

Promoting, Protecting and respecting women's and girl's full enjoyment of human rights in humanitarian situation

1. The State of Mauritius is a peaceful country and outside the armed conflict regions. It has ratified most of the core IHL instruments and ensures that effective legislations are in place in compliance thereto.

War - Armed Conflict

2. The Constitution of Mauritius which is the Supreme law of Mauritius, generally provides for the protection of the fundamental rights of every citizen in Mauritius, men, women and children alike, irrespective of the situation.
3. Accordingly, the Protection of Human Rights Act establishes a National Human Rights Commission (section 3) which has as duty and responsibility, inter alia, the promotion and protection of human rights (section 3A)
4. It is illegal under the Criminal Code to raise any armed troop(s), to enlist/enroll any soldier(s), to supply or furnish soldiers with arms or ammunition without the order or sanction of lawful authority, to form part of any meeting or assembly the object of which is to exercise or instruct in the use of arms, the practice of military exercises, movements, or revolutions or to lend aid thereunto (section 63).
5. Similarly, under the Criminal Code, it is illegal to take the command of an armed force, troop, fleet, squadron, man of war, fortified place, post, port or town, without lawful right or reason (section 64).
6. Rebellions committed by armed persons (sections 145 to 147), carrying concealed arms (section 150), inciting rebellion (section 152), inciting citizens to rise up in arms and exciting the citizens or other inhabitants of Mauritius to arm themselves against the State (section 60) are all illegal.
7. The Geneva Convention Act gives effect to the Geneva Conventions and Protocols which establish the standards of international law for humanitarian treatment in war. A breach of any of the Geneva Conventions or Protocols is an offence under the Act.
8. The International Criminal Court Act defines 'crime against humanity' as including any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) deportation or forcible transfer of population;

(b) enforced disappearance of persons;

(c) enslavement;

(d) extermination;

(e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) murder;

(g) persecution against any identifiable group or collectively on political, racial, national, ethnic, cultural, religious, gender (both male and female), or other grounds that are universally recognised as impermissible under international law in connection with any act referred to in this paragraph or any crime within the jurisdiction of the International Criminal Court;

(h) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;

(i) the crime of apartheid;

(j) torture;

(k) any other inhumane act of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

9. Under section 4 of the International Criminal Court Act, committing a crime against humanity, genocide or a war crime and directly and publicly inciting others to commit genocide or contributing to the commission of an international crime are all offences that carry, on conviction, penal servitude for a term not exceeding 45 years.

10. Section 17 of the International Criminal Court Act provides that, *inter alia*, in respect of an enquiry, no person shall be subjected to any form of coercion, duress or threat, to torture or to any other form of cruel, inhuman or degrading treatment or punishment or be subjected to arbitrary arrest or detention or be deprived of his liberty except on such grounds and in accordance with such procedures as are established in the Statute. Also, if questioned in a language other than a language he fully understands and speaks, the person shall have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness. The person shall also have the right to legal assistance of his choice, or, if he does not have legal assistance, to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.

11. Section 38 of the International Criminal Court Act provides that, every entry, search and seizure under this section shall be conducted with strict regard to decency and order, including the protection of a person's right to dignity, freedom, security and privacy.

Disasters

12. The State of Mauritius, being a Small Island Developing States (SIDS), is vulnerable to natural disasters which have increased with the global climate change phenomenon. Mauritius has come up with a comprehensive policy for the safety of all individuals in times of humanitarian emergencies and situations of risks and disasters.
13. The National Disaster Risk Reduction and Management Act establishes the National Disaster Risk Reduction and Management Council (section 4) which has as objective, *inter alia*, promoting a culture of safety and resilience to disasters, through the use of knowledge, innovation and education and promoting the implementation of the obligations of Mauritius under disaster management treaties to which Mauritius is a party (section 5).
14. The Council has as one of its functions to ensure that disaster risk reduction becomes an integral objective of environment-related policies and plans, land use planning, natural resource management, educational plans, social development plans, economic policies, sectoral policies, as well as infrastructure through enforcement of building codes (section 6).
15. The Council has the power, amongst others, to cause any Ministry, Government department, local authority or any other body to provide their facilities and resources for the protection and preservation of life and property in disaster risk reduction and management (section 7).
16. Under the aforementioned Act, there shall also be, within the Ministry of Local Government and Disaster Risk Management, a department to be known as the National Disaster Risk Reduction and Management Centre that shall have the responsibility, *inter alia*, to collaborate with all relevant stakeholders so that disaster risk reduction and management becomes an integral objective of environment-related policies and plans, sound land use planning, natural resources management, education and social development plans, economic and sectoral policies, as well as infrastructure through enforcement of building codes (section 9). The Director-General of the aforementioned centre shall have such powers as may be necessary to discharge its functions most effectively, in the interest of public safety (section 11).

17. The Act also provides for the setting up of a National Crisis Committee in the event of a disaster (section 15). The National Crisis Committee shall have all the functions and powers of the National Council and shall take decisive and timely actions to safeguard the life of persons in danger, including evacuation of persons at risk and provide relief assistance (section 16).
18. Furthermore, the Act establishes a National Emergency Operations Command which, in the interest of public safety, shall have the power to, *inter alia*, cause the evacuation, either voluntarily or by using such force as may be necessary, of persons who are at risk (section 17).
19. The above centre carries out regular sensitization campaigns on disaster risk reduction and organizes frequent simulation exercises and activities. These campaigns and simulations exercises take into account the special needs of persons with disabilities. Safe evacuation procedures are tested for implementation in case of occurrence of disasters.
20. Where a disaster in any part of Mauritius is of such a nature and extent that exceptional measures are necessary to assist and protect the public in that area or where circumstances are likely to arise making such measures necessary in that area, the Prime Minister may declare a state of disaster in any area in Mauritius.
21. Where a state of disaster is declared, the Prime Minister may issue directions or authorise the issue of directions concerning, *inter alia*, the release of any available resources of a Ministry or department, including food items, non-food items, equipment, vehicles and facilities and the evacuation of any person from the disaster affected area to temporary shelters for the purpose of assisting and protecting the public, providing relief to the public, protecting property or dealing with the destructive and other impacts of the disaster (section 37).
22. Where it is beyond the national capabilities to deal with a disaster or an emergency situation, the Prime Minister may seek international relief assistance. Any international assisting agency and its personnel have the legal obligation to abide by the laws of Mauritius and shall coordinate with domestic authorities in the relief efforts. Any international assisting agency also has the legal obligation to ensure that the disaster relief and initial recovery assistance are provided in accordance with this Act and principles of humanity, neutrality and impartiality (section 38).
23. The State of Mauritius ensures that adequate measures are taken to provide the best possible conditions for its affected citizens in periods of disasters including women and girls. Additionally, the National Emergency Operation Command has implemented

specific actions for the enhancement of safety of girls and women during period of disasters. Details are at **Annex**.

Health Crisis (COVID 19)

24. The COVID-19 Pandemic crisis has led to a deep socio-economic and financial crisis that has intensified the vulnerability of the least protected worldwide. The State of Mauritius has taken exceptional measures to ensure that everyone is protected and duly considered in the response to this crisis. The fundamentals rights of the citizens have always been at the heart of any actions with utmost priority to safety, health and livelihood of the population.
25. All conditional cash transfers to all eligible households on the Social Register List of Mauritius (SRM), who have signed a Marshall Plan Social Contract, were maintained thus enabling them to continue securing their basic incomes and supports during the outbreak.
26. Furthermore, temporary policy measures were put in place, namely:
 - (i) free distribution of food packs and accompanying mechanisms for the distribution of basic food commodities to cater for the needs of those vulnerable groups who are facing scarcity in terms of acquiring basic food supplies;
 - (ii) payment of pensions, Carers' Allowance and the Basic Invalid Pension at the doorstep of beneficiaries;
 - (iii) vaccination facilities to be accessible to homeless persons as well; and
 - (iv) extension of payment periods for utilities, rent and other selected services.
27. Necessary awareness was also carried out to request Vulnerable families, who feel that they require empowerment support, to call at the Social Security Offices for registration under the SRM.
28. Similarly, the Ministry of Gender Equality and Family Welfare has put in place a series of measures in order to continue to promote and defend the rights of women and children during the health crisis. It adopted a series of new measures to deal with cases of domestic violence and child abuse during this period.
29. The following services have continuously been provided to women and girls in distress:

- (i) the 24/7 toll free (113 and 139) services was operational to report any cases of violence against women and girls;
- (ii) a pool of Family Welfare and Protection Officers of the Ministry of Gender Equality and Family Welfare were deployed around the island to provide prompt assistance to women and girls in need of emergency accommodation from distressful situations;
- (iii) the Child Development Unit of the Ministry maintained its core child protection services and ensured that these services remained functional and available on a 24/7 basis, including home visits and psychological services by respective officers for urgent cases; and
- (iv) there was constant monitoring of all children placed in Shelters and Residential Care Institutions, by phone.

30. In line with Article 13 of the United Nations Convention on the Rights of the Child, children of shelters were given the opportunity to make drawings and paintings to express their views on various topics in relation with the COVID-19 Pandemic such as hygiene, food, health, etc.

31. Residents of shelters enjoyed their rights to leisure, play and participation in cultural and artistic activities, thus, guaranteeing their right as per Article 31 of the Convention. Residents were protected from all sorts of neglect and abuse and were provided with adequate medical care as and when required. Food and other commodities were made available in larger stocks as there was no indication as to how long the lockdown would last.

32. A well-defined protocol for intervention in cases of domestic violence and child abuse were developed, respectively at the very outset of the confinement period. The *modus operandi* of the team of officers (of the relevant Ministry) addressing child abuse and domestic violence was customised in line with the exigencies of the lockdown and in line with the protocol in place. A concise weekly reporting mechanism was adopted and prompt remedial measures were taken for operational difficulties faced.

33. It is worth noting that a Gender- Based Mobile Application “Lespwar” was also developed to act as a rapid response system to victims of gender-based violence hence ensuring their safety by giving priority and enhanced access to support services at the touch of a button for those at risk.

Challenges to fulfil human rights in humanitarian settings

34. Operational issues and limitation of resources are major challenges during any humanitarian situation. The State of Mauritius has not encountered any exceptional natural disasters over the past years requiring significant humanitarian aid. There have

regular cyclones, floods and heavy rainfall which were only of temporary duration and the situations were handled successfully.

35. As any dynamic system, there are indeed scope to improve the efficiency of the services provided, networking with the various stakeholders, response time, collection of field information and adoption of concerted strategies throughout with focus on human rights.
36. It is also to be noted that assistance provided to persons in difficulties and persons in refuge centres depend a lot on the first information provided by the victims and the inability to provide accurate information may lead to ineffective actions.
37. The State of Mauritius has, however, had numerous human rights challenges in its response to the COVID 19 pandemic. Lockdowns periods have resulted in increased risks to women and girls in different forms like sexual exploitation and abuse at homes; exposure to domestic violence, neglect; increase anxiety and stress resulting in psychological distress and reduced access to vital family and care services.
38. With the closure of child day care services, parents and more particularly women are exposed to greater responsibilities and challenges. Children are left either unattended or at a relative's place which are sometimes not an appropriate setting for the small children. The lockdown measures may expose children to a range of risks when not properly supervised. As per the UNICEF, several factors related to confinement measures are likely to result in heightened tensions in the household, added stressors placed on caregivers, economic uncertainty, job loss or disruption to livelihoods, and social isolation.
39. As highlighted by the UNICEF, COVID-19 pandemic had an impact on sanitation and hygiene. With loss of jobs more people and particularly women are living in poverty. People living in poverty already face barriers in obtaining menstrual hygiene supplies and related health services. With stores and public transport closing, rising costs and increasing economic uncertainty, they are now facing even bigger hurdles. There have even been reports of women forced to prioritize food and water over personal care items. In a view to provide basic hygienic products to women in vulnerable situations, the Ripple Project was founded by Djemillah Mourade-Peerbux. The project aims to bring a change in people's perception on access to sanitary products which are not luxurious items but necessities thereby empowering women.
40. Children in vulnerable situation encountered difficulties to have access to online classes. Hence, this was a significant challenge in closing the gap of access to education to break the poverty cycle among the vulnerable. As part of continuous efforts to close this gap, free internet services and 2,570 tablets had been provided to families registered in the Social Register of Mauritius (SRM), by the Government.

41. The spread COVID-19 pandemic has had a huge impact on women employed in both formal and informal sectors. For those in the informal economy, they have access to very few protections against dismissal, or paid sick leave and limited access to social protection. Employees on short-term contracts, mainly women and youth, had been particularly vulnerable to these abusive dismissal practices. In order to address this issue an assistance wage scheme was proposed to those concerned. Furthermore, a National Training and Reskilling Scheme (NTRS) targeting unemployed citizens was proposed by the Government of Mauritius.
42. Statistics revealed an important decline in female employment as compared to male employment as of May 2020. From 215,100 women employed in the first quarter of 2020, this figure fell sharply to 157,000 by May 2020 as a direct consequence of the lockdown. Subsequently, female employment level increased considerably by 27% between May and June and modestly between June and July.
43. It is worth to note that many companies are shifting to flexible work arrangements and this model of working would allow for greater balancing of work and care responsibilities.

Gender Equality and Discrimination

44. Unequal access to and control over economic resources lie at the root of women's poverty. Discriminatory legal frameworks and customary laws can place significant constraints on women's ability to earn an income by restricting their access to inheritance, land, property and credit as well as their mobility. But even where formal restrictions are removed, women face multiple barriers to their ability to move out of poverty. Labour market segmentation, gender wage gaps and unequal access to social protection remain a persistent source of economic disadvantage for women. Cultural, psychological, emotional barriers and stigmatisation remain major challenges in the equation.
45. The State of Mauritius confers the same rights to be treated equally to all its citizens., Based on the principles of equity and social justice, it has remained fully committed to channelling resources into processes that create a society that values women, men, girls and boys equally, and to finally ensure that everyone has equal opportunity and equality. Therefore, integrating gender perspective in policies and strategies and accelerating the **transition of women from informal to formal employment through training and empowerment, and girls from schools to employment, have always been a driving force of the Marshall Plan to tackle the root cause of poverty.**

46. It is in further consolidation of the social institutional framework to drive a national agenda for inclusive human and social development as a means to tackling the deep rooted causes of poverty and vulnerability that the National CSR Foundation has been transformed into a **National Social Inclusion Foundation** (NSIF). This is expected to give a new orientation to the Foundation in terms of National Programmes aligned to Government strategies and actions and ensure better social actions.
47. The new entity is called upon to play a key role in the promotion of social inclusion, equity and sustainable development, specifically, by leveraging strategic and sustainable partnerships with NGOs, public institutions and the private sector.

29 June 2021

Activities of the National Emergency Operation Command for the enhancement of safety of girls and women during period of disasters

a) Sensitisation Campaigns targeting vulnerable persons (women and girls)

Awareness Campaigns in Women Empowerment Centres and other centres throughout Mauritius whereby they will be apprised of precautionary measures to be taken with regard to hazards such as cyclones, heavy/torrential rain leading to floods, drought, tsunami and landslide amongst others. The precautionary measures consist of information about emergency kits to be prepared, emergency phone numbers as well as actions to be taken before, during and after a disaster.

Arrangements are also made to carry out sensitisation campaigns in secondary schools (including girl schools) pending the situation becomes stable due to Covid 19 pandemic.

b) Simulation Exercises

Involvement and participation of women and girls within the vulnerable community in Simulation Exercises (flooding, landslide, tsunami, fire drill, high waves, HAZMAT) at both Local and National levels is encouraged. The NDRRMC recently participated in the IOWave20 in Year 2020 whereby both gender took part in the mock evacuation processes following a Tsunami Warning Alert.

c) Community Disaster Response Programme (CDRP)

The Community Disaster Response Programme (CDRP) Training which aims to train participants to gain basic knowledge on disaster preparedness and response skills and as well respond to emergency situations in terms of relief and assistance to vulnerable people/disaster survivors/victims. Participants acquire basic disaster preparedness and response skills such as fire safety, Rope Handling, First Aids, Water Rescue Activities, Basic Camp Management, Team Building, Sand Bagging and other basic techniques applied in emergency situations.

The objectives of the programme are:

- To include more women in Community Disaster Response Teams
- To sensitise women and inculcate a culture of Risk Reduction to them
- To build the Capacity of the women to respond to any crisis or disaster prior the arrival of the Authorities
- To empower the CDRT to assist the authorities upon their arrival on scene.

With such training provided to them, the volunteers, especially women and young girls, are more equipped to assist people in distress until the arrival of the First Responders.

The resource persons comprise mainly of first responders and the participants are trained to carry out an assessment of the situation when a disaster strikes and to respond accordingly by using the skills they acquired through training provided to them. The trained volunteers also assist the First Responders for crowd control and provide information on the community amongst others.

d) Emergency Alert App

The Emergency Alert app allows users (women and girls) included, to receive timely information and updates generated by the National Disaster Risk Reduction and Management Centre NDRRMC, that will enable the issue of timely, coordinated and efficient distribution of alerts, warnings and advisories to the general public and key stakeholders in times of emergencies/disaster.

e) National Multi Hazard Emergency Alert System

The National Multi-Hazard Emergency Alert System (NMH-EAS) is a project undertaken by the NDRRMC in line with Sendai Framework and as per Section 9(2)(f) of the NDRRM Act 2016. It will provide for a reliable high performance system to disseminate warnings and alerts to a maximum number of people (women and girls) and stakeholders in the Republic of Mauritius within an acceptable time frame through a number of communication channels such as television, radio, the Internet, emails, mobile phones applications and social media amongst others.

f) Development of contingency plans for vulnerable areas

Contingency plans have been developed for identified flood prone and life critical threatening areas. These plans elaborate on the roles, responsibilities and actions of stakeholders to save/protect life and as well as reduce the impacts flooding. The development of these plans are done at level of the NDRRMC with the close collaboration of the Local Authority. Some 44 emergency plans have recently been developed and caters for women and girls living in those flood prone and/or affected areas. Therefore, during emergencies, priority will be given to the women and girls in terms of evacuation

g) Development of contingency plans for Residential Care Homes (RCHs)

The NDRRMC has devised a template and set of guidelines to facilitate the drafting of emergency plans involving inmates with disabilities. The Ministry of Social Security is presently supervising the development of those plans and is assisting the Managers of RCHs to prepare their emergency plans.

h) School Emergency Response Plan (SERP)

An emergency plan for the safety of students (GIRLS) in a particular vulnerable school prone to flooding has been drafted and approved by the Cabinet. The plan will be used as template by other schools to draft other emergency plans.

i) Protocol on Heavy Rainfall for the Public Sector

A Protocol for Heavy Rainfall for Public sector has been put into place and has obtained Cabinet approval since April 2017. This Protocol seeks to provide advice and practical guidelines on work arrangements in times of heavy rainfall/localised heavy rainfall and aims at ensuring the safety of employees and service continuity.

For the proper implementation of the Protocol, a list of employees be drawn up and kept updated region wise; with mobility problems such as those who are pregnant or physically handicapped; and by address, starting with those who live furthest from the place of work to those living nearby

j) Protocol on Heavy Rainfall for the Private Sector

Following the Protocol for Heavy Rainfall for the Public Sector, a similar protocol for the Private Sector while taking into consideration the different specificities between the private and the public sector has been put into place. The Protocol of Heavy Rainfall for the Private Sector has been finalised in collaboration with Business Mauritius and the Ministry of Labour, Human Resource Development and Training and the Ministry of Public Service.

k) Flood Emergency Plan for Dr A.G. JEETOO Hospital

The Flood Emergency Plan has been prepared to define actions that should be taken by hospital staff and other stakeholders in the event of flooding at Dr A.G. Jeetoo Hospital so as to enable normal work to continue with minimum disruption to hospital services. The plan gives priority to the identification and provision of assistance in terms of care and evacuation to patients (women and girls) and those with disabilities.