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## [Mauritius](#)

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Battle over sexual offences bill in Mauritius

**[afrol News / Gender Links](#), 3 May** - The Sexual Offences Bill recently tabled at the Mauritian Parliament brought much heated debate from both sides of the house, as well as protests from religious leaders and professionals. The bill could also decriminalise consensual anal sex. Amid the outcry, the speaker has tasked a Select Committee to look into the bill in detail.

"Though the legislation still has a few weaknesses, we must see it for what it is - a much-needed, significant step forward to addressing gender violence in the country," Mauritian gender activists say.

Such debate and delay about putting sexual offences firmly on the legal agenda are not unique to Mauritius. Only a handful of countries in the Southern African region have such laws in place, including Lesotho, Namibia and Tanzania. Such a bill has been over ten years in the making in South Africa, leaving gender activists outraged about the long delay, yet, like Mauritius, still concerned about some of the content.

In Mauritius, the bill would not only mean stronger legal protections, but it has already meant a greater openness on gender violence issues. Activists are commending Rama Valayden, Attorney General and Minister of Human Rights, for daring to bring such "a progressive piece of legislation" to the table. For the first time, the Mauritian society is discussing taboo words like sex, vagina, penis, anal sex and other sexual terms openly.

But activists hold some points still need clarification, such as sex trafficking of children and adults; offences covering commercial sexual exploitation related to pimps and others who force children and adults into prostitution; indecent exposure, etc. It is also seen as unfortunate that the voices of those most concerned: victims, survivors, youth, sex workers, gays and lesbians, were largely absent from the debates.

The bill is very much in line with the draft National Action Plan (NAP) to end Gender

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Violence, approved at an October 2006 workshop organised by the activist group Gender Links of South Africa and Mauritius' Media Watch Organisation, with various representatives of ministries, police, civil society and non-governmental organisations.

The Mauritius NAP recommends that the Sexual Offences Bill encompass a wider definition of rape, including marital rape, as well as protection against human trafficking and harsher penalties. It recommends provisions for comprehensive treatment and empowerment of victims, and video recording of complaints to reduce distress of survivors.

However, gender activists hold that the adoption and implementation of the national Sexual Offences Bills may become even more imperative if leaders of the Southern African Development Community (SADC) approve the elevation of the SADC Gender Declaration to a Protocol, one of the issues on the table at the upcoming Heads of State meeting in August. Mauritius is a member state of SADC.

The protocol would legally bind member states to implementing new measures including comprehensive legislation and budgetary allocations for ending gender violence. Gender activists argue that legally binding measures must be put in place to move SADC from a "region of commitments to one of implementation."

In Mauritius, one of the major causes of disagreement and public outcry of the bill is on the legalisation of anal sex. The bill states: "Any person who, without the consent of another person intentionally penetrates the vagina or anus of that other person with any part of his body, with any object, shall commit an offence and shall, on conviction, be liable to a term of a penal servitude not exceeding 45 years."

Gender activists know too well that women do make complaints in private on marital rape, sodomy and putting the penis and other objects in parts of their bodies. It has been difficult for these women to take the matter further as the Mauritian police are very rarely sympathetic to what happens in private.

However, the bill also makes provision for anal sex with consent, which has shocked and disturbed many in the conventional society of Mauritius. Activists ask: "Why can't we be tolerant and leave those who want to live their sexual life as they wish in peace? If it is between two consenting adults, they are not disturbing anybody."

Other countries around the world repealed such laws, which mainly go after homosexual love, long ago. Britain repealed the laws against anal sex in 1967, over four hundred years after their first adoption in 1553. While they were in place, these antiquated laws resulted in the persecution of many, including two great worldwide figures, Oscar Wilde and Alec Guinness.

In 1895, soon after his triumphant 'The Importance of Being Earnest', Mr Wilde's love and passion for another man resulted in his arrest, conviction and sentencing to two years of hard labour. In the unreformed Dickensian prison, a series of illnesses brought him to his death.

The great Alec Guinness gave a false name when arrested in 1946 for his homosexual inclination. It was only eight months after his death in 2001 that the 'Sunday Times' revealed his struggle with his sexual orientation, Mauritian activists note, hoping to influence the conservative society on the island.

"When will a culture of tolerance prevail? Must we wait hundreds of years, as in Britain?" they ask. "The Sexual Offences Act is urgent. In the name of the thousands of victims, can't we for once put aside our political pettiness, our prudishness and our Puritanism?" Mauritian activists hope.

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*By Loga Virahsawmy.*

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