



THE MAURITIUS WOMEN'S AGENDA FOR EFFECTIVE DEMOCRACY

Introduction

This 'Mauritius Women's Agenda' is being launched as part of the programme of Women in Politics (WIP). WIP has been inspired by the South African 'Charter of Women's Rights' and has freely adapted this document to the Mauritian context.

Our aim in launching this "Women's Agenda" is to invite debate and discussion. While progress has undoubtedly been achieved in many areas, women and children are still the most vulnerable in our society and women do not enjoy equal access to political, legal, economic or social rights. The main thrust of our action is not simply to achieve equality for Women in Mauritius, but to emphasise the need for true Democracy, where increased women's participation is vital at every level, whether local, national or international.

Our action is especially relevant in the run-up to a General Election, in which politicians of every colour will once again have the choice of extending the democratic space to include more women candidates, or of condemning Mauritian women to another five years of waiting for effective democracy.

This document is only a draft, and is intended to be used as a basis for discussion on the nature of Democracy on our country, as well as women's participation in local and national government. For some readers, this will necessitate extensive re-writing of some sections, while others may want to add new material. At WIP, we are eager to discuss debate, evaluate, and modify where necessary and we look forward to everybody's contribution. Our aim, as always, is evolution rather than revolution.

While this is a Women's Agenda because we feel the need to redress the inequalities in our society and mainstream gender, it could equally be simply called an Agenda for Effective Democracy because we believe in gender equality and the right for women and men to have equal access and equal rights.

We are also preparing a French and Creole version of the Agenda which should be ready shortly. If you would like to comment on this document or send your suggestions and contributions, please email wipsecretary@gmail.com

PAULA ATCHIA
On behalf of the WIP Team

Preamble

The time has come for us, women who are citizens of the 21st century to claim our rights of recognition and respect for the work we do in the home, in the workplace and in the community. We claim full and equal participation in the creation of a non-sexist, non-racist, non-communalist, fully democratic society.

Recognising our shared experience, we women are committed to seizing the historic opportunity of a General Election to ensure effective equality in a new government. For decades, patriarchy, colonialism, racism and communalism have subordinated and restricted women within political, economic and social life. At the heart of women's marginalisation is the patriarchal order that confines women to the domestic arena and reserves for men, the arena where political power and authority reside. Conventionally, democracy and human rights have been defined and interpreted in terms of men's experiences. Society has been organised and its institutions structured for the primary benefit of men, and despite the fact that much recent legislation has benefitted women, the democratic space is still largely occupied by men, although women are a majority of the population.

We women want more control of our lives. We bear important responsibilities but often lack the authority to make decisions in the home and society. We want shared responsibility and decision-making in the home and effective equality in politics, the law and in the economy. For too long, women have been marginalised, ignored, exploited and are usually among the poorest and most disadvantaged citizens of our country.

If democracy and human rights are to be meaningful for women, they must address our practical daily problems and oppression, and we must contribute in shaping the nature and form of our democracy. Mauritius is the poorer politically, economically, and socially when more than half of its people are not able to fully contribute to its development.

As women we have come together in a coalition of organisations and engaged in a campaign that has enabled women to draw on their experience and define what changes are needed within the new political, legal, economic and social system. The development of the potential of **all** our people, women and men, will enrich and benefit the whole of society.

What follows is an *Agenda for Effective Democracy* in all spheres of our lives, including the law, the economy, education, development and infrastructure, political and civic life, family life and partnerships, custom, culture and religion, health and the media.

Article 1: The Principle of Equality

Intrinsic equality underlies all our claims in this Agenda. We recognise that the achievement of social, economic, political and legal equality is indivisible. Our claim for equality involves the recognition of the disadvantage that women suffer in all spheres of their lives. As a result, similar treatment of women and men may not result in true equality. Therefore, the promotion of true equality may sometimes require distinctions to be made, though no distinction should be made that will disadvantage women. Within this context, programmes of affirmative action may be a means of achieving equality. The 'National Gender Policy Framework' (March 2008) supports this solution when it states that 'there must be resources devoted for affirmative action and for the empowerment of women in order to create the conditions for equality of opportunity and outcome.' (p. 19). Later, the same document calls on the government to 'develop specific and affirmative actions within and co-ordinated across sectors to correct and mitigate for current gender disadvantages which have been accumulated historically.' (p.26)

We demand that equality applies to every aspect of our lives, including the family, the work place and the State. The right to equality shall not be limited to our relationship with the State.

The principle of equality shall be embodied at all levels in legislation and government policy. Specific legislation shall be introduced to ensure the practical realisation of equality.

The State shall establish appropriate institutions to ensure the effective protection and promotion of equality for women. These institutions shall be accessible to all women living in Mauritius.

Article 2: Law and the Administration of Justice

Women continue to demand equality in the development, application, adjudication, interpretation and enforcement of the law. This can only be achieved if the social, economic and political position of women is taken into account in policy decision, determining legislative priorities, and in formulating, applying, interpreting, adjudicating and enforcing all national laws and international covenants.

The existing framework of laws therefore needs constant revision and enforcement with a view to women's needs and special interests, so that, at all times, the law and its application, interpretation, adjudication and enforcement shall promote and ensure the realization of equality for women.

Furthermore, if equality exists in practice, the laws must also be updated to reflect a true equality in the legal and quasi-legal proceedings.

Women's equal legal status and capacity in civil law shall be constantly enforced, including, amongst other things, their full contractual rights, the right to acquire and hold rights in property, the right to equal inheritance and the right to secure credit.

All public and private institutions must enable women to exercise their legal capacity.

Positive and practical measures shall be taken to ensure equality for women complainants in the criminal justice system, and ensure equality for women offenders.

Women shall be equally represented on, and participate in the selection of, the Constitutional Court, the Judiciary, the Magistracy, all Tribunals and Commissions, including the Human Rights Commission, and the Department of Justice.

Programs on education are necessary to address gender bias and stereotypes, educate women about their rights and to promote equality for women in the legal system at all levels.

The State must also be responsible for providing accessible and affordable legal services for all citizens, stressing in particular the position of paralegals in assisting women to claim their rights.

Article 3: The Economy

Women participate in large numbers in sectors of the economy which are characterised by low wages, poor working conditions and precarious tenure. Low remuneration is worsened by discrimination against women in the receipt of social benefits. As a result, many women are forced to make a living outside the formal economy, often controlled by the men in their families.

There are places in Mauritius where women are still only perceived in terms of their domestic and reproductive roles. In areas where women are encouraged to participate in acquiring wealth, their activities are often controlled by men.

Conventional definitions of the economy do not include a major proportion of the work performed by women. Key sectors of the Mauritian economy are occupied and dominated by men, while women face social, economic and psychological barriers to full and equal participation in the economy.

Economic policy must secure a central place for women in the economy, where the full participation of women in economic decision-making should be facilitated.

The definition of what constitutes economic activity must include all women's work, and unpaid labour should be recognised as contributing to the creation of national wealth and should be included in the budget.

There needs to be a reorganisation of the workplace in terms of hours and times of work to take account of family responsibilities. Staggered working hours and job sharing will permit many women with young families to take on part-time employment. Crèches should be available at or near the work place.

Since child rearing and domestic labour is a social responsibility that should not be borne by women alone. There should be provision for parental rights, including paid maternity and paternity leave with job security, adequate provision of child care facilities and reasonable working hours to accommodate family responsibilities.

The State must guarantee its citizens equal access to all jobs, training, and promotion, especially to the disabled or otherwise disadvantaged. To attain this, effective Affirmative Action Programmes must be introduced in several sectors.

Measures must be adopted to ensure equal pay for work of equal value. It is a fact that there is no law which currently guarantees the principle of equal pay for equal work. Women must be recognised as breadwinners. Their salaries must take cognizance of their economic responsibilities.

Gender stereotyping and the categorisation of jobs on the basis of sex and gender, must be eliminated.

Equal benefits for every citizen must be provided including housing, pension and medical aid, amongst others.

All dependents supported by women earners should be recognised for tax deductions for women. Legal mechanisms are needed to protect women against unfair, monopolistic and other exploitative business practices that affect women's participation in the informal economy.

Group benefits are needed for women outside formal employment, such as accident and disability insurance, group housing schemes, sick leave and maternity benefits.

The State must find ways of ensuring that women have access to credit which is not based on the need for collateral or linked to their marital status.

Work in the home should not be stereotyped. Ways must be found of encouraging husbands and fathers to participate in the important tasks of home and child care.

Article 4: Education and Training for Women

Education and training in Mauritius has historically focused on schooling, higher education and vocational training in the workplace. It is sometimes elitist, inaccessible, inappropriate and discriminatory, and has by-passed women's needs and experience. Education and training should be viewed as a continuous lifelong process. Education includes adult basic and continuing education, primary, secondary, tertiary education and vocational training for the formal and informal economy and health education. Education and training must meet the economic, social, cultural and political needs of women in Mauritius.

The State must ensure that every citizen has the right to equality within education, irrespective of sex, gender, pregnancy, race, sexual orientation, age, disability, urban and rural location, domestic and child care responsibilities and financial status. Thus, every woman shall have the right to education and training at any stage of her life in order to realise her full potential.

There shall be no negative gender stereotyping in both curriculum development and educational practice.

Women shall be represented in all levels of the policy-making, management and administration of education and training.

Women need special access to funds for education and training. In addition, childcare facilities shall be provided at all education and training institutions.

Human rights education is necessary to develop awareness of women's status, to build women's self-confidence, and to enable them to claim their constitutional and legal rights.

Full sex education shall be provided for boys and girls at all levels of schooling. Programmes are necessary to teach children the value of sexual contacts within strong loving human relationships, and the need to build healthy families for the future of our society. In addition, the State should take responsibility for the provision of effective birth control information and health programmes to all, and for the dispensation of cheap, subsidised means of birth control in public places including hospitals, clinics and welfare centres.

Women often assume primary responsibility for maintaining the household and the community. Many women, especially in rural areas, are not aware or do not have access to the full range of basic development resources and services necessary to sustain a healthy and productive life.

Article 5: Development, Infrastructure and the Environment

The State must ensure the protection of natural resources in ways that will benefit women. Gender friendly actions should be incorporated in future programmes for the protection of the environment so as to specifically benefit women.

Women should participate in designing and implementing development programmes to meet their needs. Employment generated from the development and infrastructure programmes should benefit women.

Where public infrastructure including safe accessible water supply and sanitation is defective, the burden falls mainly on women. Public services including communications and electricity or other appropriate sources of energy should be extended to all communities as a matter of priority.

Women need affordable and secure housing with fair and equal access to subsidies and loans. Their equal access to land and security of tenure may need legal protection.

All citizens need accessible health care, recreational, educational and social welfare. Women should be encouraged to avail themselves of these facilities.

Public infrastructure such as street lighting, rubbish collection, clean public areas and the provision of pavements and recreation areas are essential in the daily lives of women. Public security, especially at night, is a central issue for many women living in certain regions, as is transport after certain hours. A defective transport system and the absence of such gender friendly facilities as secure late bus services, late shopping and launderettes are the result of the total absence of women at the local government level. These are too often dominated by men whose priorities differ from those of women. A reform of the local government system is imperative, enforced with quotas for women as from 2010.

Article 6: Social Services

Social services should be a right and not a privilege. Inadequate social services place the burden of providing these on women, since women are often primarily responsible for maintaining the household and community.

Social welfare services should be provided by the State in accordance with the principles of social justice, equality, appropriateness and accessibility. These services should apply to all areas of women's lives, in particular in the home, the workplace, health and education. The system of social services should pay special attention to the needs of rural and disabled women.

State pensions should be provided to all citizens on an equal basis.

The State is responsible for providing information on reproductive health and on birth control to all citizens. These programmes should be available in schools and other public institutions as part of a planned programme for responsible parenthood and public health.

The State must also take responsibility for the management of public health of women as well as men, not forgetting that women are vulnerable to certain illnesses and diseases at specific stages of their lives.

One of the greatest dangers to women in their daily lives is the rising problem of substance abuse. Primarily consumed by men, more and more women are drawn into the spiral of drug abuse, abuse, and its corollaries of prostitution and crime, becoming entirely dependant on a chemical product. The State must take more responsibility for the enforcement of law, responsible policing and efficient administration of justice in this matter. Special care must be taken to ensure that the victims do not always pay for the crimes of the greater criminals who too often hide behind the wealthy and powerful in any Society. Support services are necessary to help women change daily habits, obtain employment and redirect their lives. The present inadequate framework is largely dependent on the voluntary work of some NGOs and should be entirely revisited.

Article 7: Family Life

Women bear an unequal burden in maintaining the family and yet do not always have the same power to make decisions.

Women shall have equality within the family and within marriages and intimate relationships.

Women shall have the right to choose the partner of their choice. They should not be subjected to any form of patriarchal or family pressure in this choice.

Women shall have equal rights during and at the dissolution of a marriage. The process of divorce, once entered upon, should be straight forward, relatively quick and inexpensive. Family courts should deal with these and associated problems.

The State must take responsibility for ensuring that all women are made aware of their rights to reproductive health, including the right to decide together with their partners on the nature and frequency of sexual contact within the context of an intimate relationship.

Partners and all members of the household should endeavour to share domestic responsibilities.

Women should have equal access in practice to financial resources of the household, and should have equal decision-making powers and access to information in regard to the economic management of the household.

The integrity of the partnership has to be maintained without external and family interference, except where physical, sexual and emotional abuse occurs.

Women's equal rights with men to guardianship over their children must be enforced, until they are old enough to choose which parent they prefer to live with.

Women shall have adequate, effective and enforceable maintenance and/or social welfare benefits for themselves and their children. Where a woman is pregnant, she should have the right to compulsory maintenance and support from the father of the child for a minimum period of 16 years, if she decides to rear the child herself.

Women who find themselves with an unwanted pregnancy should have State relief during pregnancy, and if undesirable of parenting, should be relieved of the child, which becomes a ward of State, and is eligible for adoption. To this effect, the adoption laws need to be reviewed.

The sensitive-life issues of abortion, as well as those of the death penalty and euthanasia should be resolved by public referendum.

Article 8: Custom and Culture

Customary and cultural practices frequently subordinate women. Roles that are informally defined for women can be stereotypical and restrictive. Women are sometimes excluded from full participation, leadership and decision-making in customary and cultural practice.

Custom and culture should be subject to the same terms of equality as other spheres of life.

In addition, all women shall have the freedom to practice their religion, culture or beliefs without fear.

Women shall be entitled to security and integrity of the person which shall include the right to be free from all forms of violence in the home, in communities, in the workplace and in public spaces.

The State should be responsible for the integration of public programmes of education about the dignity and integrity of the person into the school curriculum at all levels.

Article 9: Political and Civic Life

Women have traditionally been excluded from participation and decision-making in political, civic and community life. Democracy requires that the political playing field between men and women be levelled by acknowledging women's right to participate equally in all political activities.

Women shall have equal opportunity and access to leadership and decision-making positions at all levels of government, especially at the level of local government authorities and village and district councils. We have already mentioned the need for reform in this sector. The introduction of quotas for women representatives at local and national government level as from 2010 is necessary.

Rural women have the right to be part of decision-making structures in traditional urban communities, as well as in towns.

Women shall have equal access to and representation on public bodies and on the governing bodies of private institutions.

Traditional institutions need to prepare for restructuring in accordance with the principles of equality and democracy.

There is need for serious electoral reform to facilitate the full participation of women. Proportional representation (PR) which has proved beneficial to women in many countries should be introduced as should planned “quotas” for female candidates at least for a fixed period of time. This will need the cooperation of all political parties and NGOs to help train future women leaders and encourage their participation at local and national levels. The State is responsible for finding ways of encouraging women to stand as candidates in future elections.

Thus, citizens working in the civil service should have the same rights. The duty of neutrality of civil servants does not deprive them from political freedom. In France, civil servants are recognised as fully active citizens. Therefore, they have freedom of opinion (limited by the reserve obligation), the right to belong to a political party, run for election, and if unsuccessful, the right to return to their position. In the UK, the right to stand for election is restricted and dependent on level of seniority: only senior officials may run, and only for local elections. We believe the position of civil servants in Mauritius should be reviewed.

In the private sector, women and men wishing to stand for election should also be allowed a paid limited sabbatical period with the guarantee of returning to their position if unsuccessful.

Corruption in politics is a factor which affects women directly, since obsolete party structures, rigid hierarchy and opaque finances all tend to restrict opportunities for entering the political arena. Women's chances of adequate representation will only

increase when adequate legislation enforces transparency and secures a level playing field for all.

Women should continue to be free from political intimidation and threat to their persons, especially during the politically tense period leading to a General Election.

All these issues must be addressed by urgent electoral reform.

Article 10: Violence against Women

Violence in all its forms is becoming endemic to Mauritian society. Both sexual and domestic violence are pervasive and many women live under the threat of or experience violence at some stage of their lives. Women experience secondary victimisation at many stages of the criminal justice system, and whereas the judicial framework exists, in practice it is often inadequate and extremely dangerous for many women.

There shall be adequate, enforced legal protection for all women against sexual and racial harassment, abuse and assault. Stronger penalties should be applied to offenders and counselling and rehabilitation made compulsory.

More facilities staffed by trained personnel are needed where women report cases of rape, battery and sexual assault, undergo medical treatment and receive counselling. In all cases, there is a need to become more user friendly and gender sensitive.

Similarly, while appropriate education and training for police, prosecutors, magistrates, judges and other persons involved in dealing with cases of rape, battery, sexual assault and incest is provided, in practice these instances are often not practically useful.

The State must be responsible for opening and running professionally a minimum of 5 new shelters and counselling centres for survivors of rape, battery and sexual assault, as well as for women and children living in abusive relationships.

Article 11: Health

Many health services in Mauritius can be described as inaccessible and inappropriate, and women in particular are too often unaware of their rights in relation to health services.

Health services have not been appropriately oriented to meet women's health needs and priorities.

Equal, affordable and accessible health care services which meet women's specific health needs shall be improved and extended to all.

Women should have more right of control over the decisions affecting their health, and this includes the right to reproductive decisions.

Access to information and knowledge to enable women to make informed choices about their bodies and about health care should be provided.

General health education including family planning services should be provided free of charge to men and women. Similarly, a well planned programme on health education is essential for all schools.

Every person needs access to adequate nutrition, and where poverty influences not just women's health but that of her children's as well, social security programmes must intervene.

Appropriate and accessible mental health care services must be provided to women, as must programmes for the mentally ill and disabled. Stronger controls are necessary to protect women who are mentally ill and disabled from abuse by their family and milieu.

Article 12: Media

There is a need to monitor the representation of women in the media.

In Mauritius, women very often do not enjoy equal access to, or coverage in the film, print and electronic media. Very few women own or control executive or editorial decision-making positions. Women are too often marginalised and trivialised in the media. The principle of freedom of speech and press should not justify the portrayal of women in a manner that is degrading and humiliating or promotes violence against them.

The State must ensure that women have equal access to all media and media institutions, and that the contribution of women in all areas of public and private life must be reflected in the media.

The promotion of equality, including affirmative action, in employment must redress current imbalances in the status of women in the media, especially in advertising, where the excuse of “good humour” cannot excuse negative or injurious stereotyping.