

Ending violence against women and girls in Eastern and Southern Africa

Mauritius

Country context: According to the United Nations, 24% of women in Mauritius had experienced some form of gender-based violence (GBV). In a 2022 study, Police data indicated that a large proportion of reported sexual violence and exploitation cases involve girls under 16 years.



Regional frameworks ratified/acceded/signed

- **African Charter on the Rights and Welfare of the Child (ACRWC)** - 14 February 1990
- **African Charter on Human and Peoples' Rights (ACHPR)** - 19 June 1992
- **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)** - 16 June 2017

National legal framework

Constitution as amended in 2016

Provides fundamental rights and freedoms to all citizens, including women and girls.

Key provisions

- Section 3 guarantees the right to life, liberty, personal security, and protection under the law without sex-based discrimination.
- Section 7 prohibits torture and inhuman or degrading punishment or treatment.
- Section 16 prohibits discrimination in the law on various grounds, including sex.

The Criminal Code of Mauritius, 1838

Criminalises various forms of sexual violence and provides for the prosecution and punishment of offenders.

Key provisions

- Section 249 defines rape as where a person commits an “indecent act” or has sexual intercourse without consent, or where consent is obtained through violence, threats, fraud, surprise, impersonation, or where the survivor is incapable of giving consent due to age (under 16), physical or mental incapacity.
- The penalty for the offence of rape is a minimum of 10 years' penal servitude. The Intermediate Court is authorised to impose a penalty of up to 40 years.

- Section 249(4) criminalises sexual intercourse with minors under the age of 16, with the penalty being penal servitude for a term not exceeding 20 years.
- Section 254 criminalises sexual harassment committed through abuse of authority, and prescribes a penalty of up to 10 years' imprisonment and a fine not exceeding 200,000 Rupees.

Protection from Domestic Violence (Act of 1997)

The Act provides protection to survivors of domestic violence and sets procedures for intervention.

Key provisions

- Section 2 recognises multiple forms of abuse, including physical, sexual, emotional and psychological violence.
- Section 3 provides for the issuance of protection orders to protect survivors of domestic violence from perpetrators.
- Section 11 obligates enforcement officers to investigate domestic violence cases, explain to survivors their rights, provide alternate shelter, ensure the survivor seeks medical services and support the survivor in filing a complaint.

Equal Opportunities (Act of 2008)

The Act prohibits discrimination and harassment on several grounds, including sex, marital status, pregnancy, and family responsibilities, and applies to public and private sectors.

2. Laws and policies on ending violence against women and girls in Mauritius

Key provisions

- Section 25 defines sexual harassment as unwelcome sexual advances, requests for sexual favours, or engaging in any other unwelcome conduct of a sexual nature.
- Section 26 prohibits sexual harassment while providing employment, education, accommodation, and the provision of goods and services.
- Offenders of sexual harassment are liable to a fine not exceeding 100,000 Rupees and to imprisonment for a term not exceeding 5 years.
- According to Section 27 (3), survivors can file complaints with the Independent Equal Opportunities Commission.

Children's Act of 2020

This Act aims to provide for the protection, welfare, and rights of children, particularly against abuse and exploitation.

Key provisions

- Section 2 defines a child as anyone below the age of 18 years.
- Section 12 prohibits child marriage and cohabitation with minors, with the penalty being a fine not exceeding 1,000,000 Rupees and imprisonment for a term not exceeding 10 years.
- Section 19 prohibits sexual abuse of a child below 16 years, with the penalty being penal servitude for a term not exceeding 30 years where the child is physically or mentally handicapped, or a fine not exceeding 1,000,000 Rupees and penal servitude for a term not exceeding 20 years in any other case.
- Section 20 and Section 21 criminalise “child prostitution” and “child pornography” with the penalty being penal servitude for a term not exceeding 20 years where the child is physically or mentally handicapped or to penal servitude for a term not exceeding 10 years in any other case.
- Section 21 criminalises “child pornography” with the penalty being penal servitude for a term not exceeding 20 years where the child is physically or mentally handicapped or penal servitude for a term not exceeding 10 years in any other case.

Children's Court Act, 2020

The Act establishes the specialised Children's Court, which has the jurisdiction to hear and determine cases involving children.

Key provisions

- Section 3 establishes the Children's Court comprising:
 - **Protection Division:** Grants care and protection orders.

- **Criminal Division:** Hears and determines cases involving sexual offences against children and offences where children are survivors or witnesses of sexual offences, domestic violence, or trafficking cases.

Child Sex Offender Register Act, 2020

The Act establishes the Child Sex Offender (CSO) Register, which aims to reduce and prevent the risk of sexual offences against children.

Key provisions

- According to Section 3, the CSO Register monitors and tracks persons in the community who have been found guilty of committing sexual offences against children.

Policy framework

National Gender Policy (2022–2030)

- Provides a strategic framework for promoting gender equality and eliminating gender-based violence (GBV).
- Mandates the integration of gender considerations across all ministries and requires the development of sector-specific policies and action plans that address gender.

Support services and mechanisms

- **Family Support Bureaus:** offer psychological support, legal aid referrals, and counselling services for GBV survivors.
- **The Child Development Unit (CDU):** provides protection, emergency shelter, psychosocial support, and reintegration services to children facing violence, including sexual violence and exploitation.
- **Drop-In Centres:** provide shelter, counselling, and life-skills training to survivors of GBV and trafficking.
- **The Legal Aid Board:** provides free legal aid services to survivors of GBV.
- **The Police Family Protection Unit (FPU):** investigates domestic violence cases and supports survivors in making complaints and accessing medical or legal assistance.
- **Hotlines and Helplines:** receive and respond to cases of GBV.
- **Gender-Based Violence Observatory:** collects and analyses GBV data to support strategic planning and service improvement.
- **The Workplace GBV Toolkit, also known as ECHO (Eliminating Conflict and Harassment at the Office):** offers a confidential reporting system for addressing sexual harassment in the workplace.

3. Laws and policies on ending violence against women and girls in Mauritius

Legal gaps and implementation challenges

- Patriarchal attitudes and stigma often discourage survivors from reporting sexual and domestic violence, especially marital rape or incest cases.
- Inadequate training of law enforcement and healthcare providers results in re-traumatisation of survivors or improper case handling.
- Limited shelters and long-term support for survivors of trafficking and domestic violence lead to challenges in reintegration.
- The lack of comprehensive sexuality education contributes to continued misconceptions about consent and gender-based violence.



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