



## Recent Status & Progress of Article 14 of the Maputo Protocol in MAURITIUS

**When did Mauritius sign and ratify the Maputo Protocol, and what impact has it had on women's rights?**

Mauritius	Signed	Ratified	Deposited
Maputo Protocol	29.01.2005	16.06.2017	26.06.2017



Mauritius had reservations with Articles 6(b) which sets the marital age to 18 and 14(2)(c) with regards to authorized abortion where no police case has been reported for sexual assaults and where the pregnancy is more than 14 weeks. Finally, it was in January 2022 when the Children's Act 2020 came into force that the age of marriage was fixed at 18 for all, in line with art.6(b) of the Maputo Protocol, and the Criminal Code (amended in 2012) allows lawful termination of pregnancy under specific circumstances.



### *Impact on women's rights*

The Constitution of Mauritius, since 1995, prohibits discrimination based on factors such as race, place of origin, political opinion, colour, creed, or sex. Several statutes have been enacted to promote equality and non-discrimination, including the Equal Opportunities Act (2008, amended in 2011 and 2017), the Workers' Rights Act (2019, amended in 2020), the Local Government Act (2011), the Protection from Domestic Violence Act (1997, amended in 2004, 2007, 2011, and 2016), and the Protection of Human Rights Act (1999, amended in 2012). These laws aim to ensure equal rights and prohibit discrimination in various areas, including employment, occupation, and domestic violence.

**Since 2020, what has been done to encourage the state to implement the commitments made in the Maputo Protocol?**

The adoption of the Mauritius National Gender Policy 2022-2030 which aims to ensure universal access to sexual and reproductive healthcare services and integrate reproductive health into national strategies. Mauritius proposes an inclusive environment to promote gender equality and empower women and girls. Gender considerations should be integrated into planning, implementation, and evaluation processes across sectors and departments. The policy addresses challenges such as gender inequality in legislation, education, governance, employment, gender-based violence, health, media, and environmental protection. It seeks to guide sector-specific and institutional gender policies for implementation at various levels. The National Gender Policy 2022-2030 – SDG 3.7 states: *“By 2030, to 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.”*

### **How do ratified policies like the Maputo Protocol affect domestic law in Mauritius?**

The Republic of Mauritius has actively signed and ratified various treaties, including the Maputo Protocol, to safeguard women's rights and to combat discrimination. As a dualist state, Mauritius has enacted legislation to give legal effect to the provisions of international instruments it has ratified. Through the Children's Act 2020 amendment, the country has eliminated previous reservations to certain articles of the Maputo Protocol. The amended act prohibits child marriages and cohabitation, providing better protection for young girls who have been disproportionately affected. Additionally, a Gender Equality Bill is currently being prepared to address gender-based discrimination and promote equality, including the recognition and criminalization of marital rape, which are not currently acknowledged by existing legislation.

### **What is the current state of maternal and reproductive rights in Mauritius?**

The Ministry of Health and Wellness in Mauritius has implemented strategies and programs like the **Sexual and Reproductive Health Strategy & Plan of Action 2018-2021** and the **National Sexual and Reproductive Health Policy and Implementation plan 2022 – 2027** to address sexual and reproductive health issues. This includes educating adolescents, especially girls, on the importance of delaying sexual activity and responsible fertility. Contraceptives are also available over the counter in pharmacies. The country faces challenges such as unwanted pregnancies, lack of autonomy for women in intimate settings, limited access to contraceptives for minors due to cultural and societal conservative norms, unsafe sex practices, infertility and the condonation of marital rape. Efforts are being made to formulate national policies, increase community awareness, and provide comprehensive sex education in schools to promote well-being and address these issues. Involving men in family planning activities is also seen as crucial. Sensitization on these rights should be as of right in all schools and colleges.



## The challenges in the area of maternal and reproductive rights are:

- (a) Despite the availability of free health care services, including sexual and reproductive health, Mauritius faces unwanted pregnancies, which could have been avoided given the wide range of health services available.
- (b) the problem of unwanted pregnancies is linked to the lack of autonomy and decision-making power with regards to their intimate settings, conservative societal norms, and unsafe sexual practices.
- (c) Access to contraceptives is only as from the age of 16 being the legal age of consent for sexual intercourse. Cultural and patriarchal notions deter adolescents, especially girls to openly buy contraceptives from pharmacies.
- (d) Lack of decision-making power of women in a patriarchal and conservative society in Mauritius, result in unsafe sex practices, which leads to unplanned pregnancies and teenage pregnancies and can also lead to HIV/AIDS risk in the country.
- (e) Marital rape is a serious concern in Mauritius, particularly as a form of gender-based violence, and is not yet defined as a crime under our criminal law.
- (f) There is no adequate comprehensive sex education in schools to address healthy lifestyles and reproductive health issues which is must to promote the well-being of adolescents. Sex being viewed as a taboo subject is the root cause for the resistance of sex education in schools even though adolescents have access to information and misinformation about sex via the internet.

## What is the Mauritian government doing to improve maternal and reproductive rights, including legislation, policy and other methods?

### • **Legislation measures:**

- Implementation of the Children's Act 2020
- Preparation of the Gender Equality Bill
- Inclusion of IVF procedures in Human Tissues Act through the Finance Act 2023
- Recommendation to amend Mauritius Criminal Code to criminalize marital rape
- Recommended to improve the laws on medical termination of pregnancy

### • **Policies**

- National policies and strategy of the government in the Sexual and Reproductive Health Strategy & Plan of Action 2018-2021 and in the National Sexual and Reproductive Health Policy and Implementation Plan 2022 – 2027 to address sexual and reproductive health issues

### • **Institutional measures**

- Special Police departments like Family Protection Bureau created to address all issues affecting to women and children.
- Police departments provide assistance to address violence against women and girls – i.e. support to GBV victims, including Trafficking in Persons
- free health services for all, including victims and efforts are being made for creating more shelter facilities

### • **Administrative measures**

- Mauritius has adopted UNESCO's recommendation of sex education as a life skill concept to empower children with knowledge about physical and psychological changes, reproductive health, and HIV/AIDS risks. Efforts include also reaching out to adolescents and implementing the Population and Family Life Education Programme through the 22 Youth Centres nationwide.



## What can I do if I am not able to access my right to maternal and reproductive rights?

- 1) Teenagers can access health and reproductive rights information through the Mauritius Family Planning and Welfare Association, who also operates a hotline for all queries regarding reproductive rights, including anonymous calls.
- 2) Adult women have access to health and community centres which are present in each district for medical follow up through pregnancy and reproduction queries.
- 3) Access through community support groups found online
- 4) Gender Ministry/ Family Support Bureaux are also stakeholders since the right to health and reproductive right is gender related and any violation thereof can be qualified as gender-based violence for which protection is guaranteed under existing laws in Mauritius, especially in cases of teenage pregnancy and termination of pregnancies
- 5) Recourse to Non-Governmental Organisations like MPower!, MFPWA, Action Familiale, etc.
- 6) For adolescents, seek advice from someone you trust. Do not stay in ignorance of your maternal and reproductive rights. It is extremely important that you are fully sensitized on these rights as they concern your body and your health!

## MPower! ([www.mpower.mu](http://www.mpower.mu))

MPower! was established and registered as a non-profitable organization in Mauritius on 24 July 2022, committed to advancing women & child rights by ending abuse, discrimination and violence against women and children in society and promote the well-being of the family. MPower! has organized a seminar to sensitize women about their health and reproductive rights and organizes various talks and workshops to reach out to women to empower them. MPower! has also received wide press and media coverage with respect to the work and campaigns to prevent violence against women, children, elderly people, and family as a whole. MPower! has conducted a seminar on maternal and reproductive rights for civil society in Mauritius on 25<sup>th</sup> May 2023 which got national media coverage and the key takeaways will be sent along this factsheet to all major stakeholders. We at MPower! Are committed to also promoting the Maputo Protocol in Mauritius and can be reached on [mpowermaurice@gmail.com](mailto:mpowermaurice@gmail.com) or on (230)58587956/52518282, and also through social media! [[Facebook](#), [LinkedIn](#), [Instagram](#)]