



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

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

No. 284/2015 (MMG/HR/28/3)

The Permanent Mission of the Republic of Mauritius to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to its Note dated 3 July 2015 pertaining to the resolution 15/23 adopted on 8 October 2010, has the honour to attach herewith the replies to the questionnaire of the Chair Rapporteur of the Working Group on the Issue of Discrimination against Women in Law and Practice by the Government of the Republic of Mauritius. The delay in replying is much regretted.

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



**The Secretariat of the Office of the
High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva**

Questionnaire

I. Prevention of sex discrimination in the enjoyment of the right to health and safety

A. Health

1. Does your country have regulations (in the Constitution, legislation or in other legal codes) that guarantee:

(Please specify in the space provided for this purpose "yes" or "no")

(Yes) the right to equal access for women and men to all forms of healthcare, at the highest available level, including access to alternative health provisions such as homeopathy, naturopathy, etc.

(Yes) access to sexual and reproductive health services

(Yes) women's rights to make autonomous decisions regarding their sexual and reproductive lives

However, with respect to sexual life, sodomy is a criminal offence under section 250 (sodomy and bestiality) of the criminal code. With respect to reproductive lives, abortion is illegal except as provided under section 235A of the Criminal Code which makes provision for and gives different instances for the 'authorised termination of pregnancy' provided such pregnancy has not exceeded 14 weeks.

Are medical services related to women's sexual and reproductive life and/or violence against women covered by universal health coverage?

Yes No

If yes, what kind of medical services are free of charge?

(Please specify)

All health services are free in Mauritius according to the Public health Act.

Are women's rights to health, including sexual and reproductive health, autonomy and health insurance, applied also to girls under 18?

Yes No

If "yes", please indicate the legislation regulating these and indicate enforcement mechanisms.

Public Health Act regulates the right to health.

2. Are there any provisions which restrict women's access to health services? In particular which:

(Please specify in the space provided for this purpose "yes" or "no")

(Yes) require the consent of a male relative/husband for a married woman's medical examination or treatment or access to contraceptives or abortion,

(for abortion only)

(Yes) require parental consent in case of adolescents' access to contraceptives or abortion; - with respect to children under 18

(No) allow medical practitioners to refuse provision of a legal medical service on grounds of conscientious objection

(Yes) prohibit certain medical services, or require that they be authorized by a physician, even where no medical procedure is required; in particular:

(No) IUDs (intrauterine devices) or hormonal contraceptives

(No) Emergency contraceptives, including the morning-after pill,

(No) Sterilization on request (please also include information regarding whether non-therapeutically indicated sterilization is allowed for men);

(Yes) Early abortion (in first trimester of pregnancy) at the pregnant woman's request

By virtue of Section 235 of the criminal code under which Section 235A makes provision in the Criminal Code and give different instances for the 'authorised termination of pregnancy' provided such pregnancy has not exceeded 14 weeks.

(No) Medically assisted reproduction (e.g., in vitro fertilization)

If yes, please indicate the relevant legal regulations and indicate the sources.

3. Are the following acts criminalized?

(Please specify in the space provided for this purpose "yes" or "no")

(No) transmission of HIV or other venereal diseases by women only

(No) female genital mutilation

(Yes) child marriage

(No) home births with an obstetrician or midwife

(Yes) abortion

If yes, are there any exceptions to these prohibitions and under what circumstances do exceptions apply?

Please give legal references and provisions.

Child marriage- A child is defines under section 2 of the Child Protection Act as “any unmarried person under the age of 18”. Section 20(3) if the Civil Status Act provides that ‘where a person has been authorised to marry in accordance with Articles 145 to 147 or 154 of the Code Civil Mauricien, a copy of the order authorizing the marriage shall be produced to the officer’. A copy of the Act is enclosed. The age of consent for marriage is at 18 years old by the provisions of Article 144 of the Code Civil. However, a person under the age of 18, but must be over 16 shall be able to contract marriage with his/her parents consent.

Abortion- Section 235A makes provision in the Criminal Code and give different instances for the ‘authorised termination of pregnancy’ provided such pregnancy has not exceeded 14 weeks.

And who is criminally responsible? *(Please circle the appropriate answer)*

The woman, the doctor, other persons directly or indirectly related with the pregnancy and/or the abortion.

Please give legal references.

Section 235 of the Criminal Code

B. Safety

4. Does your country have regulations (in the constitution, legislation or in other legal codes) that guarantee:

(Please specify in the space provided for this purpose "yes" or "no")

(Yes) Special protection against gender based violence

(Yes) Equal access for women to criminal justice

5. Are the following acts criminalized?

(Please specify in the space provided for this purpose "yes" or "no")

(No) adultery

(Yes) prostitution

(If yes, who is criminally responsible – please circle the appropriate answer: the sex worker, the procurer and/or the customer)

(Yes) sexual orientation and gender identity (homosexuality, lesbianism, transgender, etc.)

(No) violations of modesty or indecent assault (e.g. not following dress code)

Please give legal references and provisions.

Prostitution: (1) Child Prostitution- Section 14 (sexual offences of the Child Protection Act.

(2) Section 26(1) (b) of the Criminal Code (Supplementary) Act

(3) Section 91 (A) if the Criminal Code (Supplementary) Act; and

(4) Section 11 combating of trafficking in Persons Act

6. Are there any provision in criminal law that treat women and men unequally with regard to:

(Please specify in the space provided for this purpose "yes" or "no")

(No) Procedure for collecting evidence

(No) Sentencing for the same offence, especially capital punishment, stoning, lashing, imprisonment, etc.

(No) So called “honor crimes” (are they tolerated in order for the perpetrator to avoid prosecution or to be less severely punished if the woman is killed?)

II. Diagnosing and counteracting possible sex discrimination in practice in the area of health and safety

A. Health

7. Are there legal obligations to provide health education in school?

Yes () No (✓)

If yes, does it cover: *(Please specify in the space provided for this purpose "yes" or "no")*

- () prevention of sexually transmitted diseases
- () prevention of unwanted pregnancies
- () promotion of a healthy lifestyle, including prevention of dietary disorders of teenage girls, including anorexia and bulimia
- () psychological/psychiatric training on self-control of aggression, including sexual aggression

Please indicate any relevant legal regulation or programs regarding to the above mentions.

8. Are there any statistical data disaggregated by age and/or sex (collected over the last 5 years) regarding :

(Please specify in the space provided for this purpose "yes" or "no")

- (Yes) malnutrition
- (Yes) maternal mortality
- (Yes) maternal morbidity, including obstetric fistula
- (Yes) adolescent childbearing
- (No) health consequences of physical, psychological, sexual and economical gender-based violence
- (Yes) incidence of HIV/AIDS and sexually transmitted deceases
- (Yes) drug abuse
- (Yes) alcohol addiction
- (Yes) legal abortions
- (Yes) death resulting from legal abortions
- (Yes) illegal abortions
- (Yes) death resulting from illegal abortions

(Yes) use of contraceptives, including mechanical and hormonal (including emergency contraceptives)

(Yes) sterilization on request

If "yes", please provide for data and sources.

9. Are there any statistical data and/or estimations regarding the number of reported and/or unreported cases and convictions for :

(Please specify in the space provided for this purpose "yes" or "no")

(No) female genital mutilation

(No) illegal voluntary abortion

(No) forced abortions

(No) forced sterilizations

(No) malpractices in cosmetic medicine

(No) obstetric violence

If "yes", please give further references.

10. Is the gender perspective included in national health-related policies:

Yes () No ()

In particular: *(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) in planning the distribution of resources for health care

(Yes) in medical research on general diseases, with proper and necessary adaptations to the different biological make-up of women and men

(Yes) in geriatric service provision

(Yes) in state custodial decisions to institutionalize children between 0-3 years old

Explanation: *The need for a gender-based approach to public health is connected with the necessity to identify ways in which health risks, experiences, and outcomes are different for women and men and to act accordingly in all health related policies.*

B. Safety

11. Are there any national policies regarding women's safety in public spaces?

Yes () No (✓)

If "yes", please give references.

12. Have there been any public opinion research polls on the fear of crime among women and men (over the last 5 years)?

Yes () No (✓)

If "yes", please give references and the outcomes of such research polls.

13. Are there any measures and programs undertaken in order to increase women's safety e.g. in public urban spaces, in public transportation, etc.?

Yes (✓) No ()

If "yes", please give references.

The Police Family Protection Unit (PFPU) not only focusses on intervention but also on prevention as far as women safety is concerned. Talks and lectures are delivered by the PFPU at the level of primary schools, secondary schools and community centres.

14. Are there any statistics on crimes amounting to violence against women in public spaces and/or domestic violence?

Yes (✓) No ()

If "yes", please give references.

For the year 2014 and from January to 30 June 2015, the number of domestic violence cases against women reported at the PFPU are 3560 and 1740 respectively.

15. Is the sex of the victim reflected in the police, prosecutors and courts records?

Yes () No ()

If "yes", please give references.

Particulars of victims are mentioned in Police files, prosecutor's case and in the information in the court records.

C. Health and Safety

16. Are there any data and/or results of research on the detrimental influence of the feeling of insecurity and unsafety on women's mental health?

Yes () No ()

If "yes", please give references.

17. Are there specific health and safety protective measures for women , and/or with special provisions for mothers with young children, in "closed" institutions including in:

(Please specify in the space provided for this purpose "yes" or "no")

(Yes) prisons (e.g. measures similar to the Bangkok Rules),

(Yes) police detention cells

(Yes) psychiatric hospitals,

(Yes) pre-deportation centers,

(Yes) camps for displaced women and families (if relevant),

(Yes) nunneries

(Yes) women's shelters

If "yes", please provide any information about the protective measures established.

18. Are there specific training programs for medical and legal professionals on the issue of gender-based discrimination in the area of health and safety?

Yes () No ()

Do they cover: *(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) the issues connected with specific women's needs in area of health

(Yes) specific women's vulnerability to be victims of gender-based violence or specific crimes, covering e.g. the issues of:

(Yes) the nature of gender-based violence,

(Yes) its occurrences and symptoms

(Yes) methods of detection

(Yes) medical protocols

(Yes) influence of gender based violence, in particular of sexual violence on the future behaviors of victims (post-traumatic stress symptoms etc.)

III. Could you please indicate any legislative reform, policy or practice, that you consider "good practice" regarding health and safety for women in your country?

If yes, please indicate on which criteria your definition of "good practices" is based.