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### UNIVERSAL PERIODIC REVIEW

#### Report of the Working Group on the Universal Periodic Review\*

#### Mauritius

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Mauritius was held at the 14th meeting on 10 February 2009. The delegation of Mauritius was headed by the Honourable Jayarama Valayden, Attorney-General. At its meeting held on 13 February 2009, the Working Group adopted the present report.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mauritius: Zambia, Malaysia and Slovakia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Mauritius:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/MUS/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/MUS/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/MUS/3).
4. A list of questions prepared in advance by the Czech Republic, Latvia, the Netherlands, Denmark and Germany was transmitted to Mauritius through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. The delegation said that the national report was prepared through a broad consultative process involving all relevant government departments, established national human rights institutions and a range of NGOs active in the field of human rights.
6. Strong and independent institutions exist to guarantee the rights of the citizens, such as the National Human Rights Commission (which includes the Sex Discrimination Division), the Ombudsman and the Ombudsperson for Children. The National Human Rights Commission (NHRC) has had accreditation "Status A" since 2002.
7. In consonance with the treaties and conventions to which Mauritius is a party, a number of legislative measures have been adopted recently to further promote human rights, such as the HIV and AIDS Act 2006, the Certificate of Morality Act 2006, the Imprisonment for Civil Debt (Abolition) Act 2006, the Borrower Protection Act 2007 and the Truth and Justice Commission Act 2008.
8. Mauritius has also recently adopted the Equal Opportunities Act 2008 which provides for an Equal Opportunities Division within the NHRC and an Equal Opportunities Tribunal to enforce the provisions of the Act.
9. To advance the realization of economic, social and cultural rights for its citizens with a view to combating poverty, the Government has placed empowerment and the reduction of

poverty programmes at the heart of the economic programme launched in 2006 to restructure the Mauritian economy. It has also established a Fund with the aim of doubling enrolment in tertiary education institutions by 2015. With a view to fostering a culture of human rights in the country, it has set up a Human Rights Centre that is responsible for promoting human rights education among citizens. Mauritius is, at present, finalizing a National Action Plan on Human Rights which seeks to develop a strong culture of human rights in Mauritius.

10. In line with the Government Programme for 2005-2010, the enforcement mechanism of the Protection from Domestic Violence Act has been strengthened. The Government is also in the process of finalizing a Combating of Trafficking in Persons Bill.

11. The Government approved the National Gender Policy and National Plan of Action in April 2005. It has also developed a National Gender Policy Framework which provides broad guidelines for the implementation of gender-mainstreaming strategies.

12. The Government Policy Paper and Plan of Action on Disability contains a series of measures relating to, inter alia, health, education, training, employment, human rights, and accessibility. An Implementation and Monitoring Committee has been set up to work on the implementation of the recommendations of the Plan of Action for early ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

13. The HIV and AIDS Act aims at ensuring that all persons living with HIV/AIDS are treated in fairness and respect. HIV/AIDS is not treated as a disability and any discriminatory behaviour towards people living with HIV/AIDS is punishable by law.

14. The death penalty was abolished in Mauritius in 1995 with the passage of the Abolition of Death Penalty Act. Mandatory sentences, including mandatory life sentences, have been ruled to be unconstitutional and are being reviewed on a case-to-case basis.

15. Answering the advance questions, the delegation stated that Mauritius would welcome the Special Procedures of the Human Rights Council and is considering whether to issue a standing invitation to all Special Procedures. A decision in this regard will be taken shortly.

16. As for the question on measures available to protect the rights of detainees' children and registration procedures available to ascertain caring responsibilities of detainees, the delegation said that the law provides that the infant children of female detainees may be taken care of in a reform institution at public expense until the age of five. The children will be provided with health care and specialized medical care, when required, and may attend a pre-primary school in the community as from the age of 3. Social aid may, if required, be provided to the child. If the child is left without parental supervision, he or she is referred to the Child Development Unit of the Ministry of Women's Rights, Child Development and Family Welfare.

17. With respect to the human rights training provided to law enforcement and judicial officers with regard to the protection of human rights of women, children and persons of minority sexual orientation or gender identity, the delegation replied that the Police and Prisons Departments offer training and refresher courses on human rights and other subjects. It is expected that the Equal Opportunities Division of the NHRC, once set up, will conduct educational and other programmes to eliminate discrimination on grounds of status, including sexual orientation. Relevant technical assistance from other States or organizations would be appreciated.

18. The inclusion of economic, social and cultural rights in the Constitution, as recommended by the NHRC, would be considered soon.
19. Responding to the question about the impartiality of disciplinary action against police officers, the delegation said that the Disciplined Forces Services Commission exercises disciplinary control over police officers and discharges its functions independently and impartially. The forthcoming establishment of a police complaints authority will also ensure that disciplinary action is taken in appropriate cases.
20. Steps are being taken to modernize investigation methods within the police force to decrease reliance on the use of confessions. The Prime Minister's Office is considering the introduction of appropriate legislation, a better system of complaint-processing and a system of earned remission for all prisoners. The forthcoming statutory establishment of a National Preventive Mechanism (NPM) in line with the Optional Protocol to the Convention against Torture (OP-CAT) will also help address the detention conditions of prisoners.
21. The prosecution of sex offenders is being expedited. Consideration will be given to establishing dedicated sex offence units within the police and Forensic Science Laboratory with a view to lodging such cases, where prosecution is justified, within two to four months of the commission of the offence. The Government would welcome assistance from other States with regard to training local persons who will be responsible for providing psychological treatment to sex offenders. The report of the Select Committee on the Sexual Offences Bill is currently being finalized. The Select Committee is expected to make recommendations concerning marital rape and sexual relations between consenting adults.
22. The Constitution and main laws will soon be available in Creole. In addition, laws are being translated into French and Braille.
23. The task of raising awareness of the implications of the Equal Opportunities Act 2008 would be handled by the future Equal Opportunities Division of the NHRC.
24. The Government is currently considering whether to make the report of the Subcommittee on the Prevention of Torture (SPT) public. Amendments to the Protection of Human Rights Act to enhance the functioning of the NHRC are being considered and legislation will be enacted to provide for the establishment of a National Preventive Mechanism (NPM).
25. Police officers are already accountable with regard to ill-treatment of detainees. Suspected acts of misconduct of police officers may be investigated by the Complaints Investigation Bureau (in cases of minor default), the NHRC, the Ombudsman or the courts and disciplinary or criminal proceedings are initiated against the officers, where appropriate. In addition, draft legislation, which will provide for the establishment of a police complaints authority, is currently being finalized.

## **B. Interactive dialogue and responses by the State under review**

26. During the interactive dialogue, statements were made by 43 delegations. A number of delegations congratulated Mauritius for its comprehensive presentation and for the national report, prepared in cooperation with relevant stakeholders. Mauritius was also commended for ranking among the countries with a high level of development in the United Nations Human Development Report and for attaining most of the targets related to the Millennium Development Goals (MDGs). A number of countries commended Mauritius for according top priority to, and for the success achieved in, the eradication of absolute poverty, as well as for the inclusive

approach adopted by the Special Committee for the Eradication of Absolute Poverty, through the participation of stakeholders. A number of delegations welcomed the establishment of several national institutions for the promotion and protection of human rights, in particular the National Human Rights Commission, the Office of the Ombudsman, the Office of the Ombudsperson for Children, the Independent Commission against Corruption, the Truth and Justice Commission and the Human Rights Centre.

27. Senegal welcomed Mauritius's significant progress regarding education, health and children's and women's rights, which was underscored by human rights treaty bodies and encouraged the authorities to enhance their efforts to consolidate and further extend these achievements. Senegal asked if an in-depth thinking is envisaged, or is ongoing, on Mauritius's needs in terms of technical assistance to overcome constraints in the area of the promotion and protection of human rights.

28. Algeria recommended Mauritius to: (a) consider the possibility of proceeding with ratifying the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography (OP-CRC-SC); (b) finalize and implement the National Action Plan on Human Rights, as referred to in paragraphs 80 and 81 of the national report; (c) step up its efforts to complete the reform of its judicial system, and if necessary to request technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) in this regard; (d) present to Parliament, as soon as possible, the Police Complaints Bill which is being prepared, and direct particular attention to increasing the awareness of police agents with respect to human rights principles.

29. Egypt welcomed the positive developments, demonstrated inter alia by the increasing role of civil society. It inquired about the progress achieved and the challenges facing the promotion of economic, social and cultural rights of the people of Mauritius. Egypt recommended to Mauritius to: (a) continue its efforts along the path of promotion and protection of human rights in all fields and; (b) reject any attempts to impose on it any values or standards beyond its international legal obligations and not in conformity with its social values.

30. Tunisia welcomed Mauritius' choices on the protection on human rights, which are based on the principles of complementarity and independence, and commended Mauritius for its efforts in combating poverty. It asked for additional information on the coordination mechanisms of programmes to combat poverty that make it easier for low-income people to access decent housing through various programmes of subsidies and infrastructure fees and recommended to Mauritius to continue to implement its policy in combating poverty.

31. Canada welcomed the achievements in the field of human rights since Mauritius' independence and recommended to Mauritius to: (a) continue its efforts to promote human rights education. It also recommended to Mauritius to: (b) continue its ongoing efforts to strengthen respect for the human rights of women and to take steps to improve their living standards. Canada further recommended Mauritius (c) finalize and adopt the Sexual Offences Bill currently under consideration and (d) ensure that rape within marriage is a punishable offence under its legal code. Canada noted Mauritius' record on freedom of the press, which has been laudable. It referred to NGO reports that expressed concern at the potential for the proposed Media Council and for proposed anti-defamation legislation to undermine this essential freedom. Canada recommended to Mauritius to: (e) ensure that any legislation, regulation or measures concerning the media fully respect the right to freedom of opinion and expression, including freedom of the media, in accordance with article 19 of the International Covenant on Civil and Political Rights

(ICCPR), including by preserving the ability of the media to investigate and report on public officials without fear of penalty.

32. Turkey noted that several treaty bodies had expressed concern about the high number of children involved in commercial sexual exploitation, and that the Committee on the Elimination of Discrimination against Women (CEDAW) had observed a lack of information on the extent of trafficking in women and girls. Turkey asked about the measures envisaged in the Combating of Trafficking in Persons Bill, particularly to assess the scale of this problem and to support its victims. It recommended to Mauritius to: (a) effectively monitor the implementation of this legislation upon its adoption and (b) strengthen existing policies and programmes aimed at eradicating child prostitution. Turkey asked how the Government intends to address the backlog of cases before some courts and delays in pre-trial custody. It inquired whether the Government is contemplating setting a minimum age of criminal responsibility and offering counselling services to families having difficulties in raising children as an alternative to placing them in institutions, through the comprehensive Bill on the rights of the child.

33. France welcomed the signing and ratification of the core United Nations human rights instruments as well as some very constructive initiatives, inter alia, in the areas of children's rights, education, health and combating of torture. France asked why Mauritius is not party to the 1951 Convention relating to the Status of Refugees and if it intends to accede to this convention in the near future. France recommended to Mauritius to: (a) ratify in 2009, as it had committed itself, the Convention on the Rights of Persons with Disabilities (CPD); (b) continue its efforts to protect children's rights, in particular in its attempt to completely eradicate child labour; (c) extend a standing invitation to the United Nations Special Rapporteurs to visit the country; (d) sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

34. Chad commended Mauritius for honouring its international obligations, notably by ensuring that its legislation is in compliance with the international human rights norms and by submitting its periodic reports to treaty bodies. Chad called on the international community to support Mauritius by providing all assistance needed to improve its programmes for the protection and promotion of human rights.

35. Indonesia congratulated the Government on its ongoing efforts, taking into account the concerns of different communities, in particular with regards to poverty eradication and ensuring free and compulsory education. It asked about the measures that will be undertaken to address CEDAW questions regarding women in cases of domestic violence and recommended to Mauritius: a) to continue to fine-tune its development agenda and by doing so, to continue to effectively promote and protect human rights, including economic, social and cultural rights. Indonesia urged to enact a Children's Act as well as consolidating national legislation which is fully in line with the international obligations it has undertaken.

36. Philippines considered the National Gender Policy Framework as a best practice and congratulated Mauritius on the enactment of the Protection from Domestic Violence Act. It asked for more information about the activities of the Office of the Ombudsperson for Children, and the Government's assessment of its work. It recommended to Mauritius to: (a) to continue to enhance efforts to protect the human rights of migrants; (b) take into account the human rights dimensions of human trafficking, and in particular the need to protect and provide assistance to victims, in the drafting of legislation to combat human trafficking.

37. Botswana noted that Mauritius has set up a very firm and enviable institutional foundation for the realization of human rights that have continually been reinforced by a very cohesive legislative reform in the different sectors over the years. Botswana recommended to Mauritius to: (a) within the context of its National Gender Policy Framework of 2008 and other mechanisms, to continue to apply a gender perspective in its policies and programs, including in the follow up on the results of the current review. It also recommended to Mauritius to: (b) to continue its impressive efforts towards realization of children's rights, and in this context, to share its experiences on the work of the Ombudsperson for Children.

38. The Democratic Republic of Congo referred to the principle of the Government of Mauritius of not disassociating economic, social and cultural rights from civil and political rights and to its equitable distribution of the national budget so that all citizens will have their rights recognized. It asked however if there is a socio-economic explanation with regard to the coexistence of the insufficient work force with residual poverty. The Democratic Republic of Congo recommended to the Government to see to it that competent institutions carry out a campaign to explain the content of the Constitution distributed to different groups of the society.

39. Pakistan noted that Mauritius has an appropriate legal framework and infrastructure for the promotion and protection of human rights. It appreciated the measures taken by the Government to develop the National Gender Policy Framework and address the issue of domestic violence. Pakistan asked about Mauritius's experience with the implementation of the Domestic Violence Act and recommended continued and strengthened focus on addressing domestic violence.

40. Djibouti asked for Mauritius to elaborate on the achievements of the Gender Unit within the Ministry of Women's Rights, Child Development and Family Welfare. It asked how many of the recommendations made by the NHRC in its 2007 annual report had been implemented, and if recommendation C (regarding police investigations) and recommendation D (regarding measures to be taken to rationalise the system of inspection of prisons and the processing of complaints) were among those implemented.

41. Malaysia noted the Government's efforts to eradicate poverty and the success achieved, and in this regard it asked if there are other measures planned to further increase the level of income of the people. Malaysia encouraged Mauritius to continue with these positive efforts and share its experience in this area with other countries. Malaysia recommended to Mauritius to: (a) make more strenuous effort to address the issue of violence against women including through intensifying public awareness campaigns and strengthening violence prevention measures. It also recommended to Mauritius to: (b) strengthen the existing National Plan of Action on the Protection of Children, in particular on its policies in the prevention, recovery and reintegration of children victims of sexual exploitation.

42. In response to the statements, Mauritius stated that it was in the process of finalising its National Action Plan on Human Rights and that a survey of its technical assistance needs would be effected for that purpose. It would, in particular, seek to provide for training of trainers.

43. With regard to combating trafficking in persons, Mauritius has amended the Child Protection Act in 2005 to introduce the offences of child trafficking, abandonment and abduction, with tough penalties. In 2007, a National Parental Empowerment Programme was launched to provide guidance to parents. A Community Child Protection Programme was launched and a residential drop-in centre was constructed to rehabilitate victims of commercial sexual exploitation. Closer collaboration had been established between the "Brigade de Protection des



Mineurs” and the Ministry of Child Development and Family Welfare, and awareness-raising campaigns are carried out regularly in schools and through radio and television. A committee of the Ministry of Tourism addresses problems of child prostitution in the tourism sector. Officials are trained in combating trafficking in persons, and police services include a 24-hour hotline.

44. Mauritius stated that it had established a Special Committee for the Eradication of Absolute Poverty, which comprises stakeholders from all sectors to address the needs of the poor and provide urgent assistance to children and the unemployed. A five-track partnership has been established with the objective to eradicate all cases of absolute poverty in seven to ten years. Interventions envisaged include provision of adequate housing facilities, placement training for the unemployed, education support, provision of basic public services, and building leadership capacity and participation. More than 395 million rupees has been provided to fund the Eradication of Absolute Poverty Programme during 2008 and 2009, and the private sector is expected to cover 40 per cent of the cost as part of a corporate social responsibility programme.

45. Mauritius explained that it had not yet signed the 1951 Convention relating to the Status of Refugees as it is a small country with constrained resources. The delegation stated that the matter is being looked into.

46. With regard to addressing domestic violence, Mauritius referred to actions including the amendment of the Protection from Domestic Violence Act, which provides for the issue of protection, occupation and tenancy orders, and defines domestic violence as including physical, emotional, sexual and even threatened violence. Complaints of domestic violence are heard by magistrates and follow-up is undertaken by probation officers and social workers. Mauritius stated that a sensitisation programme, the “Zero Tolerance Zone”, has been set up in four regions in collaboration with youth centres.

47. Nepal congratulated Mauritius for having institutionalized competitive politics, and developed a model of coalition and alliance building in governance and politics among diverse ethnic groups. Nepal made three requests: a) to share additional information about the Equal Opportunities Act and its targeted groups; b) to share its plans and practices in eradicating poverty in a time bound manner as is reflected in the works of the Special Committee for the Eradication of Absolute Poverty and five track partnerships; and c) to share additional information on the nature and composition of the Human Rights Centre and its functions in relation to the NHRC.

48. Nigeria referred to notable achievements by Mauritius in the promotion and protection of human rights and said that the challenges of limited capacity and financial resources continue to undermine the full attainment of the objectives of the various laudable programmes in this regard. Nigeria would like to see improvement in the areas of police brutality, prosecution of cases and over-crowding of the prisons. Nigeria called on the international community to provide the much needed technical and technological know-how and finances to Mauritius in support of its efforts to attain full enjoyment of civil and political rights as well as economic, social and cultural rights for its population.

49. Argentina made reference to information provided by CEDAW on deep seated patriarchal and cultural stereotypes in relation to the roles of men and women in the family and the society in Mauritius as well as in the labour market. Argentina inquired about policies being proposed to ensure gender equality. It also made reference to allegations of an increase in prostitution, especially of underage girls and the link between prostitution and tourism, and asked about

measures to ensure the prosecution and punishment of those who profit from prostitution. Argentina recommended considering the possibility of ratifying the OP-CRC-SC.

50. The United Kingdom welcomed Mauritius' efforts to develop a strong culture of human rights through finalizing the National Action Plan on Human Rights, which will in particular focus on enhancing human rights for the most vulnerable groups, such as women, children, people living with HIV/AIDS and the poor. It noted the concerns expressed by the Human Rights Committee about reports from NGOs on ill treatment and deaths of persons in custody and in prisons attributable to police officers, and the absence of proper investigation into these violations, as well as concerns at the percentage of inmate population in pre-trial detention. United Kingdom also noted NGO information related to discrimination faced by the lesbian, gay, bisexual and transgender community and that no possible legal means is available to seek acknowledgment of and compensation for any discrimination or violence due to sexual orientation. United Kingdom recommended to Mauritius: (a) to take further steps to address discrimination against women, especially in the work place, and: (b) that investigations be carried out into all violations and deaths of persons in custody and in prisons attributable to police officers; (c) that perpetrators of such violations be prosecuted and that victims be paid compensation and have access to independent bodies for investigating those complaints; and (d) that further measures be taken to prevent discrimination based on sexual orientation, and that the Equal Opportunities Act allow legal acknowledgement of homosexual couples and their human rights.

51. Germany asked if Mauritius intends to take further measures to tackle the issue of child abuse and neglect, including sexual abuse, and especially the high number of children involved in commercial sexual exploitation. It asked when Mauritius will enact a legislative framework or other systematic measures to protect women and children who are victims of trafficking, prostitution and sexual exploitation and to ensure the effective prosecution and punishment of those who exploit prostitution. Germany recommends to Mauritius to take measures to bring the situation of persons in custody in line with international standards, including introducing clear legal provisions for the minimum age of criminal responsibility and the length of pre-trial detention. Germany recommends that Mauritius intensify its awareness-raising and strengthen prevention efforts on violence against women and put in place effective monitoring and evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women. Germany recommends an increase in the number of available shelters for the victims and their children. Germany recommends further to Mauritius to address all obstacles that prevent women from reporting acts of violence to the police. Finally, Germany recommends to Mauritius to enact legislation that criminalizes rape.

52. Morocco welcomed the effort to create a culture of public service based on equity, transparency and responsibility. It recommended to the Government to continue its efforts in promoting human rights, especially by integrating into school programs the fundamental principles of human rights and strengthening the education on these rights in parallel campaigns and educational measures. It asked for additional information. Morocco asked about Mauritius's expectations from United Nations agencies in capacity building and assistance in implementing the National Action Plan on Human Rights. It asked about the measures taken or envisioned by the Government to reduce the problem of overcrowding in prisons.

53. Palestine noted that Mauritius is party to core international human rights instruments and that the protection of migrant workers rights is another priority of Mauritius. It encouraged Mauritius in its work to ensure gender equality and mentioned that the Constitution guarantees total freedom of worship and religion. Palestine recommended to Mauritius to: (a) continue its

efforts in combating domestic violence, in particular in raising the awareness of the population through information campaigns and by enhancing the system of criminal prosecution and (b) follow up dynamically on its policies of combating prison overpopulation, in particular through the development of new facilities.

54. Mexico commended Mauritius on, inter alia, its combat against poverty and efforts to realise the Millennium Development Goals. It recommended to Mauritius to: (a) ensure that the National Human Rights Commission operates in line with the Paris Principles; (b) prohibit in the Constitution all forms of discrimination without exception; (c) develop a policy for the use of Creole at all levels of primary education, and incorporate human rights in the education curricula; (d) make all possible efforts to eradicate all forms of violence and, all forms of abuse against children and eliminate completely police brutality; (e) ratify the CPD and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the CED, the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty (ICCPR-OP2) and the Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC).

55. New Zealand noted the introduction of new measures aimed at clearing a backlog of court cases and mentioned that it is unfortunate that in the past some important cases, including rape trials have been dismissed due to delays. New Zealand recommended to Mauritius to: (a) continue its efforts to eliminate discrimination against women. Specifically it recommended to Mauritius to: (b) include provisions in its Equal Opportunities Act on the equal rights of women and men; (c) provide girls with access to education facilities and resources equivalent to those available to boys; (d) intensify awareness raising campaigns on women's rights and (e) include marital rape as an offence under the proposed Sexual Offences Bill. It noted with concern reports of a low proportion of children with disabilities attending school and recommended that (f) the plan outlined by the Attorney-General for the early ratification of the CPD include measures to increase the proportion of children with disabilities attending school. New Zealand also noted concerns about incidents of child abuse and neglect, including sexual abuse and recommended to Mauritius to (g) adopt measures for the prevention of sexual abuse and provide facilities for the care, recovery and reintegration for child victims of violence and; (h) undertake further steps to eradicate child prostitution and child labour.

56. Azerbaijan noted that progress has been made towards ensuring gender equality and combating poverty. It commended efforts undertaken by the Government to prevent and protect, especially women and children, from domestic violence. It asked how effective have been the Family and Welfare Unit and its six regional offices and what major challenges these entities face in their work. It recommended to Mauritius to: (a) consider implementation of the recommendations of the National Human Rights Commission contained in paragraph 37 of the national report; (b) consider becoming party to the ICRMW; and (c) continue to improve the access to education, health care and medicine.

57. Latvia noted with satisfaction the remarkable improvements in the fields of education and health care, as well as Mauritius pledge to continue to uphold the primacy of democracy, good governance and development and strengthen national institutions that protect human rights. It appreciated that Mauritius is considering whether to issue a standing invitation to the Special Procedures. Considering previous cooperation of Mauritius with mandate holders, Latvia recommended to Mauritius to consider extending a standing invitation to all Special Procedures of the Human Rights Council.

58. South Africa noted with appreciation the progress achieved by the Government especially in economic, social and cultural rights. It commended the Government for its innovativeness in tackling challenges of poverty eradication and assistance to the unemployed, the provision of free education up to the tertiary level, and the development of a National Gender Policy Framework, including measures to address domestic violence. Cognisant of concerns raised by various treaty bodies and the challenges alluded in the national report, South Africa recommended to Mauritius to (a) continue to strengthen its measures to eradicate poverty; (b) review its domestic legislation with a view to aligning it with the provisions of the human rights instruments that it has ratified; (c) implement the recommendations of the Committee on the Rights of the Child; and (d) intensify its educational and public campaigns to eradicate the patriarchal attitudes in its society.

59. Singapore referred to the importance of maintaining a peaceful social fabric in a pluralistic multi-ethnic, multi-religious society like Mauritius, and noted that this could be shared by Mauritius as a best practice. Singapore asked how Mauritius goes about maintaining social harmony in such a context.

60. Congo noted in particular the work done to raise awareness and inform the population of their rights and fundamental freedoms and to help them defend these. It encouraged the Government to continue the efforts initiated to promote equality between men and women as part of its 2008 National Gender Policy Framework. It called on Mauritius to continue its efforts to combat domestic violence as well as discriminatory practices which undermines the efforts undertaken to guarantee equality of all citizens. Congo considered that innovative initiatives, such as the establishment of the Equal Opportunities Division and police complaints authority, deserve more active support from the international community.

61. India said that the 2001-2003 United Nations Development Assistance Framework (UNDAF) noted enormous strides made by Mauritius in the areas of health and education. It noted with appreciation the steps it has taken to safeguard the vulnerable groups of society such as women and elderly people. India welcomed the establishment of the Trust Fund for the Social Integration of Vulnerable Groups to provide access to economic resources to women living in poverty, as well as the launching of micro-credit and micro-enterprise schemes to enable women to become self-sufficient and more economically independent. India requested more information on concerns expressed on some elements relating to the organizational aspects of the National Human Rights Commission. It further inquired about measures taken to improve the living and working conditions of migrant workers and asked to clarify whether the Mauritian Constitution contains any exemption to the prohibition of discrimination on any grounds.

62. The Syrian Arab Republic indicated that the 2001-2003 United Nations Development Assistance Framework noted the enormous strides in the areas of health and education. It was very positive about the institutional human rights infrastructure, and referred to institutions which aim at raising public awareness of the existing human rights obligations. Syria mentioned that Mauritius participated actively and positively in the work of the Human Rights Council and recommended that it increases the participation of women in Parliament and in the different decision making processes.

63. While referring to the different structures and institutions set up by Mauritius for the promotion and protection of human rights, as noted in the report, Burkina Faso recommended to Mauritius to give to the Office of the Ombudsperson for Children the necessary resources to carry out its tasks so as to ensure its effective realization of the rights of children. Burkina Faso asked for additional information on the functioning of the Committee for the Elimination of

Extreme Poverty as well as on specific activities it undertakes and encouraged Mauritius to follow-up on its commitment to eliminate extreme poverty. The delegation encouraged Mauritius to take specific measures to support the enjoyment of the rights and dignity of migrant workers and members of their family.

64. Burundi indicated that Mauritius has established a large number of human rights infrastructures, in some of which Burundi expressed particular interest, and is cooperating very well with various Human Rights Council mechanisms. It recognised that Mauritius is known to be a politically stable nation where all races, cultures and religions cohabit and develop in peace, which deserves significant praise and could serve as a model for many other nations.

65. Slovenia commended the Government, inter alia, for the abolition of the death penalty in 1995. It noted that the National Human Rights Commission has received several complaints alleging police brutality, and asked how many cases of police brutality were investigated and how many of these cases ended with the conviction of the perpetrators and compensations paid to the victims. It asked when Mauritius expects that the Independent Police Complaints Commission will be established and fully operational. Slovenia noted that some of the core human rights treaties have been signed but not yet ratified, and it recommended to Mauritius to a) to speed up the process of ratification, particularly of ICCPR-OP 2, OP-CEDAW, OP-CRC-AC and OP-CRC-SC and b) to extend an open-ended invitation to all United Nations Human Rights Council's Special Procedures.

66. The Czech Republic recommended to Mauritius, in support of its international human rights obligations (a) to issue and to implement a standing invitation to all Special Procedures. It appreciated legislative efforts addressing the situation in prisons, including cases of torture and recommended to Mauritius to: (b) to adopt further measures to ensure that the use of pre-trial detention complies with international standards and to rationalize the system of inspection of prisons and of processing of complaints in cases of alleged mistreatment or torture. It further recommended to Mauritius (c) to pursue efforts to provide specific human rights' training to law enforcement and judicial officers on all aspects of human rights. With regard to protection of human rights of refugees, The Czech Republic recommended to Mauritius to: (d) to accede to the 1951 Refugee Convention and its 1967 Protocol. It commended Mauritius for supporting the joint statement on human rights, sexual orientation and gender identity in December 2008 at the UN General Assembly.

67. Ghana noted that in recent months migrant workers have complained about unsatisfactory working and living conditions and asked about steps which have been taken to resolve this. Ghana also noted the Government's commitment to make or support far-reaching reforms in the judicial sector and hoped that the judicial reforms would be carried out with a view to improving the delivery of justice in the country.

68. Brazil recognized the adoption of a legal and institutional framework to foster the internalization of international human rights instruments, in particular the abolition of the death penalty in 1995. It commended Mauritius achievements in relation to economic and social rights, especially the rights to education, food, health and housing. Brazil considered that all actions to ensure security must be fully compatible with the provisions of international and national human rights instruments. It requested information about the main steps taken and the shortcomings regarding the issue of human rights with special attention to vulnerable groups and about the issue of human rights and counter-terrorism and the Prevention of Terrorism Act of 2002. Brazil recommended to Mauritius to a) accomplish the human rights goals set by resolution 9/12 of the Human Rights Council and, within its context, consider the ratification of CED, CPD, and OP-

CRC – SC, b) consider issuing a standing invitation to United Nations human rights Special Procedures, and c) maintain and strengthen programs to combat extreme poverty.

69. China noted outstanding achievements in the elimination of poverty, protecting labour rights as well as interests, enhancing social welfare, protecting vulnerable groups, promoting gender equality and developing news media. Regarding the special committee established with the target of fully eradicating poverty in 7 to 10 years, China asked about concrete plans and stage-by-stage targets in this work. China recommended to Mauritius to establish a police complaints authority with active work and necessary technical assistance from the international community.

70. Italy asked if the recent Equal Opportunities Bill has been definitely approved by the National Assembly and has already entered into force. In its opinion this Bill represents a major achievement in Mauritius human rights policy as it prohibits any form of discrimination on the ground of, inter alia, political opinion, race, sex and sexual orientation. Italy inquired whether the Government intends to adopt consistent provisions in order to decriminalize sexual activities among consenting adults. It welcomed the establishment of an Ombudsperson for Children in 2003, yet noted some concerns in the field of the rights of the child, including in such areas as adoption and juvenile justice. Italy recommended to Mauritius to: (a) to increase efforts in ensuring full compliance of domestic legislation with the CRC, including by introducing a legal minimum age for criminal accountability. With regard to women's rights, Italy recommended to Mauritius to: (b) amend those constitutional provisions which negatively affect the status of women, including marriage, divorce, adoption, burial and transfer of property in case of death.

71. Côte d'Ivoire made reference to numerous studies made by national institutions recognizing the economic success of Mauritius but also the progress made in the areas of health and education. Côte d'Ivoire: a) recommended to Mauritius to continue its efforts on behalf of the defense and sustainability of a pluralistic democracy, good governance, economic and social development and the strengthening of national human rights institutions; b) urged Mauritius to continue along the path of its humanistic ideal of a rainbow nation, rich in cultural, social and religious diversity and respecting the rights of minorities.

72. Zimbabwe noted the establishment of the Human Rights Centre as a very positive development. It recommended: (a) to Mauritius to continue to work over the challenges and the constraints it is facing in its endeavour to promote and protect human rights; (b) to Mauritius to finalise the National Action Plan on Human Rights which will undoubtedly bring about tangible improvements in the observance of all categories of human rights; and (c) that the United Nations Development Programme and the Commonwealth Secretariat should continue to assist Mauritius in capacity building.

73. Barbados noted with satisfaction that many of the policies of the Government recognize the indispensable link between human rights and development. It noted that like many capacity constrained developing countries, there is a backlog in the presentation of reports to the treaty bodies. Barbados called on the treaty bodies and the OHCHR to work together to assist Mauritius and other SIDS, where possible, to prepare the necessary reports and follow up to the treaty body recommendations.

74. The Democratic People's Republic of Korea commended, inter alia, the amendment of the Criminal Code in 2003. It noted with particular appreciation the commitment of Mauritius to human rights as demonstrated by the creation of a Fund to promote further the economic empowerment of vulnerable groups and various activities for the well-being of people. It

encouraged Mauritius, in spite of challenges and obstacles ahead, to continue with current efforts for furtherance of the promotion and protection of human rights of its citizens.

75. The delegation indicated that the Government is addressing the issue of police brutality and that regular training is delivered at the basic level. About 37 police officers are being prosecuted and there is no longer a perception of impunity for police officers. The Government had recently, without awaiting the judgment of the Court, given ex-gratia payment to the families of 2 persons who had died in police custody. Regarding the law on the police complaints authority, the delegation stated that the legislation will be passed later this year and consultations with different parties are taking place.

76. The delegation explained that the aim of the Combating of Trafficking in Persons Bill is to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, to prevent and combat trafficking in persons, to protect and assist victims and to ensure that those indulging in trafficking in persons are prosecuted. Regarding overcrowding in prisons, a series of measures were taken, including the creation of additional accommodation for 377 detainees in various prisons and of 14 Segregation and Protection Units, the extension of the women's prison, and the construction of a new high security prison. There is a fast track at the prosecution level for those awaiting trial who cannot afford to pay for release on bail.

77. Concerning the working and living conditions and the rights of migrant workers, the delegation informed that an expatriate worker has the right to form or join a trade union of his own choosing without previous authorization and without any discrimination, and has other rights pertaining to trade union and collective bargaining activities. A Special Migrant Workers Unit was set up within the Ministry of Labour in 1999 to ensure that conditions of employment of migrant workers are in compliance with national laws. It carried out 752 inspections in 2008 at the work places and responds promptly to all complaints from expatriate workers, including anonymous complaint letters.

78. The objectives of the Family Welfare and Protection Unit are to implement appropriate policies and strategies to promote family welfare and to adopt relevant strategies and implement actions to combat domestic violence. It has six regional Offices known as Family Support Bureau, where services are provided free of charge to families and children in distress, including psychological and legal counseling, assistance to adult victims of domestic violence, assistance to children victims of abuse and individual, couple and mass counseling.

79. The delegation explained that the NHRC is not attached to any Ministry and is headed by a former judge. It also stated that the work of the NHRC is widely publicized in the press and there could be no infringement by the Executive or any Minister of its independence. The delegation believed that more powers should be given to the NHRC and mentioned that the relevant legislation is being revisited and that the role of the NHRC had been revamped under the Equal Opportunities Act.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

80. The recommendations formulated during the interactive dialogue have been examined by Mauritius. The recommendations listed below enjoy the support of Mauritius:

1. Consider the possibility/ speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Algeria, Argentina, Brazil, Mexico, Slovenia);

2. Review its domestic legislation with a view to aligning it with the provisions of the human rights instruments that it has ratified (South Africa);
3. Present to the Parliament, as soon as possible, the Police Complaints Bill which is being prepared, and direct particular attention to increasing the awareness of police agents with respect to human rights principles (Algeria);
4. Finalize and adopt the Sexual Offences Bill currently under consideration (Canada);
5. Ensure that rape within marriage is a punishable offence under its legal code (Canada);
6. Ensure that any legislation, regulation or measures concerning the media fully respect the right to freedom of opinion and expression, including freedom of the media, in accordance with article 19 of ICCPR, including by preserving the ability of the media to investigate and report on public officials without fear of penalty (Canada);
7. See that competent institutions carry out a campaign to explain the content of the Constitution distributed to different groups of the society (The Democratic Republic of the Congo);
8. Increase its efforts in ensuring full compliance of its domestic legislation with the Convention on the Rights of the Child, including by introducing a legal minimum age for criminal accountability (Italy) in line with international standards (Germany); Enact a Children's Act as well as consolidating national legislation which is fully in line with the international obligations it has undertaken (Indonesia);
9. Consider implementing the recommendations of the National Human Rights Commission (NHRC) contained in paragraph 37 of the national report (Azerbaijan);
10. Give to the Office of the Ombudsperson for Children the necessary resources to carry out its tasks so as to ensure its effective realization of the rights of children (Burkina Faso);
11. Continue its impressive efforts towards realization of children rights, and in this context share its experiences on the work of the Ombudsperson for Children (Botswana);
12. Implement the recommendations of the Committee on the Rights of the Child (South Africa);
13. Continue its efforts on behalf of the defence and sustainability of a pluralistic democracy, good governance, economic and social development and the strengthening of national human rights institutions (Côte d'Ivoire);
14. Finalize and implement the National Action Plan on Human Rights, (Zimbabwe, Algeria) as referred to in paragraphs 80 and 81 of the national report (Algeria),



which will undoubtedly bring about tangible improvements in the observance of all categories of human rights (Zimbabwe);

15. Continue its efforts along the path of promotion and protection of human rights in all fields (Egypt); Encourage Mauritius to continue with its positive efforts in promoting and protecting human rights of its people and share its experience in this area with other countries (Malaysia); Continue to work over the challenges and the constraints it is facing in its endeavour to promote and protect human rights (Zimbabwe);
16. Continue efforts to promote human rights education (Canada);
17. Continue to fine-tune its development agenda and by doing so, continue to effectively promote and protect human rights as well as economic, social and cultural rights in the country (Indonesia);
18. Continue to apply a gender perspective in its policies and programmes, including in the follow-up on the results of the current review, within the context of its National Gender Policy Framework of 2008 and other mechanisms (Botswana);
19. Call on the international community to provide the much-needed technical and technological know-how and finances to Mauritius in support of its efforts to attain full enjoyment of civil and political rights as well as economic, social and cultural rights for its population (Nigeria); call on the United Nations Development Programme and the Commonwealth Secretariat to continue to assist Mauritius in capacity-building (Zimbabwe); Call on the international community to support Mauritius by providing all assistance needed to improve its programmes for the protection and promotion of human rights (Chad);
20. Continue along the path of its humanistic ideal of a rainbow nation, rich in cultural, social and religious diversity and respecting the rights of minorities (Côte d'Ivoire);
21. Continue its efforts to eliminate discrimination against women and intensify awareness-raising campaigns on women's rights (New Zealand); Take further steps to address discrimination against women, especially in the work place (United Kingdom);
22. Carry out investigations into all violations and deaths of persons in custody and in prisons attributable to police officers, and: that perpetrators of such violations are prosecuted; and that victims are paid compensation and have access to independent bodies for investigating those complaints (United Kingdom); and establish a police complaints authority with active work and necessary technical assistance from the international community (China);
23. Adopt further measures to ensure that the use of pre-trial detention complies with international standards and to rationalize the system of inspection of prisons and of processing of complaints in cases of alleged mistreatment or torture (Czech Republic);
24. Pursue efforts to provide specific human rights training to law enforcement and judicial officers on all aspects of human rights (Czech Republic);

25. Make more strenuous effort to address the issue of violence against women (Malaysia), including through intensifying its awareness-raising and strengthening prevention efforts and measures (Malaysia, Germany) and put in place effective monitoring and evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women; increase the number of available shelters for victims of violence and their children; address all obstacles that prevent women from reporting acts of violence to the police (Germany);
26. Continue and strengthen its efforts in addressing domestic violence (Palestine, Pakistan) in particular in raising the awareness of the population through information campaigns and by enhancing the system of criminal prosecutions (Palestine);
27. Make all possible efforts to eradicate all forms of violence, all form of abuse against children and eliminate completely police brutality (Mexico);
28. Strengthen existing policies and programmes aimed at eradicating child prostitution (Turkey); Strengthen the existing national plan of action on the protection of children, in particular on its policies in the prevention, recovery and reintegration of children victims of sexual exploitation (Malaysia); Continue its efforts to protect child rights, in particular in its attempt to completely eradicate child labour (France);
29. Undertake further steps to eradicate child prostitution and child labour (New Zealand);
30. Effectively monitor the implementation of the Combating of Trafficking in Persons Bill upon its adoption (Turkey); Take into account the human rights dimensions of human trafficking, in particular the need to protect and provide assistance to victims, in the drafting of legislation to combat human trafficking (Philippines);
31. Take measures to bring the situation of persons in custody in line with international standards, including the length of pre-trial detention (Germany);
32. Follow-up dynamically on its policies of combating prison overpopulation, in particular through the development of new facilities (Palestine);
33. Step up its efforts to complete the reform of its judicial system, and if necessary to request technical assistance from the Office of the High Commissioner for Human Rights in this regard (Algeria);
34. Encourage the participation of women in Parliament and increase of women participation in the different decision making processes (Syrian Arab Republic);
35. Continue to implement and strengthen its policy and measures to eradicate poverty (Tunisia, South Africa); Maintain and strengthen programmes to combat extreme poverty (Brazil);
36. Continue ongoing efforts to strengthen respect for the human rights of women and to take steps to improve their living standards (Canada);

37. Continue to improve the access to education, health care and medicine (Azerbaijan);
  38. Continue its efforts in promoting human rights, especially by integrating into school programmes the fundamental principles of human rights and strengthening the education on these rights in parallel campaigns and educational measures (Morocco);
  39. Include in the plan outlined by the Attorney-General for the early ratification of the Convention on the Rights of Persons with Disabilities measures to increase the proportion of children with disabilities attending school (New Zealand);
  40. Continue to enhance efforts to protect the human rights of migrants (Philippines);
  41. Share additional information about the Equal Opportunities Act and its targeted groups (Nepal);
  42. Share its plans and practices in eradicating poverty in a time-bound manner as is reflected in the works of the special Committee for the Eradication of Absolute Poverty and five-track partnerships (Nepal);
  43. Share additional information on the nature and composition of the Human Rights Centre and its functions in relation to the NHRC (Nepal);
  44. Reject any attempts to impose on it any values or standards beyond its international legal obligations and not in conformity with its social values (Egypt).
81. The following recommendations will be examined by Mauritius, which will provide responses in due time. The response of Mauritius to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session:
1. Ratify/consider ratifying the Convention on the Rights of Persons with Disabilities (France, Mexico) and its Optional Protocol (Mexico);
  2. Sign and ratify/consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (France, Mexico);
  3. Consider becoming party to/ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan, Mexico);
  4. Speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovenia);
  5. Speed up the process of ratifying/ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Mexico, Slovenia);
  6. Accede to the 1951 Refugee Convention and its 1967 Protocol (Czech Republic);
  7. Accomplish the human rights goals set by resolution 9/12 of the Human Rights Council and, within its context, consider the ratification of CED and CPD (Brazil);

8. Amend constitutional provisions which negatively affect the status of women, including marriage, divorce, adoption, burial and transfer of property in case of death (Italy);
9. Consider extending (Latvia, Brazil)/Extend (France, Slovenia)/ extend and implement (Czech Republic) a standing invitation to all special procedures of the Human Rights Council;
10. Prohibit in the Constitution all forms of discrimination without exception (Mexico);
11. Include marital rape as an offence under the proposed Sexual Offences Bill (New Zealand);
12. Take further measures to prevent discrimination based on sexual orientation, and that the Equal Opportunities Act allow legal acknowledgement of homosexual couples and their human rights (United Kingdom);
13. Develop a policy for the use of Creole at all levels of primary education, and to incorporate human rights in the education curricula (Mexico).

82. Mauritius takes note of the recommendations listed below, and offers the following comments:

1. With regards to the recommendation to ratify in 2009, as it had committed itself, the CPD (France), included in paragraph 33 (a), Mauritius indicates that it has undertaken to ratify the CPD as soon as the necessary legislation is passed, and the necessary measures are taken to allow implementation of the CPD;
2. Regarding the recommendation to ensure that the NHRC is in line with the Paris Principles (Mexico), included in paragraph 54 (a), Mauritius considers that the NHRC already operates in line with the Paris Principles, hence its accreditation since 2002 as “A” status by the International Coordinating Committee of National Institutions for the promotion and protection of human rights, as referred to in paragraph 8 of the compilation prepared by the OHCHR (A/HRC/WG.6/4/MUS/2);
3. Regarding the recommendation to enact legislation that criminalizes rape (Germany), included in paragraph 51 (e), Mauritius stated that the Criminal Code already provides for the offence of rape;
4. Regarding the recommendation to adopt measures for the prevention of sexual abuse and provide facilities for the care, recovery and reintegration for child victims of violence (New Zealand), included in paragraph 55 (g), Mauritius mentioned that such measures and facilities already exist but can be enhanced;
5. Regarding the recommendation to include provisions in its proposed Equal Opportunities Act on the equal rights of women and men and provide girls with access to education facilities and resources equivalent to those available to boys (New Zealand), included in paragraphs 55 (b) and (c); Mauritius commented that the Equal Opportunities Act and the Constitution already provide for equal rights

of women and men. Girls and boys already have access to the same education, facilities and resources.

83. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Mauritius was headed by Honourable Jayarama Valayden, Attorney-General and composed of nine members:

H.E. Mr. S.B.C. Servansing, Ambassador and Permanent Representative Permanent Mission of Mauritius to the United Nations, Geneva;

Mrs. Aruna Devi Narain, Acting Assistant Solicitor-General, Attorney-General's Office;

Ms. Asha Muthusawmy Pillay, Legal Research Officer, Attorney-General's Office;

Mr. Vishwakarmah Mungur, Minister-Counsellor, Permanent Mission of Mauritius to the United Nations, Geneva;

Mr. Subhas Gujadhur, First Secretary, Permanent Mission of Mauritius to the United Nations, Geneva;

Mrs. Tanya Prayag-Gujadhur, Second Secretary, Permanent Mission of Mauritius to the United Nations, Geneva;

Miss Reena Wilfrid-René, Second Secretary, Permanent Mission of Mauritius to the United Nations, Geneva;

Mrs. Deneswaree Mohun, Counsellor, Permanent Mission of Mauritius to the United Nations, Geneva.

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