

SURVEY ON THE IMPLEMENTATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA

(MAPUTO PROTOCOL)

INTRODUCTION

In view of the submission of the state report on the Maputo Protocol by Mauritius to the African Commission on Human and Peoples' Rights, the Ministry of Gender Equality, Child Development and Family Welfare is currently conducting a comprehensive national review of the progress made towards the commitments to promote Gender Equality and Women's Empowerment. The Maputo Protocol was ratified on the 16th of June 2017 and it has critical areas of concern which have been clustered into the following 8 headings:

1. Equality and non-discrimination

- Elimination of discrimination (article 2)
- Access to justice, including legal aid and the training of law enforcement officials (article 8)
- Political participation and decision-making (article 9)
- Education (article 12)

2. Protection against violence

- Bodily integrity and dignity, including sexual violence, trafficking of women and medical and scientific experimentation (article 3 and 4)
- Practices harmful to women, including female genital mutilation (article 5)
- Gender stereotypes (article 4(2)(c) and (d))
- Sexual harassment (article 12 and 13)
- Domestic violence (article 4(2)(a))
- Support to victims of violence, including health services and psychological counselling (article 5(c))

3. Rights relating to marriage

- Marriage and its effect on property relations, nationality, names (article 6(e) to (g))
- Minimum age of marriage (article 6(b))
- Registration of marriages (Article 6(d))
- Protection of women in polygamous marriage (article 6(c))

- Protection of women during separation, divorce or annulment of marriage (article 7)
- Protection of children in the family (article 6(e))

4. Health and reproductive rights

- Access to health services (article 14(2)(a))
- Reproductive health services, including the reduction of maternal mortality (article 14(1)(a) and (b))
- Provision for abortion (article 14(2)(c))
- HIV/AIDS article 14(1)(d) and (e)
- Sex education (article 14(1)(g))

5. Economic, social and cultural rights

- Economic and welfare rights (article 13)
- Right to food security (article 15)
- Right to adequate housing (article 16)
- Right to positive cultural context (article 17)
- Right to a health and sustainable environment (article 18)
- Right to sustainable development including the right to property, access to land and credit (article 19)

6. Rights relating to peace

- Women's participation in peace and conflict prevention and management (article 10(1)) and in all aspects of post-conflict reconstruction and rehabilitation (article 10(2)(e))
- Reduction of military expenditures in favour of social spending (article 10(3)).

7. Protection of women in armed conflicts

- Protection for asylum seekers, refugees, internally displaced women and the punishment of all violators of such protection (article 11(1) to (3))
- Protection of children especially girls from participating directly in hostilities and prevent children from being recruited as soldiers (article 11(4))

8. Rights of specially protected women's groups

- Widows, including inheritance rights (article 20 to 21)

- Elderly women article 22
- Women with disabilities (article 23)
- Women in distress (article 24)

Each Cluster has a series of questions which we are requesting you to answer. While addressing the questions you are required to provide details of concrete examples of measures taken by your Ministry, Department/ Institutions, including aims and scope of measures taken, target population, budget, impact evaluations, lesson learnt, and links to further information. Please also provide information about actions for specific groups of women and girls, e.g. women in remote areas, women living with disabilities, with HIV/AIDS, with diverse sexual orientations, young girls etc. Where relevant and possible, please provide data to support your responses. Each question has indicators to help you answer. You may not necessarily stick to these indicators. Feel free to add any issues you feel pertinent to be included in the report.

QUESTIONS

CLUSTER 1: EQUALITY AND NON-DISCRIMINATION

1. What actions has your Ministry/ Institution/ Department/Organisation taken to advance equality and to protect women and girls against discrimination?

INDICATORS

- Strengthened / enforced laws, regulations and policies to protect women and girls from discrimination in general
- Promoted the principle of equality between men and women from different perspectives in various forms - educational and sensitisation campaigns, training and advocacy workshops.
- Helped and supported the submission of cases of discrimination to judicial or quasi-judicial bodies - courts and tribunals in Mauritius.
- Devised mechanisms to promote the participation of women in politics and in decision-making processes
- Raised awareness of various stakeholders on the principle of equality and non-discrimination

CLUSTERS 2: PROTECTION AGAINST VIOLENCE

2. Which forms of violence against women and girls, and in which specific contexts or settings, have you implemented?

INDICATORS

- Intimate partner violence/domestic violence, including sexual violence and marital rape
- Sexual harassment and violence in public places, educational settings and in employment
- Violence against women and girls facilitated by technology (e.g. cyber violence, online stalking)
- Femicide/Feminicide
- Violence against women in politics
- Child, early and forced marriages
- Female genital mutilation
- Other harmful practices
- Trafficking in women and girls
- Other

3. What actions has your Ministry/ Institution/ Department/Organisation implemented to address violence against women and girls?

INDICATORS

- Introduced or strengthened violence against women laws, and their enforcement and implementation
- Introduced, updated or expanded national action plans on ending violence against women and girls

- Introduced or strengthened measures to increase women's access to justice (e.g. establishment of specialist courts, training for the judiciary and police, protection orders, redress and reparations, including for femicide cases)
- Introduced or strengthened services for survivors of violence (e.g. shelters, help lines, dedicated health services, legal, justice service, counselling, housing)
- Introduced or strengthened strategies to prevent violence against women and girls (e.g. in the education sector, in the media, community mobilization, work with men and boys)
- Monitoring and evaluation of impact, including evidence generation and data collection, including regarding particular groups of women and girls
- Introduced or strengthened measures for improving the understanding of causes and consequences of violence against women among those responsible for implementing measures on ending violence against women and girls
- Other

4. What strategies has your Ministry/ Institution/ Department/Organisation used to prevent violence against women and girls?

INDICATORS

- Public awareness raising and changing of attitudes and behaviours
- Work in primary and secondary education, including comprehensive sexuality education
- Grassroots and community-level mobilisation
- Shifting the representation of women and girls in the media
- Working with men and boys
- Perpetrator programmes
- Other

5. What actions has your Ministry/ Institution/ Department/Organisation taken to prevent and respond to violence against women and girls facilitated by technology (online sexual harassment,

online stalking, non-consensual sharing of intimate images)?

INDICATORS

- Introduced or strengthened legislation and regulatory provisions
- Implemented awareness raising initiatives targeting the general public and young women and men in educational settings
- Worked with technology providers to set and adhere to good business practices
- Supported victims by giving health services and psychological counselling
- Other

6. What actions has your Ministry/ Institution/ Department/Organisation taken to address the portrayal of women and girls, discrimination and/or gender bias in the media?

INDICATORS

- Enacted, strengthened and enforced legal reforms to combat discrimination and/or gender bias in the media
- Introduced binding regulation for the media, including for advertising
- Supported the media industry to develop voluntary codes of conduct
- Provided training to media professionals to encourage the creation and use of non-stereotypical, balanced and diverse images of women and girls in the media
- Promoted the participation and leadership of women in the media
- Established or strengthened consumer protection services to receive and review complaints about media content or gender-based discrimination/bias in the media
- Other

7. Has your Ministry/ Institution/ Department/Organisation taken any action specifically tailored to address violence against specific groups of women facing multiple forms of discrimination?

YES/NO

If YES, please list them and provide up to three concrete examples of measures taken, including aims and scope of measures taken, target population, budget, impact evaluations, lesson learnt, and links to further information. Please also provide information about actions for specific groups of women and girls.

CLUSTER 3: RIGHTS RELATING TO MARRIAGE

8. Has your Ministry/Institution/Department/Organisation received complaints from spouses in relation to marriage and their consequent property rights, nationality and names issues and registration of these marriages?

9. Has your Ministry/Institution/Department/Organisation encountered cases of polygamous marriages in Mauritius and the impact they have had on women?

10. What strategies/policies/laws has your Ministry/Institution/Department/Organisation strengthened/enforced/created to ensure that women's rights pertaining to inheritance and other aspects are protected in cases of separation, divorce or annulment of marriage?

INDICATORS

- Enforced the laws/regulations in relation to inheritance rights
- Advised and educated women and girls about civilly registered marriage and religious marriages and their impact on property rights

11. To what extent and in what forms has your Ministry/Institution/Department/Organisation guaranteed the protection of children in the family?

INDICATORS

- Assisted and rescued children that are subject to violence in the family
- Provided for health and psychological counselling to them in cases of need

- Educated and sensitised parents about the ill effects of violence on children and how to safeguard their primmer interest

CLUSTER 4: HEALTH AND REPRODUCTIVE RIGHTS

12. What strategies/policies/laws has your Ministry/Institution/Department/Organisation strengthened/enforced/created to ensure that women are provided with adequate health services especially in view of reducing maternal mortality? In addition, have you encountered many cases of maternal mortality? Please provide statistics.

INDICATORS

- Prioritised access to essential and life-saving medicines and reproductive health related medical services to women and girls in need
- Ensured that no stigma or social pressure is associated to the provision of reproductive health of women and girls.

13. What legislative or other measures has your Ministry/ Institution/ Department/Organisation taken to terminate pregnancy under specific circumstances?

INDICATORS

- Amended laws on abortion
- Ensured that women have easy access to abortion and related treatment wherever possible
- Raised awareness and sensitised stakeholders about the issue of abortion and its importance

14. What has your Ministry/Institution/Department/Organisations done is relation to HIV/AIDS and women in Mauritius?

INDICATORS

- Protected women from HIV/AIDS by providing for condoms and necessary medical assistance
- Educated women about their right to know about the HIV/AIDS status of their partners
- Punished/Reprimanded people who discriminate on the basis of HIV/AIDS status.
- Organised sex education campaigns and classes which are inclusive of HIV/AIDS debates and discussions

CLUSTER 5: ECONOMICS, SOCIAL AND CULTURAL RIGHTS

15. What actions has your Ministry/Institution?Department/Organisation taken to protect and promote economic, social and cultural rights of women and girls?

INDICATORS

- Created economic opportunities in terms of employment or entrepreneurship possibilities for women
- Worked and advocated for economic independence of women
- Protected the right to food security by enhancing access to food of nutritious values
- Promoted the right to housing or access to housing for women in Mauritius - in the absence of socio-economic rights in the constitution and under the concept of the welfare state
- Enlightened and educated women and girls about their roles in promoting a health and sustainable environment and their participation in sustainable development

CLUSTER 6: RIGHTS RELATING TO PEACE

16. What strategies/laws/policies has your Ministry/Institution/Department/Organisation adopted to promote the role of women as an essential component for a peaceful society?

INDICATORS

- Adopted and/or implemented a National Action Plan on women, peace and security
- Integrated women, peace and security commitments into key national and inter-ministerial policy, planning and monitoring frameworks

- Used communication strategies, including social media, to increase awareness of the women, peace and security agenda
- Increased budgetary allocations for the implementation of the women, peace and security agenda
- Supported inclusive and gender-sensitive conflict analysis, early warning and prevention mechanisms
- Other

CLUSTER 7: PROTECTION OF WOMEN IN ARMED CONFLICTS

17. What has been the contribution of your Ministry/Institution/Department/Organisation in ensuring that women and girls would adequately protected in an eventual situation of conflict in Mauritius?

INDICATORS

- Promoted and supported women's meaningful participation in peace processes and the implementation of peace agreements
- Promoted equal participation of women in humanitarian and crisis response activities at all levels, particularly at the decision-making level
- Integrated a gender perspective in the prevention and resolution of armed or other conflict
- Integrated a gender perspective in humanitarian action and crisis response
- Protected civil society spaces and women's human rights defenders
- Other

CLUSTER 8: RIGHTS OF SPECIALLY PROTECTED WOMEN'S GROUPS

18. What actions/laws/regulations/policies has your Ministry/Institution/Department/Organisation taken/enforced/implemented to protect and promote rights of widows, elderly women, women with disabilities and women in distress? Please provide for statistics and factual overview of the various cases you have dealt with.

INDICATORS

- Enforced and implemented laws punishment ill treatment of elderly women
- Helped in the creation of laws/regulations/policies that enhance greater work opportunities and access to social services to women living with disabilities

- Supported widows whose inheritance rights are violated with necessary assistance - financial and psychological.