

**Statement at 56th session of the United Nations Human Rights Council**

**Item 6: UPR Outcome Mauritius**

**Speaker: Roopanand Mahadew**

Mr President,

We are deeply concerned that the government only noted all recommendations calling on them to expand the mandate of the National Human Rights Commission to include the protection and promotion of economic, social and cultural rights, to combat racist media coverage and incidents of hate speech and to guarantee a safe and free environment for journalists and human rights defenders.

Indeed, since the review of the Information and Communication Technologies Act (ICT), journalists can face prison sentences up to ten years for content that is considered “offensive” and “likely to cause harm”. This provision is extremely vague and can be abused which is not in line with international standards on freedom of expression. The Public Gathering Act (PGA), provides for the organisation of assemblies to follow the notification rule, as prescribed by the International Covenant on Civil and Political Rights. However, on several instances, the Commissioner of Police refused to let assemblies proceed alleging that people needed authorisation from the authorities, including assemblies of less than 12 people which do not require notification under the PGA Section 2 (a).

Finally, in Mauritius, the definition of human rights and fundamental freedoms included in the Constitution only mentions civil and political rights. The mandate of the National Human Rights Commission is based off this definition which entails that the NHRC does not consider being the appropriate body to deal with issues related to economic, social and cultural rights, environmental rights or sexual orientation and gender identity rights. This limits the possibility for defenders working on those rights to denounce violations.

We therefore call on the Mauritian government to:

- Ensure that the Public Gathering Act is implemented reflecting its content and purpose, especially the notification rule, to guarantee the rights to freedom association and peaceful assembly;
- Ensure that the mandate of the National Human Rights Commission reflects all human rights and not only civil and political rights to ensure protection of all victims of rights violations, including economic, social and cultural, environmental and LGBTIQ defenders;
- Conduct prompt, thorough, independent, impartial investigations of all threats and attacks against HRDs, especially those involving law enforcement.

I thank you.