	11.2
Employee	79.4	83.4
Contributing Family Worker	2.0	4.7

Source: Continuous Multi-Purpose Household Survey (CMPHS), Statistics Mauritius.

The data in Table 30 shows that women were more likely than men to be employees, with 83.4% of the female workforce in that employment status as compared to 79.4% for the male workforce. Women were also less likely than men to work for themselves. Some 18.6% of working men were employers or own account workers compared to 11.9% for women.

¹⁵ Source: Prime Minister's Office – 2021.

Table 31: Employment by industry & sex, 2018-2019¹⁶

Industry (section)	2018			2019		
	Male	Female	Total	Male	Female	Total
Agriculture, forestry and fishing	27.6	13.4	41.0	29.7	10.6	40.3
<i>of which sugarcane</i>	8.9	3.2	12.1	7.2	1.8	9.0
<i>Non sugar</i>	18.7	10.2	28.9	22.5	8.8	31.3
Mining and quarrying	2.1	0.1	2.2	2.1	0.2	2.3
Manufacturing	53.7	43.7	97.4	60.5	35.8	96.3
<i>of which Sugar</i>	1.3	0.0	1.3	1.0	0.0	1.0
<i>Food</i>	10.5	7.8	18.3	10.5	8.6	19.1
<i>Textiles</i>	19.3	27.3	46.6	22.2	19.0	41.2
<i>Other</i>	22.6	8.6	31.2	26.8	8.2	35.0
Electricity, gas, steam & air conditioning supply	2.1	0.1	2.2	2.2	0.2	2.4
Water supply; sewerage, waste management & remediation activities	3.1	0.2	3.3	2.6	0.4	3.0
Construction	35.8	4.4	40.2	42.6	1.4	44.0
Wholesale & retail trade; repair of motor vehicles & motorcycles	60.8	35.3	96.1	56.0	40.2	96.2
Transportation & storage	31.5	7.9	39.4	34.7	4.9	39.6
Accommodation & food service activities	26.8	14.8	41.6	25.6	18.4	44.0
Information & communication	9.9	7.7	17.6	11.6	6.6	18.2
Financial & insurance activities	6.6	6.9	13.5	6.3	7.6	13.9
Real estate activities	1.2	0.3	1.5	0.9	0.6	1.5
Professional, scientific & technical activities	7.6	5.0	12.6	7.2	5.8	13.0
Administrative & support service activities	15.9	9.4	25.3	15.4	10.1	25.5
Public administration & defence; compulsory social security	31.0	11.3	42.3	30.9	13.4	44.3
Education	14.3	17.7	32.0	11.1	20.7	31.8
Human health & social work activities	9.5	10.3	19.8	8.2	12.0	20.2
Arts, entertainment & recreation	8.8	3.5	12.3	8.2	4.0	12.2
Other service activities	9.1	23.8	32.8	7.8	25.5	33.3
Total	357.4	215.7	573.1	363.6	218.4	582.0

Source: Continuous Multi-Purpose Household Survey (CMPHS), Statistics Mauritius.

¹⁶ Data includes Mauritians and foreign workers

The data in Table 31 indicates that men predominate in most sectors of activity except for the 'caring' areas of activity namely the sectors of education, services and human health and social work activities where women outnumber male employees. Gender-based stereotypes still channel women and girls into the 'caring' professions. This is an area to be explored further, especially with regard to the skills mismatch in the Mauritian job market and the need to channel women and girls towards a more diverse range of careers and professions. Women are underrepresented in the police force although there has been gradual progress. The percentage of women police officers increased from 5.7% in 2008 to reach 9.3% in 2018 (Statistics Mauritius, 2018b). At the level of the judiciary, the proportion of women among judges and magistrates increased from 45% in 2008 to 60% in 2018, showing clear and marked progress (Statistics Mauritius, 2020b).

Women tend to be underrepresented in leadership and decision-making positions in the private sector. Data from 2015 shows that the proportion of women holding senior positions in the private sector was about 8%¹⁷. The report of the 2018 and 2020 Surveys on Directors' Fees and Board Composition, undertaken by the Mauritius Institute of Directors (MIoD) in association with Korn Ferry (2019 and 2021), revealed that women had a minority presence on boards and sub-committees. Of the 523 directorships reported in the survey, only 10.1% were held by women. In 2018, only two chairpersons from the survey sample were women and 8.7% of board members overall were women. In 2020, women held 6% of Chair roles and made up 13% of board members. This is an area to be explored further, as these statistics will be helpful for planning and policy making purposes. It is known that women are in minority on the boards of private companies. These companies have traditionally been family businesses and male representatives of the families owning shares in these corporations are mainly present on the boards, thereby highlighting the prevalence of patriarchy at the level of governance and decision-making.

During the consultations with representatives from the business sector, stakeholders indicated that they are working towards achieving a better gender balance in decision-making instances. Business Mauritius, for instance, has set up a gender committee that identifies micro level actions to drive change. The Mauritius Commercial Bank has also been working towards gender equity and gender mainstreaming. The Mauritius Institute of Directors is working towards improving women's presence in leadership positions. A Women Directors' Forum was launched in 2015 and more recently in October 2021, a Women's Leadership Academy has been launched. The Academy is a 3-day programme that will help women leaders define their personal brand and step out of their comfort zone with confidence and assertiveness. The programme offers on the job mentoring

¹⁷ The Top 100 Companies, 2015 Edition, La Sentinelle - cited in Statistics Mauritius (2020b).

and coaching and will also create a directors register inclusive of a pool of women equipped with essential skills, coached and equipped to be members of boards. The principal aim is to create a pool of women directors. Business Mauritius is also working towards setting up a gender observatory which will be driven by the private sector. The gender observatory will be responsible for training and empowering women.

3.3.9 Agriculture

With economic diversification, the significance of the agriculture sector to the Mauritian economy has declined since the 1970s. Nonetheless, the sector remains important especially for poverty eradication, food security and assuring environmental sustainability (UNDP, 2017). Mauritius imports most of its food needs, rendering the country highly vulnerable to fluctuations in international food prices and supply. The vision of the Government of Mauritius is to increase food production to tackle the vulnerability driven by the dependence on imported food. Some the land released through the reform in the sugar cane sector is being devoted to the cultivation of food-crops, including large-scale production of vegetables by clustering production to address current fragmentation of small planters. Emphasis is also being placed on the development of agri-business SMEs; the promotion of organic agriculture; and safety, quality and innovation issues.

One of the main challenges for the agriculture sector in Mauritius is to increase productivity and diversification of the sector, while taking into account the adverse environmental impacts of agriculture. Environmental externalities span from soil degradation due to sugar mono-cropping and the use of pesticides and other agrochemicals, to water stress and pollution due the intrusion of saltwater in groundwater aquifers which constitute the main source of water to the sector (UNDP, 2017). As such it is important to ensure that gender is mainstreamed in the plans and policy making for the agriculture sector.

The findings of the 2014 Census of Agriculture show that 76.8% of household farmers were males in the Island of Mauritius compared to 57% in the Island of Rodrigues. Moreover, the majority of farmers fell in the age group of 40 years and above, indicating that fewer younger people are engaging themselves in the agricultural sector. The household farms in Mauritius comprised 38% male and 62% female paid employees. In Rodrigues, the paid employees of the household farms were made up of 67% males and 33% females.

A gender analysis of the 2014 Census of Agriculture commissioned by the Food and Agriculture Organisation (FAO) revealed that the agriculture sector is still highly male dominated with 63% of household agricultural workers in Mauritius and 53% in Rodrigues being men (Joosery, 2017). Of all household agricultural

workers, 69% worked on small farms and more than 95% worked on only one farm. The gender gap in the rate of participation of household members working in the agricultural sector was 26% in Mauritius and 6% in Rodrigues (Joosery, 2017). Women comprised of 57% of paid employees in the agricultural sector. The study also revealed that men were the primary decision makers in the agricultural sector in Mauritius at 72%, and 57% in Rodrigues. Furthermore, of the 66,450 hectares of land occupied by 23,343 household farms in Mauritius and Rodrigues, only 5,175 hectares were occupied by female farmers, constituting of 8% of land owned, leased or rented for agricultural purposes and only about 20% of women had access to agricultural implements. Moreover, the agricultural sector was a key source of income for women in Rodrigues with the contribution of female-headed household to total income being 50% compared to 13% for Mauritius (Joosery, 2017).

Data from the Digest of Agricultural Statistics shows that more men are employed in large establishments in the agricultural sector.

Table 32: Employment in the agricultural sector (large & other than large establishments) – Republic of Mauritius, Year 2018 & Year 2019

Sector	Large establishments			Other than large establishments			Total employment		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
2018									
Sugar cane	5,600	1,400	7,000	3,300	1,800	5,100	8,900	3,200	12,100
Other agricultural activities	5,000	1,400	6,400	13,700	8,800	22,500	18,700	10,200	28,900
TOTAL	10,600	2,800	13,400	17,000	10,600	27,600	27,600	13,400	41,000
2019									
Sugar cane	6,100	1,200	7,300	1,100	600	1,700	7,200	1,800	9,000
Other agricultural activities	4,100	1,400	5,500	18,400	7,400	25,800	22,500	8,800	31,300
TOTAL	10,200	2,600	12,800	19,500	8,000	27,500	29,700	10,600	40,300

Source: Statistics Mauritius (2019)

Furthermore, women had lower access to land with almost all agricultural lands in the Islands of Mauritius and Rodrigues being owned, rented or leased by male farmers. Of the 66,450 hectares of land occupied by the 23,343 household farms in the Republic of Mauritius, only 5,175 hectares (8%) were occupied by females (Joosery, 2017). Fewer women are formally registered as farmers, only 13% in Mauritius and 43% in Rodrigues (Joosery, 2017). When women farmers are not registered, they are not able to participate in formal decision-making bodies in the agricultural sector.

The Government is committed to gender mainstreaming at all levels. The Ministry of Agro Industry and Food Security developed a Gender Policy Statement in 2011

to operationalise the National Gender Policy Framework in relation to the agricultural sector. The Gender Policy has, however, not been fully implemented (Joosery, 2017). In fact, key challenges and barriers to gender mainstreaming in the agricultural sector include a poor understanding of the concepts of gender and gender mainstreaming at all levels, from high level technical staff to the grassroots (Joosery, 2017). There is also insufficient gender disaggregated data on the agricultural sector. Women farmers need to be encouraged to register and also to participate in decision-making instances.

3.3.10 Fisheries

Small scale fisheries, in addition to small scale agriculture, are significant in terms of their impact on natural resources, employment and the local economy. Artisanal fisheries are carried out in the coastal waters around Mauritius, with about 3,000 professional fishermen exploiting distinct fishing zones, both in the lagoon and off-lagoon (UNDP, 2017). The fishing banks located along the Mauritius Seychelles Ridge and include the Saya de Malha and Nazareth Banks and the St Brandon group of islands constitute the most important source of frozen fish for Mauritius, representing 70 per cent of the total production for direct consumption (UNDP, 2017). Industrial fishing and processing of tuna is a major contributor to the fishing economy, with canned tuna representing more than 90 per cent of the export of Mauritian fish and fish products.

The Fisheries and Marine Resources Act 1998 (FMRA) provides the necessary legal framework for fisheries and marine living resources management. It makes provision for registration of fishers; collection of fisheries information; setting up of marine protected areas (fishing reserves and marine parks and reserves) and fish farming; prohibition of fishing by use of poisonous substances, spears or explosives; closed periods for net fishing and fishing of oysters; prohibition of fishing of undersized fish, crabs or lobsters in the berried state, turtles and marine mammals; prohibition of sale of toxic fish and fish products unfit for human consumption; import of fish and fish products; import of fishing vessels; and licensing of nets and fishing implements. Provisions are also made for licensing of local and foreign boats and vessels. A local boat or vessel will require a fishing licence to fish within Mauritian waters or on the continental shelf, in any fishery on the high seas and in the fishing zone of a foreign state. The Fisheries Protection Service and the National Coast Guard enforce provisions of the FMRA. The management of the bank of fisheries is subject to a catch quota imposed since 1994. Moreover, access to bank fishing resources is controlled by a licensing system.

Women are involved in the fisheries sector, but they are in a minority. There were 1801 men and 39 women fishers as at 6th August 2021¹⁸. The fisheries sector in Mauritius is still highly male dominated, although a few women are trying to make inroads and to earn their living by working in this sector. The Ministry of Blue Economy, Marine Resources, Fisheries and Shipping has 353 male staff and 138 women staff. Certain sections, including the Fisheries Protection Services and Mauritius Maritime Training Academy overwhelmingly have male staff, except for one woman Fisheries Protection Officer. Women predominate in administrative and scientific/technical positions. These examples highlight the predominance of stereotyping in occupations and activities undertaken by men and women employees.

During the consultative meetings with stakeholders, it was revealed that women in the fisheries sector often accompany and work with their husbands who are fishermen. However, very few fisherwomen are members of the fishermen's cooperative society. Most women also do not have a fisherman's card and license—only 20 out of 1800 fishermen. Actions are needed to encourage women in the fisheries sector to group together in the cooperative or federation so that their concerns could receive more focused attention and assistance given to them. There is also a need to collect gender disaggregated data on the fisheries sector. The fishing sector is affected by the rise in the temperature of the sea caused by climate change and the quantity of fish in the lagoons is declining. Consequently, fishermen/women have to venture further into the deep sea. In order to ensure safety when fishing in the deep sea, bigger and better equipped fishing boats become necessary. The fishermen/women will also benefit from formal training in life skills and more advanced technical skills in the fishing sector.

¹⁸ Source: Ministry of Blue Economy, Marine Resources, Fisheries and Shipping.

3.3.11 Education

The State of Mauritius recognises the right of everyone to education and has been providing free, universal, primary education since independence in 1968. The right to education is also enshrined in the Constitution. Section 37 of the Education Act 1957 provides for education to be mandatory for all children up to age of 16. Section 14 of the Constitution guarantees the right of a religious denomination or any other group to establish schools. Education has been free for the secondary level since 1977 and for full time undergraduate level at the University of Mauritius since 1988. Government began providing free tertiary education at undergraduate level in all public universities since January 2019. Moreover, the State has been providing free transport facilities to students to and from educational institutions since July 2005 in view of facilitating access to education for all. The welfare state enabled Mauritius to achieve gender parity in access to education.

In 2017, Mauritius introduced the nine-year continuous basic education across six years of primary education and the first three years of lower secondary education. The new education structure consists of four stages, namely:

1. Early Childhood Care and Education – duration 2 years (ages 3-4 years),
2. Basic Education – duration 9 years (ages 5-14 years),
3. Post Basic Education/Upper Secondary – duration 4 years (ages 14-18 years), and
4. Post-Secondary and Higher Education – duration at least two years (above 18 years).

Following the completion of two years of pre-primary schooling, all children aged 5 years begin primary schooling for the first six years of basic education (Grades 1-6). At the end of six years, students take part in the Primary School Achievement Certificate (PSAC) and then move on for three years of Lower Secondary education (Grades 7-9) and thereby complete the nine-year cycle of basic education. Once they complete the National Certificate of Education (NCE) examination, students can opt to pursue their secondary schooling in either general or technical education. Those opting for the general education will spend two years of Upper Secondary (Grades 10-11), after which they will write the Cambridge School Certificate (SC) examination. Success at SC level will enable them to pursue two years of further study (Grades 12-13) leading to the Cambridge Higher School Certificate (HSC) examination. Students who pass the HSC examination can then pursue studies at university either in Mauritius or overseas.

Boys and girls are equally likely to go to pre-primary and primary schools. In 2020, the Gender Parity Index (GPI) which measures the relative education

participation of boys and girls, was 1.0 for pre-primary, primary and secondary education, indicating no disparity (Statistics Mauritius, 2021a).

Table 33: Gross Enrolment Rates (%) by sex, Republic of Mauritius, 2020

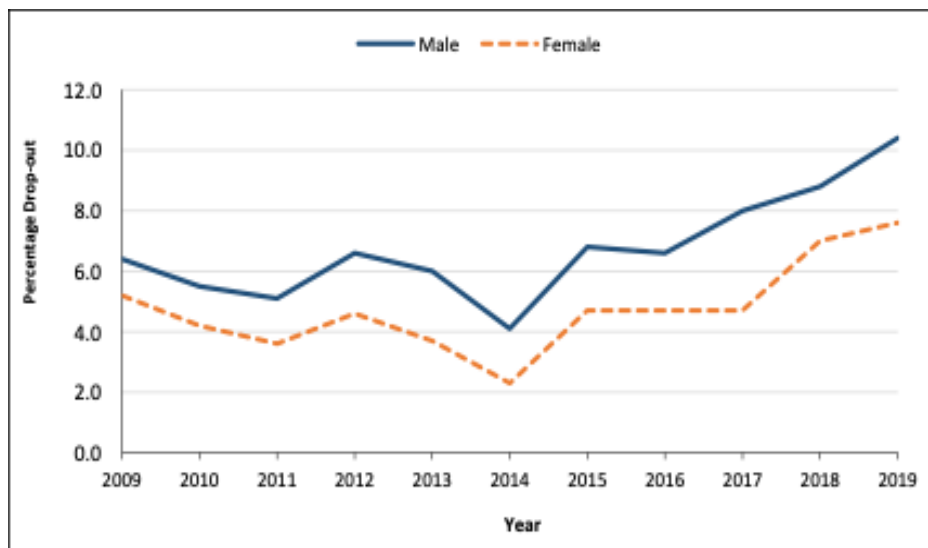
GER	Male	Female	Total	Gender Parity Index
Pre-Primary (4 - 5 years)	102	104	100	1.0
Primary (6 - 11 years)	95	95	96	1.0
Secondary (12 - 19 years)	72	69	76	1.0

Source: Statistics Mauritius (2021a)

At the end of primary schooling, girls generally perform better than boys at the Primary School Achievement Certificate (PSAC) examinations. The pass rate for girls was 79.2% against 68.7% for boys in 2020, which is a significant difference.

At secondary level, boys are more likely to be enrolled than girls although girls are less likely than boys to drop out from secondary academic stream. In 2020, the figure for dropouts for girls was 7.6% against 10.4% for boys.

Figure 2: Drop-Out Rate at secondary academic stream, Republic of Mauritius, 2009 - 2019



Source: Statistics Mauritius (2021a)

Girls are outperforming boys as evidenced by their higher pass rate at all levels. Although there is no overt disparity between the girl child and the boy child in Mauritius with regard to access to education, quality of education, high repetition and dropout rates remain some of the challenges facing the education sector in Mauritius. The data in Figure 2 shows that the dropout rate has been rising for

both girls and boys. It is important to understand why more boys are dropping out at secondary level and what can be done to prevent boys and girls from dropping out of the educational system.

Table 34: Pass Rate (%) at HSC, Republic of Mauritius, 2010 – 2019

At HSC level, the pass rate for girls exceeds that of boys significantly. Here again, there is a need to understand the factors that lead to differential educational performance for boys and girls and what can be done to enhance the success rates for all students. Of particular importance is the need to understand the culture of masculinity and whether it has any impacts on the educational performance of boys.

Source: Statistics Mauritius (2021a)

Year	Male	Female
2010	73.7	81.7
2011	75.3	82.3
2012	74.8	82.2
2013	73.9	80.8
2014	70.0	79.1
2015	72.0	77.8
2016	70.9	78.7
2017	69.5	77.9
2018	70.6	78.0
2019	70.8	77.8

Although tertiary enrolment for both girls and boys increased over time, the gap in favour of girls has been widening. In fact, there are more women than men enrolled in tertiary institutions. Tertiary enrolment, as measured by Gross Tertiary Enrolment Rate (GTER), rose from 16.0% in 2000 to 55.5% for women in 2019, and from 14.1% to 42.6% for men during the same period. In 2019, women enrolled in public, private and overseas tertiary institutions numbered 27,624, representing 55.6% of the student population which stood at 49,653 (Statistics Mauritius, 2021a). Hence, even at tertiary level, there is a need to understand the causes of the sex difference in enrolment rates.

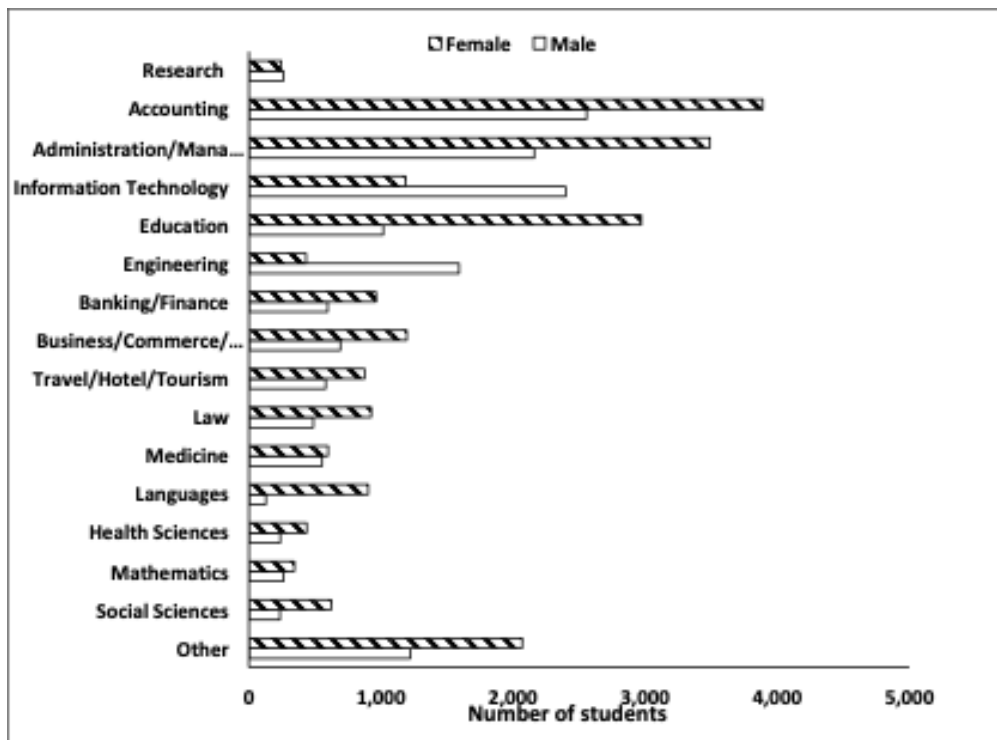
Table 35: No. of students enrolled in tertiary institutions by level, 2019

Enhanced access to higher education has not always translated into improved career opportunities for women. Although both men and women enrol for a Bachelor's Degree, fewer women are involved in higher degree research at PhD, MPhil and DBA levels. In 2019 there were 244 women enrolled in research degrees whereas the number of men was 259 (Statistics Mauritius, 2021a). As a result, women are under-represented in research.

Level	Male	Female	Total
PhD	135	128	263
MPhil	101	107	208
DBA ²	23	9	32
Masters Degree	1,625	1,834	3,459
Post Graduate Diploma	113	124	237
Post Graduate Certificate	133	404	537
Professional	1,898	2,809	4,707
Bachelor Degree	8,769	12,676	21,445
Diploma	2,023	2,920	4,943
Certificate	151	126	277
Total	14,971	21,137	36,108

Women tend to be under-represented in science-related fields such as Engineering (2.0% against 10.6% for men) and Information Technology (5.6% against 16.0% for men) whereas men were under-represented in Education (6.8% against 14.0% for women) and Languages (0.9% against 4.3% for women) (Statistics Mauritius, 2021a). Accounting was the most popular field of study for both men and women (17.1% and 18.4%). Information Technology was the second most popular subject for men (16.0%) followed by Administration and Management (14.4%) and Engineering (10.6%). Administration and Management was the second choice for women (16.5%) followed by Education (14.0%) and Business/Commerce and Marketing (5.7%) (Statistics Mauritius, 2021a).

Figure 3: Number of students enrolled in tertiary institutions by field of study, 2019



Source: Statistics Mauritius (2021a)

As indicated by the data in Figure 3, there are gender differences in the choice of field of study and eventually careers. There are fewer girls studying information technology and engineering and more girls opting for accounting and administration/management as well as education and social sciences. It is known that Mauritius is experiencing a problem of youth unemployment and unemployment is higher among women. In fact, as at November 2020, the number of unemployed with tertiary qualifications stood at 3,500 for men and 4,900 for women. It becomes important to channel the young people, both boys and girls towards fields of study that the job market currently needs. This will require greater gender awareness, especially how gender-based stereotypes channel women and girls towards caring professions and discourage them from opting for professions that have traditionally been male dominated. The skills mismatch represents a loss for the Mauritian labour market and wasted human capital.

Table 36: Enrolment in Mauritius Institute of Training & Development (MITD) Centres, 2018

The situation is not very different at the level of technical and vocational education, where girls are less likely to enrol. In 2018, there were 6,973 students (of whom 73.8% were men) enrolled in publicly funded technical and vocational courses compared to 7,603 in 2017. Girls remain highly underrepresented in technical and vocational education.

Sex	Mode of Study			Total
	Full Time	Part Time	Apprenticeship	
Male	2,035	2,244	869	5,148
Female	584	761	480	1,825
Total	2,619	3,005	1,349	6,973

Source: Statistics Mauritius (2020b)

At the consultative meeting with stakeholders from the Ministry of Education, Tertiary Education, Science and Technology, officers of the Ministry informed the research team that stereotyped roles and images have been removed from educational materials, especially books. Also, all subjects are available to all students at primary level. Since the reforms in the educational system, infrastructural arrangements have been made for facilities for practical sessions in regional schools for subjects such as food and nutrition, fashion and fabrics, which were at one time exclusively offered to girls and for design and technology which was only available to boys. Moreover, pregnant teenage girls are encouraged to come back to school after the birth of their babies, although most of these girls tend to drop out. This is an area of concern and needs to be looked into, especially what can be done to help these teenage mothers to resume schooling after the birth of their baby.

Furthermore, there is a feminisation of teaching staff, which is becoming a gender issue as in some schools, there are no men staff. At the level of higher education, the Higher Education Commission has launched a research grant which supports women researchers in the sciences, in view of trying to breach the gender gap in science research and encourage more women to be engaged in research.

In the field of education, there is a need to understand the causes of boys' underachievement. Also, girls need to be encouraged to move away from gender stereotyped choice of subjects and careers. Here, there is a need for greater sensitisation on the social construction of gender roles among students and teachers. The Mauritius Institute of Education (MIE) includes gender components in its teacher training programmes. The Bachelors Degree in Education which is offered by the MIE has a gender component in the module Sociology of Education. Moreover, Sociology modules in the Postgraduate Certificate in Education (PGCE)

also have a gender component. However, gender has not been fully mainstreamed in the teacher training curriculum and gender mainstreaming has been planned at all levels. The Education Studies department at the MIE will oversee the gender mainstreaming process.

All teachers, from pre-primary to tertiary levels need to have a solid understanding of the gender concept and the impact of gender stereotyping on society and the economy, so that they do not unconsciously replicate gender stereotyping among their students and also in the wider family and social contexts. The youth of Mauritius need to be gender sensitive for the country to progress further. In this context, the education sector can make a major contribution.

3.4 Promoting equal participation and leadership

Whereas there has been an improvement in women's education, presence and participation in most spheres of activity, at the level of leadership and political representation, Mauritius still has a significant gender deficit. Women are still a minority in leadership positions in the country.

3.4.1 Gender and politics

Politics in Mauritius has been historically and still is highly male dominated. Women have been marginalised in Mauritian politics and there has been only slight progress in terms of women's representation in parliament. Progress is even less apparent at the level of women's presence in cabinet. According to Chiroro (2005: 1), Mauritius' only democratic deficit lies in its failure to put in place mechanisms that enhance the increased participation of women in politics. Patriarchal norms and institutions are still very much an impediment to women's emancipation in Mauritius (Ramtohul, 2017b). Hence, despite the existence of very little de jure discrimination operating against women, economic, social, and cultural barriers continue to hinder women from realising their full potential (Patten 2001).

Table 37: Number of seats held by men & women in parliament, 1967-2019 elections

Year	Men	Women
1967	69	0
1976	67	3
1982	61	5
1983	66	4
1987	65	5
1991	64	2
1995	60	6
2000	66	4
2005	58	12
2010	56	13
2014	61	8
2019	70	14

Source: Statistics Mauritius (2020b)

The longstanding low percentages of women on the Mauritian political scene reflect the surface of a deep-rooted pattern of exclusion of women from public life (Ramtohul, 2017b). As of August 2021, only 20% of seats in parliament were held by women. The low participation of women in national politics especially as candidates results in a small number of women members of parliament. This

further contributes to the low number of women in leadership positions, with even fewer women ministers, at present only 3 out of the 24 ministers are women.

Table 38: Number of seats won by alliance/party, 2019 election

Alliance/Party	Seats including Best Loser (BL)	Women	Men
Alliance Morisien (AM)	42	8 + 2 BL	30 + 2 BL
Alliance National (AN)	17	1 BL	14 + 2BL
Mouvement Militant Mauricien (MMM)	9	2 + 1 BL	6
Organisation du Peuple Rodriguais (OPR)	2	0	2
TOTAL	70	14	56

The two main alliances (Alliance Morisien and Alliance National) and the MMM had all filed 20% women candidates. Eight women were elected from the AM and two from the MMM.

Table 39: Number of elected members of Municipal Councils, 1985-2015

Although the number of women elected at Municipal Council elections has increased following the promulgation of the Local Government Act in 2011, the number of women mayors has remained low. In 2018, there was only one woman mayor whereas in 2020, there was no woman mayor in the five municipalities (Statistics Mauritius, 2020b; 2021a).

Year	Elected Members			
	Male	Female	Total	% of female
1985	119	7	126	5.6
1988	118	8	126	6.3
1991	119	7	126	5.6
1996	115	11	126	8.7
2001	109	17	126	13.5
2005	110	16	126	12.7
2012	57	33	90	36.7
2015	79	41	120	34.2

While it could be argued that strongly entrenched patriarchal norms and values in Mauritian society hamper the realisation of gender equality and gender equity in the country, culture in Mauritius appears to be rather resistant to major change which could make space for women in leadership positions. There seems to be a preference for the changes to be subtle, beginning at a micro level and gradually moving towards the macro level. This could explain why so far, political parties and women members of parliament have not ensured that at least part of the Constitution (Amendment) Bill (No XXII of 2018) regarding a better gender representation in the National Assembly was voted. This would have led to an

enhanced representation of women in parliament in the same way as in the case of the local authorities following the Local Government Act 2011.

The issue of electoral reform in Mauritius has been on the agenda of the various governments since 2000. However, political parties and their leaders have so far been unable to forge a consensus over electoral reform. According to Karam (1998), it is simpler to change the electoral system of a country via institutional reform than to alter the culture's view towards women. Electoral reform is therefore a major opportunity for Mauritian women to claim their space in parliament as it opens the issue to debate, criticism and change. Consensus has so far not been reached on electoral reform in the country.

Some women's organisations have been lobbying for more space to be made for women in parliament and more tickets to be allocated to women during elections. These women's organisations have provided training to potential women politicians in leadership and public speaking skills. Women in Networking (WIN) set up in 2006, has lobbied for a greater presence of women in parliament through its affiliated branch called Women in Politics (WIP). WIP organised courses to train women to assume leadership positions in greater numbers and to participate in active politics. Gender Links Mauritius has also been training potential women candidates. These women's groups also tried to promote the fielding of one woman candidate in each constituency which would have led to a 30% presence of women in parliament. However, there is a lack of solidarity between the different women's organisations countrywide, which ultimately weakens the women's lobby for political space. WIP was dissolved in 2014 whereas WIN is in the process of dissolution. WIP was assumed to have a political agenda and to be linked to a specific political party, which then hindered the collective agenda and work of the group.

There is a strong party line and strict control by party leadership of the actions of members of parliament and this control becomes more pertinent when the parties are in government. Such control hinders any progressive action towards gender equity which could have been taken by women parliamentarians. Little has changed with regard to gender equity in parliament and also at the level of political parties. In fact, there is a lack of mutual trust between women politicians and representatives of women's organisations which prevents them from forming a long-standing collaborative relationship. This turns out to be a major cause of the weak women's lobby with regard to political representation (Ramtohul, 2017b). There is also a need for greater solidarity and collaboration between women politicians across political parties in order to spearhead change in this area.

A Parliamentary Gender Caucus (PGC) was launched in March 2017. The Caucus has among its members, both men and women members of parliament, and aims

to work towards the promotion and attainment of gender equality by providing a platform for members of all political parties to deliberate on and advocate for gender equality. So far, the main output of the PGC has been to commission research reports on gender issues. It is important for women parliamentarians from the different political parties to work collaboratively to advance gender equality and gender equity in parliament and at a national level.

There is a need to educate and encourage the youth, both boys and girls, from a young age, to be interested in and engaged in the political affairs of the country. This could be done through the setting up of youth clubs in schools that are actively engaged in national issues and causes. Such initiatives will aim to portray the political and decision-making arena as one that is gender neutral where girls and boys can both participate on an equal footing.

3.4.2 Gender and the media

The portrayal of gender in the media is significant as it reflects the collective social conscience as well as promotes socially and culturally prevalent ideas about gender in the country. Historically, the media is perceived to have operated with a gender bias or imbalance as it has focused mainly on women's domestic, sexual and marital roles while less emphasis has been placed on women's careers and occasionally other women's issues have been highlighted. In fact, there could be a general impression that as a matter of rule women's professional accomplishments are given less importance in media coverage than those of men, although today women occupy a more prominent place in media coverage, albeit not intrinsically or at arm's length.

In Mauritius, women's presence as journalists has increased and there are quite a few women in senior positions in the media at the moment, reflecting notable progress in terms of women's representation in the media. Moreover, NGOs such as Gender Links Mauritius have been carrying out gender training for journalists in the different media houses in Mauritius in collaboration with Media Trust. The Media Trust has also been providing training to journalists and some of the training programmes cover gender issues. As such, journalists have been trained to cover women's issues and gender issues and are more gender sensitive. The Mauritius Broadcasting Corporation (MBC) has a gender policy and has integrated the gender concept in reporting. Gender Links Mauritius and Media Watch have worked with the advertising agency to ensure that advertisements were not sexist and those that were sexist have been reported. The Media Trust has, in fact, placed gender issues as one of the priority areas in its training plan and discussions are underway with the Ministry of Gender Equality and Family Welfare and other potential partners to walk the talk in terms of capacity-building and sensitisation.

Nonetheless, gender training for the media needs to be intrinsic and fully integrated in the overall training of journalists. It also needs to be strategic and operational so that journalists are well trained and prepared to cover gender issues in the media. Furthermore, it is felt and this is widely accepted among reporters, journalists and editors here, that there is a need for the media to play a greater role in shedding light on gender stereotypes and their detrimental effects on society and the economy.

It is important to stress on the transformative role media can play in the promotion of gender equality in the society. This can be achieved by producing gender-sensitive and gender-transformative content and simultaneously, break gender stereotypes. Media should focus on presenting women in leadership roles across sectors, and as experts on different subjects, not as exceptions but rather on daily basis.

The severity of gender-based violence needs to be reported in a stronger manner and more persuasively in the media. Although the media plays an important role in raising awareness about gender-based violence, it should also draw attention to positive stories of empowerment and resilience of those victims.

Moreover, media houses often work in competition with each other and this may not be conducive in fostering collaboration among media professionals. This state of affairs contributes to hamper progress towards a stronger gender component and voice in the media. Therefore, there is definitely a sharp case to build, thorough meaningful partnership involving all stakeholders, a gender balance/equality alliance within and across the media.

Another aspect which could be looked into is the use of social media and online platforms to sensitise about and fight gender-based violence. These digital platforms could be the means for victims to voice out their experiences in their own words and at the same time challenge stereotypes.

3.5 Integrating the women, peace and security agenda

Mauritius has been and still is a peaceful country. It has not been involved in any form of armed conflict on both the domestic as well as international fronts.

In June 2018, Mauritius became a party to a cooperation agreement that provides for a framework for the United Nations to build the capacity of the Indian Ocean Commission (IOC) in areas such as preventive diplomacy, conflict mediation and peace-building. One of the areas of focus of the agreement is gender equality and women's active participation in the peace process and the facilitation of the implementation of Security Council resolution 1325 (2000) "Women, peace and security" and the subsequent resolutions.

Furthermore, Mauritius approved the Southern Africa Development Community (SADC) Regional Strategy and Plan of Action on Women, Peace and Security (2018-2022) in 2018. It serves as an overall guide to mainstream gender into SADC Peace and Security Mechanisms and processes in order to address the specific challenges experienced by women and children. Women responsible for defence and security from different sections have been trained by the SADC Regional Peacekeeping Training Centre (RPTC). The training programme has a special module on gender balance and security.

On the local front, women tend to be present in lower numbers in occupations involving peacekeeping and security. Cultural and gender stereotypes still discourage women from taking up these professions and qualify them as masculine. Women are a minority in the Mauritius Police Force although there has been a gradual increase in the number of women police officers. The proportion of women in the police force increased from 5.8% in 2008 to reach 8.3% in 2019, implying that 91.7% of police officers are men (Mauritius Police Force).

There are also fewer women diplomats posted at embassies overseas. As at August 2021, there were 27 men and 15 women diplomats in overseas missions. At the level of Ambassador/High Commissioner, there were 13 men and 5 women. For countries classified as high risk, male diplomats tend to be posted at the embassies. Some women also decline to be posted at these missions abroad, but it is more difficult for male diplomats to refuse to be posted at these missions. Women are also not nominated on international peace and security missions of international and regional bodies such as the United Nations, African Union, SADC, etc. These nominations are made by the Prime Minister's Office and involve officers with military credentials, usually from the Mauritius Police Force. Some of these missions are also electoral observer missions.

At the level of the Prisons Services, the following actions have been taken:

1. An Open facility for Women located at Barkly has been inaugurated on 10.12.2015; that for men has been operational since 29.06.1963.
2. The Correctional Youth Centre (CYC) for Girls, a safe and secure correctional facility for juveniles up to the age of 18, was inaugurated on 27.04.2016. The construction of the CYC Girls is in line with the United Nations Convention on the Rights of the Child which establishes rights for all children less than 18 years of age (Article 1) and includes special protections for children in conflict with the law.
3. The number of constructive activities carried out in view of increasing the capabilities of women is very much at par with those in men's prisons. Furthermore, tailor-made vocational courses are being designed in collaboration with the Ministry of Gender Equality and Family Welfare to

train women detainees, particularly those on remand, to enable them to cope with the emerging challenges that arose during the Covid-19 Pandemic.

4. The Enhanced Earning Scheme that was introduced has enabled women detainees to save funds. The savings were helpful to ensure their livelihood after release together with their offspring.
5. Involvement of NGOs in Women's Prisons is more pronounced though a form of informal aftercare that is being undertaken to reduce the risk of relapse into criminality.
6. During the lockdown, there was much application of technological devices to facilitate communication with Courts of Justice in both Men and Women Prison.
7. Communication with families was enabled both for men and women through online communication (Skype Facilities).
8. Babies up to the age of five may be allowed to stay with their mother in prison. A Day Care Centre, Kids 'R' Kids, for children between 3 months to 3 years was set up on 24.05.2012. The Day Care Centre is located outside the women's prison but within the prison compound and is administered with the collaboration of the NGO Terre De Paix and the National Empowerment Foundation (NEF).

Children from 3 years to 5 years are thereafter allowed to attend a Municipal Pre-Primary School within the vicinity of Beau Bassin. During school holidays they are allowed to attend the Kids 'R' Kids Day Care Centre.

3.6 Climate change, the environment and digitalisation

This section looks at the gender dimensions of the environment and climate change. The next subsection will explore the gender dimensions of digitalisation.

3.6.1 Climate change and the environment

Mauritius is highly vulnerable to adverse impacts of climate change. The 2021 World Risk Report has ranked Mauritius as the 51st country with the highest disaster risk, out of 181 countries. Flooding is the second largest risk after cyclones, causing 20% of direct economic losses associated with disasters (World Bank, 2020). Impacts of climate change will have a negative impact on both women's and men's health and livelihoods. However, the impact on women will be more detrimental if gender inequalities are not addressed. Women are less involved in decision making than men and they have lower access to and control over services. As a result, women may be less able to confront vulnerabilities associated with climate change due to tradition and cultural barriers, gender insensitivity and lack of preparedness, among other factors.

The gender dimension of climate change is a relatively recent area of work in the Mauritian context. The Climate Change Act 2020, which came into force as of April 2021, has made provision for a department of Climate Change to take into consideration gender when it commissions studies on climate change. This will depend on the extent to which women are involved in decision making processes at all levels (micro, meso and macro). The Ministry of Environment, Solid Waste Management and Climate Change (MESWMCC) is mainstreaming gender in climate change projects. The following completed/ongoing projects which have taken/are taking gender aspect into consideration:

1. The National Climate Change Adaptation Policy Framework (2012) under the Africa Adaptation Programme (AAP), which has been updated in 2021, takes gender issues into consideration.
2. The Nationally Appropriate Mitigation Action (NAMA) project which is under preparation, will come up with a Gender Action Plan.
3. The Capacity Building Initiative in Transparency project which will start implementation by end of December 2021, makes specific recommendations for gender equality and is ensuring gender responsiveness.

In terms of climate change impact assessment, little has so far been published. Nonetheless, the authorities have been organising workshops, sensitisation and awareness raising campaigns which have involved women. The Ministry of Environment, Solid Waste Management and Climate Change (MESWMCC) is incorporating the gender dimension of climate change in awareness raising activities, targeting as well as involving women as agents of change in on-going

mitigation and adaptation programmes. Awareness-raising campaigns have been organised in collaboration with the NWC and women's associations.

- A sensitisation toolkit was developed in 2019 under the Third National Communication project to build adaptive capacity of the women community against climate change and includes best practices that can be implemented at household level in line with climate change adaptation principles. In collaboration with the National Women Council, a sensitisation activity was conducted with women leaders to fine tune the toolkit;
- A Climate Change Information Centre (CCIC) has been set up in July 2013. This Centre provides consolidated information on climate change which is accessible to the general public including women, students and NGOs.
- The CCIC also has a webpage which is easily accessible from the Ministry's website. It provides online access to consolidated information and reports on climate change to the public in general including women, students, youth, and senior citizens. The CCIC webpage also has a specific section dedicated for gender known as "Gender mainstreaming of climate change".
- The updated Nationally Determined Contribution has been submitted to the secretariat of the UNFCCC prior to the COP26 also includes Gender consideration as a cross cutting issue.
- In May 2019, a one day workshop on the theme "Women Empowerment in Disaster Risk Reduction and Enhancing Resilience against Extreme Weather", an initiative of the National Disaster Risk Reduction and Management Centre and the Mauritius Meteorological Services (MMS), was held. The aim was to empower women for preparedness as well as build their capacity for alternate livelihood means in post-disaster situations.

The UNDP is supporting a Green Climate Fund (GCF) project titled "Accelerating the transformational shift to a low-carbon economy in the Republic of Mauritius" that provides basic training on solar photovoltaic installation for women entrepreneurs. The latter can then integrate renewable energy in their business activities. It is imperative to mainstream gender in the energy sector and to include women in the energy workforce and ensure that they have access to energy. In fact, green energy can improve women's livelihoods and economic opportunities.

In the context of the greening of the economy, networking forums are being organised by the Ministry of Environment, Solid Waste Management and Climate Change (MESWMCC) (Environment and Climate Change Division) to raise awareness on the green economy concept and promote the sharing of information and knowledge on sustainable production practices. Women entrepreneurs are encouraged to network among themselves and identify opportunities for eco-entrepreneurship, replicate and up-scale green business ventures.

Through the SWITCH Africa Green project, a European Union initiative to support 7 African countries to transition to an inclusive green economy, awareness raising programmes are being organised to sensitise small entrepreneurs to green their businesses and seek opportunities to develop innovative eco-enterprises.

The project is implemented in both mainland Mauritius and Rodrigues. Initiatives carried out under the project have contributed to empower a group of 40 fisherwomen with the necessary capacity and skills to adopt a more sustainable livelihood. They have benefitted from capacity building exercises for the production of value added agro-products from local plant including chilli paste, soaps and scents, and herbs. Support provided to the fisherwomen through the project have empowered them to start up their own green businesses, thereby developing an alternative sustainable livelihood for themselves.

Under the SWITCH Africa Green project, capacity building exercises have also been provided to potential entrepreneurs to explore green business potential and opportunities. As such, around 800 potential entrepreneurs have been provided with the necessary technical and financial support to set up their own green businesses and create sustainable livelihoods. These will serve as a stepping-stone to boost the emergence of new businesses.

Climate change and environmental disasters represent a threat to women's health and livelihoods. A comprehensive study of the gender dimensions of climate change and environmental threats is necessary in order to understand the different impacts on men and women and devise appropriate and targeted policy measures. Mauritius has been experiencing floods, including flash floods with increasing frequency. These have affected many families, causing damage to homes and household and for some families, even food supplies were affected. The time use survey showed that women spend longer hours on household chores and the floods would have contributed to the triple burden on women especially for clean-up purposes. There is also the issue of renewing food supplies and women having to handle these domestic duties. Women are often responsible in the mitigation of the effects and adaption of climate change by supporting their families and societies.

Following the MV Wakashio oil spill on 06 August 2020, two foreign contractors namely Le Floch Depollution (LFD) and Polyeco Société Anonyme were appointed by the P & I Club for the cleaning operations along some 30km of affected coastline. LFD had involved around 150 workers, including local fishers and Polyeco around 200 workers, including local fishers. Cleaning operations started on 20 August 2020 for around 4 months and were completed early January 2021. Workers enrolled by the cleaning contractors were of diverse gender, ethnicity and social status. The presence and contribution of women played an important role in the success of the cleaning operations. The MV Wakashio environmental

disaster highlighted the impacts of environmental catastrophes on the livelihoods of the coastal communities in Mauritius and women were particularly affected. Many women were working in the informal sector, in supportive roles to their husbands in the fishing sector or making tourist products to be sold on informal beach stands.

3.6.2 Digitalisation

Mauritius has a well-developed Information and Communication Technology (ICT) infrastructure and network. Although sex disaggregated statistics on the ICT sector are not yet compiled, available data indicates that 91% of persons aged five years and above used a mobile phone, compared to 88% in 2018. Moreover, 68.3% persons aged twelve years and above were internet users, compared to 61.1% in 2018 (Statistics Mauritius, 2020c). 61.9% of persons aged twelve years and above owned a smartphone, compared to 52.9% in 2018 and the highest number of smartphone owners was in the age bracket 20 to 29 years. These statistics indicate that the process of digitalisation is ongoing in Mauritius and the population has access to digital technology, which is fairly widespread. There are no notable gender differences in access to digital technology so far.

The ICT sector has become the third pillar of the Mauritian economy in less than 15 years and is currently contributing to 5.6% of the country's GDP annually. It employs about 23,000 people with a value-added contribution of Rs22 Billion to the economy, out of which, Rs 9.6 billion constituted of exports of ICT goods and services (Ministry of Technology, Communication & Innovation, 2017). The ICT sector is growing at the rate of 4.4% and women are increasingly involved in this sector. The Mauritius Vision 2030 relies principally on the digital economy and lays much emphasis on innovation, creativity, sustainable development and high value addition. The country aims to see emerging 'technopreneurs' through ICT incubators. The BPO sector is opening new horizons and includes financial services and legal services while multimedia and apps development is a major trend.

For women to tap into these opportunities created by the ICT sector, girls need to be encouraged to opt for ICT and science subjects at school, as this sector offers greater opportunities in terms of employment and career prospects. There have been some recent cases of violation of privacy through the internet involving the posting and circulation of naked or near naked pictures of women on the internet and/or on social media. Pictures of young women were circulated on the Telegram application for example. Such forms of online invasion of privacy affects mainly women and young girls. Here, there is a need for greater sensitisation of the public, especially the youth who increasingly use ICT and smart phones, on ethics, the Data Protection Act 2017, Information and Communication

Technologies Act 2001, the restriction of freedom of expression as per Article 12(2) of the Constitution to protect the reputation and right to a private life.

Digital finance has the potential to reduce the time-poverty experienced by women, increase their decision-making power within households and facilitate women's economic empowerment through improved financial inclusion. However, barriers still persist in society especially in the form of social and cultural norms. Inherent biases within financial practices, products and services can obstruct women's economic empowerment, therefore, practices, processes, products and services need to be evaluated and assessed through a gendered lens (UNECA, 2021).

Moreover, the gap in financial knowledge widens for women, poor individuals and those with lower levels of education (UNECA, 2021). As such, it becomes important to boost financial literacy, through financial knowledge, attitudes and behaviour to ensure the financial inclusion of women. Systemic challenges and barriers cannot be fully addressed until women are equally represented in relevant decision-making bodies across the digital and financial sectors and related institutions (UNECA, 2021). In Mauritius, gender inequality gaps are still prevalent in the Science, Technology, Engineering and Mathematics (STEM) fields and at the level of political representation and ministerial portfolios. The latter are an integral aspect in mainstreaming gender perspectives into the digital and financial sectors (UNECA, 2021).

During and in the aftermath of the Covid-19 pandemic, there has been an unprecedented acceleration in the adoption of remote working and the digitalisation of work processes. Educational institutions switched to remote, often digital-first learning methods causing additional pressures across households as parents had no option but to come up with new routines to support children's education. Moreover, the impact of COVID-19 measures on working adults has been different for men and women following the pattern of the existing gender divide. Due to the patriarchal and traditional division of labour in the household, women face greater challenges in managing work and household responsibilities. Women with children in the household are more likely to experience an increase in stress levels due to changes in work routines, the pressures of looking after family during the pandemic and inadequacies in their home-working environment. A study undertaken by the World Economic Forum shows that school closures have a negative and significant impact on labour force participation, gender parity and flexible work arrangements are insufficient in the absence of adequate childcare (WEF, 2021).

Digital technologies promise a wide array of benefits to women in Mauritius. These technologies have the potential to lighten the additional burdens shouldered by women because of patriarchal norms and values. Digitalisation can

also remove some of the barriers faced by the most vulnerable. However, digital technologies also carry risks and pitfalls related to cyber intrusion and theft (UNECA, 2021).

In order to move forward, there is a need to ensure that:

- National development policies and plans contain strategic pillars focusing on ICT and social development that provide gender-sensitive and inclusive policy frameworks.
- To collect gender-disaggregated data on internet usage, ownership and use of mobile phones as well as finance and payment apps.
- Encourage and facilitate women's efforts to adopt digital finance initiatives, and complement with work, employment and entrepreneurial training schemes.
- Prioritise women's representation within the digital finance ecosystem.

4. RODRIGUES

This section analyses the gender concerns in the Island of Rodrigues.

4.1 Introduction

The Island of Rodrigues is an autonomous outer island within the Republic of Mauritius. As at 31 December 2020, Rodrigues had a population of 21,533 males and 22,464 females (Statistics Mauritius, 2021c). Rodrigues was granted a degree of autonomy in 2002 through the creation of the Rodrigues Council and the appointment of a chief commissioner to oversee the administration of internal affairs. The Government of Mauritius approved the 2001 Rodrigues Regional Assembly (RRA) Bill to provide for greater political and economic autonomy of the island of Rodrigues and to allow Rodriguans to chart out their development priorities. The RRA is composed of elected members acting on behalf of the Government of Mauritius, but it enjoys a large degree of autonomy and has the power to exercise full responsibility in a number of areas. The Regional Assembly has the power to propose and adopt Bills and regulations in relation to matters under its purview. In order to ensure the representation of women in the RRA, the law was revised in December 2016 to allow for not more than two thirds of the total number of the candidates presented by each registered party to be of the same sex. The law provides that the Party list pertaining to the allocation of seats does not comprise more than two thirds of persons of the same sex.

Rodrigues has its specific cultural specificities, historical development path and constraints. The authors of the Marshall Plan Against Poverty (2016) note that Rodrigues is a low-income economy where livelihoods are largely based on subsistence. Rodrigues has not developed at the same pace of Mauritius and the island is plagued by high unemployment and low education incidence. Rodrigues has a young population, yet the capacities, skills and quality of education remain deficient, and the private sector remains underdeveloped. In addition, access to education is a problem owing to lack of finances to buy scholastic materials and to meet other educational needs (UNDP, 2016). The question of priorities and culture also comes into play, since aspects of Rodriguan culture negatively affect or impede attendance at school. Consumerism and the debt trap have entrenched many Rodriguans in poverty and people lack the requisite information about, or exposure to, the type of financial advice that would help them to make wise choices (APRM, 2010). Poverty is concentrated among children, large families, female-headed household and among individuals with low levels of education. Moreover, the incidence of poverty tends to be higher among those living in female-headed households. Poverty has increased sharply in these households over time (Marshall Plan Against Poverty, 2016).

4.2 Key issues affecting women in Rodrigues

In their report to the Rodrigues Regional Assembly, KPMG (2009: 255-6) identified the following key issues affecting women in Rodrigues:

- Inability of some women and girls at grass root level and poorer segments of society to fully take advantage of public sector facilities for education, health, family planning;
- Increasing cases of teenage pregnancy;
- Strong patriarchal culture within the family and society with women being dominated by men;
- Women in the informal sector are unable to expand or function efficiently due to their multiple commitments and limited access to finance, markets and technology;
- Women are subjected to GBV;
- Women have a limited say decision making in the family;
- Growing poverty among female-headed households in Rodrigues;
- Limited job opportunities and career prospects for the more educated youth;
- Women entrepreneurs in the SME and handicraft sectors appear to have not been fully able to benefit from the facilities available at SEHDA and DBM to expand their business due to several factors, inter alia, their multiple roles.
- Women are victims of alcohol and sex abuse;
- Inadequate leisure and creative spare time activities and life styles; and
- Some women have become trapped into situations of poverty and abuse from their male partners and are unable to free themselves.

Due to the ongoing pandemic and no possibility for the research team to undertake a site visit to Rodrigues, more recent data on the above-mentioned issues could not be obtained.

Data from the Digest of Statistics on Rodrigues 2020 gives some indication on the current situation with regard to employment and education of men and women. The data on education indicates that the pass rate of girls tends to be higher than that of boys. Girls have been more successful in primary school exams than boys. In 2019, for the Primary School Achievement Certificate (PSAC), the percentage pass for boys was 67.7 and for girls, it was 81.8. In 2020, the figure for boys was 72.3 whereas for girls, it was 88.1. For the Cambridge School Certificate (SC) exams, in 2019, 57.4% boys and 58.4% girls had passed. In 2020, the figure was 57.1% for boys and 56.9% for girls. At SC level, there is no significant gender discrepancy in the pass rates but these figures nonetheless highlight a significant

rate of failure at SC level. For the Cambridge Higher School Certificate exams, in 2019, 62.2% of boys and 72.1% of girls had passed.

Table 40 provides sex disaggregated data on male and female employment in large establishments in Rodrigues. The data indicates that there are more men employed in large establishments. Women are mainly employed in administration and accommodation as well as accommodation and food service activities.

Table 40: Employment in large establishments as at March, 2019-2020

Industrial group	2019			2020		
	Male	Female	Both sexes	Male	Female	Both sexes
All sectors of which	2,934	1,674	4,608	2,943	1,767	4,710
Manufacturing	72	9	81	75	8	83
Construction	48	0	48	48	0	48
Wholesale and retail trade; repair of motor vehicles & motorcycles	58	32	90	68	57	125
Accommodation & food service activities	177	139	316	167	140	307
Public administration & defence, compulsory social security (Rodrigues Regional Assembly)	1,785	1,060	2,845	1,770	1,105	2,875
Education	232	227	459	223	244	467

Source: Statistics Mauritius 2021c

The data in Table 41 indicates that women in Rodrigues are significantly involved in the 'food and beverages' sector, even as 'own account worker'. There are also many women involved as 'contributing family worker' in the same sector. There are also many women working in the hotel sector, selling cooked food on and off premises and as florists. In the education sector as well, there are more women employees.

Table 41: Number of persons engaged in small production units by Industry group - 2018

Industrial Activity	Employer			Own Account Worker			Employee			Contributing Family Worker			Total		
	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes
Total	748	367	1,115	912	1,466	2,378	1,770	796	2,566	389	413	802	3,819	3,042	6,861
Manufacturing	99	59	158	201	1,106	1,307	178	124	302	42	170	212	520	1,459	1,979
Food and beverages	24	42	65	21	340	362	58	52	110	42	105	147	145	539	684
<i>Bread, pastries & other bakery products</i>	3	5	8	-	24	24	5	16	21	5	5	11	13	51	64
<i>Other food products</i>	11	26	37	21	234	256	21	26	47	-	98	98	54	384	437
Wearing apparels	-	-	-	27	302	329	-	-	-	-	27	27	27	329	357
Wood & wood products, except furniture	1	-	1	28	111	138	1	-	1	-	28	28	30	138	168
Fabricated metal product, except machinery	25	-	25	21	-	21	33	8	41	-	-	1	79	8	88
Furniture	13	-	13	52	-	52	13	-	13	-	-	-	78	-	78
Textiles	-	-	-	-	198	198	-	-	-	-	-	-	-	198	198
Other	36	18	53	52	155	207	73	64	137	-	10	10	161	246	407
Construction	206	10	216	225	-	225	608	-	608	37	-	37	1,076	10	1,086
Wholesale & retail trade; repair of motor vehicles & motorcycles	173	129	302	206	255	461	419	268	687	184	140	324	982	792	1,774
Repair & maintenance of motor vehicles	25	-	25	25	-	25	56	-	56	14	7	21	119	7	126
Sale of motor vehicles & spare parts	6	-	6	4	-	4	12	2	14	2	12	14	24	14	38
Wholesale (commission agent, auctioneer, etc.)	16	6	22	14	-	14	114	32	146	1	2	3	145	40	185

General Retailer: Foodstuffs & non-foodstuffs	34	15	49	49	103	152	20	44	64	93	58	151	196	221	417
Fruits & vegetables	6	-	6	-	6	6	12	-	12	-	-	-	18	6	24
Fish & meat	20	4	24	4	6	10	58	16	74	18	4	22	100	30	130
Textiles, clothing & footwear	-	5	5	10	7	17	2	7	10	7	5	12	19	24	43
Florist in stores	-	43	43	-	43	43	-	43	43	-	-	-	-	128	128
Retail sale via stalls & markets	-	45	45	45	45	90	-	90	90	-	-	-	45	180	225
Other	66	12	78	55	45	100	145	34	179	49	52	101	316	143	459
Transportation & storage	174	32	206	133	-	133	432	-	432	64	21	85	803	53	856
Accommodation & food service activities	50	62	112	43	60	103	59	167	226	51	81	132	203	370	573
Professional, scientific & technical activities	-	3	3	33	3	36	-	6	6	-	-	-	33	12	45
Administrative & support service activities	28	3	31	8	11	19	49	6	55	2	3	5	87	23	110
Education	1	10	11	4	-	4	1	111	113	-	-	-	6	121	127
Human health & social work activities	3	2	5	-	3	3	-	7	7	-	-	-	3	11	14
Arts, entertainment & recreation	7	1	8	6	1	7	11	3	14	3	-	3	27	5	32
Other services	7	56	63	53	27	80	13	103	116	6	-	6	79	186	265

Source: Statistics Mauritius (2021c)

4.3 Actions taken for the Elimination of all Forms of Discrimination against Women/Girls in Rodrigues.

The Rodrigues Regional Assembly through the Commission for Women's Affairs has set women empowerment among one of its main priorities of its agenda. There is a strong commitment and eagerness to take the right actions to ensure equitable and full participation of women in order to enable them to contribute fully in all areas of development in Rodrigues.

Such commitment is driven by pledges such as Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), the 1995 Beijing Platform of Action, the 1997 SADC Declaration on Gender and its 1998 Addendum on the Prevention and Eradication of violence against women and children among others. The commitment is also aligned with Goal 5 of the Sustainable Development Goals (SDGs), that is, "Achieve Gender equality and empower all women and girls".

As such, no effort has been spared to come up with measures and actions to empower women in Rodrigues and at the same time eliminate inequalities between men and women. The main focus has been on the following five axes:

- i) Development of Capacity Building Programmes for Women;
- ii) Entrepreneurship and Women Empowerment;
- iii) Facilitating the implementation of Income Generating Project;
- iv) Organisation of Health and Wellness Activities for women; and
- v) Other Empowerment Activities

A. Capacity Building Programmes for Women

One of the main areas of focus for the empowerment of women in Rodrigues has been the development of Capacity Building Programmes so as to enable them to learn and do new things as well as improve on what they currently know.

Numerous training programmes in a variety of fields ranging from Leadership Courses, Entrepreneurship Development Skills, Literacy in Information and Communication Technology, Basic trade skills as dressmaking, embroidery, basketry, cookery, technical fields such as basic car servicing, animal rearing and farming techniques, innovation and creativity among others were organised as from 2012 to date.

These Capacity Building Programmes were run in collaboration with local, national and foreign training institutions and by local and foreign resource persons.

With a view to provide the right platform to bring women of all spheres of society together and offer them the opportunity to enhance their knowledge and skills whilst at the same time, enable them to advocate their rights and achieve full equality, a Girls and Women Leadership Hub has been set up and launched on 08 March 2021 in the context of the International Women's Day.

The hub aims at promoting collaboration and networking among women in Rodrigues. The Hub targets all women at all spheres of society namely women in informal labour, private and public sectors, women entrepreneurs, women professionals, women in politics and unemployed women.

B. Entrepreneurship and Women Empowerment in Rodrigues

Since 2012, much emphasis has been laid on entrepreneurship development with a view to instil an entrepreneurship culture among the population. These initiatives have been driven by the significance of entrepreneurial development towards the economic growth of the island.

However, it was observed that women-owned SMEs are less likely to obtain bank loans compared to SMEs owned by men. Women entrepreneurs therefore depend on internal funds, or cash from friends and family, to launch and initially run their enterprises. About half of formal SMEs do have access to formal credit. The financing gap is even larger when micro and informal enterprises are taken into account.

Hence, the Regional Government has introduced several mechanisms, trainings and instruments to encourage women to set up sustainable businesses in Rodrigues.

The Commission for Industrial Development has designed and introduced new schemes to support the growth of SMEs, especially women owned businesses in Rodrigues. These Schemes are as follows:

i) Booster Grant Scheme

The Booster Grant Scheme aims at supporting already established entrepreneurs to lift their enterprises to another level by financing projects with value addition. The scheme targets a maximum of 10 entrepreneurs/companies/cooperatives in the manufacturing and production sectors per year. The beneficiaries are granted a financial assistance up to a maximum of Rs 50,000 each.

ii) Technology Acquisition and Modernisation Scheme

The Technology Acquisition and Modernisation Scheme (TAMS) has as objective to facilitate the procurement of new technologies by SMEs in the manufacturing and production sectors. The acquisition of new and modern equipment will subsequently result in an increase in the production capacity and also improve

the quality and standard of the product. With the TAMS the beneficiary need to make a minimum contribution.

iii) Freight Rebate and Subsidy Scheme

The Freight Rebate and Subsidy Scheme was set up to alleviate the cost of raw materials and exportation fees that have to be met by the entrepreneurs. The ultimate objective is to reduce the operating cost and maximise the profit of the SMEs. The scheme is divided into two broad categories:

- 100% rebate on the exportation of handicraft and manufacturing products; and
- 100% rebate on the freight charge for importation of raw material (Wood and handicraft sector only) from Mauritius.

iv) Project Write Up Scheme

Many entrepreneurs fail to obtain adequate funding from banks and other funding agencies because they do not hold a proper business plan. The Business Plan Write-Up Scheme was launched to help entrepreneurs with innovative and/or productive business ideas to acquire a bankable business plan. The latter will help the entrepreneurs to set up professional business model and to scale up local production capacity. The scheme targets a maximum of 15 entrepreneurs per year.

v) Family Farm Project

The aim of this scheme is to help beneficiaries improve their standard of living by providing them with an alternative source of income and offering them a sustainable means to breach the poverty trap. The family farm project applies to persons earning a certain income and facing difficulties to cater for their basic needs and that of their family. The scheme finances approved crop growing projects and farming/mixed-farming projects.

C. Income Generating Projects

The Commission has acted as facilitator to encourage women to group themselves in cooperatives, association or groups to move into income generating activities in order to generate revenue to ensure the financial sustainability of the target group, whilst at the same time boost up the economy of the island and create employment.

Under the income generating projects, women's cooperatives or groups were provided with the equipment, furniture, infrastructure and financial assistance, which the latter used to create their own employment with a return in revenue.

D. Health and Wellness Activities for Women

With a view to provide a conducive environment to support the emotional, social and physical well-being of women in their empowerment process, the following activities which are at once an enabler and motivator for women to engage in empowerment activities were/are organised:

- i) Rodrigues Women Sports Day;
- ii) Aerobics courses for women;
- iii) Talks and sensitisations campaigns on health-related issues; and
- iv) Jeux des Femmes de l'Océan Indien in 2015 and 2019.

E. Other Empowerment Activities

Opportunities have been provided to women in Rodrigues to showcase their *savoir faire* and boost further their empowerment process through the organisation of *Tournée Rodriguaise* in Mauritius and Reunion Island, promotion of local products at national and international level (Anuga Fair and Sailex in 2013), various Salons and Fairs in Rodrigues.

OTHERS

In addition, the Child Development Unit has organised a series of workshops on Prevention of Child Grooming and Sexual Abuse targeting girls from the different educational and vocational institution as from 04 May 2021.

Several scholarships are being offered by the Rodrigues Regional Assembly in addition to scholarships being offered by Government of Mauritius and Donor Countries which are advertised on an open basis so as to ensure that girls have access to higher education.

5. MAPPING OF SUPPORT

Mauritius has adopted a number of measures that move towards gender equality and gender equity, including legal provisions. However, entrenched patriarchal attitudes, discriminatory culture, norms values and gender role stereotypes hinder the application and enforcement of the law and success of the policy measures that are geared towards bringing about gender equality and gender equity. These also contribute to the underrepresentation of women in decision-making positions in both the private and public sectors.

Support can be channelled via the different stakeholders and institutions that are already working towards the realisation of gender equality in Mauritius. These include:

- Government - gender awareness to become a national concern and to reach out to the population at large.
- Ministries to implement gender mainstreaming and work on gender concerns that fall within the purview of the mandate of their ministries.
- NGOs and civil society working on gender equality and women's empowerment.
- The Council of Religions to be a promoter of gender equality, especially to encourage women to take up leadership roles.
- Collaborate with academia and universities on commissioned research projects that could shed light on and recommend adequate policy measures on gender related social problems and issues. Universities can also assist in designing specific and targeted professional training and skills upgrading programmes with both gender and legal components for public sector bodies where necessary.
- Statistics Mauritius and Line Ministries towards gender training and the collection of gender disaggregated statistics at a wider level.
- The media to bring greater awareness on the harmful effects of gender stereotypes and gender-based violence and to educate the public on gender equality and that gender issues concern men and women.
- The Mauritius Police Force and the Judiciary for more effective enforcement of the laws, especially where gender equality and gender-based violence are concerned.
- Work with the Rodrigues Regional Assembly to enhance gender mainstreaming in different sectors in Rodrigues and to work towards women's empowerment.

6. ENTRY POINTS AND OPPORTUNITIES

Given that the State is committed to gender equality and gender mainstreaming, this facilitates the support and plans towards gender projects.

Proposed entry points and opportunities include:

1. Existing initiatives and plans of the State and NGOs working towards gender equality and gender equity need to be supported. The Covid-19 pandemic has affected the Mauritian economy severely and has limited resources that could have been made available for other projects, including gender projects. This entails working with different stakeholders in order to reinforce and support existing gender projects.
2. Support to the government, especially to the MGEFW towards the implementation of the National Strategy and Action Plan to eliminate gender-based violence.
3. Support the MGEFW through the provision of the necessary resources in order to enable it to perform its role as the National Gender Machinery in a more effective manner.
4. Support to the MGEFW towards the implementation of the Gender Equality Bill.
5. Work with the Ministry of Health and Wellness and the Ministry of Education, Tertiary Education, Science and Technology towards introducing sex education in schools.
6. Work with the Ministry of Education, Tertiary Education, Science and Technology to encourage girls to take up science and technology and ICT subjects and consider careers in these fields.
7. Work with the Ministry of Public Service, Administrative and Institutional Reforms and the Ministry of Gender Equality and Family Welfare to ensure that public officers follow gender training through the Civil Service College.
8. All Ministries to own the gender equality agenda and to ensure that all of their staff are trained in gender with regard to their respective mandates.
9. Work with the private sector to encourage gender training and gender sensitisation of all staff.
10. Work with the MGEFW and the Ministry of Education, Tertiary Education, Science and Technology to ensure that all teachers and educators at all levels have followed gender training and are gender sensitive.

11. Work with the Ministry of Education, Tertiary Education, Science and Technology and the Mauritius Institute of Education to ensure that gender is mainstreamed into the curriculum at primary and secondary levels.
12. Work with the Ministry of Health and Wellness and NGOs, including the Mauritius Family Planning and Welfare Association to look into a policy for adolescents who are sexually active.
13. Work with the Ministry of Health and Wellness and the Ministry of Public Service, Administrative and Institutional Reforms to ensure that awareness campaigns on sexual education and family planning are carried out for public officers.
14. A similar campaign can be planned and organised in collaboration with the relevant stakeholders for staff in the private sector.
15. Work with the MGEFW and NGOs on the criminalisation of marital rape and bringing greater awareness at a national level on women's rights and the issue of consent.
16. Work with the MGEFW, the Council of Religions and the media to bring greater awareness on gender equality and gender equity and the harmful effects of gender role stereotypes on both, individual and national levels.
17. Support research to document and analyse the effects of the culture of masculinities that are currently predominant in Mauritius.
18. Support women's organisations towards innovative projects that empower women and girls.
19. Support the MGEFW towards conducting a gender audit of the laws in Mauritius.
20. Work with Statistics Mauritius and line ministries towards the collection of sex disaggregated data in all sectors.
21. Work with the Mauritius Police Force and the Judiciary to ensure that all staff are gender sensitive and have followed some form of gender training in order to ensure effective enforcement of legislation concerning gender and gender-based violence.
22. Work with the State, Council of Religions and NGOs in view of bringing greater awareness on the plight of and destigmatising the LGBTQI community and protecting their human rights.

23. Work with the Ministry of Social Integration, Social Security and National Solidarity and relevant Authorities on the drafting of the Disability Bill to address rights of women and girls with disabilities.
24. Work with the Rodrigues Regional Assembly and NGOs based in Rodrigues to ensure that gender mainstreaming, gender sensitisation and gender training take place.

7. CONCLUSIONS AND RECOMMENDATIONS

This Gender Country Profile for the Republic of Mauritius has shown that gender inequality and gender inequity issues in Mauritius primarily involve:

1. Low representation of women in decision-making;
2. Lack of comprehensive gender disaggregated statistics;
3. Insufficient funding to carry forward transformative gender projects;
4. Predominance of gender-biased social and cultural norms;
5. Sexual and gender-based violence;
6. Unequal work burden for women in household and community;
7. Weak national understanding of the gender concept and its overall implications.
8. A need for in-depth research on gender inequality and gender inequity

Legal barriers to gender equality have been removed in the Republic of Mauritius in line with the different international and regional conventions and treaties that have been signed and ratified by the State. The MGEFW is undertaking many programmes and working on policy measures geared towards enhancing gender equality and leading to gender mainstreaming at different levels. However, resource constraints, both technical and financial, often hinder the progress of project implementation. The Covid-19 pandemic has aggravated budgetary constraints for the government and all ministries have been affected.

Government, through the different Ministries, has had limited success in internalising and institutionalising gender policy statements. As such, gender mainstreaming in government departments as well as in policy making has not effectively materialised.

NGOs are also working on gender equality and women empowerment, thereby making an important contribution to social wellbeing, especially towards women and vulnerable groups. The business sector has recently taken deeper interest in the gender concept and implications of gender inequalities and are working on plans and policies towards enhancing gender equality at their level.

There is a low or very basic level of understanding of the gender concept and of the importance of gender mainstreaming in Mauritius. This concerns the population at large. The gender concept and gender issues still tend to be associated with and are considered as women's issues. There is also insufficient knowledge on and understanding of the concept of masculinity and the detrimental impacts of gender role stereotypes on men.

Conservative as well as patriarchal norms, values and culture hinder a transformative gender equality and gender equity agenda. This state of affairs limits women's autonomy as well as their making inroads in traditionally male dominated professions, including managerial and leadership roles. It also hinders women's active participation in the labour market and represents a loss of human capital and income for the country.

Policy measures

The gender issue and the consequences of gender inequality and gender inequity need to be taken up as a national concern. Gender needs to be given priority as a national issue with all stakeholders involved, working collaboratively to drive the gender concept at a national level and attain a greater level of awareness on the issue country wide. This includes the government, the private sector, media houses, civil society and NGOs as well as academia.

The MGEFW will benefit from additional human and financial resources to enable it to carry out its mandate as the National Gender Machinery more effectively.

Creation of posts of "Gender Analysts" in the different Ministries to provide technical expertise towards gender mainstreaming and assist the gender cells of the Ministries in fulfilling their mandate.

Commission a gender audit of the laws of Mauritius. Existing laws, regulations, norms and practices that are still discriminatory need to be reviewed and amended.

There is a need for research on masculinities in Mauritius to document the effects of gender role stereotypes on men and women.

The gender concept and gender mainstreaming need to be integrated into the curriculum at all levels of the education system so that Mauritius has a population that is gender sensitive and gender aware. Gendered education will also help breakdown gender stereotypes which restrict men's and women's opportunities and autonomy.

There is a need to introduce comprehensive sex education in schools for teenagers as well as to work on a policy that will give special consideration to teenagers who are sexually active without stigmatising them. Teenagers need both the information and tools to protect themselves from sexually transmitted diseases and unwanted pregnancies. In the current global age and digital era, expecting all teenagers to abstain from being sexually active would be unrealistic. It is important to equip them with all the necessary information and tools to protect themselves, whether they are sexually active or not.

Marital rape is a problem in Mauritius and is one of the factors that leads to unwanted pregnancies and backstreet abortions among married women. There is a need for greater awareness on the issue of consent and decision-making within the family as well as women's rights. There is also the legal dimension and the need to look into the criminalisation of marital rape.

There may be a need for all stakeholders concerned to partner with the media (print, audio-visual and digital) in order to secure the adherence of journalists to the much-needed gender sensitivity notion in their reporting and coverage. The Media Trust could be the interface to drive this collaborative approach.

The Council of Religions can play a greater role in raising awareness and educating the public on gender equality and gender equity, within the different cultural and religious settings. At the moment, the membership of Council is composed of volunteers and there is a lack of resource persons. Provision for additional human and financial resources to the Council of Religions for an educational and awareness campaign on gender equality within culture and religion is important.

There is a need to reconcile the interests of men, women and children within the dual-earner/dual-caregiver model of the family in an egalitarian manner. At the institutional level, the introduction of a comprehensive scheme paid parental leave for caregiving activities which would be allocated to mothers and fathers individually could be looked into. The availability of crèche facilities closer to the place of work of parents, especially in places such as Ebene and Port Louis, will help parents with infants and small children.

Some sections of the private and business sector have taken on commendable initiatives in integrating gender in their policies and also involving their staff and dedicating resources to gender analysis and gender mainstreaming. Such initiatives need to be encouraged and showcased, and other enterprises, including parastatals can draw from these actions taken.

Women's lower participation in the labour force represents a loss of resources and revenue, especially in terms of human capital as these women have been educated and trained. There is a need to understand the factors that prevent talented and qualified women from being active in the labour force and what can be done to assist them. An analytical study involving both qualitative and quantitative research on this topic should provide relevant data that can shed light on the nature and extent of the problem and act as a guide towards policy measures to be taken.

In order to encourage a greater sharing of domestic duties and household responsibilities, there is a need to introduce parental leave and longer paternity

leave for fathers, irrespective of marital status. The current system still assumes that the mother will undertake the bulk of child caring duties.

There is also a need to look into the adoption of temporary special measures to enhance women's presence in sectors where they are currently marginalised, e.g. management and politics among others.

Launch consultations on electoral reform, with gendered representation as a key concern.

Showcasing successful women in non-traditional areas of work and activity as role models could help encourage more girls to opt for subjects and careers in science, technology, engineering and ICT.

Sensitisation of the public on ethics, the Data Protection Act, Information and Communication Technologies Act, the restriction of freedom of expression as per Article 12(2) of the Constitution to protect the reputation and right to a private life.

There is a need to provide enhanced support to girls and women with disabilities in order to encourage them to pursue their education and join the labour market in view of being more autonomous and empowered.

The plight of the LGBTQI community needs to be de-stigmatised and given greater focus. At this level, there is a need for general education and awareness.

Rodrigues

Given the specificities of Rodrigues, there is a need for an in-depth study on the current gender inequalities prevalent in Rodriguan society which will lead to a Gender Action Plan for Rodrigues.

There is a need for more detailed sex disaggregated statistics on Rodrigues. So far, there is little data available.

Table 42: Legislative measures

Legal provision	Present	Proposed amendments (with emphasis added)
Article 16(4)(aa) of the Constitution.	(aa) for a minimum number of candidates for election to local authorities to be of a particular sex, with a view to ensuring adequate representation of each sex on a local authority;	<i>(aa) for a minimum number of candidates for election to the Assembly or a local authority to be of a particular sex, with a view to ensuring adequate representation of each sex on a local authority;</i>
First schedule of the Constitution. Add a new Section 2A.	N/A	2A. Constituency candidates of party not to be of same sex (1) Every party presenting more than 2 candidates at a general election shall ensure that not more than two thirds of the total number of candidates sponsored by that party are of the same sex. (2) Every party presenting more than 2 candidates in a particular constituency at a general election shall ensure that they should not all be of the same sex. (3) Where, at the prescribed time, a party does not comply with subparagraphs above, all the candidates of that party shall be considered not to belong to any party and their nomination papers shall have effect accordingly.
Section 133(1)(b) of the Companies Act 2001	Notwithstanding any provision of this Act, there shall be at least one woman on the Board of a public company.	<i>Notwithstanding any provision of this Act, there shall be both sexes (male and female) on the Board of a public company.</i>
Section 11(4) of the Local Government Act 2011	(a) Four Councillors of a Municipal City Council or Municipal Town Council shall be returned from each electoral ward under the simple majority system.	<i>(a) Four Councillors of a Municipal City Council or Municipal Town Council shall be returned from each electoral ward under the simple majority system.</i>

	<p>(b) Every person entitled to vote at an election referred to in this section shall vote for not more than 4 candidates.</p>	<p><i>(b) Every person entitled to vote at an election referred to in this section shall vote for not more than 4 candidates.</i></p> <p><i>(c) Every group presenting more than 2 candidates at an election on any particular ward shall ensure that not more than two thirds of the group's candidates for this particular ward are of the same sex.</i></p>
<p>Section 13(5) & 13(6) of the Local Government Act 2011:</p> <p><i>Election of Councillors to District Council</i></p> <p>And the new subsection 7</p>	<p>(5) In Village Councils electing 2 representatives to the respective District Council, one ballot will be held with each Village Councillor having the option of voting for one or 2 candidates and the 2 Councillors receiving the most votes shall, subject to subsection (6), be elected.</p> <p>(6) Where, at an election under this section, 2 or more Councillors obtain the same number of votes –</p> <p>(a) in a case where, at an election for 2 representatives, 2 candidates are placed first with the same number of votes, the 2 candidates shall be elected; and</p> <p>(b) in every other case, the elections shall be decided by a drawing of lots done by the person who presides over the meeting.</p>	<p>(5) In Village Councils electing 2 representatives who shall not be of the same sex to the respective District Council, one ballot for each sex will be held with each Village Councillor having the option of voting for one candidate in each category (male or female) and the Councillor receiving the most votes in their respective category (male or female) shall, subject to subsection (6), be elected.</p> <p>(6) Where, at an election under this section, 2 or more Councillors obtain the same number of votes in the respective category (male and/or female), the elections shall be decided by a drawing of lots done by the person who presides over the meeting.</p> <p><u>Thereafter a new subsection 7 shall be added to Section 13 of the Act as below:</u></p> <p>(7) where all the candidates standing for Councillors to the District Council can only be of the same sex:</p> <p>(a) In Village Councils electing 2 representatives to the respective District Council, one ballot will be held with each Village Councillor having the option of voting for one or 2</p>

		<p>candidates and the 2 Councillors receiving the most votes shall, subject to subsection (6), be elected.</p> <p>(b) Where, at an election under this section, 2 or more Councillors obtain the same number of votes -</p> <p>(i) in a case where, at an election for 2 representatives, 2 candidates are placed first with the same number of votes, the 2 candidates shall be elected; and</p> <p>(ii) in every other case, the elections shall be decided by a drawing of lots done by the person who presides over the meeting.</p>
Section 3 of the Mauritius Citizenship Act: Citizenship on adoption	Where under any enactment relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Mauritius, and the adopter, or in the case of a joint adoption the male adopters, is a Citizen of Mauritius, the minor shall become a citizen of Mauritius as from the date of the order.”	Where under any enactment relating to the adoption of children, an adoption order is made in respect of a minor who is not a citizen of Mauritius, and the adopter, or in the case of a joint adoption at least one of the adopters, is a Citizen of Mauritius, the minor shall become a citizen of Mauritius as from the date of the order.”
Section 249 of the Criminal Code	There is no clear definition of rape.	<p>(1A) A person commits the offence of rape if he intentionally penetrates the vagina, anus or mouth of another person with his penis where the other person does not consent to the penetration and he does not reasonably believe that the other person consents.</p> <p>(1B) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps the person has taken to ascertain whether other person has consented.</p> <p>(1C) Assault by penetration</p> <p>(a) A person commits an offence of assault by penetration if he intentionally penetrates the vagina or anus of another person with</p>

		<p>a part of his body or anything else, the penetration is sexual, where the other person does not consent to the penetration and the person does not reasonably believe that the other person consents.</p> <p>(b) Whether a belief is reasonable is to be determined having regard to all the circumstances, including any step the person has taken to ascertain whether the other person consents.</p>
Section 6 of the Pensions Act 1951	(2) A gratuity may be granted to a female officer, in accordance with this Act, who retires on the ground of marriage on or after completing 5 years of pensionable service, whether the marriage took place before or after her appointment to the public service, or on the ground that she is about to marry, notwithstanding that she is not otherwise eligible under subsection (1) for the grant of any pension, gratuity or other allowance.	(2) A gratuity may be granted to an officer , in accordance with this Act, who retires on the ground of marriage on or after completing 5 years of pensionable service, whether the marriage took place before or after their appointment to the public service, or on the ground that he or she is about to marry, notwithstanding that he or she is not otherwise eligible under subsection (1) for the grant of any pension, gratuity or other allowance.
Section 4D of the Statutory Bodies (Accounts and Audit) Act 1972:	Notwithstanding any other enactment establishing a statutory body, there shall be, on every Board, at least one woman as member of the Board.	Notwithstanding any other enactment establishing a statutory body, there shall be, on every Board, both sexes (male and female) as members of the Board.

- The proposed amendment to the law above with regard to adding the Sub-paragraphs (1A) and (1B) to Section 249 of the Criminal code will enable the prosecution of marital rape and render the Section 250 of the Criminal Code, Sodomy, obsolete. The Section 250 of the Criminal Code can be repealed.
- Introduce legislation to criminalise verbal sexual harassment, including street harassment.
- The legislator should ensure that consensual sexual relationships between minors are not prosecuted. There is a need to introduce legal provisions that differentiate sexual activity between minors and that between adults and minors, in order to prevent the criminalisation of consensual sexual activity between minors under the age of 16.

- Section 242 of the Criminal Code regarding the justification of manslaughter in cases of adultery should be repealed.
- The drafting of the Gender Equality Bill needs to be prioritised.
- The drafting of the Disability Bill should be prioritised.
- The State could consider laws similar to Section 149 of the Equality Act 2010 in the UK:

Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The above could assist in tackling the issue of collecting gender disaggregated data and would give more weight and structure to the gender cells at the different ministries.

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ANNEX 1: LIST OF STAKEHOLDERS CONSULTED

Delegation of the European Union to the Republic of Mauritius and the Republic of Seychelles - 08.07.21

Mr M. Balloo

Ministry of Gender Equality, Child Development and Family Welfare - 13.07.21

Mr A. Appadoo

Mrs K. Ah-Nien

Council of Religions - 20.07.21

Me A. Mahomed

Rev. D. White

Mrs A. Syed Hossen-Gooljar

Rev. E. Choeng See

Mr R. Ragoo

Mr B. Nuckchady

Acharya B. Mokoonlall

Mr A. Szava

Business Mauritius - 23.07.21

Mr Kevin Ramkaloan

Mr Dhiruj Ramluggun

WE Empower - 26.07.21

Mrs Georgina Ragaven

Ministry of Housing and Land Use Planning - 28.07.21

Mrs Devina Rama

Ministry of Blue Economy, Marine Resources, Fisheries and Shipping - 29.07.21

Mrs Bibi Swaleha Gungadeen

Mauritius Family Planning Welfare Association - 30.07.21

Mrs Vidya Charan

Ministry of Foreign Affairs, Regional Integration & International Trade - 03.08.21

Mrs Neeru Goolooa

Mrs Disha Ragnuth

Mrs U. Ramdoo

Ms. M.K. Mandary

Mr H. Unnuth

Mr. A. Abdul-Chamroo

Mrs V. Chetlall

Global Rainbow Foundation - 03.08.21

Mr Armoogum Parsuramen

La Sentinelle (L'Express) - 04.08.21

Mrs Anne Marie Savripene

Economic Development Board - 05.08.21

Mrs Jasbheen Thoonah

Office of the Attorney General - 06.08.21

Ms Sooraya Gareeboo

Mr Noel. A. Thomasoo

Media Trust - 09.08.21

Ms Fatima Capery

Mr Kannen Kathapermall

Mr Ashok Beeharry

Ministry of Social Integration, Social Security and National Solidarity – 12.08.21

Mrs Daisy Brigemohane

Ministry of Education, Tertiary Education, Science and Technology - 13.08.21

Mrs Goorah

Mrs Mathur

Mrs Bhunjun

Mrs Ramsaha

Mrs Ricco

Mrs Koodoruth

Equal Opportunities Commission - 14.08.21

Me Richard Toulouse

Office of The Director of Public Prosecutions - 18.08.21

Me Pareemala Devi Mauree

Mauritius Institute of Directors - 20.08.21

Ms Nafeeza Mulung

Mauritius Institute of Education – 27.08.21

Dr Vikash Baichoo

Police Family Protection Unit – 31.08.21

Mrs Sharda Mootoo

Prime Minister's Office – 02.09.21

Mrs B. Rajahbalee-Cader

Supreme Court of Mauritius – 10.09.21

Justice Aruna Narain

Ministry of Gender Equality, Child Development and Family Welfare -07.10.21

Mrs Mohini Bali

*United Nations - Special Representative of the Secretary-General on Sexual Violence
in Conflict – 10.10.21*

Me Pramila Patten

Mauritius Fishermen Co-operative Federation

Mr Kenzy Brunet (02.11.21)