



Mauritius - Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 5 July 2013

**Treatment of homosexuals including:
Increase in recent years particularly by the government;
Legal status;
LGBT organisations et al**

A report issued in April 2013 by the *United States Department of State* commenting on events of the preceding year notes:

“The law does not specifically criminalize consensual same-sex sexual activity. It does criminalize the act of sodomy, and this prohibition is equally applied to same-sex and heterosexual couples. Sodomy cases that reach the courts almost exclusively involve heterosexual persons, especially in divorce cases. The sodomy statute rarely is used against same-sex couples, unless one of the partners claims sexual assault, including sodomy. Lesbian, gay, bisexual, and transgender (LGBT) victims of verbal abuse or violence within the family reported such incidents to local NGO Collectif Arc en Ciel; however, victims generally refused to file complaints with police for fear of reprisal from family members” (United States Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012, Mauritius*, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons/Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)

A report from the *International Lesbian, Gay, Bisexual, Trans And Intersex Association* published in 2013 states:

“Criminal Code of 1838 186
Section 250 Sodomy and bestiality
“(1) Any person who is guilty of the crime of sodomy or bestiality shall be liable to penal servitude for a term not exceeding 5 years.”
(International Lesbian, Gay, Bisexual, Trans And Intersex Association (Undated) *Mauritius, law*, p.53).

In June 2013 *Amnesty International* issued a report which states:

“In 2009, Mauritius committed to decriminalize homosexuality...” (Amnesty International (23 June 2013) *Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa*, p.8).

An article in the *Irish Times* from June 2013 points out that:

“Homosexuality is illegal in 38 African countries: Algeria, Angola, Benin, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Nigeria, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda,

Zambia and Zimbabwe” (Irish Times (26 June 2013) *Countries where it s dangerous to be gay*).

No further information on these issues could be found among sources available to the RDC.

References

Amnesty International (23 June 2013) *Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa*

<http://www.amnesty.org/en/library/asset/AFR01/001/2013/en/9f2d91b7-bc0e-4ea7-adae-7e51ae0ce36f/afr010012013en.pdf>

Attachment not included due to IT limitations

Accessed Friday 5 July 2013

International Lesbian, Gay, Bisexual, Trans And Intersex Association (2013)

Mauritius, law

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf

Attachment not included due to IT limitations

Accessed Friday 5 July 2013

Irish Times (26 June 2013) *Countries where it s dangerous to be gay*

http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21_T17735856416&format=GNBFULL&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29_T17735856420&cisb=22_T17735856419&treeMax=true&treeWidth=0&csi=142626&docNo=4 This is a subscription database

Accessed Friday 5 July 2013

United States Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012*

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

Accessed Friday 5 July 2013

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International

BBC News

Electronic Immigration Network

European Country of Origin Information Network

Freedom House

Google

Human Rights Watch

Immigration and Refugee Board of Canada

Internal Displacement Monitoring Centre

International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
Reuters
United Kingdom Home Office
United States Department of State
UNHCR Refworld