



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

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Responses to the list of issues and questions for consideration of the combined third, fourth and fifth periodic reports

Mauritius*

List of issues and questions

1. Please clarify further the legal status of the Convention in Mauritius. In particular, clarify whether the Convention is directly applicable in Mauritius' courts. Please provide information on cases, if any, where the Convention has been directly invoked in domestic courts.

The Convention on the Elimination of Discrimination against Women was ratified on 09th July 1984. The provisions of the convention are found in different pieces of domestic legislation. Should any provision of the CEDAW be invoked in Court, it would imperatively have to be specified under which domestic legislation the provision is being invoked and the Court would hear the matter.

To date, there is no specific record of any case where the Convention has been directly invoked before our Courts. However, in the case below:

T. Pulluck (Appellant)

v/s

1. Deoduth Ramphul
2. Soomeet Devanu Ramphul
3. Tirajwanee Ramphul
4. Tirwanee Ramphul

(Respondents)

In the presence of the Conservator of Mortgages (Co-Respondent)

* Issued without formal editing.



(Record No: 658 2005 SCT 196), the Court stated that it is a practice in Mauritius that any treaty or Convention must as a rule be incorporated into its domestic law before the Courts will apply it.

2. The Sex Discrimination Act (2002) sets up a mechanism to address violations of women's rights detailed in the Act. Please provide data on the number of cases filed under the Act and their outcome. Indicate what recourse can be taken if conciliation efforts do not resolve a complaint.

Statistics of complaints received at Sex Discrimination Division (SDD) in 2004 and 2005

<i>Category</i>	<i>Number of cases</i>		<i>Disposed of</i>		<i>Pending</i>	
	<i>2004</i>	<i>2005</i>	<i>2004</i>	<i>2005</i>	<i>2004</i>	<i>2005</i>
Sex discrimination	17	15	17	12	Nil	3
Sexual harassment	37	16	37	6	Nil	10
Moral harassment		4		2		2
Victimization		1		1		Nil
Others	58	37	58	34	Nil	3
Total	112	73	112	55	Nil	18

By virtue of Section 26 of the Sex Discrimination Act, the Sex Discrimination Division of the Human Rights Commission may warn the perpetrator not to repeat such conduct or may refer the matter to the Director of Public Prosecutions, depending on the circumstances and the nature of each case.

3. What measures have been taken to ensure that women know the provisions of the Sex Discrimination Act. Also describe any programmes that might be in place to sensitize the judiciary and law enforcement personnel about the Act.

The Sex Discrimination Division set up under the Human Rights Commission in 2002, organizes sensitization awareness campaigns on sex discrimination, sexual harassment. About 150 programmes have been conducted during the period 2003 to April 2006.

So far the Police (through the Police Training Schools), Civil Servants in Ministries/Departments including Officers of the Ministry of Justice and Labour Officers have been targeted.

4. The report mentions the existence of “personal laws” which are exempted from the non-discrimination protection of the Constitution. Indicate whether any steps have been taken to eliminate these discriminatory provisions. Also provide information as to what percentage of women are married under the civil marriage law compared to “personal laws”.

As matters stand, Section 33 of the Civil Status Act is operative to allow a person of Muslim faith to celebrate a religious marriage without having to celebrate a civil marriage.

<i>Year</i>	<i>Number of Civil Marriages</i>
2002	10 742
2003	10 847
2005	11 339

The above data has been recorded at the Registrar of Civil Status and there is no record of marriages under “personal laws”.

5. According to the report, the Government approved the National Gender Action Plan in 1999 and implemented a Gender and Development project. Please provide information on the impact of the Plan and the project, and identify the obstacles encountered in the effective implementation and steps taken to overcome them. Indicate whether gender responsive budgeting has been introduced to all line ministries and what the effect of this measure has been.

The Government of Mauritius approved the National Gender Action Plan (NGAP) in 2000, following which the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer-Protection decided to address gender issues in a phased manner.

Subsequently, the NGAP was used as a tool to create awareness of commitments taken at Beijing in 1995 by the Mauritian Government in regard to gender issues namely, women’s health, domestic violence, women and education, women and economy and the girl-child.

The project on Gender and Development has paved the way for the introduction of the concept of Gender Responsive Budgeting, with a sub component related to a Time Use Survey carried out in 2004. An in-depth analysis of the findings of the Survey is being carried out.

Constraints to the implementation of National Gender Action Plan

The National Gender Action Plan was limited in its implementation due to high mobility of human resources at the Gender Bureau. The MWRCDFWCP is in the process of consolidating its National Gender Machinery through the implementation of the second phase of the UNDP Project “Capacity Building for Gender Equality and Empowerment of Women”.

Gender responsive budgeting

Gender Responsive Budgeting is yet to be introduced in all line Ministries. Consultations in that regard are ongoing between the Ministry of Finance and the MWRCDFWCP.

6. The report states that the system of Gender Focal Points in each Ministry is not effective. Please provide information on efforts to improve the system and ensure that gender perspectives are mainstreamed into all programmes and policies.

The mechanism put in place in January 2001 to institutionalize the Gender Focal Points in all Ministries and departments did not yield the expected results in

view of the GFP's inability to influence decision-making and a lack of commitment on the part of Heads of Organisations.

The MWRCDFWCP has now enlisted the collaboration of two Senior Officers (one from administrative and one from technical cadre) as GFP'S to ensure that these officers are able to mainstream gender into all policies/projects of their respective Ministries.

The MWRCDFWCP is presently implementing a UNDP/ILO funded project on "Capacity Building for Gender Equality and Women's Empowerment" which seeks, inter-alia to provide gender mainstreaming skills to Gender Focal Points.

The project further provides the development of a Gender Information System that would act as a communication lever and provide gender related materials to a web interface system amongst Gender Focal Points and the Civil Society.

7. Please provide information on the extent of human and financial resources for the implementation of the Convention outside the budget of the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection (MWRCDFWCP).

There is no specific provision made on human and financial resources for the implementation of the Convention outside the budget of the MWRCDFWCP. Each Ministry/Department meets the cost of programmes/activities related to gender issues as spelt out in specific articles of the Convention, from funds available under its general budget.

Stereotypes

8. The report states that "the reality as far as sex roles and responsibilities in the family are concerned, men are still considered the main breadwinner and women's primary responsibility is still household chores" The report mentions a "Men as partners' programme that has been targeting men in the education campaign to change society as a whole. Please provide information on the impact of this programme, as well as about any other measures in place that target women in efforts to change gender-role stereotypes.

An evaluation workshop of the "Men As Partners" Programme was carried out in July 2004 after the implementation of the Pilot and Phase I of the project to discuss its implementation and to assess its impact.

The response obtained from members of different localities for replicating the project in other regions indicated that the project had succeeded in bringing about a change in the mindset and the interest expressed.

Through the "Men As Partners" programme, it has been possible to overcome gender stereotypes by increasing the level of knowledge and awareness of men and women on health related matters, family welfare, and women empowerment.

Other measures in place include women's empowerment programmes aimed at changing gender roles and responsibilities and family life education.

Violence against women

9. The report provides information on the Protection from Domestic Violence Act of 1997. Please provide further details on the sanctions established for perpetrators; the number of cases filed under the Act; the number and percentage of reports which have resulted in either a court decision or other types of follow-up; and information on the systematic collection of data on violence against women and girls.

Offence/sanctions for perpetrators

(i) Any person who wilfully fails to comply with any interim or permanent Protection Order, Occupation Order or Ancillary Order made under this Act commit an offence and shall on conviction, be liable to a fine not exceeding 25,000 rupees and imprisonment for a period not exceeding 2 years.

(ii) Any person who commits an offence under subsection (i) may be arrested by the police.

The number of cases filed under the Domestic Violence Act since 1997 as at February 2006 are 10889.

Number of cases reported by year and sex

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>
1998	54	1 211	1 265
2000	37	1 235	1 272
2002	47	1 230	1 277
2004	143	1 579	1 722
2005	54	982	1 036

Source: Domestic Violence Intervention Unit.

Registered cases of domestic violence-related offences in assaults from 2001-2003

	<i>Number of reported incidents</i>			<i>Percent</i>		
	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Total number of domestic violence-related assaults	1 981	2 108	3 003	16.4	17.7	24.2

Source: Police Department.

Number and percentage of reports which have resulted in either a court decision or other types of follow-up

Year	Total number of cases reported in Family Support Bureaux	Cases at court (PO/OO) [@]		Follow-up cases	
		No	%	No	%
1997	9 612	77	0.8	6 665	69.3
1998	11 360	462	4.1	6 141	54.1
1999	12 424	599	4.8	6 494	52.3
2000	11 246	514	4.6	6 025	53.6
2001	10 918	732	6.7	5 686	52.1
2002	10 383	728	7.0	5 416	52.2
2003	15 266	721	4.7	6 154	40.3
2004	14 842	484	3.3	7 274	49.0
2005	17 162	448	2.6	9 857	57.4
Jan. to April 2006	5 663	66*	1.2	3 216	56.8

[@] Protection Order/Occupation Order issued.

* January to February.

Systematic collection and compilation of data on violence against women and girls

Data on violence against women and girls are collected by appropriate agencies, e.g. Police Family Protection Unit, Master and Registrar and MWRCDFWCP.

At the level of the MWRCDFWCP, data on violence against women and children is collected through six Family Support Bureaux and monthly statistics pertaining to cases reported are compiled by the statistics division of the Ministry. The data is gender disaggregated and available on the website, in terms of number of girls and women concerned and the type of problems identified. These are also included in the Annual Statistical Report of the Ministry.

It is to be noted that the information above relates only to cases that have been reported at the six Family Support Bureaux operating under the MWRCDFWCP and does not reflect reported cases at the Police Family Protection Units which also lead to court decisions and other types of follow-up.

It is proposed to review the whole data collection system and to implement a networking and computerization project linking major stakeholders involved between themselves and with their sub-offices for easy access to and retrieval of information.

10. Please assess the effectiveness of the Family Support Bureau in addressing domestic violence. According to the report, the definition of domestic violence in the Protection from Domestic Violence Act was to be amended to expand it beyond spousal abuse. Please provide an update on the status of the intended amendment and its precise content.

The Ministry operates a network of 6 Family Support Bureaux across the island and offers the following services free of charge to families and children in distress:

1. Psychological and legal counselling;
2. Assistance to adult victims of domestic violence;
3. Assistance to children victim of abuse;
4. Individual, couple and mass counselling on all family related problems.

The above services are offered in a holistic manner within the same premises and in a decentralized manner with a view to minimize further trauma to victims of violence and to enable the public to have easier access to the various services.

Liaison officers, Psychologists and Legal Resource Persons provide counselling to clients in strict confidentiality and Family Protection Officers (FPOs) provide assistance to victims of domestic violence in the filing of an application for a protection order at Magistrates Court.

As for the Child Welfare Officers (CWOs) they extend assistance to children victims of abuse and provide advice to parents on problems relating to ill-treatment of children. Both the FPO and CWO refer clients to psychologists for counselling purposes

Hotlines are also operational on a 24-hour basis to cater for family related problems and officers intervene promptly to assist victims who call on the Hotlines.

Limitations of Family Support Bureau

Inadequate information is imparted to victims of domestic violence. In most cases they are generally not informed that they may opt for a criminal remedy provided by Section 231 of the Criminal Code which provides harsher penalties for the offence of assault upon spouse instead of availing themselves of a civil remedy under the Protection from Domestic Violence Act. It is also the case that victims who cannot afford the services of an Attorney or Barrister are not informed that they may be eligible for Legal Aid and where they need to submit an application.

Staffing requirements of the FSBx in terms of support staff and psychologists, liaison officers, child welfare officers, family protection officers and legal resource persons need to be attended to urgently to reduce waiting time of clients and ease the pressure on existing staff who are delivering services.

The effective operation of the Bureaux is also constrained by the limited awareness of the general public on the services provided.

Amendment to Protection from Domestic Violence Act

In 2004, amendments were brought to the Protection from Domestic Violence Act 1997 to provide for the following:

- (a) Cases of domestic violence committed by any person living under the same roof;
- (b) The period for the service of notice on the respondent spouse to appear before the court was extended to 14 days; and

- (c) Provision of counselling with the consent of the parties concerned.

11. Please indicate whether the Government intends to adopt a comprehensive plan or strategy to combat all forms of violence against women and girls. Describe in particular any awareness-raising programmes that are in place, including training for law enforcement officers and the judiciary.

In the government Programme 2005-2010, Government has taken the commitment to strengthen the enforcement mechanism of the Protection from Domestic Violence Act to provide better services to victims of domestic violence.

Conscious of the need to address the issue of gender based violence in a comprehensive manner, the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection has adopted a broad framework to respond to gender based violence and the areas of focus are:

1. Prevention

Through ongoing IEC Campaign, regular talks and activities are organized in different regions falling under the purview of the Family Support Bureaux to sensitize the public at large on issues pertaining to domestic violence.

Ongoing public awareness campaigns principally aim at reducing the incidence of domestic violence in Mauritius.

Moreover, a simplified version of the CEDAW has been published and distributed widely across the island and is also available on the Website of the Ministry.

2. Projects

A series of innovative projects including Zero Tolerance Clubs and, 'Men as Partners' Programme to combat domestic violence by involving members of the community and enhancing male participation and involvement in matters related to domestic violence were set up.

3. Capacity-building

Training of service providers including medical practitioners, magistrates and police officers has been carried out to improve responses to cases of violence.

4. Forging social coalitions

A multidisciplinary and comprehensive framework that builds on partnerships between Ministries, NGOs and Community Based organisations has also been adopted by the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection to bring meaningful changes in addressing the issue of gender violence. In this connection a Partnership Against Family Violence Committee has been set up to further provide protection, services and rehabilitation to victims of violence.

12. The report refers to the Sexual Offences Act (2003). Please provide data on sexual offences in Mauritius and on sanctions for such offences. This should include data on the number of cases prosecuted since the Act came into force, and what services are available to victims of sexual violence.

In 2005, there were 219 cases of sexual offences registered by the Police. These include rape, sodomy, attempt upon chastity and sexual intercourse involving minors under 16.

Sexual offences — Republic of Mauritius, 2003-2005

<i>Type of Offences</i>		<i>Total Sexual Offences</i>	<i>Rape</i>	<i>Illegal sexual intercourse (with a minor under 16 or a mentally handicapped person)</i>	<i>Attempt upon chastity</i>
2003	Dismissed/Struck out/withdrawn	52	5	24	23
	Imprisonment/Penal Servitude	29	8	10	11
	RYC, CYC and other Institutions	—	—	—	—
	Fine	9	—	3	6
	Probation, Conditional discharge, Community Service, Absolute discharge	27	2	15	10
Total offences		117	15	52	50
2004	Dismissed/Struck out/withdrawn	52	3	29	20
	Imprisonment/Penal Servitude	43	12	16	15
	RYC, CYC and other Institutions	—	—	—	—
	Fine	2	—	—	2
	Probation, Conditional discharge, Community Service, Absolute discharge	62	—	45	17
Total offences		159	15	90	54
2005	Dismissed/Struck out/withdrawn	80	8	42	30
	Imprisonment/Penal Servitude	47	10	13	24
	RYC, CYC and other Institutions	—	—	—	—
	Fine	—	—	—	—
	Probation, Conditional discharge, Community Service, Absolute discharge	61	—	47	14
Total offences		188	18	102	68

Criminal Code (Supplementary Act)

Section 91 (A)	Soliciting or importuning person for immoral purpose	Imprisonment not exceeding 12 months or a fine not exceeding Rs 5,000
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Child Protection Act

Section 14 (1A)	Physically or mentally handicapped child	Penal servitude not exceeding 15 years for other cases
Section 14 (1B)	Other cases	Penal servitude not exceeding 10 years

With a view to providing prompt and timely assistance to victims in sexual cases, a “Protocol of Assistance” is being implemented by the MWRCDFWCP in collaboration with the Prime Minister’s Office, the Ministry of Health and Quality of Life and the Police Department. The protocol lays down clearly the measures to be initiated by all the different stakeholders in cases of sexual abuse so as to provide prompt, appropriate and timely support to victims of such cases.

13. The report describes research on the commercial sexual exploitation of children, but does not provide similar information on adult women prostitutes. Please indicate what measures are being taken to protect prostitutes from exploitation.

So far, no specific study on commercial exploitation of adult women prostitutes has been undertaken.

With a view to preventing commercial sex workers from contracting AIDS, the Ministry of Health and Quality of Life carries out awareness, counselling and screening sessions on HIV/AIDS on the field for commercial sex workers. Positive cases or those who are suffering from any sexually transmitted disease are referred to the appropriate health services for treatment.

A booklet on HIV/AIDS has been specially designed for commercial sex workers and is distributed to them during outreach sessions. This aims at providing to them vital information on safe sex. Furthermore, free distribution of condoms to commercial sex workers has been carried out through a network of peer leaders.

The Police also tracks networks of persons involved in commercial exploitation of prostitutes locally.

14. Please indicate whether any measures are in place to provide skills training for prostitutes who want to leave prostitution.

The MWRCDFWCP is extending financial assistance to an NGO involved in the rehabilitation of sex-workers and ex-female detainees.

The ‘Centre de Solidarité pour Une Nouvelle Vie’ is a registered NGO, presently implementing a project entitled “Chrysalide”. The project aims at the rehabilitation of female drug addicts, alcoholics, ex-female detainees and sex workers. The project provides for various services which includes seminars, individual/group therapy as well as recreational activities.

In addition, Government has through, the NGO Trust Fund put into place a mechanism whereby NGOs working in favour of the rehabilitation of the sex workers may obtain financial assistance. Furthermore, former sex workers are eligible for loan facilities to start micro projects.

15. Please provide any information that might relate to the phenomenon of trafficking in women and children in Mauritius.

With the recently set up support services, complaints of alleged cases of children being used for commercial sexual exploitation locally are now being addressed in a more holistic manner. This has encouraged more and more victims to come forward to denounce perpetrators.

The phenomenon of trafficking can be attributed to various social factors, such as poverty, substance abuse, peer pressure and organized networks.

In order to address the issues related to trafficking, the Ministry works in close collaboration with the Police Family Protection Unit and the “Brigade des mineurs” of the Police Department.

In December 2005, the Child Protection Act was amended to reinforce the laws on child trafficking. Penalties have been significantly increased.

A hotline (113) has also been made available to the public for the referral of cases of child prostitution.

Public representation

16. According to IPU data, the representation of women in the national parliament has increased to 17 per cent. Indicate whether any measures have been taken to reach the SADC goal of 30 per cent representation of women that was to be achieved by 2005.

The SADC Commitment has been disseminated at national level. The MWRCDFWCP had in the context of International Women’s Day 2006 organized a Symposium with Stakeholders on “Women and Decision-Making” where the issue of greater participation of women in politics was widely debated. A copy of the recommendations emanating from the symposium was handed over to the Prime Minister on 8 March 2006 in the context of International Women’s Day.

Individual political parties are aware of the SADC Commitment. More aggressive lobbying and advocacy by women’s organizations are progressing in a sustained manner.

Employment

17. Please provide updated information on the review of job appellations in the public sector and the role of the Ministry of Civil Service Affairs in this respect.

As at date there has been no specific review with the objective to eliminate gender disparity. However, it is current practice for the Ministry of Civil Service and Administration Reforms to take into consideration elimination of any disparity between men and women in issues relating to the title of posts, nature of duties and qualifications in schemes of service, while reviewing job appellations in the public sector.

18. Provide information on the percentage of women employed in the export processing zones (EPZ), as requested by the Committee in its last concluding comments.

Male and female employment in the Export Processing Zones (EPZ) sector, by year

<i>Year</i>	<i>Number of enterprises</i>	<i>Employment</i>			
		<i>As at December</i>	<i>Male</i>	<i>Female</i>	<i>Per cent female</i>
1998	495	90 116	29 133	60 983	67.67
1999	512	91 374	29 868	61 506	67.31
2000	518	90 682	29 697	60 985	67.25
2001	522	87 607	29 445	58 162	66.39
2002	506	87 204	28 955	58 249	66.80
2003	506	77 623	26 660	50 963	65.65
2004	501	68 022	24 893	43 129	63.40
2005	506	66 931	26 065	40 866	61.06

Source: Central Statistics Office, 2006.

19. Indicate to what extent women are employed in executive positions in the private sector.

Employment of women in middle and top management

	<i>Female</i>
Female population in private enterprises	123 287
Female population pertaining to group (1-3)	13 793
% of women in group (1-3)	11.19

Source: Census 2000, Central Statistics Office.

Group 1: Legislators, senior officials and managers.

Group 2: Professionals.

Group 3: Technicians and associate professionals.

20. Indicate whether women are still barred from certain categories of jobs and whether women are still not allowed to be employed during night hours.

(a) Women barred from certain categories of jobs

Section 16 of the Constitution of Mauritius guarantees protection of fundamental rights and freedoms, including the right to employment and freedom to choose one's occupation. Further, Section 5(1) of the Sex Discrimination Act 2002 prohibits discrimination based on sex – amongst other grounds – in employment. In addition the Equal Opportunities Bill currently under preparation will further safeguard against discrimination.

However, in the current labour legislation, there still exist, in a few remuneration orders, differing job descriptions for male and female workers as well

as limitations on assignment of work owing to the strenuous nature of some operations which female employees are not compelled to perform.

(b) Night work for women

The Labour Act – Act 50 of 1975 as amended – provides that no person shall employ a female worker in an industrial undertaking between 10 p.m. and 5 a.m. However, this provision does not apply to the Export Processing Zone Sector, which is governed, on the issue of night work, by the Industrial Expansion Act, Act No. 11 of 1993 as amended. The latter provides that a woman may be required to work between 10 p.m. and 5 a.m. but shall not be required to resume work before a lapse of 12 hours.

21. The report provides no information on the wages of women and men. Please provide information on the wage gap between women and men on any measures taken by the Government in this area.

Wage gap between women and men

Sector	Category	Actual prescribed daily basic wages (Rs)	
		Male	Female
Fieldcrop and Orchard	Field labourer	177.35	137.96
Livestock Industry	Worker	177.35	137.96
Salt Manufacturing Industry	Worker	162.12	124.66
Sugar Industry (Agricultural)	Field worker	189.84	143.13
	Field worker *(special category)	137.35	111.20
Tea Industry	Field labourer	177.35	137.96

Source: Remuneration Order, 2005 Ministry of Labour, Industrial Relations and Employment.

The National Remuneration Board is looking into the above wage discrepancies in order to review all jobs which are presently classified on a gender basis.

22. Provide information on the percentage of women of childbearing age who use contraceptives.

The percentage of women who are of childbearing age using contraceptives is 76 %.

23. Please describe the implementation of the National Strategic Plan to combat STDs, including HIV/AIDS, with a special focus on the needs of women and girls.

The overall goal of the National HIV/AIDS Strategic Plan 2001-2005 was:

- To prevent new HIV infections and to continue caring and supporting people affected with HIV/AIDS in view to reduce morbidity and mortality associated with HIV infections; and

- To minimize its psychological impact on individuals and the population at large.

Subsequently, Strategic objectives were identified and prioritized in order to achieve the overall goal. These were:

1. To generate an environment conducive to effective HIV/AIDS control
2. To reduce STI/HIV new infection among groups with high risk behaviour
3. To reduce vulnerability among youth and children
4. To reduce vulnerability of business sector and workplace including tourism sector
5. To reduce Mother to Child Transmission of HIV
6. To improve utilization of Sexually Transmitted Infections services
7. To provide care and support to people infected by HIV
8. To reduce nosocomial infection including HIV
9. To reduce poverty as vulnerability and risk factors of HIV/AIDS
10. To strengthen surveillance and research
11. To contribute to the regional cooperation among Indian Ocean countries
12. To strengthen institutional set-up for management and co-coordination of the national response to HIV/AIDS and proper monitoring and evaluation.

Institutional framework

The National Strategic Plan established a set of actions setting guidelines in the fight against the scourge of violence. Whilst the management of the Plan was primarily the responsibility of the Ministry of Health and Quality of Life, it was nevertheless dependant on a wide range of government institutions, non-governmental organizations, the private sector and the civil society.

The National Aids Committee (NAC) chaired by the Prime Minister is the highest multi sectoral body for HIV/AIDS issue making recommendations on HIV/AIDS policies to Government, ensuring implementation of the projects, programmes and activities of the Strategic Plan.

The NAC also liaises with financial stakeholders at national, regional and inter-national levels to ensure availability of sufficient resources to achieve the targets set.

Aids Secretariat

The AIDS Division of the Ministry of Health and QOL has been strengthened and operates as a full fledged Secretariat. It also ensures that implementing agencies of the National Strategic Plan are in fact implementing their respective activities.

Evaluation

A first evaluation of the plan indicates that a greater awareness has been created at national level. Improved health care facilities are now available to people

affected and infected. A better synergy exists amongst various institutions, NGOs and the Civil Society.

24. The Human Rights Committee noted in 2005 (CCPR/CO/830MUS) that “section 235 of the Penal Code penalizes abortion even when the mother’s life is in danger, and thus may encourage women to resort to unreliable and illegal abortion, with inherent risks for their life and health”. Please provide information on the situation of a pregnant woman whose life is in danger. Also indicate whether the State party intends to amend the Penal Code to allow abortion in such exceptional cases, and if so, when.

In accordance with present legislation in force, abortion is illegal in Mauritius. So far the question of amending the law to legalize abortion in specific cases is still under consideration as this will require in-depth and wide consultations for a policy decision to be taken on this issue.

It is to be noted that requests for abortion in specific cases where the mother’s life is in danger, were previously being considered by the Ministry of Health and Quality of Life subject to authorization being obtained from the State Law Office on a case to case basis. However, as from 26 November 1997, the State Law Office has delegated the authorization to terminate pregnancy to the Ministry of Health and Quality of Life in regards to cases where the latter considers the mother’s life to be at risk.

Such cases are determined by a Medical Board which submits its recommendations to the Minister.

Optional Protocol

25. Mauritius signed the Optional Protocol in November 2001. Kindly indicate any progress towards accession.

Mauritius is favourable to the accession to the Optional Protocol. Action will be initiated by end 2006.
