

Violence against women journalists, its causes and consequences

Question 1: Please indicate whether there are cases of gender-based violence and harassment against women journalists in your country. If so, please specify how these cases are documented, and describe the State response, or lack thereof, to such cases, including examples of good practice.

1. As far as violence against journalists and media workers are concerned, it is not an issue of concern in Mauritius. Mauritius being internally and externally a more or less peaceful country (as compared to countries suffering from war, arm conflict or terrorist attacks), offences like taking press reporters as hostages, abduction, torture, mutilation or murder press reporters do not exist in the country.
2. There has not been any case of gender-based violence and harassment against women journalists reported to the Police. There is a general silence over the GBV faced by female press reporters and workers. However, the Media Trust, a body corporate established under the Media Trust Act, suspects a few cases of violence and harassment which are not reported to the Police but dealt with internally by private media companies. The under-reporting of such cases of violence may be due to its sensitive nature and social stigma associated.
3. Gender Based Violence (GBV) is considered as a serious crime in Mauritius. A panoply of legal provisions with tougher penalties are prescribed in the Criminal Code. Moreover, a series of specific laws such as Protection from Domestic Violence Act, Combating of Trafficking in Person Act, Equal Opportunity Act and Child Protection Act, have been promulgated to combat such crimes.
4. Any case of violence and harassment against women journalists within the line of their duty is reported to the police and follow normal course of justice as per the rights of every citizen of the Republic of Mauritius.

Question 2: Please indicate whether your country has early-warning and rapid-response systems in place, such as hotlines, online platforms or 24-hour emergency contact points to ensure that journalists and other media actors have immediate access to protective measures when they are under threat.

5. The Mauritius Police Force, as the main law enforcement agency, works in collaboration with other stakeholders in a concerted effort to better respond to the needs of victims of GBV. A Protocol of Assistance to Victims of Sexual Assault (CP's Circular 15/2006) has been put in place to bring a synergy among stakeholders and to promote better coordination of actions.

6. The Police has a toll free **hotline 148** for members of the public to solicit police assistance for any case including gender-based violence and harassment. Moreover, there is a **hotline 139** at the Ministry of Gender Equality and Family Welfare dedicated to domestic violence. Both hotlines are operational on a 24-hour basis.
7. All victims of GBV are interviewed, as far as possible, by a female police officer and are given victim support all throughout the enquiry. They are also offered services of psychologists working at the Ministry of Gender Equality and Family Welfare to help them overcome Post Traumatic Stress Disorder.

Question 3: Please specify whether there are any programs in place aimed at addressing factors that increase the likelihood of violence and harassment in the world of work for women journalists, including discrimination, the abuse of power relations, and gender, cultural and social norms that support violence and harassment.

8. The Constitution of Mauritius provides for the protection of the fundamental rights and freedoms of the individual without **discrimination** by reason of race, place of origin, political opinion, colour, creed or **sex** under Article 3.
9. Our labour legislation indistinctively safeguards the rights of all workers, irrespective of their sex and occupation at sections 5 and 114 of the Workers' Rights Act 2019 (WRA) an extract of which is as per **Annex**.
10. The WRA basically provides for sanctions and penalties regarding different types and forms of violence, perpetrated by any person against any worker, and in particular concerning cases of sexual harassment and verbal violence to which women are more exposed as a result of their contractual relationship. It is to be noted that the sanctions inflicted by the Industrial Court has been reinforced as compared to the previous Employment Rights Act.
11. The Inspection and Enforcement Section (IES) of the Ministry of Labour, Human Resource Development and Training, which ensures compliance with provisions of the labour legislation in all economic sectors of activity, is further supported and reinforced by sensitization programmes carried out by the Information, Communication and Education Section (IECS) of the Ministry.
12. Regular sensitization programmes are undertaken by the Section with a view to creating awareness among the labour force and the public at large on the labour laws, including discrimination and violence at work. These activities are regularly carried out on the media (T.V. and radios) and through talks at the workplaces.
13. There is no specific program in place aimed at addressing the factors that increase the likelihood of violence and harassment of women journalists.

14. Awareness programmes on violence at work aiming mainly at clearing out doubts or fears that victims or potential victims on the subject matter are conducted regularly in organisations. Workers are informed on the various types of violence, such as harassment, verbal abuse and bullying amongst others that may happen on the worksite. Workers are further encouraged to come forward and report any case of violence at work at one of the 17 regional labour offices scattered around the island with a view to initiating criminal action against perpetrators of such behaviour.

Question 4: Please specify whether online and ICT-facilitated violence against women is recognized as a crime, particularly cases of killings, threats of rape and harassment.

15. Mauritius promulgated the Information and Communication Technologies Act (ICTA) in 2001. Section 46 of the ICTA makes it an offence to post any messages online or by use of ICT whether in the form of speech or other sound, data, text, writings, images, signs, signals or code, or in any form or combination of forms that is likely to cause or cause annoyance, humiliation, inconvenienced, distress or anxiety to any person.
16. Section 46(ga), (h) and (ha) of the **Information and Communication Technologies Act 2001** provides for offences targeting any person, men and women, including women journalists which reads as follows:

“... Any person who - ...

(ga) uses telecommunication equipment to send, deliver or show a message which is obscene, indecent, abusive, threatening, false or misleading, which is likely to cause or causes annoyance, humiliation, inconvenience, distress or anxiety to any person;

(h) uses, in any manner other than that specified in paragraph (ga), an information and communication service, including telecommunication service, -

(i) for the transmission or reception of a message which is grossly offensive, or of an indecent, obscene or menacing character; or

(ii) which is likely to cause or causes annoyance, humiliation, inconvenience, distress or anxiety to that person; ...

(ha) uses an information and communication service, including telecommunication service, to impersonate, or by any other means impersonates, another person which is likely to cause or causes annoyance, humiliation, inconvenience, distress or anxiety to that person; ... ”

(...)

Shall commit an offence.

17. Moreover, homicide, threat to rape and harassment are recognized as criminal offences in Mauritius.

Question 5: Please indicate whether transparent complaint mechanisms for cases of offline and online and ICT-facilitated violence against women journalists have been adopted, and if so, whether policies and procedures for reporting and requesting the removal of harmful content are available and easily accessible.

18. Any aggrieved person can report a case whether offline and online either to the Police or the Citizen Support Portal (CSP) for investigation. The CSP is an online service allowing citizens to directly transmit their requests, share their concerns and ideas with Ministries, departments, parastatals and local authorities. The Computer Emergency Response Team of Mauritius, National Computer Board and Cybercrime Unit and Police IT Unit of the Mauritius Police Force work in partnership to remove harmful content posted online. The services are easily accessible to any member of the public.

19. The Mauritian Cybercrime Online Reporting System (MAUCORS) has been set up in line with the recommendations of the National Cybercrime Strategy with a view to coordinating and resolving social media incidents reported on any victims (including women journalists), and helping to combat cybercrime in Mauritius.

20. The following types of cybercrimes can be reported on the system:

- (a) Online Harassment
- (b) Hacking
- (c) Offensive or Illegal Contents (Pornographic materials, child pornography, sexually explicit contents, promotion of racism and terrorism, hate speech, violence and graphic content, spam)
- (d) Sextortion
- (e) Identity Theft
- (f) Cyberbullying
- (g) Cyber Stalking
- (h) Online Scams and Frauds
- (i) Phishing
- (j) Malware

21. A Family Welfare application has been developed by the Ministry of Gender Equality and Family Welfare for people needing urgent assistance, in situation of violence against women (including women journalists). As soon as a complaint is reported, the victim is immediately localised by GPS (provided she has location-sharing enabled on her device) and action is immediately taken by a group of first responders at the Ministry of Gender Equality and Family Welfare.

Section 5. - Discrimination in employment and occupation

- (1) (a) *No employer shall treat, in a discriminatory manner, any worker who is in his employment.*
- (b) *No prospective employer shall treat a person in a discriminatory manner in respect of access to employment.*
- (2) *Any distinction, exclusion or preference in respect of a particular occupation based on the inherent requirements of the occupation shall not be deemed to be discrimination.*
- (3) *A person does not discriminate against another person by imposing or proposing to impose on that other person a condition, requirement or practice that has or is likely to have a disadvantaging effect, where the condition, requirement or practice is reasonable in the circumstances.*
- (4) *The matters to be taken into account in determining whether or not a condition, requirement or practice is reasonable in the circumstances include –*
 - (a) *the nature and extent of the disadvantage resulting or likely to result, from the imposition or proposed imposition of the condition, requirement or practice;*
 - (b) *the feasibility of overcoming or mitigating the disadvantage; and*
 - (c) *whether the disadvantage is proportionate to the result sought to be achieved by the person who imposes, or proposes to impose, the condition, requirement or practice.*
- (5) *In this section –*

“discrimination” includes affording different treatment to –

 - (a) *different workers attributable, wholly or mainly, to their respective description by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;*

- (b) workers of a subsidiary company performing work of equal value as a worker employed by another subsidiary company of the parent company or the parent company, operating in the same line of business, on less favourable salary, terms and conditions of employment;

“employment” or “occupation” includes access to vocational training, to employment and to particular occupations, and terms and conditions of employment.

Section 114 – Violence at Work

- (1) No person shall –
- (a) harass, sexually or otherwise;
 - (b) assault;
 - (c) verbally abuse, swear at or insult or humiliate in any manner whatsoever;
 - (d) express the intention to cause harm to;
 - (e) bully or use threatening behaviour towards;
 - (f) use aggressive gesture indicating intimidation, contempt or disdain towards; or
 - (g) by words or act, hinder, a worker, in the course of or as a result of his work.
- (2) An employer or his agent shall not carry out a search on a worker.
- (3) An employer shall be vicariously liable for violence at work, including sexual harassment, committed by a worker and any third party where the employer knew or should have known of the violence at work and failed to take any action to prevent or stop the violence.
- (4) An employer shall enquire into any case of alleged violence at work and take appropriate action to protect the rights of the worker.
- (5) Any person who contravenes subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.
- (6)
- (7) In this section –

“**bullying**” includes a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour or an abuse or misuse of power or authority which attempts to undermine an individual or group of individuals, gradually eroding their confidence and capacity which may cause them to suffer stress;

“**harassment**”, in relation to a worker, includes any unwanted conduct towards the worker, whether verbal, non-verbal, visual, psychological or physical, based on age, impairment, HIV status, domestic circumstances, sex, sexual orientation, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, birth or other status, which occurs in circumstances where a reasonable person would consider the conduct as harassment of the worker;

“verbal abuse” includes screaming, yelling, name calling and making mean and disrespectful remarks with a view to humiliating a person.”

*Section 114(5) of the Act also provides sanctions and penalties to act as a deterrent. Any person found guilty would on conviction be liable to **a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.** Moreover, Section 61(2) of the WRA specifies that a worker may claim that his/her contract of employment has been unjustifiable terminated where he/she is ill-treated by his/her employer. In that case, the worker may claim severance allowance as stipulated by the WRA for unjustified dismissal.*

09/06/2020