**Ministry of Foreign Affairs, Regional Integration and International Trade
(Human Rights Division)**

**Materials for the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on Peace, Security, Sexual Orientation and Gender Identity**

1. The State of Mauritius is regarded as a peaceful country. According to the Global Peace Index 2021, Mauritius is ranked 28th in the Global State of Peace and 1st in Sub-Saharan Africa, (Source: [GPI-2021-web.pdf (economicsandpeace.org)](https://www.economicsandpeace.org/wp-content/uploads/2021/06/GPI-2021-web.pdf)).
2. Furthermore, the State of Mauritius is outside the armed conflict regions and is not affected largely by the critical issues involved therein. Nevertheless, Mauritius is party to most of the core International Humanitarian Law (IHL) instruments and ensures that effective legislations are in place in compliance thereto. A list of those IHL instruments is as provided in the table below:

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| --- | --- | --- | --- |
| **SN** | ​**List of conventions signed or ratified by the State of Mauritius** | **​Date signed/ratified by Mauritius** | **Domestic Legislation enacted** |
| ​1 | ​**The four Geneva Conventions and their Protocol**[1949 Geneva Convention 1 for the Amelioration of the conditions of the Wounded and Sick in the Armed Forces in the Field](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A1%20-%20GENEVA%20CONVENTION%201.pdf) | ​Ratified on 18 August 1970 | Geneva Conventions Act |
| ​2 | [​1949 Geneva Convention II for the Amelioration of the condition of the Wounded and Sick and Shipwrecked members of the Armed Forces at Sea](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A2%20-%20%20Convention%20II%20for%20the%20Amelioration%20of%20the%20condition%20of%20the%20Wounded%20and%20Sick%20and%20Shipwrecked%20members%20of%20the%20Armed%20Forces%20at%20Sea.pdf) | Ratified on 18 August 1970 | Geneva Conventions Act |
| ​3 | ​[**1949 Geneva Convention III**relative to the Treatment of Prisoners of War​](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A3%20-%20Convention%20%28III%29%20%20-%20Treatment%20prisoners.pdf) | ​Ratified on 18 August 1970 | Geneva Conventions Act |
| ​4 | ​[**1949 Geneva Convention IV** relative to the Protection of Civilian Persons in Time of War​](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A4%20-%20Convention%20%28IV%29%20-%20ProtectionCivilian.pdf) | ​Ratified on 18 August 1970​ | Geneva Conventions Act |
| ​5 | [​**1977 Protocol I –** Additional to the 1949 Geneva Convention relating to the Protection of Victims of International Armed Conflict](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A5%20-%20Additional%20Protocol%20%28I%29%20to%20the%20Geneva%20Conventions%2C%201977.pdf) | ​Ratified on 22 March 1982 | Geneva Conventions (Amendment) Act 2003 |
| ​6 | ​[**1977 Protocol II –**Additional to the 1949 Geneva Convention relating to the Protection of Victims of Non-International Armed Conflicts](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A6%20-%20Additional%20Protocol%20%28II%29%20to%20the%20Geneva%20Conventions%2C%201977.pdf) | ​Ratified on 22 March 1982 | Geneva Conventions (Amendment) Act 2003 |
| ​7 | [**Final Act of the Diplomatic Conference of Geneva of 1974-1977**](https://humanrights.govmu.org/Documents/IHL/IHLNEW/A7%20-%20Final%20Act%20of%20the%20Diplomatic%20Geneva%20Conference%2C%201974-1977.pdf) | ​Signed on 10 June 1977 |  |
| ​8 | ​[**The Biological Weapons Convention**1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction](https://humanrights.govmu.org/Documents/IHL/IHLNEW/B%20-%20Convention%20on%20the%20Prohibition%20of%20Biological%20Weapons%2C%201972.pdf) | ​Ratified on 7 August 1972 | Biological and Toxin Weapons Convention Act |
| ​9 | [​**Chemical Weapons Convention** on the Prohibition of the Development, Production Stock-piling and Use of chemical Weapons and their Destruction](https://humanrights.govmu.org/Documents/IHL/IHLNEW/C%20-%20Convention%20prohibiting%20Chemical%20Weapons%2C%201993.pdf) | ​Ratified on 9 February 1993 | Chemical Weapons Convention Act |
| ​10 | [​**1925, Geneva Protocol**on Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare​](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D1%20-%20Geneva%20Protocol%20on%20Asphyxiating%20or%20Poisonous%20Gases...%201925.pdf) | ​Ac​ceded on 12 March 1968​ |  |
| ​11 | ​[**1980 Convention on Prohibitions or Restrictions on the Use of Certain conventional Weapons (CCW)**which may deem to be Excessively Injurious or to Have Indiscriminate Effects​](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D2%20-%20Convention%20prohibiting%20Certain%20Conventional%20Weapons%20%28CCW%29%2C%201980.pdf) | ​Acceded on 6 May 1996 | The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) which may deemed to be Excessively Injurious or to Have Indiscriminate Effects Act 2018 |
| ​12 | [​**1980 Protocol I**on the Non- Detectable Fragments](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D3%20-%20CCW%20Protocol%20%28I%29%20on%20Non-Detectable%20Fragments%2C%201980.pdf) | ​Acceded on 6 May 1996 |
| ​13 | ​[**1980 Protocol II**on the Prohibition**s** and Restrictions on the Use of Mines, Booby-traps and other Devices](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D4%20-%20CCW%20Protocol%20%28II%29%20prohibiting%20Mines%2C%20Booby-Traps%20and%20Other%20Devices%2C%201980.pdf) | ​Acceded on 6 May 1996 |
| ​14 | ​[**Amended Protocol II** on the Prohibitions and Restrictions on the Use of Mines, Booby-traps and other Devices (1996)](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D5%20-%20Amended%20CCW%20Protocol%20%28II%29%20prohibiting%20Mines%2C%20Booby-Traps%20and%20Other%20Devices%201996.pdf) | ​Ratified on 02 November 2018 |
| ​15 | [**​1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction**](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D6%20-%20Anti-Personnel%20Mine%20Ban%20Convention%2C%201997.pdf) | ​Acceded on 3 December 1997 | Anti-Personnel Mines (Prohibition) Act |
| ​16 | ​[1980 Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D7%20-%20CCW%20Protocol%20%28III%29%20prohibiting%20Incendiary%20Weapons%2C%201980.pdf) | ​Ratified on 6 May 1996 | The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) which may deemed to be Excessively Injurious or to Have Indiscriminate Effects Act 2018 |
| ​17 | ​[1995 Protocol IV on Blinding Laser Weapons](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D8%20-%20CCW%20Protocol%20%28IV%29%20on%20Blinding%20Laser%20Weapons%2C%201995.pdf) | ​Ratified on 6 May 1996 |
| ​18 | [​**Protocol V on Explosive Remnants of War**](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D9%20-%20CCW%20Protocol%20%28V%29%20on%20Explosive%20Remnants%20of%20War%2C%202003.pdf) | ​Ratified on 02 November 2018 |
| ​19 | [**​2008, Convention on Cluster Munitions**](https://humanrights.govmu.org/Documents/IHL/IHLNEW/D10%20-%20Convention%20on%20Cluster%20Munitions%2C%202008.pdf) | ​Ratified on 01 October 2015 | Anti-Personnel Mines and Cluster Munitions (Prohibition) Act 2016 |
| ​20 | ​[Hague Convention for the Protection of Cultural Property in the event of armed conflict](https://humanrights.govmu.org/Documents/IHL/IHLNEW/E%20-%20Hague%20Convention%20for%20the%20Protection%20of%20Cultural%20Property%2C%201954.pdf)​ | ​Ratified on 22 September 2006 |  |
| ​21 | [**​The Rome Statute 1998 Rome Statute**for the International Criminal Court](https://humanrights.govmu.org/Documents/IHL/IHLNEW/F1%20-%20Statute%20of%20the%20International%20Criminal%20Court%2C%201998.pdf) | ​Ratified on 5 March 2002 | International Criminal Court Act |
| ​22 | [​**Amendment to the Statute of the International Criminal Court**](https://humanrights.govmu.org/Documents/IHL/IHLNEW/F2%20-%20Amendment%20to%20the%20Statute%20of%20the%20International%20C.%20Court%2C%202010.pdf) | ​Ratified on 05 September 2013 |  |
| ​23 | ​[Convention on the Rights of the Child](https://humanrights.govmu.org/Documents/IHL/IHLNEW/G1%20-%20Convention%20on%20the%20Rights%20of%20the%20Child%2C%201989.pdf) | ​Ratified on 26 July 1990 | The Children’s Act 2020 |
| ​24 | ​[The Optional protocol on the involvement of children in armed conflict](https://humanrights.govmu.org/Documents/IHL/IHLNEW/G2%20-%20Involvement%20Children%20Protocol.pdf) | ​Ratified on 12 February 2009 | The Children’s Act 2020 |
| ​25 | [​**Arms Trade Treaty**](https://humanrights.govmu.org/Documents/IHL/IHLNEW/H1%20-%20Arms%20Trade%20Treaty%2C%202013.pdf) | ​Ratified on 23 July 2015 | Firearms (Amendment) Act 2016 |
| ​26 | ​[1948, Convention on the Prevention and Punishment of the Crime of Genocide](https://humanrights.govmu.org/Documents/IHL/IHLNEW/H2%20-%20Convention%20on%20the%20Prevention%20and%20Punishment%20of%20Genocide%2C%201948.pdf) | ​Acceded on 08 July 2019 |  |
| ​27 | ​[1976, Convention on the Prohibition of military or any hostile use of environmental modification techniques (ENMOD)](https://humanrights.govmu.org/Documents/IHL/IHLNEW/H3%20-%20Convention%20prohibiting%20environmental%20modification...1976.pdf)**​**​ | ​Acceded on 09 December 1992 |  |

1. The International Humanitarian Law Committee of Mauritius, set up under the aegis of the Human Rights Division, is responsible of advising and assisting the Government in:
2. implementing and spreading knowledge of IHL instruments to which Mauritius is a party;
3. ensuring that the existing legislations are in compliance with IHL instruments;
4. reviewing the accession to further IHL instruments; and
5. supporting government initiatives to develop and enhance respect of IHL at regional and international level.
6. The Committee comprises representatives of relevant Ministries/ Departments and the Mauritius Red Cross Society. The Terms of Reference of the Committee is at ***Annex***.
7. ​The Human Rights Division also engages actively with the International Red Cross and Red Crescent Societies and the Mauritius Red Cross Societies to increase awareness and promotion of the IHL instruments.
8. **National Strategy and Action Plan 2020-2024**

Mauritius introduced the National Strategy Document and its accompanying Action Plan which present the new strategic direction of the Government of Mauritius to eliminate Gender Based Violence (GBV). It reflects stakeholder engagement and has been drafted in a participatory manner to capture the current specificities of the Republic of Mauritius.

It is further informed by international best practices and frameworks to address the root cause of gender inequality and is survivor-focused. The key elements of the National Strategy revolve around having a shared understanding of the nature and extent of GBV in Mauritius, the commitment of multiple stakeholders, the need to strengthen existing legislative and policy framework, capacity building of stakeholders; and a strong monitoring and evaluation mechanism.

In order to ensure the successful implementation of the National Strategy and its accompanying Action Plan, Government has set up the following Monitoring and Evaluation mechanisms:

1. A High Level Committee under the chair of the Hon. Prime Minister to monitor and evaluate the progress made on the implementation of the National Strategy and Action Plan on a half yearly basis.
2. A National Steering Committee on GBV chaired by the Hon Minister of Gender Equality and Family Welfare meet on a quarterly basis.
3. Four Technical Working Groups to ensure the implementation of the activities falling under each of the following sub strategies:
	1. Change societal norms and beliefs that are against principles of gender equality and equity;
	2. Priority support services for survivors while holding perpetrators accountable;
	3. Identify and redress discriminatory practices that perpetuate gender-based violence; and
	4. Coordinated Monitoring and Evaluation.

Each Technical Working Group meet on a monthly basis and report to the National Steering Committee.

The National Strategy and Action Plan 2020-2024 of the High-Level Committee on the Elimination of GBV was launched on 25 November 2020 on the occasion of the International Day of Elimination of Violence Against Women. Same is mainly geared towards the elimination of GBV wherein a strategic and a multi-sectoral approach has been adopted therein.

The commitment of all stakeholders, including Government, civil society, development partners and the private sector and adequate financing is crucial to ensure that GVB remains as a priority issue on the national agenda.

To this end, the key recommendations supporting the National Strategy that are responsive to the present country context are as follows:

* 1. the adoption of a systems-thinking approach in responding to matters of GBV and domestic violence to ensure implementation of the National Strategy through a collaborative effort and shared understanding of GBV;
	2. a stronger commitment of all stakeholders to data collection, analysis, monitoring and evaluation; and
	3. a paradigm shift towards capacity building of the Lead Agency to provide strategic direction to all stakeholders to effectively implement the National Strategy and Action Plan.

An Australian Consultant is looking into the implementation of the National Strategy and Action Plan on the Elimination of GBV.

The Consultant accordingly had working sessions/meetings with the four Technical Working Groups, working on the National Strategy and Action Plan on Elimination of GBV in Mauritius so as to identify and address some of the issues they might currently be experiencing, that is the impact of the COVID-19 pandemic had on any particular form of GBV.

It was noted that perpetrators, or the survivors, were not able to leave their homes and the stakeholders were doing their best, through different initiatives, to support survivors of GBV.

Despite the COVID-19 pandemic, all stakeholders engaged in the fight against GBV have ensured, that 69.8% of the output indicators are in progress and 28.9% have been completed out of the total target of 149 output indicators.

1. **Right of LGBT community**

Protection of Fundamental Rights and Freedoms of the Individual is enshrined in Chapter II, Section 3 of the Constitution, which is supreme law of the Republic of Mauritius. As such, all individuals are equally protected, be it if they are lesbians, gays, bisexuals, transgender, Queer and Intersex.

Moreover, Mauritius is a welfare state and health services are provided free of charge at the public health institutions. Mauritius also aims at Universal Health Coverage – UHC which is a mechanism for improving the health and welfare of all the citizens and lay the foundation for economic growth grounded on the principles of equity and sustainability

There is no barrier to access health services. All citizens including victims of violence have access to health services including management of both short and long-term post-trauma health complications i.e. physical injuries, psychological and mental health trauma, sexual assault as well as its direct and indirect consequences. First aid for survivors, admission in health settings, access to support services including socioeconomic and legal aid are available and accessible according to protocols.

It has been noted in Mauritius that most of the times Lesbians, Gays, Bisexuals, Transgender, Queer and Intersex (LGBTQI) people do not report cases of abuse. Even if they go to the police, they do not disclose their sexual orientation. Specific rights of LGBTQIs are not specified in domestic law but the legislations afford the same protection to all individual irrespective of their gender identity of sexual orientation.

The State of Mauritius has indicated at various human rights fora that it has a fragile social fabric and amendments will be brought to relevant legislations for LGBTQI rights only once a consensus is reached in the population.

**23.03.2022**