

## **APPENDIX**



### **AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS**

## **ELEVENTH PERIODIC REPORT OF THE REPUBLIC OF MAURITIUS ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (September 2019 – March 2024)**

**Republic of Mauritius**

**April 2024**

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## List of Acronyms

ACHPR	-	African Charter on Human and Peoples' Rights
AKRM	-	Akademi Kreol Repiblik Moris
AML/CFT	-	Anti-Money Laundering and Combatting the Financing of Terrorism
ARID	-	Asset Recovery Investigation Division
ATM	-	Automated Teller Machines
BCG	-	Bacillus Calmette–Guérin
BRC	-	Bail and Remand Court
CAT	-	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT–OP	-	Optional Protocol to the Convention against Degrading Treatment or Punishment
CCPR	-	International Covenant on Civil and Political Rights
CCPR-OP1	-	Optional Protocol to the International Covenant on Civil and Political Rights
CDU	-	Child Development Unit
CEDAW	-	International Convention on the Elimination of all Forms of Discrimination against Women
CEDAW-OP	-	Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women
CERD	-	International Convention on the Elimination of all Forms of Racial Discrimination
CESCR	-	International Covenant on Economic, Social and Cultural Rights
CMO	-	Collective Management Organisation
CMS	-	Conciliation and Mediation Section
CRC	-	Convention on the Rights of the Child
CRC-OP-AC	-	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
CRC-OP-SC	-	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
CRPD	-	Convention on the Rights of Persons with Disabilities
CSO	-	Child Sex Offender
CSP	-	Citizen Support Portal
DPC	-	Digital Proficiency Course
DPP	-	Director of Public Prosecutions
DFSC	-	Discipline Forces Service Commission

ECS	-	Extended Continental Shelf
EPA	-	Environment Protection Act
EIA	-	Environmental Impact Assessment
EReA	-	Employment Relations Act
ESP	-	Early Support Programme
FATF	-	Financial Action Task Force
GBV	-	Gender-based violence
HSC	-	Higher School Certificate
ICAC	-	Independent Commission Against Corruption
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ICJ	-	International Court of Justice
ILO	-	International Labour Organisation
IPCC	-	Independent Police Complaints Commission
IPPA	-	Investment Promotion and Protection Agreements (IPPAs)
ITET	-	Institute of Technical Education and Technology
ITG	-	International Travel Grant
ITLOS	-	International Tribunal for the Law of the Sea
KM	-	Kreol Morisien
LRV	-	Light Rail Vehicles
LRMU	-	Land Research and Monitoring Unit
MARS	-	Mauritius and Rodrigues Submarine Cable
MAUPASS	-	Mauritius Personal Access
MDPA	-	Mauritius Digital Promotion Agency
MITD	-	Mauritius Institute of Training and Development
MLHRDT	-	Ministry of Labour, Human Resource Development and Training
MMR	-	Measles, Mumps, Rubella
MOHW	-	Ministry of Health and Wellness
MPS	-	Mauritius Prison Service
NAF	-	National Arts Fund
NAP	-	National Apprenticeship Programme
NCD	-	Non-Communicable Diseases
NDRRMC	-	National Disaster Risk Reduction and Management Centre
NDCMP	-	National Drug Control Master Plan
NHF	-	National Heritage Fund
NHDC	-	National Housing Development Company

NHRC	-	National Human Rights Commission
NMRF	-	National Mechanism for Reporting and Follow Up
NMH-EAS	-	National Multi-Hazard Emergency Alert System
NMW	-	National Minimum Wage
NICU	-	National Neonatal Intensive Care Unit
NPMD	-	National Preventive Mechanism Division
NWC	-	National Women's Council
NSLD	-	New Social Living Development
NYCBE	-	Nine Year Continuous Basic Education
NYEC	-	National Youth Environment Council
ODPP	-	Office of Director of Public Prosecutions
OPCAT	-	Optional Protocol to the Convention against Torture
OSHA	-	Occupational Safety and Health Act
PBAT	-	Public Bodies Appeal Tribunal
PCV	-	Pneumococcal Conjugate Vaccine
PER	-	Preliminary Environmental Report
PERC	-	Parental Empowerment Resource Centre
PLHIV	-	Prison inmates living with HIV
REOC	-	Rodrigues Emergency Operation Centre
RRA	-	Rodrigues Regional Assembly
RS	-	Mauritian Rupees
SC	-	School Certificate
SIDS	-	Small Island Developing States
SOP	-	Standard Operating Procedures
SRH	-	Sexual and Reproductive Health
SRM	-	Social Register of Mauritius
SEN	-	Special Education Needs
SENA	-	Special Education Needs Authority
SMWU	-	Special Migrant Workers Unit
STIs	-	Sexually Transmitted Infections
TIP	-	Trafficking In Persons
TIPCs	-	Training Manuals provided to Trainee Police Constables
TVET	-	Technical and Vocational Education and Training
UNCLCS	-	United Nations Commission on the Limits of the Continental Shelf
UDHR	-	Universal Declaration of Human Rights

UNFCC	-	United Nations Framework Convention on Climate Change
VAITOS	-	Virtual Asset and Initial Token Offerings Services
WEPPU	-	Welfare and Elderly Persons' Protection Unit
WRA	-	Workers' Rights Act
WHO	-	World Health Organisation
ZEP	-	Zone d'Education Prioritaire

## **INTRODUCTION**

1. Mauritius is pleased to submit its 11<sup>th</sup> Periodic Report under the African Charter on Human and Peoples' Rights, also known as the Banjul Charter, for the period August 2020 to April 2024.

2. The Report has been prepared in line with the Guidelines for National Periodic Reports of the African Commission on Human and Peoples' Rights (ACHPR) on the structure and content of periodic reports to be submitted by State Parties. A participatory approach was adopted with consultations held with Ministries and Departments, National Human Rights Institutions as well as Non-Governmental Organisations through the National Mechanism for Reporting and Follow-Up (NMRF).

3. The Report focuses on the progress made in the implementation of the provisions of the Banjul Charter as well as the implementation of the Concluding Observations and Recommendations following the last review of the 9<sup>th</sup> and 10<sup>th</sup> Combined Periodic Reports of the Republic of Mauritius in July 2020 and Recommendations obtained following the Joint Promotion Mission to the Republic of Mauritius by Commissioners from the African Commission on Human and Peoples' Rights from 13 to 17 August 2019.

## **PART I - GENERAL FRAMEWORK**

### **A. GEOGRAPHIC AND OTHER CHARACTERISTICS OF MAURITIUS**

4. The Republic of Mauritius consists of the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius. It is located in the south-west of the Indian Ocean, around 890 km to the east of Madagascar.

#### **Joint Management of Continental Shelf in the Mascarene Plateau Region**

5. The Exclusive Economic Zone of Mauritius covers an area of approximately 2.2 million km<sup>2</sup>.

6. The Republic of Mauritius manages jointly with the Republic of Seychelles 396,000 km<sup>2</sup> of continental shelf in the Mascarene Plateau Region. The Republic of Mauritius made a submission to the United Nations Commission on the Limits of the Continental Shelf (UNCLCS) on 26 March 2019, for an Extended Continental Shelf (ECS) of an approximate area of 175,000 km<sup>2</sup> in the Southern Chagos Archipelago Region.

7. On 12 April 2022, Mauritius made a submission to the UNCLCS for an ECS of approximately 23,400 km<sup>2</sup> in the Northern Chagos Archipelago region.

8. On 28 April 2023, a Special Chamber of the International Tribunal for the Law of the Sea (ITLOS) delivered a Judgment establishing a binding international maritime boundary between Mauritius and Maldives. This boundary delimits the exclusive economic zones and the continental shelves of the two States within 200 nautical miles in the region of the Chagos Archipelago.

## Chagos Archipelago

9. The Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius, as authoritatively determined by the International Court of Justice (ICJ) in its Advisory Opinion of 25 February 2019 on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965. The ICJ also, *inter-alia*, determined that since the Chagos Archipelago was unlawfully excised by the colonial power from the territory of Mauritius prior to its accession to independence, the decolonization process of Mauritius remains incomplete and that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible.

10. The authoritative determinations of the ICJ were fully endorsed by the UN General Assembly in its Resolution 73/295 and by a Special Chamber of ITLOS in its Judgment of 28 January 2021 in the maritime delimitation case between Mauritius and the Maldives. The Special Chamber of ITLOS confirmed that Mauritius has undisputed sovereignty over the Chagos Archipelago.

11. In November 2022, Mauritius and the United Kingdom started negotiations on the exercise of sovereignty over the Chagos Archipelago in accordance with international law. At this stage, the negotiations are ongoing. At its last Summit held on 17 and 18 February 2024 in Addis Ababa, Ethiopia, the African Union adopted a Declaration, in which it called upon the United Kingdom to expedite the conclusion of the negotiations in line with the Advisory Opinion of the ICJ of 25 February 2019, UN General Assembly Resolution 73/295 and the Judgement of the Special Chamber of ITLOS of 28 January 2021 and thereby complete the decolonisation of Mauritius and Africa.

12. The illegal excision of the Chagos Archipelago also involved the forcible removal by the United Kingdom of the Mauritians who were residing at the time in the Archipelago (“Chagossians”) in total disregard of their human rights. Most of the Chagossians were moved to Mauritius.

13. Chagossians, being fully-fledged citizens of Mauritius, enjoy the same rights as other Mauritian citizens. However, with a view to improving their well-being, the Government of Mauritius has taken and continues to take special measures in their favour. These measures include the donation of land for the construction of houses and the setting up of the Chagossian Welfare Fund.

14. The Chagossian Welfare Fund has over the past few years taken several measures in favour of the Chagossians, including:

- (a) scholarships to eligible students of the Chagossian community;
- (b) offer of motivational prizes to young graduates of the Chagossian community;
- (c) grants/financial assistance to students of the Chagossian community attending universities and vocational institutions;
- (d) provision of sports facilities and equipment for recreational purposes and wellness of the Chagossian community;
- (e) residential camp for senior citizens of the Chagossian community;
- (f) distribution of provisions (edible items) to senior citizens and bedridden persons of the Chagossian community;
- (g) recreational activities for primary and secondary school students of the Chagossian community;



- (h) assistance to needy Chagossians for repairs to their houses;
- (i) visits to Chagossians in homes every three months, during which clothes and fruits are given to them;
- (j) funeral grants to families of deceased Chagossians and Chagossian descendants;
- (k) provision of transport facilities to Chagossians who have appointments at hospitals; and
- (l) upgrading of Chagossian community centres for the conduct of activities, prayers and other events for the Chagossian community.

15. The Government of Mauritius also supports the legitimate aspiration of Chagossians, as Mauritian citizens, to resettle in the Chagos Archipelago and is strongly committed to implementing a resettlement plan in the Chagos Archipelago.

### **Agalega**

16. The Outer Islands Development Corporation is responsible for the management and development of the Outer Islands, namely Agalega and St Brandon.

### **Island of Tromelin**

17. Mauritius has always maintained that the Island of Tromelin forms an integral part of its territory and has consistently asserted its sovereignty over the island, including its maritime zones. There exists, however, a dispute between Mauritius and France over Tromelin as France claims sovereignty over the island. Mauritius rejects the sovereignty claim of France over the Island of Tromelin.

18. On 07 June 2010, Mauritius signed with France a Framework Agreement on Economic, Scientific and Environmental Co-management relating to the Island of Tromelin and its Surrounding Maritime Areas as well as three Implementing Agreements relating to archaeological research, environmental protection and fisheries resources respectively. These Agreements which have been concluded without prejudice to the sovereignty of Mauritius over Tromelin have not yet entered into force.

19. The Republic of Mauritius has a population of about 1.3 million with an estimated resident population of 1,261,041 in Mauritius, 44,945 in Rodrigues and 361 in Agalega and other islands, as at 01 July 2023. It comprises of 622,991 males and 638,050 females. 18 % of the population is aged below 15 years and 17% is aged 60 years and above.

20. Mauritius is acknowledged for its harmonious living. People of different faiths and ethnic groups live peacefully whilst maintaining their respective cultures and religions.

21. Since its independence in 1968, Mauritius successfully developed from a monocrop economy based on sugar to a diversified one, centred on manufacturing, tourism, the services sector, including information communication technology, medical and financial services.

22. In its 2023 Democracy Index the Economist Intelligence Unit ranked Mauritius as the 20th most democratic nation in the world illustrating the commitment of the Government to strengthen the existing democratic and human rights architecture.

23. For the tenth consecutive year Mauritius has maintained the position of a top performer in the overall governance in Africa according to the Mo Ibrahim Index of African Governance 2021.

24. Mauritius has been classified in the high human development category with a Human Development Index value for 2022 of 0.796 in the Human Development Report 2023/2024.

25. Climate change is one of the most critical challenges for Mauritius. The Global Climate Risk Index, ranked Mauritius 14th as regards its disaster risk and is the 7th most exposed to natural hazards. The World Risk Report 2023 has ranked Mauritius as the 106th out of the 193 countries as regards to disaster risk. It is among the most exposed to natural hazards due to its geographical location on the cyclonic basin.

26. As such, Mauritius is committed to put in place adaptive measures to build resilience and cope with weather-related disasters.

## **B. CONSTITUTIONAL, POLITICAL AND LEGAL STRUCTURE OF MAURITIUS**

### **The Constitutional Structure**

27. The Constitution of Mauritius, which is the supreme law of the country, prohibits discrimination and advocates equality for all. In this vein, from a human rights perspective, the State of Mauritius does not discriminate between citizens. Chapter II of the Constitution guarantees the enjoyment of fundamental rights and freedoms which include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection for privacy of home and other property, protection of the law, freedom of conscience freedom of expression, freedom of assembly and association, freedom of movement and prevention from discrimination.

28. The pillar of the Constitution is the doctrine of separation of powers which keeps the three branches of the government namely, the executive branch, the legislative branch and the judicial branch, separate and independent.

29. The Supreme Court determines the validity of any statute which is alleged to be unconstitutional. Any law which is inconsistent with the Constitution, to the extent of the inconsistency, may be declared void.

30. The primary concern of the Courts of law where a contravention of the Constitution is established is to ensure that such contravention is redressed as judiciously and expeditiously as possible.

## **The Legal Structure**

### **The Supreme Court**

31. The Constitution entrusts the Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law other than a disciplinary law. It also provides the Supreme Court with a supervisory jurisdiction over all inferior courts for the purpose of ensuring that justice is duly administered.

32. The Supreme Court sitting as Court of First Instance is composed of various Divisions such as the Family Division, the Commercial Division, the Land Division, the Financial Crimes Division and the Criminal Division (Assizes). It also comprises of the Master's Court, the Judge sitting in Chambers and the Mediation section.

33. In exercising its Appellate jurisdiction, the Supreme Court hears and determines civil & criminal appeals from the decisions of the subordinate courts, but it also sits as a Court of Civil Appeal and a Court of Criminal Appeal hearing and determining appeals from decisions of the Supreme Court sitting in the exercise of its original jurisdiction in civil and in criminal matters.

34. The Supreme Court, in the exercise of its civil jurisdiction, has further jurisdiction to hear and determine any complaint of a disciplinary nature, brought by any of the authorities or bodies exercising powers of supervision over the professional conduct of law practitioners.

35. The Government has invested in the modernisation of the judiciary. The administration and functioning of the courts have been subjected to a wide range of reforms to ensure an improved and faster administration of justice.

36. A new Supreme Court Building became operational as from 30 July 2020 with four specialized divisions. Its 12 floors house under one roof, the Civil, Criminal, Commercial, Family and Mediation courts, the Chief Justice's chambers, judges' chambers and the administration staff.

37. The Supreme Court website provides free access to any person, to updated legislation and to decided cases before the District Courts, Industrial Court, Court of Rodrigues, Children's Court, Intermediate Court and Supreme Court. The implementation of the E-Judiciary system enables civil cases to be lodged electronically. Through the Government secure E-service portal, fines may be paid online through the website or through an application.

### **The Subordinate Courts**

38. The subordinate courts consist of the District Courts, the Industrial Court, the newly established Children's Court and the Intermediate Court, the Bail and Remand Court and the Court of Rodrigues.

## **The District Court**

39. There are ten District Courts in Mauritius and one in Rodrigues. The District Courts have jurisdiction to try and determine both civil and criminal cases as provided for by the law. Each District Court is presided by a District Magistrate and by any such number of District Magistrates as may be decided by the Chief Justice. The District Court has jurisdiction to hear all civil cases where the claim or matter in dispute does not exceed Rs 250,000. The District Court has power and jurisdiction to hear and determine criminal cases punishable by a term of imprisonment not exceeding five years and a fine not exceeding Rs 100,000.

40. By virtue of the Protection from Domestic Violence Act, a Magistrate has jurisdiction to try any offence under this Act and may impose any penalty provided therein. District Magistrates may hear and determine applications in relation to Protection Orders, Occupation Orders and Tenancy Orders.

## **The Industrial Court**

41. The Industrial Court established under the Industrial Court Act, has exclusive civil and criminal jurisdiction to try any matter pertaining to the violation of the rights of individuals in the workforce. Civil and Criminal proceedings against defaulting employers are also initiated at the level of the Industrial Court by the Ministry of Labour, Human Resource Development and Training (MLHRDT) on behalf of aggrieved workers.

## **The Children's Court**

42. The Children's Court Act 2020, which came into force on 24 January 2022, provides for the establishment of a Children's Court, which court has jurisdiction to hear and determine cases involving children. This dedicated and specialised Court was established with a view to ensuring a child-friendly environment for court cases to be heard in compliance with the best interests of the child. The Act provides, *inter-alia*, for proceedings to be conducted in a language which is simple and comprehensible to the child, and that he be treated in a caring and sensitive manner.

## **The Intermediate Court**

43. The Intermediate Court is established under the Courts Act and has island-wide Civil and Criminal jurisdiction, including over the island of Rodrigues. In civil matters, the Intermediate Court has jurisdiction to entertain claims or matters in dispute, which do not exceed Rs 2 Million.

44. The Intermediate Court has jurisdiction to hear and determine serious criminal offences provided under specific sections of the Criminal Code and any other offences that can be tried by the Intermediate Court under any other enactment. It has the power to inflict penal servitude on convicted offenders for a period not exceeding fifteen years and imprisonment for a period not exceeding ten years. The Intermediate Court is also empowered to inflict a higher sentence for offences under the Dangerous Drugs Act and the Criminal Code. The bench of the Intermediate Court is constituted of one or more Magistrates, as may be decided by the President.

## **The Bail and Remand Court**

45. The Bail and Remand Court (BRC) established under the Bail Act, has exclusive jurisdiction with regard to remand or release of persons charged with an offence or arrested on reasonable suspicion of having committed an offence. It also operates on weekends and public holidays to safeguard the Constitutional rights of detainees. The BRC is presided over by a District Magistrate.

## **The Judicial System in Rodrigues**

46. In Rodrigues, justice is administered by a full-time Magistrate and a visiting Judge of the Supreme Court. The Magistrate for Rodrigues has within Rodrigues the same powers and jurisdiction as are conferred on every District Magistrate in Mauritius. He also exercises jurisdiction to hear and dispose of any case referred to in section 112 (d) and (f) of the Courts Act which in Mauritius, would upon a reference by the Director of Public Prosecutions, be cognizable by the Intermediate Court. In respect of penalties and forfeitures, he is vested with the same powers as were conferred upon the Intermediate Court by section 113 of the Courts Act. The Court of Rodrigues is governed by the Court of Rodrigues Jurisdiction Act.

## **The Judicial Committee of the Privy Council**

47. After independence in 1968 and on its becoming a Republic in 1992, Mauritius deemed it fit to maintain the Judicial Committee of the Privy Council as its highest and final court of appeal. Section 81 of the Constitution provides that an appeal shall lie from the decisions of the Court of Appeal or of the Supreme Court, to the Judicial Committee of the Privy Council either as of right, or with leave of the Court, under specific circumstances. For instance, such an appeal as of right will lie against final decisions in any Civil or Criminal proceedings, on questions as to the interpretation of the Constitution. When in the opinion of the Supreme Court a question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to the Judicial Committee, then an appeal shall lie from the decisions of the Court of Appeal or of the Supreme Court, in relation to final decisions in any civil proceedings, with the leave of the Court. The procedure for appeal to the Judicial Committee is provided by the Mauritius (Appeals to Privy Council) Order 1968.

## **The Political Structure**

48. The President of the Republic of Mauritius is the Head of State, having inter-alia the duty to uphold and defend the Constitution and ensure that the institutions of democracy and the rule of law are protected, the fundamental rights of all are respected; and the unity of the diverse Mauritian nation is maintained and strengthened.

49. The Executive Authority of Mauritius is vested in the President and except as otherwise provided in the Constitution, that authority may be exercised by the President either directly or through officers subordinate to him. The President, acting in his own deliberate judgment, appoints the Prime Minister, the member of the National Assembly who appears to him best able to command the support of the majority of the members of the Assembly, and he shall also appoint, in accordance with the advice of the Prime Minister, the Deputy Prime Minister, the other ministers from among the members of the National Assembly as well as the Attorney-General.

50. The country being a parliamentary democracy is led, through Cabinet, by the Prime Minister and Ministers whose functions are to advise the President in the Government of Mauritius. The Cabinet is collectively responsible to the National Assembly for any advice given to the President by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in execution of his office. The Constitution also provides for the position of Leader of the Opposition who shall be appointed by the President.

51. The State of Mauritius holds free and fair national and local elections at regular intervals. The Constitution provides for an Electoral Supervisory Commission which has a general responsibility for the supervision and the registration of electors for the election of members of the Assembly and the conduct of elections of such members. The Constitution provides for the National Assembly to consist of 70 members of whom 62 are elected in accordance with the first-past-the post system and the remaining 8 are allocated seats from among the best losers at general elections on a community and party basis, in order to ensure a fair and adequate representation of each community.

52. The Constitution of Mauritius was amended in 2011 and in 2016 to allow for a minimum number of candidates to be of a particular sex, with a view to ensuring adequate representation of each sex in election to local authorities for election and to the Rodrigues Regional Assembly. The Local Government Act was amended in 2015 to make provision for groups presenting more than two candidates at an election of a Municipal City Council, Municipal Town Council or Village Council to ensure that not more than two thirds of the group's candidates are of the same sex thereby ensuring meaningful participation of women. This measure has led to an increase in the percentage of women representation at local government level - 32% at Village Council Elections of 2020 compared to 30.3% for the 2012 elections.

### **The Rodrigues Regional Assembly**

53. In 2002, the Rodrigues Regional Assembly (RRA) was set up to provide for a decentralised form of Government in the island of Rodrigues. The RRA is responsible for the formulation and implementation of policy for specified matters in relation to Rodrigues. Members of the Rodrigues Regional Assembly are elected by citizens of Mauritius who are residents of Rodrigues. The Rodrigues Regional Assembly has power, *inter-alia*, to propose and adopt Bills in relation to its areas of responsibility, which, when adopted by Parliament shall be known as Regional Assembly Laws.

54. In 2016, amendments were made to the Rodrigues Regional Assembly Act, aligning it with changes in the Constitution of Mauritius to ensure balanced representation of both genders in the election process for the Rodrigues Regional Assembly. Out of the 17 members of the Rodrigues Regional Assembly, the number of women increased from 3 to 5 in the elections held in February 2022.

## **C. FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

### **ACCEPTANCE OF INTERNATIONAL HUMAN RIGHTS NORMS**

55. Mauritius has acceded to almost all the Core Conventions on Human Rights at international level, as follows:

Table 1 – United Nations Treaties/ Conventions

<b>Treaty/Convention</b>	<b>Date of accession (a)/ratification(r) /</b>
International Covenant on Civil and Political Rights (CCPR)	12 December 1973 (a)
International Covenant on Economic, Social and Cultural Rights (CESCR)	12 December 1973 (a)
International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	30 May 1972 (a)
International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	09 July 1984 (a)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	09 December 1992 (a)
Convention on the Rights of the Child(CRC)	26 July 1990 (a)
Convention on the Rights of Persons with Disabilities (CRPD)	08 January 2010 (r)

*Source: Ministry of Foreign Affairs, Regional Integration and International Trade*

56. Along with the above-mentioned Conventions/Treaties, Mauritius has ratified three and acceded to two Optional Protocols.

Table 2: Optional Protocols

<b>Optional Protocol</b>	<b>Date of accession (a) /ratification (r)</b>
Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1)	12 December 1973 (a)
Optional Protocol to the Convention against Degrading Treatment or Punishment (CAT- OP)	21 June 2005 (a)
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW-OP)	31 October 2008 (r)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	12 February 2009 (r)
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC)	14 June 2011(r)

*Source: Ministry of Foreign Affairs, Regional Integration and International Trade*

57. Mauritius became a Member State of the African Union in August 1968. As a State Party, it signed the African Charter on Human and Peoples' Rights on 27th February 1992 and ratified same on 19th June 1992. It has acceded to and ratified Regional and Multilateral Treaties/Conventions as follows:-

Table 3 – Regional Treaties/Conventions

<b>Treaty/Convention</b>	<b>Date of Ratification (r)</b>
African Charter on the Rights and Welfare of the Child	14 February 1992 (r)
African Charter on Human and Peoples' Rights	19 June 1992 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	03 March 2003 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	16 June 2017 (r)

*Source: Ministry of Foreign Affairs, Regional Integration and International Trade*

Table 4: Multilateral Treaties

<b>Multilateral Treaties</b>	<b>Date of Accession (a) /Ratification (r)</b>
The Hague Convention on the Civil Aspects of International Child Abduction	23 March 1993 (a)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational	24 September 2003 (a)
United Nations Convention against Transnational Organised Crime	21 April 2003 (r)
Convention for the protection of individuals with regards to automatic processing of personal data (European Treaty 108)	17 June 2016 (r)

*Source: Ministry of Foreign Affairs, Regional Integration and International Trade*

58. The Children's Act came into force in January 2022. It provides that no person shall marry a child civilly or religiously and defines "a child" as being defined as a person under the age of 18.

59. The Republic of Mauritius withdrew its reservation made under Article 6 (b) of the Maputo Protocol on 03 March 2023 and thereafter deposited the Notice of Withdrawal on 12 May 2023.

## **RATIFICATION OF OTHER REGIONAL/INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

60. The ratification of the **African Charter on Human and People's Rights on the Rights of Older Persons in Africa**, signed in May 2021, has been kept in abeyance until issues regarding access to buildings by older persons are attended to.

61. The ratification of the **African Charter on People's Rights of Persons with Disabilities** has also been kept in abeyance until issues related to the UN Convention on the Rights of Persons with Disabilities, pertaining mostly to access to buildings are cleared.



62. The ratification and signing of the **African Union Convention for the Protection and assistance of Internally Displaced Persons in Africa** is not being envisaged in view of the fact that Mauritius being a Small Island Developing States (SIDS), does not have any cross border internally displaced person movements.

63. The State of Mauritius has ratified the Protocol on the Establishment of the African Court of Justice and Human Rights in the year 2003. However, the State of Mauritius is not considering the signature of the **Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights** as it has accepted, on 12 December 1973, the Individual Complaints Procedures under the First Optional Protocol of the International Covenant on Civil and Political Rights, whereby citizens may have recourse to, if they feel that their rights have been deprived.

64. As regards asylum seekers and the status of refugees, Mauritius has not ratified the 1969 AOU Convention Governing the specific Aspects of Refugee problems in Africa nor acceded to the **1951 UN Convention relating to the Status of Refugees as it is a small and densely populated country with limited resources**. However, it adheres to the principle of “non-refoulement”.

65. Mauritius signed the **African Charter on Democracy, Elections and Governance** on 14 December 2007. The implications concerning its ratification are under consideration.

66. The State of Mauritius is not a signatory to the **1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families** due to the island being geographically small and being amongst the most densely populated island state. The country has limited resources and would not be able to provide the core basic services that would be required. It is observed that the Convention is much wider in scope as compared to existing domestic legislation in as much as it advocates the protection of the right of migrant workers and members of their families in respect of social security, health care and education. The Government as far as possible applies the essence of the Convention in respect of migrant workers.

67. Since Mauritius has no case of enforced disappearance, the ratification of the **International Convention for the Protection of All Persons from Enforced Disappearance** is not envisaged.

68. Mauritius submitted its 4th Universal Periodic Review National Report in October 2023 and was reviewed on 24 January 2024 by the United Nations Human Rights Council’s Universal Periodic Review (UPR) Working Group. During the review exercise which was held on 24 January 2024, 121 delegations took the floor and Mauritius was commended by many for measures to be taken to implement the recommendations of United Nations Member States.

69. The periodic report for the International Covenant on Economic, Social and Cultural Rights was submitted in March 2024.

### **Visit of Special Rapporteurs**

70. Between 2021 and 2023, the Republic of Mauritius welcomed Dr M. Orellana, the Special Rapporteur on Toxics and Human Rights (October 2021), Mrs Mama Fatima Singateh, the Special Rapporteur on Sale and Sexual Exploitation of Children (June 2022), and Mrs Ana Brian Nougères, Special Rapporteur on the Right to Privacy (November to December 2023). Mauritius gives due consideration to the various recommendations put forth by Special Rapporteurs and endeavours to implement as many of these recommendations.

## **D. LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS**

### **Key legislation enacted during the period of September 2019-March 2024**

71. A number of legislation has been enacted for improved protection of the civil, political, economic, social and cultural rights of citizens of Mauritius.

72. Mauritius is a member state of the International Labour Organization (ILO) since 1969 and has ratified 51 ILO Conventions. The provisions under the Workers' Rights Act 2019 set out employees' entitlements at work notably in respect of hours of work, equal remuneration, health and safety at workplace, sick leave, maternity leave and benefits or paternity leave. The principles advocated by these conventions are enshrined in the labour legislation of Mauritius.

### **The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020**

73. The Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 have been enacted to further protect the rights of the child and harmonise all laws relating to good development, well-being and protection of children.

74. The three acts came into effect on 24 January 2022. The Children's Act 2020 has been introduced to make better provisions for the care, protection and assistance to children, and to provide for matters related thereto.

75. The Child Sex Offender Register Act establishes a Child Sex Offender (CSO) Register with a view to reducing and preventing the risk of sexual offences against children.

76. As for the Children's Court Act, it establishes the Children's Court which is a specialised Court to be and which shall be a Court of record and shall have an official seal. The Children's Court consists of two divisions:

(1) the Protection Division and

(2) the Criminal Division. The Protection Division shall have jurisdiction to hear and determine any application under Part IV of the Children's Act 2020, which relates to children in need of assistance, care and protection, and thus, care and protection orders may be issued upon application. As for the Criminal Division of the Children's Court, it shall have jurisdiction to, *inter-alia*, hear and determine, in the case of a child victim, any criminal offence specified in Part I of the Schedule which is committed on the child [such offences include those under the Children's Act, the Combatting of Trafficking in Persons Act, the Protection from Domestic Violence Act and relevant sections of the Criminal Code]; in the case of a child witness, any criminal offence specified in Part II of the Schedule where the child is a witness; and in the case of a juvenile offender, any criminal offence committed by the child, other than an offence specified in Part III of the Schedule [including an offence under section 30 of the Religious Act].

## **The Anti-Money Laundering and Combatting the Financing of Terrorism (Miscellaneous Provisions) Act 2020**

77. The Anti-Money Laundering and Combatting the Financing of Terrorism (Miscellaneous Provisions) Act 2020 aims to reinforce the existing legal provisions to further combat money laundering and the financing of terrorism, and to provide for matters related thereto. This legislative reform was aimed at further strengthening the country's legal and regulatory framework concerning the fight against money laundering and financing of terrorism.

## **The Social Contribution and Social Benefits Act 2021**

78. The Social Contribution and Social Benefits Act 2021 provides for a comprehensive regulatory framework to give full implementation for the administration and operation of this new social contribution and social benefits system.

## **The Cybersecurity and Cybercrime Act 2021**

79. The Cybersecurity and Cybercrime Act 2021 establishes the National Cybersecurity Committee and a comprehensive legal framework to deal with cybercrime.

## **The Immigration Act 2022**

80. The Immigration Act 1970 was repealed in July 2022 and replaced by the Immigration Act 2022. The Immigration Act 2022 aims at consolidating and strengthening the law with regard to the admission and stay of non-citizens in Mauritius.

## **Combating of the Trafficking in Persons (Amendment) Act 2023**

81. The Combating of the Trafficking in Persons (Amendment) Act 2023 came into force in January 2024. The objects of the Act are to, amongst others, consolidate the existing legal provisions for combating trafficking in persons and providing a modern legal framework to address the issue of trafficking in persons more effectively.

82. The Act also provides for the setting up of a Steering Committee for Combating of Trafficking in Persons. The functions of the Steering Committee are, *inter alia*, to:

- (a) coordinate the development, regular review and implementation of national policies and activities to combat trafficking in persons;
- (b) ensure coordination among the public authorities with a view to improving the effectiveness of existing policies to combat trafficking in persons;
- (c) ensure coordination with stakeholders to identify victims of trafficking in persons;
- (d) assess the needs and protection of victims of trafficking in person;
- (e) collect, and to cause to be analysed, statistics and other information from competent authorities to assess the effectiveness of policies and measures to combat trafficking in persons; and

- (f) make recommendations to the Prime Minister for legislative regulatory and policy reforms for the purpose of combating trafficking in persons.

### **Private Recruitment Agencies Act 2023**

83. The Government of Mauritius has enacted a new piece of legislation, namely the Private Recruitment Agencies Act, to ensure ethical recruitment in line with the recommendations of the International Labour Organisation and the International Organisation for Migration. The Act aims at consolidating and strengthening the law with regard to the recruitment of citizens of Mauritius for employment locally and abroad, and for the recruitment of non-citizens for employment in Mauritius.

84. The Act, *inter-alia*, provides for:

- (a) an Employer Pay Principle, meaning that no person shall charge a worker any fee in relation to his recruitment and all cost for his recruitment, including his travel expenses, shall be borne by his employer;
- (b) prohibits deceitful and misleading advertisements and canvassing for wrongful inducement for the recruitment of workers; and
- (c) more powers to the enforcement agency with regard to the variation, suspension and revocation of a licence for the recruitment of workers.

### **Waste Management and Resource Recovery Act 2023**

85. The Waste Management and Resource Recovery Act 2023 provides the regulatory framework to ensure the environmentally safe and sound management of solid and hazardous wastes and a sustainable waste management system through the adoption of a circular economy approach focusing on waste reduction, reuse, material recovery and recycling and to provide for matters related thereto.

### **The Food Act 2022**

86. The Food Act 2022 was passed on 05 July 2022, has not yet come into force. This Act which, upon coming into force, will repeal and replace the Food Act of 1998 (which is therefore still applicable to date), provides for the modernisation and consolidation of the laws relating to the safety and nutritional quality of food, and for matters related thereto. It also caters for, *inter-alia*, the conditions relating to import of food; registration of food business operator; responsibilities of food business operator; authorised officers; Food Microbiologist; powers of authorised Officers; procurement of samples; analysis and examination of samples; remedy in respect of articles seized; destruction or disposal of seized article; Liability for costs and expenses incurred for storage or destruction or other disposal of seized article; food recall; improvement notice; prohibition order; power of entry; defence of due diligence; time limit for prosecution; presumptions; protection from liability; offences; and Regulations.

## **The Landlord and Tenant (Amendment) Act 2022**

87. The object of the Landlord and Tenant (Amendment) Act 2022 is to amend the Landlord and Tenant Act so as to extend to 30 June 2022 the period up to which the Act shall continue to apply to business premises let on or before 01 July 2005.

## **Financial Crimes Commission Act**

88. The Financial Crimes Commission Act (2023) was proclaimed on 29 March 2024. Consequently, the Financial Crimes Commission has been established and is operational.

89. In accordance with the provisions of the Financial Crimes Commission Act (2023), it repeals the Prevention Of Corruption Act (2002), the Asset Recovery Act (2011), and the Good Governance and Integrity Reporting Act (2015). The Financial Crimes Commission now assimilates functions and powers of the institutions arising from the aforementioned laws, namely the Independent Commission Against Corruption, the Asset Recovery Investigation Division of the Financial Intelligence Unit and the Integrity Reporting Services Agency.

90. The Act is also a consolidating Act, grouping financial crimes such as corruption, money laundering, fraud, financing drug dealing offences and other offences.

91. Section 6 of the Act sets the functions and powers of the Commission and provides that the Commission shall –

- (a) be responsible to combat financial crimes in Mauritius and abroad to the extent that the financial crimes are connected to Mauritius;
- (b) be responsible for receiving and considering any allegation or complaint of any financial crime and any other offence under this Act and the Declaration of Assets Act, and referring such allegation or complaint to the appropriate Division for investigation and report;
- (c) through the Financial Crimes Investigation Unit of the Investigation Division, be responsible for detecting and investigating into financial crimes and other offences under this Act and the Declaration of Assets Act, except offences related to the financing of drug dealing, and any other offence under this Act;
- (d) through the Financing of Drug Dealing Investigation Unit of the Investigation Division, be responsible for detecting and investigating into offences related to the financing of drug dealing;
- (e) through the Asset Recovery Unit of the Asset Recovery and Management Division, be responsible for conducting investigation regarding asset recovery and for recovering and managing assets which are proceeds or instrumentalities, including terrorist properties, of offences committed under this Act and under any other enactment;
- (f) through the Declaration of Assets Unit of the Asset Recovery and Management Division, be responsible for monitoring the assets and liabilities of any declarant under the Declaration of Assets Act;
- (g) through the Unexplained Wealth Unit of the Asset Recovery and Management Division, be responsible for detecting and investigating into unexplained wealth;

- (h) through the Education and Prevention Division, be responsible for preventing and educating the public against financial crimes and any other offence under this Act and the Declaration of Assets Act;
- (i) through the Legal Division, prosecute financial crimes and any other offence under this Act and the Declaration of Assets Act;
- (j) be responsible to do such other things as may be necessary to combat financial crimes and any other offence under this Act and the Declaration of Assets Act.

## **LEGISLATION IN THE PIPELINE**

92. **The Protection and Promotion of the Rights of Persons with Disabilities Bill** has been introduced in the National Assembly in December of 2023. The Bill aims to give effect to the United Nations Convention on the Rights of Persons with Disabilities and other international instruments to which Mauritius is a party, with a view to eliminating discrimination against persons with disabilities. The Bill would provide for the establishment of the National Disability Authority. Furthermore, with a view to encouraging employment of persons with disabilities, the Bill would further provide for fiscal incentives to be given to employers who employ persons with disabilities.

93. The Bill also caters, *inter-alia*, for Training and education, for non-discrimination against a person with disability in any matter relating to employment, remuneration and conditions of employment, including but not limited to recruitment, promotion, rights to labour and trade union activities as well as the protection and safety of persons with disabilities in situations of disasters.

94. Human Rights Defenders are already afforded extensive protection under various enactments, including mainly under the Constitution. The need to have one specific legislation catering for this specific category of persons is not felt for the time being.

95. The Government of Mauritius does not intend to go ahead with a Freedom of Information Bill, at this stage. Nevertheless, Government has taken important measures to further consolidate the overall transparency and accountability framework.

96. A list of Acts passed by Parliament and Gazetted for years 2019 to 2023 is at ANNEX.

## **E. FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROMOTED AT NATIONAL LEVEL**

### **HUMAN RIGHTS INSTITUTIONS**

#### **The Office of the Ombudsman**

97. The Office of the Ombudsman was established in 1970 under Chapter IX of the Constitution. The Office is responsible for providing quality service that upholds the rights of citizens to an equitable treatment in accordance with the principles of good administration.

98. Under Chapter IX of the Constitution, the Ombudsman is empowered to investigate “any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsperson, to have sustained injustice in consequence of maladministration in connection with the action so taken”.

99. The main role of the Ombudsman consists of investigating complaints against Government Institutions and where he is of the opinion that the matter should be given further consideration, amongst others, he shall report his opinion, and his reasons to the principal officer of the concerned department or authority and may make such recommendations as he thinks fit. Where within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, if he thinks fit, after considering any comments made by or on behalf of any department, authority, body or person affected, may send a copy of the report and recommendations to the Prime Minister and to any Minister concerned, and may thereafter make such further report to the Assembly on the matter as he thinks fit.

100. The Office of the Ombudsman has dealt with 3,301 cases from 2019 to 2022 and has carried out 35 awareness-raising campaigns during the same period targeted at women associations, students, general population and persons with disabilities.

### **The National Human Rights Commission**

101. The National Human Rights Commission (NHRC) was established in 2001 under the Protection of Human Rights Act 1998 to deal with violations of human rights, mainly civil and political rights, entrenched in Chapter II of the Constitution and with complaints against the Police. The NHRC is an independent body that is responsible for promoting and protecting human rights in Mauritius. Also through sensitization and awareness programmes. The NHRC has attended to 753 complaints out of 1295 complaints received, from September 2019 to February 2024.

102. The NHRC is in compliance with the Paris Principles since 2002 and is accredited as a Status "A" National Human Rights Institution by the Global Alliance of National Human. Chapter II of the Constitution guarantees the enjoyment of fundamental rights and freedoms in Mauritius. It is to be noted that the Constitution of Mauritius, however, does not provide for economic, social and cultural rights. These are nevertheless catered for in various legislations. Moreover, the mandate of the National Human Rights Commission does not allow it to probe into issues pertaining to economic, social and cultural rights. In view of the fact that an amendment to Chapter II of the Constitution is only possible if supported at the final voting in the Assembly by the votes of not less than three quarters of all the members of the Assembly, this constitutional amendment is not presently being considered. However, an amendment to the Protection of Human Rights Act to explicitly provide for the protection of economic, social and cultural rights is under consideration.

103. There is established within the National Human Rights Commission a Human Rights Division and a National Preventive Mechanism Division (NPMD). The Human Rights Division of the NHRC is empowered to enquire into any written complaint from any person alleging that any of his human rights has been, is being or is likely to be violated by the act or omission of any other person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public body. It may, where it has reason to believe that such an act or omission has occurred, is occurring or is likely to occur, of its own motion enquire into the matter. The National Preventive Mechanism Division ensures that detainees in prisons, police cells, detention

centres, Correctional Youth Centre(s) and Rehabilitation Youth Centre(s) (RYC) are treated with humanity and with respect for the inherent dignity of the human person. The NPMD regularly visits places of detention of its own volition or following complaints made by detainees directly or through third parties. After thorough investigation, the NPMD makes appropriate recommendations to the relevant authorities.

104. The NHRC has carried out 615 informative sessions from September 2019 to February 2024, targeting the youth, students, women, older persons, persons with disabilities, law enforcement officers, public and private sector employees and the general public.

### **The Ombudsperson for Children's Office**

105. The Office of the Ombudsperson for Children was set up under the Ombudsperson for Children's Act 2003. The institution aims to ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals, promote child rights and best interests of children and promote compliance with the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. It shall investigate any case concerning a child who is a citizen of Mauritius and who may be abroad at the time of the investigation, or a child who is not a citizen of Mauritius but who is residing in Mauritius. The Ombudsperson for Children determined 1,461 cases out of 1,805 cases from 2018 to 2022.

### **The Equal Opportunities Commission**

106. The Equal Opportunities Commission is an independent statutory body set up under the Equal Opportunities Act 2008 to promote anti-discrimination and equal opportunity principles and policies throughout Mauritius. The main functions of the Commission consist of investigating discrimination complaints, hearing the parties and attempting to conciliation, when appropriate. It also conducts sensitisation campaigns as well. The Equal Opportunities Commission is provided with adequate resources through budgetary provisions for the elimination of discrimination and the promotion of equality of opportunity. The Commission received 537 complaints from September 2019 to February 2024. The conciliation of 104 complaints were successful.

107. The Equal Opportunities Commission has carried out approximately 28 sensitisation campaigns on human rights issues for officers of all ranks, students, police officers, trainees, the general public, school and university staff, Human Resources Cadre, Departmental Heads and Officials of the Rodrigues Regional Assembly.

### **The Independent Police Complaints Commission**

108. The Independent Police Complaints Commission (IPCC) was set up in April 2018 under the Independent Police Complaints Commission Act 2016. The Commission is empowered to investigate into complaints made against police officers except where the complaint consists of an allegation of an act of corruption or a money laundering offence against a police officer, in which case it is referred to the Independent Commission Against Corruption (ICAC).

109. On completion of an investigation, the IPCC may request the Commissioner of Police to provide information and may conduct a hearing during the course of an investigation. After assessment and determination as to the veracity of the complaint, the IPCC may recommend prosecution to the Director of Public Prosecutions (DPP), necessary action to be taken by the Disciplined Forces Service Commission (DFSC) or the payment of compensation or grant of other relief by the Attorney-General. However, an officer designated by the IPCC may initiate and conduct the prosecution of an offence



committed by a police officer, with the consent of the DPP. The complainant is informed the outcome of an investigation. During the period September 2019 to January 2024, the IPCC has received 3249 complaints out of which 1932 have been completed.

110. The number of staff members in post at the IPCC during Financial Year 2022-2023 is twenty-six, comprising of twelve male and fourteen female staff members.

111. The IPCC has also carried out 24 awareness campaigns in collaboration with the Police with regards to human rights issues.

### **The Public Bodies Appeal Tribunal**

112. The Public Bodies Appeal Tribunal (PBAT) was established by the Constitution (Amendment) Act 2008 and the Public Bodies Appeal Tribunal Act 2008 which were proclaimed on 22 May 2009. The PBAT became operational on 1 June 2009. Section 3(1) of the PBAT Act 2008 provides that “the Tribunal shall hear and determine an appeal made by any public officer, or any local government officer, against any decision of the Public Service Commission or the Local Government Service Commission, as the case may be, pertaining to an appointment exercise or to a disciplinary action taken against that officer”. The PBAT has received 1885 appeals since its setting up in 2009, out of which 26 appeals are still ongoing. 962 appeals were finalised.

## **NEW INSTITUTIONS AND MECHANISMS**

### **The Office of the Ombudsperson for Financial Services**

113. The Office of the Ombudsperson for Financial Services has been set up under the Ombudsperson for Financial Services Act 2018 to protect consumers of financial services and deal with complaints made by consumers of financial services against financial institutions. Under section 5(3)(a) of the Ombudsperson for Financial Services Act, the Ombudsperson for Financial Services may (i) request any financial institution to furnish, within such time and in such form and manner as he may determine, such information and data as he may require; (ii) issue, in such form and manner as he may determine, such instructions and guidelines to, or impose such requirements on, financial institutions; (iii) share information and, where appropriate, enter into a memorandum of understanding, with any relevant supervisory or regulatory authority or law enforcement agency.

114. The Office of the Ombudsperson for Financial Services has received 3246 and investigated 929 complaints during the period of March 2019 to January 2024.

### **The Office of the Ombudsperson for Sports**

115. The Statutory function of the Ombudsperson is laid down in Section 46 of the Sports Act 2016. Any person who feels aggrieved by a decision of the Mauritius Olympic Committee, the Mauritius Paralympic Committee, a National Sports Federation, a Multisport Organisation, a regional sports committee, a sports club, a licensee, any member, referee, coach or other official of a sports organisation, other than a decision or dispute related to doping, may, on good cause shown and within 21 days from the date of the decision or a dispute arises, appeal to the Ombudsperson for Sports for conciliation. On receipt of an appeal under this section, the Ombudsperson for Sports may initiate an enquiry into the matter or invite disputing parties for an amicable settlement of the matter in dispute. For the purposes of an enquiry under section 46, the Ombudsperson for Sports may summon witnesses and call for the production of any documents or exhibit. Where the Ombudsperson for Sports comes to

the conclusion that an amicable settlement is not possible, he may refer the dispute to the Sports Arbitration Tribunal; he writes reports and findings for each and every case. The Office of the Ombudsperson for Sports, for the period of July 2018 to June 2023 received 83 appeals, 22 appeals were settled/resolved, 18 were referred to the Sports Arbitration Tribunal, 9 were set aside and 28 were abandoned. The remaining 10 appeals are being looked into.

### **High-Level Drug and HIV Council**

116. A High-Level Drug and HIV Council has been set up under the Chair of the Honourable Prime Minister's Office to ensure a strong, efficient and effective national response to Drug and HIV.

### **Steering Committee for Combating of Trafficking in Persons**

117. A Steering Committee for Combating of Trafficking in Persons has been set up in order to act as the coordinating body for matters pertaining to Trafficking in Persons (TIP). A Combating of Trafficking in Persons Unit has been created within the Police Force. The officers of the Unit have been specifically trained in TIP and TIP investigations.

### **High-Level Committee on the Elimination of Gender-Based Violence**

118. A High-Level Committee on the Elimination of Gender-Based Violence (GBV) has been set up in January 2020 under the chairpersonship of the Honourable Prime Minister to address in a holistic manner the inequalities that contribute to gender-based violence in the country.

### **Gender-based Violence Observatory**

119. The Gender-based Violence Observatory has been set up at the Mauritius Research and Innovation Council on the 23rd of December 2021 to contribute to the goal of eliminating all forms of GBV with a view to meeting the Sustainable Development Goal 5 to achieve gender equality and empower all women and girls.

### **Integrated Support Centre**

120. The Integrated Support Centre (ISC) was launched on 08 March 2019 and is a platform, which provides immediate, consistent, coordinated and timely support to victims of gender-based violence on a 24/7 basis and is free of charge.

### **The Inter-Ministerial Council on Climate Change and the Climate Change Committee**

121. Under Section 4 of the Climate Change Act 2020, an Inter-Ministerial Council on Climate Change was set up under the Chairpersonship of the Honourable Prime Minister to set national objectives, goals, targets and make climate change policies with a view to making Mauritius a climate change-resilient and low emission country.

122. A Climate Change Committee was also set up under Section 11 of the Act and is chaired by the Supervising Officer of the Ministry of Environment, to amongst others, coordinate strategic planning and national policies relating to climate change, coordinate the preparation of the National Inventory Report, the report on national communications and such other reports as may be required under UNFCCC and coordinate the implementation of measures related to greenhouse gas inventories, greenhouse gas emission reduction, the assessment of risks associated and vulnerability to climate change and adaptation to climate change.

### **National Youth Environment Council (NYEC)**

123. The NYEC was set up in October 2020 under the aegis of the Prime Minister's Office. The aim of the Council is to provide an opportunity to the youth to contribute in the decision making process in relation to the protection, preservation and promotion of the environment.

### **Citizen Support Portal**

124. The Citizen Support Portal (CSP) was launched on 28 April 2017 under the aegis of the Prime Minister's Office. The CSP is an online service which allows citizens to directly transmit their requests to and share their concerns and ideas with, Ministries, departments, parastatals and local authorities through Citizens Advice Bureaus. They can also keep track of their requests through a ticketing system.

125. More than just a platform to address individual requests of citizens, the Citizen Support Portal provides the Citizen Support Unit a broader picture of the needs of the population. It therefore enables the Government to allocate resources more efficiently based on the analysis of complaints received and hence allows the Government to become more citizen-centric with the aim of building a modern and better Mauritius.

## **PART II - RIGHTS IN RELATION TO THE ARTICLES OF THE ACHPR**

### **A. CIVIL AND POLITICAL RIGHTS**

#### **Article 1 - Recognition of Rights, Duties and Freedoms under the Charter**

*The Member States of the Organisation of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.*

126. The Constitution of the Republic of Mauritius is the supreme law of the country providing for the promotion and protection of human rights. A wide array of other laws has also been enacted to give effect to and protect the human rights of the citizen as enshrined in the Constitution. These laws further reflect the rights, duties and freedom as provided for in the African Charter for Human and Peoples' Rights.

127. A number of these rights are afforded constitutional protection under Chapter II of the Constitution, and they include, *inter-alia*, the protection of right to life, the protection of the right to personal liberty, protection from inhuman treatment, protection from deprivation of property, the right for a person charged with a criminal offence to be afforded a fair hearing within a reasonable time by an independent and impartial court established by law, protection of freedom of movement and of expression, and protection from discrimination. It is to be noted that these rights are however not absolute.

## **Article 2 – Equality in the enjoyment of rights**

*Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.*

128. Chapter II of the Constitution of Mauritius explicitly guarantees the enjoyment of fundamental rights and freedoms as expounded at paragraph 27 of this Report.

129. Section 16 of the Constitution of Mauritius guarantees the fundamental rights and freedoms of the individual without discrimination by reason of race, caste, place of origin, political opinions, colour, creed or sex.

130. Any person may apply to the Supreme Court for redress under Section 17 of the Constitution if he/she alleges that his rights, as provided for under Sections 2 to 16 have been or are likely to be breached.

## **Article 3 – Equality before the law**

1. *Every individual shall be equal before the law.*
2. *Every individual shall be entitled to equal protection of the law.*

131. The Equal Opportunities Act which was enacted in 2008 ensures protection against discrimination based on the ground of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation and provides for the setting up of the Equal Opportunities Commission as mentioned in Paragraph 106 of this report.

132. Section 10 of the Constitution lays down provisions to secure the protection of the law where any person is charged with a criminal offence, amongst which are that he: shall be presumed to be innocent until he is proved or has pleaded guilty; shall be informed as soon as reasonably practicable, in a language that he understands and, in detail, of the nature of the offence; shall be given adequate time and facilities for the preparation of his defence; shall be permitted to defend himself in person or, at his own expense, by a legal representative of his own choice or, where so prescribed, by a legal representative provided at the public expense; shall be afforded facilities to examine, in person or by his legal representative, the witnesses called by the prosecution before any Court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that Court on the same conditions as those applying to witnesses called by the prosecution; and shall be permitted to have

without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence. He shall further be afforded a fair hearing within a reasonable time by an independent and impartial Court established by law.

#### **Article 4 - Right to Life and Integrity of a Person**

*Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.*

133. Mauritius strongly believes in the right to life and integrity of a person. As a party to the Geneva Conventions of 1949, it has enacted the Geneva Convention Act to incorporate the provisions of these Conventions in the legislative framework of Mauritius. The Geneva Conventions of 1949 comprise of 4 Conventions. They are: (1) The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; (2) The Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; (3) The Geneva Convention Relative to the Treatment of Prisoners of War; and (4) The Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

134. The International Criminal Court Act was enacted to provide for the effective implementation of the Rome Statute of the International Criminal Court in domestic legislations.

#### ***Death Penalty***

135. The death penalty was abolished in the State of Mauritius by way of the enactment of the Abolition of the Death Penalty Act 1995. All death sentences imposed prior to the said enactment have been commuted to sentence of penal servitude for life. The Supreme Court may now inflict sentences of penal servitude for life or sentence for terms not exceeding 60 years where the law so provides.

#### **Article 5 - Right to respect of human dignity and prohibition of all forms of exploitation**

*Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.*

136. Section 7 of the Constitution of Mauritius prohibits torture or inhumane or degrading punishment or other such treatment to any person, while Section 10 provides for securing provisions for the protection of law. The Criminal Code was amended in 2003 to criminalise acts of torture by public officials.

137. Mauritius has acceded to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on 9 December 1992. The Criminal Code was amended in 2003 to criminalise acts of torture by public officials in accordance with the Convention. Mauritius is also party to the Optional Protocol to the Convention against Torture (OPCAT) and has fulfilled its obligation to establish a National Preventive Mechanism, which is an independent entity for the prevention of torture and ill-treatment at domestic level. The National Preventive Mechanism Division was set up under the National Human Rights Commission in 2014.

## **Prevention of Torture**

138. Section 7 of the Constitution of Mauritius provides that no person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

139. In Mauritius, there are 11 prisons including 1 in Rodrigues. The total number of prisoners in Mauritius as at March 2024 stands at 2553. The total number of male inmates amounts to 2388, and female inmates, 165. The Prison has 24 Male and 06 Female Prison Officers. There is a total of 1305 remands in prisons of both Mauritius and Rodrigues.

140. With regard to prisoners, there is an established complaint mechanism in prison to address complaints of prisoners. Detainees can write to the Officer in Charge or can request a personal interview. External mechanism such as the National Preventive Mechanism Division and the Office of the Ombudsman also listen to complaints from detainees and recommend appropriate actions. All allegations of brutality, torture or ill-treatment are referred to the Police and the National Human Rights Commission for investigation.

141. Since June 2015, the National Preventive Mechanism Division (NPMD) has been responsible for examining complaints lodged by detainees. Upon request, investigations into these complaints are conducted confidentially. Furthermore, NPMD members conduct independent visits to all prisons, including Rodrigues Prison.

142. Enquiry into cases of Police Brutality and Torture are carried out by the Independent Police Complaints Commission (IPCC), which submits its findings to the Office of Director of Public Prosecutions (ODPP), if warranted.

143. Section 16 of the IPCC Act 2016 provides that upon completion of investigation, the Commission is required to make an assessment and form an opinion as to whether or not the subject matter of a complaint has or may have occurred, and may also refer the matter to the Director of Public Prosecutions, or the DFSC, or the Attorney-General, with recommendations it deems fit. The Commission is also required to transmit to the relevant authority a certified copy of the record of the investigation together with its observations and recommendations, and to inform the complainant of the outcome of the investigation.

144. The National Preventive Mechanism Division Act amended the Reform Institutions Act to include a new section 60A to allow the National Preventive Mechanism Division of the National Human Rights Commission and the Subcommittee on Prevention of Torture (established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

or Punishment) to visit any institution or exercise any power for the purposes of discharging their functions under the National Preventive Mechanism Act or the Optional Protocol, as the case may be. This amendment is in line with the aims of the Optional Protocol to the Convention Against Torture to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment through regular visits.

145. Since its setting up in April 2018 and as at 31 October 2023, the IPCC received 995 complaints of public officer using violence (police brutality) and completed investigations into 404 complaints out of which, 44 complaints had been referred to the ODPP for advice of prosecution: - two cases required no further action; 17 cases had been lodged in Court by the Commission and; 25 cases were still at the level of ODPP. Investigation was being pursued in respect of the remaining 591 complaints.

146. The IPCC received 5 complaints of alleged torture as at November 2023. The five complaints had been reclassified and referred to the ODPP after completion of investigation, with recommendation to prosecute the incriminated police officers for the offence of assault with aggravating circumstances for one case with recommendation to prosecute the incriminated police officers for the offence of Assault for the other four cases.

### **Treatment of Prisoners**

147. The Constitution of Mauritius, the Reform Institutions Act, Prison Regulations and the Prison Standing Orders provide for the safe and humane treatment of prisoners in Mauritius. The Mauritius Prison Service (MPS) and the Rodrigues Prison adhere to the United Nations Standard Minimum Rules for Treatment of Prisoners, the Nelson Mandela Rules.

148. The NPMD focuses on prison visits and the elaboration of recommendations regarding the improvement of treatment and conditions of persons in detention. Physical conditions of detention are regularly reviewed and recommendations of the NPMD are taken into consideration for improvement works to be carried out.

149. Welfare Officers and Health Care staff are on call round the clock. NGOs are solicited to assist the MPS to implement programs which engage detainees in constructive and skill-oriented activities aiming to reinforce their self-esteem. A new recreation yard was provided at the Correctional Youth Centre Boys and a new residential block was constructed at Rodrigues Prison. The Construction of a residential block at Petit Verger Prison is in the pipeline.

150. Unconvicted detainees are allowed to wear their civilian clothing and are as far as possible kept separate from convicted detainees.

151. Toilet and shower facilities are provided for all detainees, regardless of their conviction status. They are served three meals daily, along with tea, adhering to a balanced diet endorsed by a nutritionist of the Ministry of Health and Wellness (MOHW). Meals are prepared based on a weekly menu devised by the catering officer and sanctioned by the Officer in Charge of the New Wing Prison. Special medical diets are arranged under the guidance of Medical Officers or Dieticians from the Ministry of Health and Wellness with health issues. Detainees with HIV/AIDS receive antiretroviral medication and an additional 20% dietary supplement.

152. Detainees are entitled to medical treatment upon admission and throughout their incarceration. They are referred to public hospitals for specialised care when needed. Additionally, visiting specialists like dermatologists, psychiatrists, orthopaedic surgeons, dental surgeons, and other medical experts regularly attend to sick detainees. A designated Hospital Ward within the prisons admits detainees for observation or aftercare following hospitalisation. Continuous healthcare is provided round-the-clock by two Medical Officers and Hospital Officers through an on-call system.

153. Detainees are free to practice their religion, observe fasts on religious holidays and festivities. Prayers are also conducted regularly for their respective religious groups.

154. Detainees who express concerns about their safety are housed in Segregation and Protection Units while still retaining all their rights within the prison.

155. Detainees are offered vocational training in various trades such as shoemaking, tailoring, cabinet making, masonry, housekeeping, cleaning, and food production, among others, to support their rehabilitation and eventual reintegration into society.

156. Detainees are provided with Numeracy and Literacy Programs to enable them to acquire reading and writing skills. Additionally, they have the opportunity to participate in courses offered by the Mauritius Institute of Training and Development (MITD), covering areas such as welding and metal fabrication, vegetable production, food production, and animal husbandry.

157. Convicted detainees receive weekly earnings, enabling them to purchase extra food items, soft drinks, toiletries, pay fines and costs, or even send money to their relatives.

158. Detainees are allowed to receive visits of 30 minutes, once fortnightly, from their relatives. They are also permitted to phone their relatives once weekly. All detainees are allowed to write letters to their relatives and friends.

159. Detainees have access to television and radio installed in all Association Yards. They can listen to the radio until 20:00 hours each evening. Furthermore, they can utilize the Prison Library and purchase or receive books, magazines, and newspapers during visits from relatives and friends. Detainees are also encouraged to participate in both indoor and outdoor recreational activities.

160. As at date, no Prison Officer has been prosecuted or sentenced by a court of law under section 78 of the Criminal Code Act of Mauritius. Section 12 of the Reform Institution Act 1988 provides the following:

*Use of force (1) No officer shall use force against a detainee except such force as is reasonably necessary—*

*(a) in self-defence*

*(b) in the defence of another person;*

*(c) to prevent a detainee from escaping;*

*(d) to compel obedience to an order which the detainee wilfully refuses to obey; or*

*(e) to maintain discipline in the institution.*



## Training of Police and Prison Officers

161. 'Human Rights in prison' is a core module of training curriculum imparted to Prison Officers. The latter are trained to treat detainees in a humane and decent manner that ensures the safety of detainees whilst maintaining order and control.

162. The 'Robben Island Guidelines' have already been integrated into the Human Rights Training Manuals provided to Trainee Police Constables (TIPCs). During their training, TIPCs are exposed to information on international Human Rights standards relevant to their duties. Regular workshops on Human Rights are also conducted at the Police Training School for serving members of the force. Training is streamlined towards reinforcing an ethos of legality, promoting and protecting human rights with particular emphasis on the prohibition against torture and any form of cruel, inhuman and degrading treatment.

163. The prohibition of torture is already entrenched in the Constitution of Mauritius and there are numerous provisions in the Criminal Code which would cover acts falling within the definition of torture. During sentencing the Court can take into consideration aggravating circumstances.

164. In addition to offences against persons such as murder, manslaughter and assault, the Criminal Code provides in its Section 78, *inter-alia*, that if any person acting in an official capacity intentionally inflicts severe pain or suffering, whether physical or mental, on any other person, that person shall commit an offence of torture and shall, on conviction, be liable to a fine not exceeding 150,000 rupees and to imprisonment for a term not exceeding 10 years.

165. Measures in place to prevent attempts to suicide are in line with recommendation made by the NPMD as follows:

- (a) elimination of ligature points whilst providing adequate ventilation and lighting in the cell;
- (b) effective screening at the induction unit to detect suicidal tendencies. Involvement of Welfare Officers and Peer support in providing Social support among inmates with particulars attention for first time offenders;
- (c) provision of psycho-social support by professionals from authorized NGOs to help detainees cope with the new environment; and
- (d) strengthening ties between the detainees and their families through visits and communication facilities.

166. It is to be noted that deaths of detainees are mostly due to natural cause, as depicted in the table below:-

Table 5- Deaths in Prisons from 2019 to 2023

Year	Number	Causes of death
2019	11	1 case of suicide Remaining natural death
2020	11	2 cases of suicide (on 29.04.2020 and 27.05.2020) 8 natural death 1 under police enquiry

2021	7	1 case of suicide 6 Natural death
2022	9	8 Natural Death 1 due to COVID-19
2023 (as at September 2023)	4	2 cases of suicide 7 Natural Deaths

*Source: Mauritius Prison Service*

167. As at November 2023, the IPCC investigated into the cause of death of five persons who died whilst they were in police custody, as per section 4(b) of the IPCC Act 2016.

### **Forced Labour**

168. Section 6 of the Constitution which provides protection from slavery and forced labour stipulates that no person shall be held in slavery or servitude, and no person shall be required to perform forced labour.

169. Mauritius ratified the Forced Labour Convention, 1930 (No 29) of the ILO on 02 December 1969. Its principles and articles have been incorporated in domestic legislation, including that of the Abolition of Forced Labour Convention (No. 105).

170. The relevant provisions of the Forced Labour Convention are enshrined in Section 6 of the Constitution of Mauritius; Section 35 of the Reform Institutions Act 1988; Section 16 of the Prisons Regulations 1989 (Government Notice No. 19 of 1989) made under the Reform Institutions Act 1988; and Standing Order No. 16 of the Prisons Service.

### **Combating Trafficking in Persons**

171. Mauritius is strongly committed to fight Trafficking in Persons (TIP). The National Action Plan on Trafficking in Persons 2022-2026, prepared with the assistance of the International Organisation for Migration, is being implemented. An Inter-Ministerial Committee and a National Steering Committee against Trafficking in Persons have been set up to ensure a proper coordination on TIP related issues.

172. Under the MIEUX+ Initiative funded by the European Union, a Standard Operating Procedures (SOP)s has been developed and training provided for an improvised handling of TIP investigation and prosecution for an effective response to combatting TIP.

173. Regular inspections are carried out by Officers of the Labour Division at sites of work during which migrant workers are interviewed to ascertain that their terms and conditions of employment are in compliance with national labour legislation. Two free hotlines are available for reporting cases of TIP.

174. TIP cases are investigated and referred to Courts for prosecution. Victims of TIP are provided with facilities including psychological and medical support.

175. The Combating of Trafficking in Persons Act was amended with effect from 15 January 2024. The former National Steering Committee against Trafficking in Persons has been given a statutory basis through the introduction of Section 4A which sets up a Steering Committee for Combating of Trafficking in Persons. The changes to the legal framework include the following measures in line with a victim centered approach:

- (a) a special Unit has been created within the Police force. The officers of the unit have been specifically trained in TIP generally and TIP investigation;
- (b) additional provisions have been made for the Centre for TIP victims to make the procedure for their admission into the centre less cumbersome;
- (c) adopts the principle of non-prosecution of victims of TIP;
- (d) clarifies immigration status of victims;
- (e) provides powers of entry to inspect and search to police officers;
- (f) empowers the police to carryout covert or undercover operations during their investigations where there are reasonable grounds to suspect that a TIP offence has been committed;
- (g) empowers the police to arrest without a warrant in specified cases;
- (h) provide for assistance to victims;
- (i) allows for the participation of victims at the sentencing hearing of a person convicted of TIP; and
- (j) the Courts Act has been amended to allow victims to give evidence via video link in sexual offence cases as well as for an offence under the Combating of Trafficking in Persons Act.

176. The Crime Prevention Unit and Brigade Pour La Protection de la Famille carry out sensitization campaigns on Human Trafficking in schools, Community Centres and other public forums. From 2018 to December 2023, the Child Development Unit has carried out 66 awareness campaigns on the Commercial Sexual Exploitation of Children, Children's Act 2020 (which prohibits child marriage and cohabitation, inclusive of child trafficking and child prostitution). A total of 2604 persons were reached.

## **Article 6 – Right to Liberty and Security of the Person**

*Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.*

177. Section 5 of the Constitution of Mauritius provides for the right to personal liberty. Under this section, liberty is the rule and restriction to that liberty is the exception. Therefore, a person may only be restricted of his personal liberty in the circumstances where the law allows so, and if the person is not tried within a reasonable time he has to be released either conditionally or unconditionally.

178. The law provides for the right to bail under section 3 of the Bail Act, whereby any person detained upon a provisional charge may apply to bail before the Bail and Remand Court which is operational seven days a week including public holidays, thus affording a detainee with the right to be admitted to bail on week-ends and public holidays.

## Article 7 -Fair Administration of Justice

1. Every individual shall have the right to have his cause heard. This comprises: (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; (b) the right to be presumed innocent until proved guilty by a competent court or tribunal; (c) the right to defense, including the right to be defended by counsel of his choice; (d) the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

179. As stated in Paragraph 45 of this Report, the Bail and Remand Court (BRC) also operates on weekends and public holidays.

180. The “Rights of Detainees in Police Custody” are posted in all Police Stations for the information of detainees and their families in English, French and Creole languages.

181. Section 81 of the Criminal Code makes it a criminal offence for any public officer to detain, or causes to be detained, any individual in the places other than those fixed by the Government.

182. Under Section 80 of the Criminal Code, any public officer working in or in charge of a jail, prison or a correctional facility cannot accept that person without the proper warrant nor can they refuse to surrender the person to a judicial officer or police officer entitled to demand the appearance of a prisoner unless prohibited by the Director of Public Prosecutions. Further he may not refuse to exhibit his register to any judicial officer or police officer.

183. The Forensic Science Laboratory contributes to ensuring a fair administration of justice. It is the sole provider of forensic and advisory services to law enforcement agencies in Mauritius and is fast becoming an increasingly prominent forensic service provider in the region. As at March 2023, the laboratory has 71 staff members, made up of 26 males and 45 female staff as per the following table:-

Table 6 – Number of Staff at the Forensic Science Laboratory

Cadre	Male	Female
Director		1
Forensic Scientist Cadre	9	17
Forensic Technologists Cadre	12	8
Laboratory Auxiliary Cadre	2	4
Forensic Support Officer	1	4
HR, Administrative & procurement	2	11
Total	26	45

Source: Prime Minister's Office (Rodrigues, Outer Islands & Territorial Integrity Division)

## **Juvenile Offenders**

184. Section 49 of the Children's Act 2020 provides that a child under the age of 14 shall not be prosecuted for any criminal offence. A child is defined under the Act as a person under the age of 18.

185. The Act also provides for measures to be taken regarding a child below the age of 14 suspected of having committed an offence, including the conduct of inquiries and a written plan of intervention to meet the specific needs of the child. The Act also provides, where it is in the juvenile's best interest, that he be enrolled into a diversion programme instead of being prosecuted or criminal proceedings be continued.

## **Article 8 - Freedom of Conscience and Religion**

*Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.*

186. Section 11 of the Constitution provides that, except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section, that freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

187. The Constitution of Mauritius prohibits discrimination based on creed and provides for freedom of thought and religion, including the right of individuals to change, manifest, and propagate their religion or belief in worship, teaching, practice, and observance, alone or in community, in private or in public. These rights may be subject to limitations to protect public order, safety, morality, health, or the rights of others. The Constitution also bars requiring oaths contrary to an individual's religious belief and bars compulsory religious education or attendance at religious ceremonies in schools. It gives religious groups the right to establish schools and provide religious instruction to members of that group. The schools are open to the population of other religious groups as well. Citizens may file religious discrimination complaints with the Equal Opportunities Commission, which may open an investigation if it determines a citizen's rights may have been infringed.

188. The Government of Mauritius has set up a Task Force to ensure that Mauritians of diverse faiths are given support in celebrating their cultures through religious ceremonies. Public Holidays have been decreed for Thaipoosam Cavadee, Maha Shivaratree, Chinese Spring Festival, Ougadi, Eid-ul-Fitr, Ganesh Chaturthi, Divali and Christmas and for two commemorative events, namely, Abolition of Slavery and Arrival of Indentured Labourers.

189. The Government of Mauritius provides religious subsidies to religious bodies, and infrastructural facilities during all religious festivals celebrated in Mauritius and adapts the calendar each year in order to share equitably public holidays. In the Public Sector, male officers, who profess to be of the Muslim faith, are granted permission to attend prayers on Fridays between 12.30 hours and 14.00 hours, subject to the exigencies of the service and the work of the Ministry/Department not being disrupted. Officers of all faiths are granted two hours' time-off (except those of the Disciplined Forces) in respect of two religious festivals of their choice during the year.

190. As from primary school level, students have the opportunity to learn oriental languages such as Hindi, Mandarin, Tamil, Urdu, and Arabic, based on their personal preference or cultural/religious

background. Additionally, since 2012, Kreol Morisien is also included in the curriculum of primary schools.

## **Article 9 – Freedom of Information and Expression**

- 1. Every individual shall have the right to receive information.*
- 2. Every individual shall have the right to express and disseminate his opinions within the law.*

191. Freedom of expression is guaranteed under Section 12 of the Constitution of Mauritius. The press in Mauritius operates in a conducive environment free of violence or coercion, with journalists free to exercise their profession. Mauritius is ranked 63rd on the 2023 Edition of the World Press Freedom Index. The local media comprises the national radio and television, 4 private radios and 5 web TVs. Published press includes 8 dailies, 22 weekly and 16 monthly newspapers, including online publications.

192. The sittings of the National Assembly are broadcasted live since 2017 and proceedings of the Assembly recorded are posted in the Hansard system, on the website of the National Assembly.

## **Access to Internet**

193. To promote access to information, internet connectivity and bridge the digital divide, Government has initiated various measures as follows: -

### **(a) The Citizen Support Portal**

The Citizen Support Portal, established under the Prime Minister's Office and launched on April 28, 2017, serves as an online platform enabling citizens to directly submit requests, express concerns, and share ideas with various government entities, including Ministries, departments, parastatals, and local authorities. It features a ticketing system allowing citizens to monitor the progress of their requests. This citizen-centric approach aims to modernize and improve Mauritius. As at June 2023, 92% out of a total of 273,496 requests registered were resolved.

### **(b) Mauritius Personal Access (MAUPASS)**

Launched in December 2020, the Mauritius Personal Access (or MauPass) allows users to access a number of government services easily and securely online.

### **(c) MOKLOUD**

MoKloud is an online platform that provides citizens with a storage space or digital safe for the safekeeping of their official documents.

### **(d) FASIL.MU**

FASIL.MU aims to create a space of conviviality where citizens can access and open up to digital culture. Its objective is to develop the knowledge of the general public, (citizens, businesses, government actors, amongst others.) regarding online devices and services and mobile applications.

**(e) Submarine Cable (MARS)**

Through the Mauritius and Rodrigues Submarine Cable (MARS), Rodrigues has been connected to mainland Mauritius and to the rest of the world since 2019, opening up new avenues for the island's socioeconomic development. The fourth submarine cable, the T3 cable, landed in Baie du Jacotet Cable Landing Station and is operational as from 2023.

**(f) Access to Wi-Fi**

A free Wi-Fi Zone project was officially launched in Rodrigues on 29 June 2023. Under this project, the population in Rodrigues may now access free Internet in 23 Wi-Fi Zones over the island to stay connected and take advantage of online facilities.

194. In Mauritius there is no legislation to specifically empower internet shutdown. The Information and Communication Technologies Authority may take action if it is felt that content on the internet and other information and communication services is harmful and illegal. This, however, relates to specific content and not to the entire information and communication services.

**Article 10 & 11 – Freedom of Association and Assembly**

**Article 10**

1. *Every individual shall have the right to free association provided that he abides by the law.*
2. *Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.*

**Article 11**

*Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.*

195. Sections 3 and 13 of the Constitution afford protection to the freedom of assembly and association. The right is a qualified one and the State is only allowed to restrict one of that right provided that it is reasonably justifiable in a democratic society and the act of restriction is in the interest of defence, public safety, public order, public morality or public health, for the purpose of protecting the rights or freedoms of other persons or for the imposition of restrictions upon public officers. Section 13(1) of the Constitution provides that except with his own consent, no person shall be hindered in the enjoyment of his freedom of association, that is to say, his right to associate with other persons and, in particular, to form or belong to trade unions or other associations for the protection of his interests.

196. Furthermore, the Public Gathering Act provides the legislative framework for Public Gathering in Mauritius. Any person wishing to hold or organise a public gathering shall give written notice of not less than 7 clear days before the day on which the gathering is to be held or organised in accordance with Section 3 (1) of the Public Gathering Act.

197. The rule is that every person has the right to take part in an assembly after notification is given to the Commissioner of Police within the prescribed delay (not less than 7 clear days). However, in the interest of public order and public safety and for purpose of preventing public disorder, damage to property or disruption of the life of the community, the Commissioner of Police may impose conditions on the holding of such gatherings.

198. The Workers' Rights Act 2019 protects the freedom of association of a worker. Section 64(1) (d) provides that an agreement shall not be terminated by an employer by reason of a worker becoming or being a member of a trade union, seeking or holding of trade union office, or participating in trade union activities outside working hours or, with the consent of the employer, within working hours.

199. The Employment Relations Act provides for the protection of the fundamental rights of workers to freedom of association and protects their right to organise and engage in collective bargaining. Every worker shall according to Section 29, have the right, subject to certain conditions, "to establish or join, as a member, a trade union of his own choice, without previous authorisation and without distinction whatsoever or discrimination of any kind including discrimination as to occupation, age, marital status, sex, sexual orientation, colour, race, religion, HIV status, national extraction, social origin, political opinion or affiliation.

200. According to Section 2 of the Public Gathering Act 1991, a meeting means an assembly of 12 or more persons, wherever convened or organized for any purpose. No amendment with regard to the number of persons required to constitute a meeting as per the above legislation is foreseen.

## **Article 12 – Freedom of Movement**

*1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.*

*2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.*

*3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.*

*4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.*

*5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.*

201. Section 15 of the Constitution provides, *inter-alia*, that no person shall be deprived of his freedom of movement, and freedom includes the right to move freely throughout Mauritius, the right to reside in any part of Mauritius, the right to enter Mauritius, the right to leave Mauritius and immunity from expulsion from Mauritius. Freedom of movement prevails in Mauritius. Movement across the country is facilitated, *inter-alia*, to enable easy access to work places and promote economic activities.

202. Entry and departure visas are provided by the Passport and Immigration Office to foreigners arriving in the country. Individuals planning an extended stay must apply for a residence permit. Non-citizens are required to possess a valid residence permit, unless they fall under exemption categories outlined in the Passports Regulations and/or the Immigration Act. These exemptions are contingent upon the individual:



- (a) having a valid passport;
- (b) holding a valid return ticket;
- (c) demonstrating sufficient funds; and
- (d) meeting the criteria for re-entry to their home country or country of residence

203. Mauritian citizens can travel visa-free to 119 countries in the world. Restrictions on the right to leave Mauritius may be implemented under the following circumstances:

- a) a court ordering that a person should be Prevented from leaving Mauritius, including under section 14 of the Bail Act in cases where the person is under arrest upon reasonable suspicion of having committed an offence or is under arrest and has been charged of having committed a criminal offence;
- b) the Passport Officer may refuse to issue to a person a passport or, where he is already the holder of a passport, withhold or withdraw the passport where he –
  - (i) owes a debt to the Government;
  - (ii) has been convicted of a criminal offence and the sentence of the Court has not been satisfied or set aside;
  - (iii) is a person against whom criminal proceedings are being or have been instituted;
- c) a Police Officer, not below the rank of Assistant Superintendent of Police, or Director-General of the Financial Crimes Commission established under the Financial Crimes Commission Act 2023, can request the Passport and Immigration Officer to prevent the departure of a defendant or detainee. This restriction expires after 72 hours after it has been notified to the defendant or detainee, as per section 13 of the Bail Act; and
- d) pursuant to section 53(1)(a) of the Prevention of Corruption Act of 2002, the Independent Commission against Corruption may instruct the police to apprehend any individual who may aid in its investigation and is about to leave Mauritius.

204. Every Mauritian citizen may apply for a passport provided he satisfies the prescribed conditions. Individuals traveling to Mauritius without the necessary travel documents may be repatriated to their country of origin or residence.

### **Refugees and asylum seekers**

205. Mauritius, being a small and densely populated island with limited resources has not adopted any law or policy to grant refugee status to foreigners. Mauritius nevertheless, adheres to the principle of non-refoulement and treat requests for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their resettlement in a friendly country willing to grant them refugee status. In this respect, Mauritius works closely with the Office of the High Commissioner for Refugees for issues concerning refugees or asylum-seekers.

### **Article 13 - Right to Participate in Public Affairs – Equal Access to Public Service**

*1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.*

2. *Every citizen shall have the right of equal access to the public service of his country.*
3. *Every individual shall have the right of access to public property and services in strict equality of all persons before the law.*

206. Under Section 44 of the Constitution, any person who is registered as an elector in a constituency shall be entitled to vote in such manner as may be prescribed at any election, unless that person is prohibited from so voting by any law in force in Mauritius. A person cannot vote if that person is not registered in that Constituency.

207. Section 42 sets out the criteria for electors to qualify to vote. Section 43 of the Constitution sets out situations where a person shall not be entitled to vote, which includes, inter alia, a person adjudged to be of unsound mind and a person serving a sentence of imprisonment, exceeding 12 months.

208. The following *special* measures have been taken to facilitate *voting by* persons with disabilities during elections: -

- (a) designating accessible rooms on the ground floor with ramps at every polling station;
- (b) all polling stations are equipped with at least one wheelchair to cater for electors with physical disability;
- (c) providing special adjustable booths for wheelchair users;
- (d) ensuring that blind voters or those with severe disabilities are accompanied by a close relative (father, mother, brother, sister, husband, wife, son or daughter) or an election officer to assist them in fulfilling their civic responsibilities; and
- (e) broadcasting voting procedures in Mauritian Sign Language on television.

### **Women participation in Politics**

209. The Constitution of Mauritius was amended in 2011 and in 2016 to allow for a minimum number of candidates to be of a particular sex, with a view to ensuring adequate representation of each sex in elections to local authorities and to the Rodrigues Regional Assembly (RRA). The Local Government Act was amended in 2015 to make provision for groups presenting more than two candidates at an election of a Municipal City Council, Municipal Town Council or Village Council to ensure that not more than two thirds of the group's candidates are of the same sex thereby ensuring meaningful participation of women.

210. This measure led to an increase in the percentage of women representation at local government level – 32% at Village Council Elections of 2020 compared to 30.3% for the 2012 elections. Similar amendments were made to the RRA Act in 2016. Out of the 17 members of the RRA, the number of women increased from 4 to 5 in the elections held in February 2022. With regard to the amendment to the Constitution in 2016 in relation to the Rodrigues Regional Assembly Elections, there was only a marginal increase in women representation in the Regional Assembly. In 2012, before the amendment was made to the Constitution, women representation was 23.81%. After the 2016 amendment, women representation fell to 23.53% in 2017. There was a slight improvement in 2022, when women representation stood at 29.41%.

211. In 2018, Government introduced into the National Assembly, the Constitution (Amendment) Bill, the objectives of which were, inter alia, to introduce a dose of proportional representation, abolish

the mandatory declaration of community and also to enhance gender representation in the House. The Bill was debated in the Assembly but no consensus could be reached across the political spectrum. As such, the probability of being able to secure the votes of not less than three-quarter of all the members of the National Assembly, as required by section 47(2) of the Constitution for the Bill to be passed, was very remote and therefore the Bill could not be put to vote.

212. Nonetheless, the present Government stands committed to pursue its initiative to bring reforms to the current electoral system along the lines set out in the Government Programme 2020-2024, aimed at ensuring political and social stability in the country and higher women participation.”

213. Yet, taking into account that the issue of electoral reform, being of a complex and evolving nature, a careful and profound scrutiny as well as wide consultation would have to be undertaken prior to Government finding the right formula to consolidate the fabric of our democracy and its processes.

214. In fact, in furtherance of its initiative to bring electoral reforms, Government has recently renewed its commitment to create greater transparency and accountability in the financing of political parties through the proposed enactment of a Political Financing Bill. Consultations on the draft Bill are underway.

215. The general elections are held every 5 years and the last one was held in November 2019. 148 women stood as candidates out of a total of 810 candidates for the National Assembly Elections of 2019.

216. The National Assembly Elections of 2019 saw an increase in the representation of women from 11.5% in December 2014 to 20% in November 2019. Out of 70 Members of the National Assembly, 14 are women. Cabinet also comprises one Vice-Prime Minister and four Ministers who are women. The Deputy Chief Whip is a woman.

## **B. ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **Article 14 - Right to Property**

*The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.*

217. Ownership of land is guaranteed under Section 8 of the Constitution of Mauritius which safeguards individuals against compulsory deprivation of their property, except when taking possession or acquiring it is deemed essential or expedient for defense, public safety, public order, public morality, public health, town and country planning, or for promoting public benefit, social well-being, or economic development in Mauritius. In cases of government-mandated acquisition, owners receive appropriate compensation.

218. The Government of Mauritius is committed to ensuring that citizens have access to affordable housing units by working closely with the private sector.

219. The Ministry of Housing and Land Use Planning, together with the National Housing Development Company Ltd (NHDC) and its subsidiary, the New Social Living Development Ltd

(NSLD) are mandated to deliver housing units to needy families with a monthly income of up to Rs 30,000.

220. The NHDC Ltd has, from January 2019 to December 2023, delivered 2,499 Housing Units to the tune of around Rs 4.5 billion to vulnerable families in need. Moreover, 426 housing units are currently under construction and four contracts have recently been awarded for the construction of 268 additional housing units.

221. The NSLD, created in May 2019, has as mandate to construct 12,000 housing units on a design and build basis for low and middle income families. The project is being implemented in two phases, with Phase 1 consisting of the construction of 8000 units to be completed by July 2025.

222. To assist individuals in vulnerable situation with the construction of their houses, the NHDC provides financial assistance since 1997 for the casting of roof slabs and purchase of building materials. As at date, 63,641 families have benefitted from the scheme and some Rs 2.96 billion has been disbursed.

### **Housing in Rodrigues**

223. In Rodrigues, beneficiaries under the Housing Scheme were allocated Rs 750,000 for the construction of a concrete housing unit of either 50m<sup>2</sup> or Rs 900,000 for a concrete housing unit of 60m<sup>2</sup> to eligible beneficiaries who possess a land lease, but do not possess a concrete house. Under this scheme, the beneficiaries had to select from a pool of registered contractors with the Construction Industry Development Board for the construction of their housing units.

224. Since June 2022 the Social Housing Scheme has been revised and being implemented under the Housing and Rehabilitation Programme whereby financial assistance to procure construction materials are granted to eligible applicants, or for repairs to existing housing units; and for grants for casting roof slabs.

### **The Land Research and Monitoring Unit (LRMU)**

225. The Truth and Justice Commission was set up under the Truth and Justice Commission Act in Feb-March 2009. The State of Mauritius is among the rare countries in the world to have succeeded in establishing a Truth and Justice Commission to investigate the history and consequences of Slavery and Indentured Labourers.

226. This Commission was mandated to make an assessment of the consequences of slavery and indentured labour during the colonial period up to the present and for that purpose conduct as complete as possible an analysis on slavery and indentured labour. The Commission was also tasked to make recommendations on measures to be taken following its assessment and its findings with a view to achieving social justice, national unity and reconciliation. The Commission submitted its report after its tenure which was published in 2011 in which it had recommended among others, the setting up of a Land Research and Monitoring Unit (LRMU).

227. The LRMU was set up in 2019 at the level of the Ministry of Housing and Land Use Planning with the following mandate:

- (a) to carry out in-depth investigations into cases of alleged land disposessions identified in the report of the Truth and Justice Commission;
- (b) to carry out in-depth investigation concerning alleged complaint or hold enquiry into land issues, out of its own initiative or at the instance of interested parties;
- (c) to advise the applicant, after thorough investigation and enquiry, on his claim and any other relevant issues;
- (d) to assist the applicant to retrieve all necessary documents, including title deeds, plans, and civil status documents and in collaboration with other appropriate institutions, to draw up genealogical trees;
- (e) to study plans, relevant notarial deeds and any other relevant documents related to land movement;
- (f) to provide, within statutory limits, assistance, financial or otherwise, or other necessary actions to claimants as regards land surveys; and
- (g) to submit or refer the matter to mediation and to promote amicable settlements which shall be binding upon all parties.

228. The LRMU took over the 355 files of alleged disposessions of land. The status concerning these 355 cases stand as follows:

Table 7 - The status of the 355 cases

Status	Total
Number of cases lodged in Court	11
Number of cases submitted to Attorneys of Claimants to be lodged in Court	9
Number of cases being processed	60
Number of cases closed upon advice of Attorneys	169
Number of cases lodged in Court prior to the setting up of the LRMU	51
Number of Cases pending investigation(including 35 in Rodrigues)	55

*Source: Ministry of Housing and Land Use Planning (Land Research and Monitoring Unit)*

229. The Ministry of Housing and Land Use Planning also provides financial assistance of a maximum amount of Rs 300,000/- to the claimants, whose cases are lodged in Court, for payment of fees to the Attorneys and Barristers at Law of their choice and any other related expenses.

## **Article 15: Right to Work**

*Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work*

230. Mauritius is dedicated to upholding the rights of workers by abiding to fundamental International Labour Organisation (ILO) standards, national legislation and specific regulations to ensure fair and equitable treatment in the workplace.

231. The Workers' Rights Act (WRA), enacted in 2019, specifically addresses discrimination against employees by their employers. Specific terms and conditions for domestic workers are elaborated in the 2019 Domestic Workers (Remuneration) Regulations. The new Private Recruitment Agencies Act 2023 which has repealed the Recruitment of Workers Act of 1993 reflects recruitment standards for both locals and migrants in line with recommendations of the ILO and the IOM to deter illegal and unfair recruitments.

232. Jobseekers with disabilities can register at the 13 Employment Information Centres, located across the island or online on the “Mauritius Job” platform of the Ministry of Labour, Human Resource Development and Training. They are provided with necessary information, guidance and counselling regarding registration and the labour market.

### **The National Minimum Wage**

233. The National Minimum Wage (NMW) was introduced in Mauritius on 27 December 2017 to improve the standard of living of lowest paid workers. Pursuant to the Workers' Rights (Additional Remuneration) Regulation 2024, the National Minimum Wage Since January 2024, following the review of the NMW to Rs 16,500, the National Income guaranteed has been increased to Rs 18,500 a month, inclusive of the Additional Remuneration for the Year 2024 showing an increase of more than 100% after 5 years since its introduction.

### **Principle of equal pay for work of equal value**

234. With a view to ensuring equal opportunities and compliance regarding equal remuneration for work of equal value to workers in the labour market, Section 26(1) (a) of the WRA stipulates that: *“Every employer shall ensure that the remuneration of a worker shall not be less favourable than the remuneration of another performing work of equal value”*.

235. The drafting of labour legislation is generally done on a gender-neutral basis, except where a particular measure addresses one gender in particular, viz. provisions for maternity benefit, or for paternity benefit and the likes. The workers of a subsidiary company performing work of equal value as a worker employed by another subsidiary company of the parent company or the parent company, operating in the same line of business are also similarly covered by the provision of section 5 of the WRA.

236. With a view to addressing the issue of some remnants of gender-specific job appellations for both male and female workers in a few Remuneration Regulations (Salt Industry, Sugar Industry and Tea Industry) as well as the issue of wage determination in the various Remuneration Regulations in a more holistic manner, the Government recently amended the labour legislation to ensure that henceforth the National Remuneration Board (NRB) determine wages of the different categories of workers employed in the private sector on an occupation basis.

237. It is worth noting that sections 5 (2) and (3) of the WRA provide that –

*“(2) Any distinction, exclusion or preference in respect of a particular occupation based on the inherent requirements of the occupation shall not be deemed to be discrimination.*

*(3) A person does not discriminate against another person by imposing or proposing to impose on that other person a condition, requirement or practice that has or is likely to have a disadvantaging effect, where the condition, requirement or practice is reasonable in the circumstances.”*

238. Likewise, in the public sector, filling of vacancies does not discriminate between male and female applicants. No mention is made about the issue of gender or any other stereotyped criteria in vacancy notifications except where the inherent nature of the position requires it to be as such and possibly canvassed under Section 5(2) of the WRA.

239. Having already set the policy direction of the reform, the priority of the Government was, therefore, to identify all the technical issues underpinning the new system and its transition process. Pursuant to amendment made in the Finance (Miscellaneous Provisions) Act 2023 – Act No. 12 of 2023, the Employment Relations Act (EReA) was amended to include a new Section 91A “*Determination of wages on the occupational basis*” A Consultant has been appointed for the exercise and upon submission of his report, implementation of the recommendation will follow.

### **Conditions of Work for women**

240. As provided under the WRA and the Workers’ Rights (Atypical Work) Regulations 2019, atypical workers, that is those workers who do not have standard contracts of employment, enjoy the same rights as other workers in the mainstream sectors of employment. Atypical female workers also enjoy the same maternity benefits and protection.

241. A female worker on production of a medical certificate, is entitled to 14 weeks’ paid maternity leave to be taken:

- (a) before confinement, provided that at least 7 weeks’ maternity leave shall be taken immediately following the confinement; or
- (b) after confinement.
- (c) a payment of Rs 3000 as Maternity Allowance provided she reckons at least 12 months of continuous service with the same employer, the payment is prorated in the case of a part-time worker;
- (d) 3 weeks leave plus 5 additional working days in case she suffers a miscarriage;
- (e) 14 weeks leave on full pay, if she gives birth to a stillborn child;
- (f) 2 breaks of half-hour or one-hour break for nursing her unweaned child;

- (g) Not perform duties requiring continuous standing during pregnancy;
- (h) Not to be required to work between 6.00 p.m. to 6 a.m. during the 12 months following her confinement.

242. Under Section 64(1), the WRA gives enhanced protection to women, who are in family situation, against termination of employment on a discriminatory basis as follows: -

*“an agreement shall not be terminated by an employer by reason of –*

*a worker’s race, colour, caste, national extraction, social origin, place of origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities;*

*a worker’s absence from work during maternity leave and for the purpose of nursing her unweaned child;”*

### **Integration of youth, women and vulnerable groups into the labour market**

243. Government provides incentives to promote the integration of youth, women and vulnerable groups into the labour market through skills development.

244. The Mauritius Institute of Training and Development (MITD) works closely with employers throughout the training cycle to ensure that the training delivered is aligned with their needs and facilitates the employment of graduates. Courses are offered free of charge, and trainees benefit from free examination schemes. These measures aim to encourage youths and women to opt for Technical and Vocational Education and Training (TVET) pathway for their career development.

245. The MITD introduced new courses in the services sector such as professional sales, early childhood care, care for elderly and persons with disabilities, business process services that are being offered under schemes such as National Apprenticeship Programme (NAP) and National Training and Reskilling Scheme (NTRS). The MITD has increased its enrolment capacity for courses in the following fields, namely Beauty Care, Hairdressing and in several other courses in the hospitality sector. These courses are mostly offered under the NAP where the apprentices benefit from a monthly stipend and refund of travelling expenses.

246. The MITD also delivers courses under the “Back to Work Programme”, which has been extended to 2 years with payment of a monthly stipend of Rs 10,575 to help women to reintegrate the labour market.

247. The Youth Employment Programme provides training and employment opportunities for both young men and women to gain first hands experience at work. For the period of September 2019 to February 2024, 8,501 youth and 2,448 employers were registered under the Youth Employment Programme (YEP). Under this Programme, 2, 565 youth have been placed in private companies and 925 have been placed in Public Sector.

248. With regards to the Service to Mauritius (STM) Programme, from September 2019 till date, 502 youth have been placed in the Public Sector.



249. The Mauritius Digital Promotion Agency (MDPA) operating under the Ministry of Information Technology, Communication and Technology has put in place various training initiatives in order to equip the citizens of Mauritius with the required digital skills. Such programs target different segments such as unemployed adults, housewives, senior citizens, SMEs, employees, entrepreneurs, secondary students and the public at large.

250. The training courses include the Digital Proficiency Course (DPC) Digital Learning Training and the Basic ICT Skills course among others. The main objective of the DPC, which is an innovative nationwide ICT training, is to enable the citizens to become digitally proficient and be empowered with latest digital skills in a bid to embrace the digital transformation and tap most of the 21st century technologies. The MDPA also plan to have various levels of DPC course in the near future, together with digital entrepreneurship programmes for start-ups and entrepreneurs.

251. Any decisions by employers to terminate employment of a worker in breach of Section 72 of the WRA would be deemed to be unjustified, thus enabling any laid off workers to make representation to the Redundancy Board to claim either their reinstatement or else to get an Order for the payment of severance allowance for unjustified termination of employment.

252. As a further protection, in cases where a worker perceives that his employer's decision to terminate his employment was in breach of provisions of section 64(1) of the WRA, the laid off worker may register a complaint for his reinstatement at the Ministry with a view eventually to having the case referred to the Employment Relations Tribunal. The Tribunal has been given a time frame of not more than 60 days from the date of the referral to adjudicate on the matter.

253. The Training and Placement Scheme provides training courses for unemployed beneficiaries registered under the Social Register of Mauritius to develop their skills to either start a small business or become employable.

### **Right to form and join trade unions**

254. The Constitution of Mauritius upholds the freedom of assembly and association without discrimination. Furthermore, the Employment Relations Act (EReA) provides the right to Migrant workers to join or form a trade union as any local worker. A trade union of workers must have a minimum of 30 members and a trade union of employers must have a minimum of 5 members to be able to register as trade unions. Section 13 of the EReA elaborates on the eligibility of a worker to be a member of a trade union.

255. Sections 15 and 16 of the EReA stipulate upon the amalgamation of trade unions and to form thereafter federations and confederations. Moreover, Section 17 of the said Act provides that "a trade union of workers may affiliate to and participate in the activities of international workers' organisations, make financial and other contribution to such organisations and receive financial and other assistance from them which relate to its objects."

256. An exception exists with regard to a trade union of police officers which shall not amalgamate with any other trade union to form one trade union, except with another trade union of police officers. The same principle applies for this cadre to form a federation and a confederation.

## **Working Conditions of Migrant Workers**

257. Migrant workers are entitled to the same terms and conditions of employment, including minimum wages as those laid down for local workers in labour legislation. A migrant worker enjoys prescribed salary and other terms and conditions of employment not less favourable than a local worker and has the same right as a local worker in line with national labour legislations.

258. In view of its limited resources and restricted geographical area, the State of Mauritius is not signatory to the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The Government as far as possible applies the essence of the Convention, in cases of disputes between migrant workers and their employers.

259. Furthermore, section 64 of the Workers' Rights Act, which also applies to migrant workers clearly provides for protection against termination of agreement by an employer by reason of a worker's race, colour, caste, national extraction, social origin, place of his origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities.

260. The Employment Relations Act guarantees the fundamental right of all workers, including migrant workers, to freedom of association and protects their right to organise and engage in collective bargaining. Section 29 of the Act protects in unambiguous terms the right of workers to be or not to be a member of a trade union and to participate in trade union activities, including the right to seek and hold appointment or election as officers of a union. Section 30 of the Act protects trade unions of workers against acts of interference whilst section 31 of the Act protects workers against discrimination, victimisation or termination of employment by the employer in the exercise of his right.

261. The working conditions and salaries of workers both local and foreign are well regulated in the Workers' Rights Act 2019 and under the relevant Remuneration Regulations. The contract agreements of migrant workers are vetted by Labour Inspectors to ensure that they are in accordance with the relevant pieces of legislation. Labour Inspectors meet the migrant workers within one month upon notification of their arrival to Mauritius to take stock of their working conditions and to ensure compliance with legal provisions. They are also sensitised on their rights, responsibilities and employment-related matters.

262. The Special Migrant Workers Unit (SMWU), which was set up by the Ministry of Labour, Human Resource Development and Training in November 1999, performs inspections and follow up visits at workplaces at regular intervals to ensure that migrant workers are employed on terms and conditions that are not less favourable than those of their local counterparts and that their fundamental rights are as per vetted contracts of employment of the migrant workers.

263. From January 2017 to December 2023, the SMWU carried out a total of 3,506 workers education sessions, 6018 inspections covering 201,060 migrant workers, and dealt with 3,326 complaints.

264. A pamphlet entitled "Know Your Rights" has been published wherein information pertinent to *inter-alia* Recruitment Agents, Travelling to Mauritius, Remuneration, Food, Lodging, Health and

Safety, a Hotline and other relevant Contact Numbers are made available. The pamphlet is being updated.

265. A dedicated page entitled ‘Migrant Workers’ has been created on the website of the Ministry of Labour, Human Resource Development and Training, where information relative to migrant workers such as standard contracts, lodging accommodation and links to Remuneration Orders and the Unit dealing with Work Permits are available.

266. Mauritian citizens or migrant workers can also make/register their requests/complaints at any of the 35 Citizen Advice Bureaus located across the Island or online on the Citizen Support Portal regarding the working and living conditions of migrant workers in Mauritius. The complaints are then channelled to the Ministry of Labour, Human Resource Development and Training for follow-up.

267. The Occupational Safety and Health (Employees’ Lodging Accommodation) Regulations govern the accommodation and related facilities for migrant workers. Only compliant buildings are issued with a Lodging Accommodation Permit. The regulations provide that no lodging accommodation shall be located in the same building as the factory or place of work.

## **Article 16 – Right to Health**

*1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.*

*2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.*

268. Free public healthcare services are provided in Mauritius through a network of medical facilities, encompassing five Regional Hospitals, two District Hospitals, 2 community hospitals, and 6 specialised hospitals and 139 primary health care points comprising of 113 Community Health Centres (CHC), 19 Area Health Centres (AHC) and 7 mediclinics. As at end of 2023, a total of 3550 beds were available within public health institutions. This includes newly established healthcare facilities such as a cancer hospital inaugurated in February 2021, an ear, nose, and throat diseases hospital launched in October 2019, an eye diseases hospital, a psychiatric facility, and a cardiac center.

269. In the private sector, 21 health institutions offer medical services, operating with approximately 1020 beds as of the end of 2023.

270. Health services are provided free of cost to every citizen in Rodrigues. The Queen Elizabeth Hospital, Mont Lubin and La Ferme AHCs together with 12 CHCs are the most prominent institutions that provide care and treatment. Full-time facilities are available in the specialties of General Medicine, General Surgery, Orthopaedics, Obstetrics and Gynaecology, Paediatrics and Psychiatry while

specialists in other disciplines undertake periodic visits to the Island of Rodrigues. Cases requiring additional care and treatment are transferred to Mauritius free of charge.

271. Health services in the Island of Agalega are dispensed in two health centres. Medical and nursing staff are deployed from Mauritius on tour of service while dentists effect quarterly visits to the Island.

272. The setting up of one additional National Neonatal Intensive Care Unit (NICU) in October 2021 increased the number of NICU beds to 30 island wide in the public health sector.

273. All foreign patients are exempted from charges for any Emergency Treatment in the Accident and Emergency Department as outpatients. However, any foreigner, other than a foreign worker holding a work permit or any Comorian patient referred by the Comorian Authorities, admitted in public hospitals should pay the relevant fees. Offering complimentary services to non-citizens will place additional demands on health services and potentially affect the standard of care.

### **Assistance provided to HIV/AIDS Patients**

274. HIV prevention, testing, treatment care and support services are provided free of user-costs at public health institutions. The vision of the National HIV Action Plan 2023-2027 is to achieve zero new infections, zero AIDS related deaths within a setting of an inclusive society free from stigma and discrimination while the mission is to provide high quality HIV prevention, testing, treatment and care and support services accessible to all Mauritians. A multi sectoral, rights-based and person-centered approach was adopted to develop the NAP 2023-2027 to ensure respond to the specific needs of the diverse sub-populations affected by, infected with and at risk for HIV.

275. The HIV and AIDS Amendment Act 2023 provides for a rights-based approach to HIV and AIDS-related issues. It safeguards the rights of the people living with and affected by HIV. All people including women and sex workers are protected by the HIV and AIDS Amendment Act 2023.

276. HIV prevention, testing, antiretroviral treatment, care and support services are accessible and available free of user cost in public health institutions. Women and girls living with and affected by HIV have equal access to these HIV services. Pregnant Women following antenatal care in the private clinics have access to all facilities being provided of mother to child transmission treatment protocol. Retesting of all pregnant women in the third trimester of pregnancy and at a time of delivery is carried out to identify those pregnant women who have seroconverted during pregnancy. This ensures an improvement in the PMTCT Coverage.

277. Training and workshops are being reinforced for social workers, peer educators, health care providers and community leaders are carried to reduce stigma and discrimination towards people affected by and living with HIV through various channels. In 2023, around 1,343 health care workers were reached through awareness sessions.

278. Workshops with participation of community leaders, religious bodies, village councillors, school teachers, NGOs, healthcare providers, social workers are regularly conducted in the context of the World AIDS day to promote community awareness about HIV/AIDS, take cognizance of HIV

package of services provided by the MOHW and to address stigma and discrimination faced by people living with HIV. In 2023, a total of 245 persons participated in the workshops.

279. The AIDS Unit carries out age-appropriate awareness sessions at national level. Provider Initiated Testing and Counselling (PITC) and HIV Rapid Diagnostic Test (RDT) are carried out during the awareness sessions. It also provides voluntary Counselling and Testing with regards to HIV, Sexually Transmitted Infections (STIs) and viral hepatitis. Index Testing is also carried out, whereby couple counselling and testing as well as testing of couples' children are done. An average of 98,049 HIV conventional Test (ELISA) are carried out by the National Reference Laboratory, Candos. The number of point-of-care tests conducted increased from 22,671 in 2021 to 38,970 in 2023.

280. HIV testing are also carried out in prison settings. Prison inmates living with HIV (PLHIV) also benefit from consultation sessions by AIDS Unit doctors to ensure continuity of treatment.

281. A one-stop shop has been set up to provide integrated services to PLHIV, where they can benefit from several services such as: Antiretroviral treatment, Methadone Substitution Therapy, Dental Services, Vaccination services, Hepatitis C treatment, Prevention Services and Psychological support. The inmates also benefit from awareness sessions on HIV/AIDS. Pre - release HIV clinics are now being scheduled, whereby detainees who are due to be released have a final one-to-one counselling by the AIDS Unit doctor. They are counselled on the importance of being compliant to anti-retroviral treatment and are given necessary information so that once they are released, they can link back to care.

282. Pregnant women attending hospitals are being tested in the third trimester of pregnancy.

### **Vaccination programmes**

283. The Ministry of Health and Wellness is responsible for the regulation and approval of medicines, vaccines, and other health products in Mauritius. The Ministry works closely with the Pharmacy Board to ensure that all products meet the necessary safety and efficacy standards. Mauritius also participates in international initiatives to improve access to medicines and vaccines. The country is a member of the World Health Organisation (WHO) which provides funding and support for vaccination programmes.

284. The Ministry of Health and Wellness oversees the vaccination programme for children and adults. The vaccinations are provided free of charge in public health care facilities.

285. The National Human Papillomavirus Vaccination Campaign for children aged 9 years to 15 years old, was launched in February 2024. Mauritius is the first African Country to administer the vaccine to both girls and boys aged 9 to 15.

286. The government encourages parents to have their children vaccinated according to the recommended schedule to protect them from preventable diseases, for boys and girls as per the table below: -

Table 8 - Immunisation for boys/girls

Vaccine	Recommended Age
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Bacillus Calmette–Guérin (BCG)	0-3 Months
Rotavirus vaccine 1	6 weeks
Pneumococcal Conjugate Vaccine 1	6 weeks
Hexavalent 1	6 weeks
Rotavirus Vaccine 2	10 weeks
Hexavalent 2	10 weeks
Pneumococcal Conjugate Vaccine (PCV) 2	14 weeks
Hexavalent 3	14 weeks
Measles, Mumps, Rubella (MMR)	1 year
Pneumococcal Conjugate Vaccine 3	10 months
Booster Measles, Mumps, Rubella	17 months
Booster Hexavalent	18 months
Booster Diphtheria, Tetanus	(School Entry) – 5 years
Tetanus Toxoid	11-12 years
Varicella	15 months

*Source: Ministry of Health and Wellness*

## COVID-19 Pandemic

287. Mauritius has implemented its national vaccination campaign against COVID-19 since 26 January 2021. The aim was to achieve herd immunity to minimise the transmission of the virus in the community. All Mauritians who were eligible for vaccination had access to COVID-19 vaccines, irrespective of age, sex, occupation, social status and religion. Priority was given to the most vulnerable category of people such as front liners like healthcare workers, airport and port personnel, police officers, hotel personnel, followed by senior citizens and adults with comorbidities.

288. Following vaccination of the most vulnerable population, vaccination was opened to the general public and thereafter to adolescents and children aged 5 years and above. Bedridden patients had also been vaccinated in their own homes as well as senior citizens residing in elderly homes. Prison inmates were also provided with COVID-19 vaccines. Mobile vaccination teams had been set up for the vaccination of people living in remote regions of the island, thus removing any geographical barriers preventing part of the Mauritian population from getting access to COVID-19 vaccines.

289. In Rodrigues, the vaccination campaign proceeded in parallel to that of Mauritius. A special vaccination team travelled by ship to Agalega Island twice in October 2021 and March 2022 for the COVID-19 vaccination of residents of Agalega, thus ensuring that nobody was left behind in receiving their COVID-19 vaccination.

290. Mauritius has received a new batch of Bivalent Pfizer vaccines from the United States of America on 10 September 2023, to help counter any further spread of COVID-19.

291. Mauritius has succeeded in being one of the first African countries to achieve a high COVID-19 vaccine coverage. To date, Mauritius has vaccinated nearly 1 million of its population against COVID-19.

### **Sexual and Reproductive Health (SRH)**

292. Talks are conducted on Sexual and Reproductive Health by Community Health Care Officers on a regular basis in and out of school. It is worth noting that the Ministry of Health and Wellness has elaborated a National Sexual and Reproductive Health Policy 2022 and its implementation plan 2022 – 2027 aimed to protect and promote Sexual and Reproductive Health and Rights. The objectives are as follows:

- (a) empower all people to make informed decisions about their Sexual and Reproductive Health and ensure that their SRH rights are respected, protected, and fulfilled;
- (b) improve access to comprehensive and integrated Sexual and Reproductive Healthcare and treatment services across all life stages;
- (c) facilitate access to respectful and non-judgmental SRH services for priority and vulnerable groups;
- (d) strengthen the health system to deliver integrated SRH services at primary level in the healthcare system; and
- (e) promote multi-sectoral engagement and shared accountability for a sustainable and rights-based service delivery.

### **Abortion**

293. Subject to termination of pregnancy as may be authorised under section 235A of the Criminal Code, it is an offence under section 235 of the Criminal Code for any person, by any food, drink, medicine, or by violence, or by any other means, to procure the miscarriage of any pregnant woman, or supply the means of procuring such miscarriage, whether the woman consents or not. The offence of unlawful termination of pregnancy is punishable by penal servitude for a term not exceeding 10 years.

294. Section 235(A) provides for circumstances under which termination of a pregnancy may be authorised. No termination of pregnancy is allowed in law unless same is performed by a registered specialist in obstetrics and gynecology in a prescribed institution. The Specialist may only provide treatment to terminate a pregnancy where two other specialists ( one in obstetrics and gynecology and another in a relevant field) concur with his opinion to proceed with the termination which opinion must have been formed in good faith, based on the fact that: the continued pregnancy will endanger the pregnant person's life; the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person; there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus which will affect its viability and compatibility with life; or finally that the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the police.

## Teenage Pregnancy

295. In case of teenage pregnancy, medical and psychological supports are provided by the Ministry of Health and Wellness and these children are often followed by Medical Social Worker as well as the Child Development Unit (CDU).

296. Teenagers are made aware of modern methods of contraception available. However, to have access to these methods or any individual counselling session without parental consent, they should be of the age 16 or more. For children less than 16 years, usually they are requested to be accompanied by a responsible party. However, the Ministry of Health and Wellness has installed condom distributing machines in strategic places, where children irrespective of age, can have access to condoms.

## Non-Communicable Diseases (NCDs)

297. The Ministry of Health and Wellness has a well- established Non-Communication Diseases and Health Promotion and Research Unit which is responsible for screening of NCDs in the Community. Screening is conducted for individuals aged 18 onwards at work sites and in community areas across the island.

298. During screening sessions, emphasis is laid on sensitisation and health promotion campaigns through:

- (a) health talks to increase the awareness of NCD risk factors and how to minimise the risk of developing NCDs; and
- (b) distribution of pamphlets to educate the community on different health aspects like alcohol, drug abuse, breast & cervical cancer, tobacco, physical activity, healthy diet, and so on.

299. Around 400,000 people were reached following these campaigns. From January 2019 to March 2023, a total of 221, 891 talks were delivered in which 169,091 were related to NCDs and their risk factors and 52,800 were delivered related to breast and cervical cancers.

300. From January 2019 to March 2023, 152,471 people were screened in the community and at worksite; in which 127,919 people for NCDs and their risk factors and 24,552 women for breast and cervical cancers.

301. From January 2019 to December 2023, 130,461 students through the School Health Programme of 177 secondary schools of Grade 7, Grade 9 and Grade 12 were screened for the early detection of NCDs.

302. In addition, Weekly TV (“Priorité Santé”, “Tou Korek”, and “Minute Santé”) and Radio Programme (“Mauricien kone ou la santé” in Creole and Bhojpuri languages), are carried out to educate and sensitise the population on various health topics and NCDs and their risk factors.

303. Health Promotion Clubs were set up to encourage practice of regular physical activity and to adopt healthy eating habits. Talks on health issues including mental health, stress management, diabetes, cardiovascular diseases, alcohol and substance abuse are held to raise awareness.



Additionally, medical check-up for early detection of diabetes, hypertension, breast and cervical cancer are also carried out. 70 Health Promotion clubs have already been set up and others are in the pipeline.

304. This Screening Programme is also done in collaboration with National Empowerment Foundation for SRM beneficiaries to outreach the service to vulnerable people, to Citizen Support Unit, and National Women Council.

### **Prevention of use of illicit drugs**

305. A High-Level Drug and HIV Council was set up under the Prime Minister's Office to ensure a strong, efficient and effective national response to Drug and HIV. This Council which is chaired by the Honourable Prime Minister comprises both governmental and Non-governmental institutions. The main objectives of the Council are to foster a multi-sectoral approach to provide a stronger response to Drug and HIV; and propose measures to minimise the impact of drug and HIV.

306. A National Drug Control Master Plan 2019 -2023 (NDCMP) was developed to address drug control comprehensively and efficiently. The NDCMP is the outcome of a consultative collective national effort, in collaboration of major stakeholders, including NGOs and law enforcement agencies, and with the support of the United Nations Office on Drugs and Crime.

307. The NDCMP rests on four strategic pillars, namely:

- (a) Drug Supply Reduction
- (b) Drug Demand Reduction, namely drug use prevention, drug use disorders treatment, rehabilitation and social reintegration;
- (c) Harm Reduction; and
- (d) Coordination Mechanism, Legislation, Implementation Framework, Monitoring and Evaluation and Strategic Information.

308. A National Drug Secretariat was set up at the Prime Minister's Office to ensure coordination of the implementation of the NDCMP. The Secretariat also has the responsibility to run the National Drug Observatory which is to monitor the situation regarding substance abuse closely and recommend actions in guiding the national response to the drug issue.

309. The Drug Use Prevention Programme encompasses a community-based Training of Trainers Empowerment programme in drug prone areas is the Youth Empowerment Programme Against Drugs. It was launched since March 2021 with stakeholders from Civil Society, NGOs and other Ministries. Around 672 participants were empowered under the Programme carried out at the level of Workplace, Community and Education Institutions.

310. Addiction Treatment Units were set up since 2018 in the 5 Regional Health Zones and offer services to around 6500 attendances yearly. In addition, there are 4 Residential Rehabilitation Centres, while one dedicated solely to youth less than 24 years, the Nenuphar Centre and Centre Orchidée fully dedicated to female drug users.

311. Harm Reduction Services are being offered at 5 Methadone Day Care Centres and 50 Needle Exchange Programme sites around the island. Daily methadone doses are dispensed at 48 sites across the country. In addition, there is a One Stop Shop at one Day Care Centre to cater for patients with HIV infection.

312. Government has approved the setting up of a Drug Users Administrative Panel to help deal with victims of substance abuse in a holistic way in order to break the cycle of dependence and enable these people to find their way back to society.

313. Where a drug user is suspected of having committed a drug offence for personal consumption, on the recommendation of the Director of Public Prosecutions, the former is not prosecuted for that offence but instead will be referred to the Drug Users Administrative Panel. The drug user will be directed to undergo rehabilitation such as education, counselling, treatment, aftercare, social reintegration or any other therapy. The Panel will monitor the progress of the drug user during the period of rehabilitation and will assist the drug user to overcome his addiction to drugs.

### **Awareness/Sensitization on Drugs**

314. The MOHW conducts an extensive anti-drug campaign throughout the island targeting the youth in and out of school, the workforce and the community at large. These are done through awareness and educational sessions at schools, sensitisation programmes in the community and workplace; and through radio and TV programmes.

315. Starting from January to December 2023, 10,736 students were reached in educational institutions, 947 participants in the community, 144 participants in Out-of-School youth; and 1899 participants at the workplace.

316. In Rodrigues, the Commission responsible for Health is addressing the issue of drug use and its effects through various programmes run by the HIV/AIDS Unit and the Non-Communicable Disease (NCD) Unit.

### **Article 17 – Right to Education**

*1) Every individual shall have the right to education.*

*2) Every individual may freely, take part in the cultural life of his community.*

*3) The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.*

317. The Republic of Mauritius recognises the right of everyone to education and has been providing free public education to all. Free education as from pre-primary has been introduced from January 2024 and has been extended to private aided pre-primary schools as from January 2024 benefitting some 11,497 children, thus extending a full cycle of free education from pre-primary to tertiary. In line with internationally accepted best practices, section 37 of the Education Act provides for education to be mandatory for all children up to age of 16.

318. Government has allocated around 12.7% of the national budget over the past years to the provision of free education. There is a total of 770 pre-primary, 325 primary and 179 secondary schools, 41 Higher Education Institutions and 5 Polytechnics, operating both within the public and private sectors.

319. Educational institutions are located across the Republic and there is no disparity in the provision of education in urban and rural areas. The 4A's (availability, accessibility, acceptability and adaptability) framework ensuring cardinal principles of access, equity, inclusion, quality, relevance and achievement in education is adhered to.

320. Students are encouraged to participate in all activities, irrespective of their sex. The Nine Year Continuous Basic Education (NYCBE) introduced in 2017 ensures that all children follow a common curriculum of at least nine years of basic education as a foundation for future learning, in line with Sustainable Development Goal 4. A common curriculum is taught to all, irrespective of gender, religion or belief.

321. The NYCBE curriculum makes provision for students to be aware of the multicultural nature of the society, share core values of the society as well as develop an awareness of the norms and values of other groups and cultural entities of the Mauritian Society.

322. Emphasis is placed on the promotion of tolerance and understanding of others during the various phases of education from pre-primary to tertiary levels. Intercultural Education, Values, Citizenship Education and Peace Education are infused in the curriculum throughout.

323. A wide range of integrated support along with psychological services are provided to students at different tiers to promote their social and emotional well-being. Innovative and creative tools such as Edutainment, Interactive Theatre and Art Week are used to increase participation and interest of students to combat social scourges.

324. Performing Arts are taught from Grades 7-9 for both Mainstream and Extended Stream students in both state and private schools across the island. The nine components (Vocal Hindustani, Vocal Carnatic, Bharata Natyam, Kathak, Kuchipudi, Sitar, Tabla, the Recorder and drama) are all assessed at Grade 9 NCE level. Textbooks for all the Indian Music and Dance and for Drama for Grades 7-9 have been conceptualised and are used in all the schools. By exposing children to Performing Arts, they have an understanding, respect and appreciation of their own unique cultural identity and richness, and also the diverse values and backgrounds of others in a multicultural context.

### **Special Education Needs**

325. To address the needs of children with disabilities, the Special Education Needs Authority (SENA) was set up in 2018 and is responsible for harmonising and facilitating the implementation of Special Education Needs policies. As at June 2023, 73 SEN Institutions [18 public (*11 Integrated SEN Units in Primary Schools and 7 SEN Resource and Development Centres*) and 55 private] were registered with SENA with some 2694 students. The grant provided to SEN institutions by the Government was increased by 23% in 2023 to reach Rs 191 million.

326. Learners with physical disabilities are admitted to Mainstream/General System following an assessment carried out by a team of health professionals. Based on the level/specificity of their disability, adequate and appropriate support is provided, such as tablets and voice to text applications to support hearing impaired children in Mainstream schools. Learners who cannot be admitted in mainstream schools are either accommodated in Integrated SEN Units in the public schools or private Specialised SEN Institutions which are registered with the SENA. Learners in SEN Institutions are provided with adequate support from specialised professionals to pursue their education and are also provided with a daily meal for lunch.

### **Kreol Morisien**

327. Introduced in Primary Schools in 2012, Kreol Morisien (KM) was offered as an optional subject in Secondary Schools in 2018 and the first cohort took part in the National Certification of Education (NCE) examinations in 2021 where the pass rate was 96 %. In 2022, KM was introduced in Grade 10 and the following year in 2023, 184 students took part for the National School Certificate whereby the pass rate was 96.28%. In 2024, 19,462 chose KM as an optional subject at primary level, 8,339 students at lower secondary level and 1299 at upper secondary level.

328. Kreol Morisien is used as support medium in teaching, especially at primary and lower secondary levels. The University of Mauritius and the Akademi Kreol Repiblik Moris (AKRM) in collaboration with the Mauritius Institute of Education and the Creole Speaking Union offer courses in KM to the general public for administration and for communication.

329. Moreover, Kreol Rodrige was developed and is taught in Rodriguan schools since 2020. A Rodriguan Creole Dictionary was launched in 2021.

### **Atelier De Savoir Project in Rodrigues**

330. The ‘Atelier De Savoir’ project was officially launched in Rodrigues on 13 June 2003 and is being implemented by the Rodrigues Regional Youth Council with the support of the Commission for Youth and Sports. The programme was firstly launched on a pilot basis for youths left out of the school mainstream aged between 16 and 21 years. After the testing phase, the project was deemed worthwhile and played an important role in vocational training and has been maintained.

331. Every year, the ‘Atelier De Savoir’ enrolls 100 youths in its five workshops. Training in the ‘Atelier De Savoir’ is in the fields of agriculture, mechanics, welding, pastry/agro – processing, woodwork and sewing. Since the implementation of this project the Rodrigues Regional Youth Council is provided with a financial grant of around Rs1.6 million annually to meet the running cost of the project, Renovation and upgrading of workshops and purchase of additional equipment.

The ‘Ateliers De Savoir’ in Rodrigues contributes in the development of a trained pool of young adults in specific fields.

### **Human Rights Education**

332. Components of human rights are incorporated in the curriculum at both primary and secondary levels. In tertiary institutions, Human Rights is taught at undergraduate and postgraduate levels.

‘Training of Trainers’ programmes for educators are also conducted. Human rights components are integrated in the Teachers’ Diploma Primary Holistic Education Programme.

### **The ‘Zone D’éducation Prioritaire’ Project — ZEP Project**

333. The ZEP Project caters for pupils from vulnerable groups in deprived regions whereby they are provided with additional support, including socio-pedagogies, adapted teaching, health monitoring and a daily meal. Around 6,670 pupils of the 30 ZEP primary schools, including one in Rodrigues and two in Agalega, are served a full meal funded under the Primary School Supplementary Feeding Project.

### **Access to education for students with learning difficulties**

334. Pupils who do not meet the basic competencies, including numeracy and literacy when joining Grade 1 follow the Early Support Programme (ESP) to strengthen their foundation education. At least one Support Teacher is posted in each primary school to accompany pupils with learning difficulties from Grade 1 to Grade 6. In the Primary Education sub-sector, the Early Support Programme has been implemented as an innovative educational support plan for pupils with learning difficulties.

335. The Fortified Learning Environment for Extended Programme was introduced by the National Social Inclusion Foundation in September 2020 and in February 2022 in secondary and primary schools to facilitate the acquisition of basic numeracy, literacy and to facilitate the socio-emotional development of students who have learning difficulties.

### **Vocational Training**

336. Polytechnics Mauritius Limited (PML) was established in 2017 and the Institute of Technical Education and Technology (ITET) Act 2021 was enacted on 24 July 2021 with a view to revamping the technical education sector in Mauritius as well as addressing the middle to high skills needs of the country by creating more opportunities and pathways for students to pursue studies in technical and technology education, thereby bridging the gap towards employability.

337. The PML has expanded its programmes with 4000+ students across its 6 campuses, including 320+ from Rodrigues and 11 Africa-to-Mauritius scholars, 40 academics and TVET programmes, 88 signed Memorandum of Understanding (MoU) and Memorandum of Agreement (MoA), 152 full time staff, 77 adjunct faculties, 250+ active and engaged industry partners and strong employment destinations for students with a 98% placement rate in industry at graduation.

338. The Ministry of Education, Tertiary Education, Science and Technology, in collaboration with Mauritius Institute of Training and Development (MITD), the National Social Inclusion Foundation (NSIF) and the Mauritius Sports Council, has introduced a programme, the Bright Up Programme, for students who have sat for but not awarded the NCE, as from 2024. The programme provides for life skills preparation for responsible citizenship, outdoor education and sports leading to the world of work through National Certificate 2 (NC2) and/or leading to a National Certificate 3 (NC3) and the National Apprenticeship Programme (NAP). Some 1,100 students have registered for the Bright Up Programme for academic year 2024.

## Regulation of Private Actors in Education

339. Capitalising upon its reputation of offering a safe and pleasant living environment, internationally recognised qualifications and diverse programmes, Mauritius is positioning itself to develop an Education Hub for the Asian, African and Australian region due to its strategic location where quality education is dispensed, and will contribute to support its objective of creating a vibrant knowledge-based economy.

340. To this end, Mauritius actively encouraged the active participation of the private sector in the provision of education and training. It has ensured systematically that provision is made for regulating private sector institutions so that they operate within the expected norms, standards and parameters.

341. The regulation of private activities in education is carried out by various agencies falling under the overarching responsibility of the Ministry of Education and Tertiary Education, Science and Technology of the Republic of Mauritius.

Table 9 - Statutory Bodies set up by the Government to act as regulators for the different sub-sectors

SN	Sector	Statutory Body	Key Functions and Responsibilities
1.	Pre-Primary	Early Childhood Care and Education Authority	<ul style="list-style-type: none"> <li>➤ Regulates and promotes the development of quality pre-primary education.</li> <li>➤ Implements policies with regard to early childhood care and education.</li> <li>➤ Carries out the registration and supervision of pre-primary educational institutions.</li> </ul>
2.	Secondary	Private Secondary Education Authority (PSEA)	<ul style="list-style-type: none"> <li>➤ Oversees and regulates the provision of private secondary education.</li> <li>➤ Manages the disbursement of grants to non-fee paying private secondary schools.</li> <li>➤ Monitors teaching and learning in private secondary schools.</li> </ul>
3.	TVET	Mauritius Qualifications Authority (MQA)	<ul style="list-style-type: none"> <li>➤ Regulates and registers training institutions</li> <li>➤ Develops, implements and maintains the National Qualifications Framework.</li> <li>➤ Recognises and evaluates qualifications for the purpose of establishing their equivalence.</li> <li>➤ Recognises and validates competencies acquired outside the formal education and training systems (Recognition of Prior Learning and Recognition of Prior Experience)</li> </ul>

4.	Special Education Needs	Special Education Needs Authority (SENA)	<ul style="list-style-type: none"> <li>➤ Provides the relevant regulatory framework for provision of education to learners with Special Education Needs (SEN).</li> <li>➤ Registers SEN Institutions, their personnel and resource persons.</li> <li>➤ Harmonises and promotes programmes and policies for the education and development of learners with SEN.</li> </ul>
5.	Technical Education	Institute of Technical Education and Technology (ITET)	<ul style="list-style-type: none"> <li>➤ Regulates, monitors and oversees the higher education sector.</li> <li>➤ Implements the national higher education strategy of Government.</li> <li>➤ Formulates guidelines on research grants and provides funding for the conduct of research.</li> </ul>
6.	Higher Education	Higher Education Commission (HEC)	<ul style="list-style-type: none"> <li>➤ Promotes, maintains and enhances quality assurance of higher education in line with international standards.</li> </ul>
7.	Quality Assurance in Higher Education	<i>Quality Assurance Authority (QAA)</i>	

*Source: Ministry of Education, Tertiary Education, Science and Technology*

342. These statutory bodies are responsible, *inter-alia*, for the registration of private educational institutions, their managers and their teachers; accreditation and/or quality assurance of their courses and compliance to set norms and standards.

343. Regarding the Private Primary Schools, they have to be registered with the Ministry of Education, Tertiary Education, Science and Technology, as per provisions made under the Education Act. Their registration is renewed every two years following the recommendation of the Zone Directorate upon a site visit and the submission of all required documents.

### **Promotion of Arts and Culture**

344. The Republic of Mauritius nurtures harmony among different religious and ethnic groups and upholds the fundamental rights and freedoms of each and every citizen. It has succeeded in keeping the balance among different religious groups and ethnic minorities through its legislation and policies which safeguard the equality of citizens and guarantee the protection of the fundamental rights as enshrined in the Constitution of the Republic of Mauritius.

345. Different Cultural Centres have been set up by way of legislation to carry out activities which promote intercultural dialogue and foster mutual cultural understanding. The following Cultural Centres have been set up under the aegis of the Ministry of Arts and Cultural Heritage:

- a) the Islamic Cultural Centre;
- b) the Nelson Mandela Centre for African Culture;
- c) the Mauritius Tamil Cultural Centre Trust;
- d) the Mauritius Marathi Cultural Centre Trust;
- e) the Mauritius Telegu Cultural Centre Trust.

346. The Government of Mauritius provides financial assistance on a yearly basis and institutional support through the Ministry of Arts and Cultural Heritage to ensure that all aspects of arts and culture in Mauritius are preserved and promoted. Workshops, exhibitions, cultural programmes, concerts and plays in different languages are organized by the Ministry of Arts and Cultural Heritage. Financial support is provided to artists to encourage artistic creation. The Status of the Artist Act came into force on 10 August 2023 and aims to establish the Professional in the Arts Council. The Act makes provision for benefits to artists, including, the possibility of receiving a pension.

347. The National Heritage Fund (NHF), which was set up in 1997, has been actively promoting the national tangible and intangible heritage. Following the ratification of the Convention on the Safeguarding of the Intangible Cultural Heritage and in its endeavour to safeguard the Intangible Cultural Heritage, the NHF has initiated research to inventory and document the Intangible National Cultural Heritage. Mauritius has two World Heritage Sites listed on the UNESCO World Heritage List, namely; Le Morne Cultural Landscape (2008) and Aapravasi Ghat (2014). A list of the Intangible Cultural Heritage inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity is as follows:

- (a) the ‘Sega Tipik’ which was inscribed in 27 November 2014, and comes mainly from the Creole community of African descent whose ancestors had been slaves on the Island of Mauritius;
- (b) the Bhojpuri Folk Song – Geet Gawai as an Intangible Cultural Heritage of Humanity on 01 December 2016;
- (c) the ‘Sega Tambour’ of Rodrigues which was inscribed on 07 December 2017; and
- (d) the ‘Sega Tambour Chagos’ with origins in the Chagos Archipelago which was inscribed on the UNESCO List of Intangible Cultural Heritage in Need of Urgent Safeguarding in 10 December 2019.

348. The **National Arts Fund (NAF)** contributes to the financing of creative arts projects schemes and events to empower artists and arts organisations in the different fields of arts and culture. Holistically, the NAF aspires to create a conducive environment with a view to giving a boost to the creative industry and cultural tourism. It equally provides opportunities for the population to have a better exposure and appreciate the works of local artists. Over the years it has gained momentum and it has supported and accompanied a wide range of artistic activities/projects/programmes from both emerging and established artists through the following grants:

- (a) Emerging Talent Grant;
- (b) Production Grant;
- (c) Research Grant;
- (d) Capacity Building Grant; and
- (e) Digital Creative Art Grant



349. A second impactful initiative is the **Artist Incubator Scheme**, a budgetary measure enunciated in the Budget Speech 2022-2023. Its main objective is to provide a conducive environment to emerging artists/ groups and empower them through mentorship.

350. The project has been implemented on a pilot basis in the music sector (song category), in order to enable merging artists/ groups to write lyrics, compose the music, produce a song and market their artistic work under the guidance of a mentor.

351. The **International Travel Grant (ITG) Scheme** is an assistance provided by the Ministry of Arts and Cultural Heritage to artists to participate in international festivals where at least 5 countries are participating. The grant up to a ceiling of Rs 250,000 is provided to artists/group of artists to refund the cost of air tickets.

352. A provision of Rs1,000,000 has been made for the **Scheme for International Competition Participation** to encourage artists to participate in international competition in different art disciplines and encourage them in their future projects and boost the potentials of creative sectors and inspire other artists to showcase their talents beyond the frontiers of Mauritius.

353. A provision of Rs1,000,000 has also been available for the **Scheme for International Award** to facilitate the participation of artists who have been nominated in International Award Ceremonies in recognition of their outstanding performances on the international scene. This will encourage them in their future projects, not limited to cinematography, whereby boosting the economic potentials of creative sectors and inspire other artists to showcase their creations abroad.

354. Other than **ITG** and Financial Grant for production of audio CDs, support to artists, usually in the form of financial assistance, is granted throughout the year upon receipt of requests from individuals and organisations on a case to case basis.

355. Activities for which assistance is granted include musical concerts by local and/or international artists, art exhibitions, cultural events and components, plays, artistic performances, organisation or participation of artists in international shows / events / conferences, etc.

356. Assistance to the tune of Rs 150,000 for participation in International Award Ceremonies is provided to facilitate the participation of artists who were nominated in International Award Ceremonies in recognition of their outstanding performances on the international scene.

357. Mauritius has signed **Cultural Exchange Programmes** with countries such as India, China and the Islamic Republic of Pakistan while others are in the pipeline. Some of the objectives of the Cultural Exchange Programmes are as follows:

- (a) to strengthen friendly ties and encourage exchanges and cooperation in various fields such as culture, arts, libraries, museums and archives, cinema and theatre among others;
- (b) exchange visits of art troupes between the two countries;

- (c) exchange visits of professionals in the arts;
- (d) technical exchange programmes with institutions such as National Library, Archives, museums and cinema;
- (e) exchange of information and visits of experts in cultural relics for the preservation and management of cultural sites; and
- (f) technical exchange and cooperation in the field of Drama and Theatre.

358. The Copyright Act 2014, as subsequently amended, provides creators with economic rights allowing them to control how their works are used and to benefit financially from them.

359. The Mauritius Society of Authors (MASA) is the local collective management organisation (CMO) mandated under the Copyright Act to administer the economic rights of its local copyright owners as well as the affiliates of sister CMOs.

360. The Copyright Act also include moral rights giving the creators the right to claim authorship and to object to any form of mutilation and other modification or derogatory action in relation to the works, which would be prejudicial to their honour or reputation.

### **The Intercontinental Slavery Museum**

361. The Intercontinental Slavery Museum was officially opened on 1 September 2023 by the Honourable Prime Minister in recognition of the contribution of slaves to the development of Mauritius, it aims to promote respect for African peoples, acknowledge their contribution and empower Creoles of African descent in line with the United Nations' International Decade for People of African Descent (2015-2024).

### **Article 18 - Protection of the Family, Women and Children**

- 1) *The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.*
- 2) *The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.*
- 3) *The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.*
- 4) *The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.*

362. The State of Mauritius is highly committed to a society where the rights and the best interests of women and children are safeguarded and promoted. In line with this commitment, it is a party to the Convention on the Rights of the Child (CRC) and the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Mauritius has also ratified the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict on 12 February 2009 and the

363. The Family Welfare and Protection Unit was set up in July 2003 to implement policies and programmes in favour of families and to address the problem of Gender-Based Violence. The Family Welfare and Protection Unit operates through a network of six (6) Family Support Bureaux around the island, and provides the following services:

- (a) Family Counselling;
- (b) Psychological Counselling;
- (c) Legal Counselling;
- (d) Assistance to adult victims of gender-based violence; and
- (e) Assessment of cases.

364. The Parental Empowerment Resource Centre (PERC) was set up as part of the New Scheme Measure during the Financial Year 22-23, to develop parenting skills for parents and to focus on various aspects of early childhood development, in an effort to keep children and families safe. The PERC also acts as a 'referral centre' for parents needing services in the community. For the period January 2023 to February 2024, 136 parents were reached.

365. The National Children's Council conducts the National Parental Empowerment Programmes also known as Atelier Partage Parents to empower parents, duty bearers, betrothed couples in view of marriage with parenting skills and equip them with better coping mechanisms.

366. The Child Development Unit (CDU) is a Multi-disciplinary teams which consist of social workers, child care workers, and psychologists are available on a 24-hour basis to give assistance in cases of child abuse. The Unit is mandated by law to investigate cases, assess the situation, evaluate the child family situation and take specific decisions on how to help the child to overcome difficulties encountered.

367. Psycho-social support is provided in terms of psychological counselling; referral for legal advice; family therapy; referral to other institutions and removal of victims from place of danger and placement in shelter/institutions are provided through the CDU.

368. The CDU pursues sensitisation campaigns on child abuse, commercial sexual exploitation of children, along with the National Children's Council in primary and secondary schools, in children's associations and within the community. Mass awareness campaigns were also conducted through 49 radio and 15 television programmes.

369. From 2018 to February 2024, the CDU has carried out 75 awareness campaigns on the Commercial Sexual Exploitation of Children, Children's Act 2020 which prohibits child marriage, cohabitation inclusive of child trafficking and child prostitution). A total of 2929 persons were reached. The Drop-in-Centre carried-out 177 campaigns on the Commercial Sexual Exploitation of Children from 2018 to February 2024, thereby reaching: 6854 Persons.

## Advancement of Women

370. The emancipation of women and their socio-economic and political empowerment remains a priority, and Mauritius is committed to promoting gender equality. A National Gender Policy for the period 2022-2030 guided by the Agenda 2030 on Sustainable Development Goals, the Beijing Platform for Action, and the African Union's Agenda 2063 was launched in March 2022. Mauritius has been ranked 1<sup>st</sup> in the Women, Business and Law Report 2024 in the African Region.

371. As at date, the Gender Unit has completed 57 % of the implementation of the National Gender Policy 2022-2030. These gender-responsive actions as per the recommendations comprise the following: -

(a) in the Budget for the Financial Year 2016/17, the Gender Responsive Budget Initiative of Rs 200,000 were provided in the budget of five Ministries only and presently extended to all Ministries since budget 2020/2021 and the following actions were taken accordingly: -

- all Ministries have their Gender Statement within their Annual Report; and
- Ministries are encouraged to come up with their respective Sectoral Gender Policy Statement/Sectoral Gender Policy and Sectoral Gender Action Plan. As at date around 12 Ministries have their Sectoral Gender Policy document.

(b) since August 2022, the first National Steering Committee on Gender Mainstreaming under the Chairpersonship of the Hon. Minister has been set up and this platform demonstrates a strong commitment in advancing the gender equality agenda at the highest level in the public sectors by involving Supervising Officers of all Ministries.

(c) since August 2022, the Gender Cells in all Ministries have been revived and reinforced. Presently, there are 48 Gender Cells that are operational in 24 departments/local authorities. Focal Officer of Gender Unit has been assigned to each of the Gender Cell.

(d) In October 2022, the TOR of existing Inter-Ministerial Gender Technical Working Committee has been reviewed and 3 meetings have been held with Gender Focal Points (GFPs) of all Ministries to take stock of the gender responsive actions undertaken within these Sectors and whether assistance is required.

(e) The Ministry is envisaging to set up the Gender Technical Working Group on Gender Mainstreaming in 4 other sectors namely Private, Media, Academia, Civil Society Organization's through a succinct guideline and they act as conveners and initiate gender responsive actions in an equitable manner.

372. Government supports women entrepreneurs through a number of measures, including a preference margin of 10% for public procurement of goods for Women-owned SMEs. Under a scheme known as Prime à L'Emploi, women who are newly employed or have been unemployed for at least a year benefit from a contribution of Rs 15,000 monthly.

373. The Government remains committed to the promotion and development of women entrepreneurship, with the National Women Entrepreneur Council re-engineered and a National Strategy and Costed Action Plan launched in March 2023 to provide women entrepreneurs with tools and opportunities to thrive.

374. Following the implementation of a budgetary measure for financial year 2023-2024, listed companies are required to have a minimum of 25 percent of women on their board, so as to ensure greater representation of women on boards of directors.

375. Efforts to encourage women to join the labour force are ongoing, with workplaces required to provide access to childcare by all companies employing more than 250 employees.

376. Currently, the number of women holding senior positions in the administration of the Public Service, exceeds 50%. The Chief Justice and Senior Puisne Judge are women. Thirteen out of twenty Puisne Judges are also women (65%). As at June 2023, 1,333 female Police Officers were in service.

Table 10 – The number of women holding senior positions in the Public Service as at February 2024 stands as follows

<b>Grade</b>	<b>Number of women/ number of posts</b>	<b>Percentage of women</b>
Senior Chief Executive	3/8	37.5%
Permanent Secretary	20/39	51.3%
Deputy Permanent Secretary	46/75	61.3%
Assistant Permanent Secretary	93/152	61.2%

*Source: Administrative Cadre Staff List*

## **Domestic Abuse Bill**

377. The legislative framework in relation to the existing Protection Against Domestic Violence Act (PDVA) is in the process of being revamped. A new Domestic Abuse Bill is being prepared in collaboration with various stakeholders and has as main object to provide for a more comprehensive legislative framework. A clearer and broader definition of ‘domestic abuse’ will ‘be provided for.

## **Gender-Based Violence (GBV)**

378. The elimination of Gender-based violence (GBV) is a priority for the Government of Mauritius. The National Strategy and Action Plan 2020-2024 on the Elimination of Gender Based Violence was launched on 25 November 2020 to eliminate GBV through a multi-sectoral approach, including strengthening of the legislative framework and capacity building.

379. The High-Level Committee on the Elimination of Gender Based Violence which is chaired by the Honourable Prime Minister has been set up to ensure an effective implementation of the National Strategy and Action Plan on the Elimination of Gender-Based Violence

380. In November 2020, the mobile application (app) “*Lespwar*” was launched to facilitate access to help. It is worthy to note that the APP *Lespwar* was awarded the Bronze Award at the African Association of Public Administrators Award and it was also recognised as one of the champions by the

World Summit on the Information Society of the International Telecommunication Union in 2021 in the Category “Ethical Dimensions”.

381. From February 2024 to March 2024, 6 campaigns have been carried-out on Gender-Based Violence under the interfaith Forum programme, wherein 36 males and 93 females were reached. In January 2024 to March 2024, 15 campaigns have been carried-out on Gender-Based Violence under the ‘Awareness Programme on the Shared Understanding on GBV’, wherein 123 males and 268 females were reached.

382. Information and communication campaigns to encourage victims to report and deter acts of violence through social and mass media are ongoing. 3312 persons were sensitized for the year 2023 to February 2024. Training is imparted to public officers, including Police Officers, medical staff, family protection officers dealing with GBV for survivors of gender-based violence to feel safe and respected throughout the process of reporting a crime.

383. Efforts to bring perpetrators of domestic violence to justice have been strengthened. From 2020 to 2023, 3,694 persons have been convicted for cases of domestic violence.

384. Moreover, the Police Department works in partnership with the community members through Community Policing Forum to disseminate information on Gender Based Violence (GBV) and available support services and also to get information on unreported cases of GBV. Mindful of the increased vulnerabilities of elderly persons, police also conduct ‘Hand Hold’ operations whereby they pay visits on regular basis to elderly persons who are living alone. These persons are sensitised on their personal and property protection and provided with a list of emergency telephone numbers so that they can seek help when required.

385. Moreover, hotlines have also been made available to victims of abuse to facilitate early intervention. The hotline **139** is operational since November 2016 on a 24/7 basis and is free of charge for reporting of domestic violence cases. The hotline **119** on the other hand, is operational to cater for reporting of family related problems to the Ministry of Gender Equality and Family Welfare.

### **Implementation of the National Women’s Council Act**

386. The National Women’s Council (NWC), a parastatal body under the aegis of the Ministry of Gender Equality and Family Welfare, was established in year 1985. It operates under the NWC Act of 2016, which was enacted to provide an appropriate legislative framework to further promote women’s empowerment and gender equality.

387. Under the previous National Women’s Council Act (1985), Women Associations across the island of Mauritius were regrouped under four Regional Committees, namely Pamplemousses/Rivière du Rempart, Port-Louis/Plaines Wilhems/Black River, Moka/Flacq and Grand Port/Savanne. However, with the new National Women’s Council Act (2016), each of the nine (9) districts of the Island of Mauritius for the purposes of this Act, constitute a region. Regional Committees have therefore been set up across the Island of Mauritius at the level of each district.

## **Children**

388. Mauritius is fully committed to, upholding the best interests of children. As highlighted in under Paragraph 58 of this Report, the Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offender Register Act 2020 have been enacted to promote and protect the rights of the child.

389. The definition of the child has been reviewed in the Children's Act 2020 whereby it refers to any person under the age of 18 years. The Children's Act 2020 amends the Code Civil Mauricien to set the age of marriage at 18 years.

### **Protection against child trafficking**

390. The Children's Act 2020 provides for offences against children, including exploitation and harm, internet and web related offences such as child trafficking, child pornography and child grooming.

391. Measures put in place for the protection of children against child abuse and trafficking include:

- (a) a tollfree hotline to enable the public to report any alleged case of child abuse including child trafficking and commercial sexual exploitation of children;
- (b) the Drop-In-Centre (DIC) is a day care centre, designed to cater for victims of Commercial Sexual Exploitation of Children (CSEC), inclusive of Child Prostitution and Trafficking. The DIC offers support services to victims and potential victims and those who are willing to come out of the scourge of trafficking including child prostitution;
- (c) capacity building of officers dealing with cases of Trafficking in Persons at different levels; and
- (d) sensitisation campaigns on Human Trafficking for citizens, for example by the Crime Prevention Unit and Brigade Pour La Protection de la Famille in schools, Community Centres and other public forums.

### **Ill treatment of Children**

392. The 2020 Act provides that ill-treatment and corporal and humiliating punishment as a measure to discipline a child amounts to criminal offence. These provisions are applicable in any setting and to any person who is responsible for the care, treatment, education or supervision of a child. These offenders would, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

### **Combatting Child Labour**

393. Child employment is prohibited in no uncertain terms under section 8 of the Workers' Rights Act (WRA) 2019. Under the Act, a child is defined as a person under the age of 16 years and a young person as *a person, other than a child, who is under the age of 18*. Mauritius is party to the ILO Convention No. 182 which addresses the Prohibition and Immediate Action for the Elimination of the Worst Forms

of Child Labour. Additionally, Section 8 of the Occupational Safety and Health Act (OSHA) 2005, reinforces this prohibition by disallowing the employment of young individuals in hazardous activities.

394. The Enforcement Unit operating in regional labour offices, carries out specific unannounced child labour inspections on a regular monthly basis all around the island. Updated data with regards to child labour is as follows:-

Table 11 - Inspections carried out from 2018 to 2023

	2018		2019		2020		2021		2022		2023 (Up to Oct)	
	Total Incl. Child	Child Specific	Total Incl. Child	Child Specific	Total Incl. Child	Child Specific	Total Incl. Child	Child Specific	Total Incl. Child	Child Specific	Total Incl. Child	Child Specific
Regional Offices	9,215	1,609	6,798	3,395	826	271	1,210	745	4,082	3,028	4,398	3,607
SWMU	2,317		1,520		580		570		658		599	
Occupational Safety and Health	3,848		3,234		4,689		4,995		3,376		2,732	
Conciliation and Mediation Section (CMS)	96		175		113		115		265		221	
	<b>15,476</b>	<b>1,609</b>	<b>11,727</b>	<b>3,395</b>	<b>6,208</b>	<b>271</b>	<b>6,890</b>	<b>745</b>	<b>8,381</b>	<b>3,028</b>	<b>7,950</b>	<b>3,607</b>

Source: Ministry of Labour, Human Resource Development and Training (Labour Division)

## Social Protection System

395. The Government of Mauritius is committed to the strengthening of the welfare State and implementation of social empowerment schemes aimed at pulling citizens out of poverty and raising their standard of living. The Social Contribution and Social Benefits Act 2021 was enacted to provide for Retirement Benefits, disability allowance as well as Industrial Injury Benefit. This act makes provision for the payment of social contribution and payment of social benefits, aiming to create a fairer and more sustainable pension system. It covers various aspects such as retirement benefits, industrial injury benefits, recovery of social benefits, and administration of social benefits.

396. Under the Social Protection system, over 300,000 people, around 24% of the population benefit from support, which comprise of universal basic pensions for the elderly, widows, orphans and persons with disabilities. Besides, the Social Aid Act makes provision for the payment of social assistance to the sick, single mothers, abandoned women and abandoned children on a means-test.

## Universal Benefits Provided:

Table 12 - Number of beneficiaries for Universal Benefits being provided

SN	Benefits	Number of beneficiaries as at January 2024
1.	Basic Invalidity Pension	28,278



2.	Basic Retirement Pension	264,601
3.	Basic Widows Pension	17,096
4.	Basic Orphans' Pension	243

*Source: Ministry of Social Integration, Social Security and National Solidarity (Social Security and National Solidarity Division)*

Table 13 - The payment of Basic Retirement Pension/ Benefit as from 01/04/2024 will be as follows: -

Age Bracket	Amount (Rs)
60-64	13,500
65-74	14,500
75-89	16,000
90-99	23,710
100 and above	28,710

*Source: Ministry of Social Integration, Social Security and National Solidarity (Social Security and National Solidarity Division)*

397. Under the Social Aid Assistance Scheme, in-cash assistance is provided to the needy for the purchase of assistive devices like spectacles, wheelchair, hearing aid and dentures.

## Social Empowerment

398. In 2016, Mauritius adopted the Marshall Plan against Poverty as a comprehensive strategy to advance the socio-economic development of vulnerable groups in alignment with Sustainable Development Goal 1. A poverty threshold was established to determine the qualification of vulnerable households under the Social Register of Mauritius (SRM) for receiving empowerment support.

399. The absolute poverty thresholds for eligibility under the SRM have further been scaled up to an enhanced ceiling from Rs 3,000 to Rs 3,575 per adult and from Rs 1,500 to Rs 2,500 for a child in budget 2023-2024. As from the 1st of July 2023, the maximum threshold has, therefore, increased from Rs 10,500 to Rs 14,650 for a family of 2 adults and 3 children. As at 31 December 2023, 6,532 households, representing a total of 25,350 individual beneficiaries, have been found eligible under the SRM and have signed the Marshall Plan Social Contract.

400. Eligible households, living in absolute poverty may benefit from the various Income and Empowerment Schemes as follows:

- (a) the payment of a monthly Subsistence Allowance to households to allow them to secure a minimum basic income based on absolute poverty thresholds established on a per capita

basis. Where the income of a household has been assessed to be less than its corresponding absolute poverty threshold, then the difference is paid in terms of a monthly Subsistence Allowance. As from July 2022, households are paid a minimum monthly Subsistence Allowance of Rs 1,000.

- (b) the payment of other conditional cash transfers such as a monthly Child Allowance, School Premium, Free Examination Fees, School Materials and Crèche Fees. The monthly Child Allowance of Rs 1,046 is paid up to a maximum of 3 children per household in favour all those, who have achieved at least 90% monthly school attendance or, in case of a child with disability, 75%. The Scheme is applicable to children who are between 3 and 23 years old and are attending a registered school. The School Premium Scheme makes provision for grant of a Cash Award in respect of children of households, as an incentive for them to pursue and complete their studies and achieve higher levels of education as follows:
- Rs 15,000 for successfully completing the Grade 9 level under the nine-year schooling programme;
  - Rs 25,000 for successfully completing the School Certificate (SC) or equivalent vocational certificate;
  - Rs 35,000 for successfully completing the Higher School Certificate (HSC) or equivalent technical qualification; and
  - Rs 40,000 for students of SRM eligible households, who successfully complete their tertiary education.
- (c) The Free Examination Fees Scheme makes provision for students of SRM households to improve their educational performance at SC of HSC level or their equivalent free of charge at a second attempt.
- (d) The administration fee for full-time courses at MITD and other recognised public tertiary institutions is waived for children of households found eligible under the Social Register of Mauritius (SRM).
- (e) School materials, comprising 1 school bag, 3 sets of uniforms, 2 pairs of shoes, copybooks and stationery are provided to all eligible SRM students at the start of every academic year. From Financial Year 2019/2020 to March 2024, 47, 848 children are beneficiaries under the School Materials Scheme.
- (f) The Crèche Scheme makes provision for a monthly crèche allowance of a maximum of Rs 3,000 in respect of children aged between 3 months to 3 years of SRM households as an incentive for their admission in a registered child day-care centre, thereby allowing their mothers to take up employment or follow a training course.
- (g) The access to a wide-array of empowerment support services in terms of Education and Vocational Training, Employment and Livelihoods, Healthcare and Family Empowerment Programmes.
- (h) The implementation of the ‘Case Management Approach’, makes provision for personalized support in terms of accompaniment, counselling and referral to core services.
- (i) The provision of social housing support through the construction of Fully Concrete Housing units of 50 square metres for eligible SRM Beneficiaries, who are owners of land, and allocation of a housing unit of up to 60 square metres under the 10% NHDC Scheme, for landless SRM beneficiaries, as well as the implementation of minor renovation works under the ‘Upgrading of Houses’ Scheme for those who own a house.

Priority is also given for provision of housing support to victims of fire or natural calamities.

- (j) The Social Housing Schemes allow beneficiaries to benefit from a subsidized cost of 80% from Government and they repay only 20% of the total cost of a housing unit over a period of 15 to 35 years. In 2021, amendments to the Registration Duty Act introduced the Home Ownership Scheme and Home Loan Payment Scheme, aimed at promoting home ownership.

## **Rights of older persons**

401. Mauritius recognises the contribution of its elders and is committed to ensuring that the physical, psychological, emotional, social and economic rights of the elderly persons are protected. It also ensures and promotes the well-being of older persons so that they are able to play a meaningful part in society.

402. The Protection of Elderly Persons Act was enacted in 2005 with the objective to protect the rights of the elderly in Mauritius and Rodrigues as well as to set up a legal and administrative framework to ensure that protection and assistance are available to elderly persons. Same was revised in 2016 to enhance the level of protection and assistance to elderly persons including elderly persons with disabilities.

403. The Welfare and Elderly Protection Unit (WEPPU) ensures that all licensed private and subsidized homes satisfy the norms and standards under the Residential Care Home Act, and Regulations made under it. The WEPPU also deals with complaints from elderly persons, organises public awareness and sensitization campaigns on the rights of the elderly and the need to provide them with assistance and protection. The Unit also supervises activities in Elderly Day Care Centres.

404. The Ministry of Social Integration, Social Security and National Solidarity launched a new mobile app ‘Sekirite’ in 2022, geared towards the safety and protection of older persons. The mobile app acts as a panic button on a person’s smartphone. With just one click, elderly persons can alert the closest police station, and get help as quickly as possible. The app allows the police to locate the user. Officers of the Ministry of Social Integration, Social Security and National Solidarity also receive distress signals from the app so as to provide required support to elderly persons.

405. A National Integrated Care for Older People (ICOPE) Strategic and Action Plan 2022–2026 elaborated by the Ministry of Health and Wellness, with the support of the World Health Organisation in collaboration with the Ministry of Social Integration, Social Security and National Solidarity, was launched by the Prime Minister on 23 March 2023. The Government constantly aims to provide the elderly population with the necessary assistance so that they can live in the best conditions possible and enjoy a good quality of life. The implementation of the Plan is a landmark initiative for the country to enable elderlies to age healthily, live in decent conditions and remain autonomous.

## **Protection of elderly persons in care homes**

406. The Welfare and Elderly Protection Unit (WEPPU) ensures that all licensed private and subsidized homes satisfy the norms and standards under the Residential Care Home Act, 2003 and Regulations, 2005. It also intervenes in cases of elder abuse under the Protection of Elderly Persons' Act (PEPA), 2005. Frequent visits are made by officers of the Unit to ensure that the residents are being well cared for as regards food, hygiene, medical treatment, leisure, etc. Residents are contacted personally to ascertain that they are receiving appropriate services, treatment and care. Sensitization

campaigns pertaining to rights, protection to and services and health issues of the elderly are also being organised in homes.

407. Enquiries are carried out in all reported cases of abuse including in homes. In cases where it has been established that there is abuse, homes are severely warned.

### **Rights of Persons with disabilities**

408. In line with its commitments to uplift the rights of persons with disabilities, Mauritius signed the Convention on the Rights of Persons with Disabilities to prevent their discrimination and promote their rights. Health services for person with disabilities have been strengthened. Bedridden persons with severe disabilities benefit now from medical domiciliary visits irrespective of their age.

409. The State of Mauritius also ensures the participation of persons with disabilities in decision making processes, including their right to vote and be elected on an equal basis with others, as highlighted at Paragraph 208 of this Report.

410. Light Rail Vehicles (LRVs) are designed to be easily accessible to individuals of all ages and abilities. They are equipped with features such as reserved seats for passengers with disabilities and semi-low floors to facilitate access for those with mobility impairments. These features make it easier for individuals with disabilities to use public transportation and travel independently. In addition to reserved seating, LRVs often have other accessibility features such as wheelchair ramps, priority seating areas, and audio and visual announcements to assist passengers with hearing or visual impairments. These features help to ensure that all passengers can travel safely and comfortably.

411. Regular awareness campaigns on reducing the risk of disasters and practicing emergency drills are conducted by the National Disaster Risk Reduction Management Centre (NDRRMC), with consideration given to the specific needs of individuals with disabilities. Safe evacuation procedures are tested to ensure they can be implemented in the event of a disaster. Additionally, Community Disaster Response Teams have been trained to assist individuals with disabilities in safely evacuating during emergencies.

### **Reservations placed by the State of Mauritius at the time of Ratification of the UN Convention of the Rights of Persons with Disabilities (UNCRPD) in 2010**

#### **Reservation on Article 9 (2) (d) and (e)**

412. Mauritius put a reservation on this Article while ratifying the Convention. Article 9.2 (d) stipulates that States Parties should “provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms” while Article 9.2 (e) stipulates that States Parties should provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public”.

413. Regarding the above reservations, it is to be noted that in 2017, the then Ministry of Public Infrastructure and Land Transport promulgated the Building Control (Accessibility and Gender Compliance in Buildings) Regulations as from 01 November 2017, providing for universal design requirement in respect of new buildings and buildings under major renovation works. The Ministry of

National Infrastructure and Community Development has amended its Building Control (Accessibility and Gender Compliance in Buildings) (Amendment) Regulations 2017 in 2022 and same was proclaimed as from 01 January 2023. The regulations provide for the following:

- (a) Talking features/Braille signage for automated teller machines (ATMs) lifts in museums and other places where appropriate;
- (b) Voice system in bank-s, lifts and other places where queues are required;
- (c) Signage system for directional and informational purposes for visual access and audio-sign;
- (d) Assistive listening system for persons who are hard of hearing in places such as conference rooms, auditoriums; and
- (e) Tactile cues to indicate changes in directions and changes in level.

414. In view of the fact that the Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 now has specific provisions to provide access features to persons with different types of disabilities and as a result of the progress that has been made, the withdrawal of the said reservations is being considered.

#### **Reservation on Article 24 (2)(b)**

415. Article 24.2 (b) ensures that individuals with disabilities have the right to receive a primary and secondary education that is inclusive, of high quality, and provided free of charge, on an equal footing with those without disabilities.

416. This reservation was made because Mauritius has a dual system in place as a result of its history. Non-governmental organizations that initially established services for children with disabilities, there are still a significant number of special schools that are being operated by these organisations.

417. On the other hand, the Ministry of Education, Tertiary Education, Science and Technology has taken a number of measures recently to accelerate the integration of children with disabilities in mainstream education and to promote inclusive education. Withdrawal of the reservation will be considered in due course.

418. At the time of ratification, the State of Mauritius did not place a reservation on Article 11 of the UNCRPD, which deals with the protection of persons with disabilities in situations of risks and humanitarian emergencies. As the reservation was not reiterated at the time of ratification, it is considered to be void.

#### **Article 19 – Equality of Peoples**

*All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.*

419. Mauritius being a multi-ethnic, multi-religious and multi-cultural state, strives to ensure that equality prevails guided by the concept of “Unity in diversity” and in line with the Universal Declaration of Human Rights and with its obligations under the human rights conventions to which it is a party.

420. The Constitution of Mauritius confers the same rights to the citizens of Mauritius across the Republic, which comprises of the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius.

421. Section 3 of the Constitution provides that for the fundamental rights and freedom of the individual: -

*“It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms: -*

- (a) the right of the individual to life, liberty, security of the person and the protection to the law;*
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and*
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation, and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public.”*

422. As mentioned in Paragraph 129 of this Report, Section 16 in the Constitution stipulates that no legislation should contain any discriminatory provisions. Section 17 of the Constitution grants the right to any citizen who claims that their rights under Chapter II of the Constitution are being or might be violated to seek remedy from the Supreme Court.

### **The Equal Opportunities Act**

423. The Equal Opportunities Act ensures protection against discrimination in various areas such as employment, education, and provision of goods and services. It covers a wide range of grounds including age, ethnic origin, sexual orientation, impairment, and marital status. Additionally, it prohibits discrimination based on a person's criminal record in employment, both during recruitment and promotion, unless the record is relevant to the job. Employers are required to demonstrate relevance if they claim discrimination based on criminal records.

### **LGBT Rights**

424. The national legislative framework recognises the existence of LGBT relationships and rights inasmuch as sexual orientation is afforded legal protection under, *inter-alia*, the Workers Rights Act (WRA) and the Equal Opportunities Act (EOA). The WRA further provides that an agreement shall not be terminated by an employer by reason of, *inter-alia*, a worker's sexual orientation. Harassment in relation to a worker, includes any unwanted conduct towards the worker, whether verbal, non-verbal,

visual, psychological or physical, based on inter alia sexual orientation, which occurs in circumstances where a reasonable person would consider the conduct as harassment of the worker.

425. In two cases (i.e. the cases of *Ah Seek A. R. F. v The State of Mauritius* [2023] SCJ 399 and *Fokeerbux N. A. & ors v The State of Mauritius* [2023] SCJ 400) brought before the Supreme Court, the plaintiffs sought constitutional redress under sections 17 and 83 of the Constitution. They contended that section 250 of the Criminal Code, which provides for the offence of sodomy, is unconstitutional inasmuch as it violates their fundamental rights guaranteed under various provisions of the Constitution. They therefore prayed for the following Orders: (a) a declaration that sexual orientation forms part of and is implied in the definition of sex as enacted under sections 3, 3(a) and 16 of the Constitution; (b) a declaration that section 250 of the Criminal Code is unconstitutional; and (c) alternatively, a declaration that section 250 of the Criminal Code does not apply to consensual acts of sodomy “performed by consensual adults”.

426. The court held that section 250(1) is discriminatory in its effect against the plaintiffs in breach of section 16 of the Constitution inasmuch as it criminalises the only natural way for the plaintiffs and other homosexual men to have sexual intercourse whereas heterosexual men are permitted the right to have sexual intercourse in a way which is natural to them. Additionally, the Court held that section 250(1) should be read in such a manner as to exclude consensual acts from its ambit. The Court further held that the word “sex” in section 16 of the Constitution should be interpreted as including “sexual orientation”.

## **Article 20 – Self Determination**

1. *All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.*
2. *Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.*
3. *All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.*

427. As indicated in Part I of this Report, the decolonization of Mauritius remains incomplete in view of the illegal excision of the Chagos Archipelago by the United Kingdom from the territory of Mauritius prior to its accession to independence.

## **Article 21 - Right to Free Disposal of Wealth and Natural Resources**

1. *All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.*
2. *In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.*
3. *The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.*

4. *States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.*
5. *States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.*

428. The Right to exercise free control over wealth, property and other resources is duly provided for in the national legislative framework.

429. As per Section 8 (1) of the Constitution of Mauritius,

*“No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where –*

- (a) the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilisation of any property in such a manner as to promote the public benefit or the social and economic well-being of the people of Mauritius; and*
- (b) there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and*
- (c) provision is made by a law applicable to that taking of possession or acquisition—*
  - (i) for the payment of adequate compensation; and*
  - (ii) securing for any person having an interest in or right over the property a right of access to the Supreme Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining payment of that compensation.”*

### **Combating money laundering**

430. Mauritius has in place a comprehensive framework of measures which includes a robust framework of laws and regulations to ensure that its competent authorities can take appropriate actions in the fight against money laundering and terrorism financing (ML/TF). The country is presently amongst the top-tier jurisdictions which are “compliant” or “largely compliant” with all the 40 FATF Recommendations.

431. Mauritius was successfully upgraded by the Financial Action Task Force (FATF) in September 2022. It enacted the Virtual Asset and Initial Token Offerings Services (VAITOS) Act 2021 and issued Anti-Money Laundering and Combatting the Financing of Terrorism (AML/CFT) Guidance Notes for VAITOS as well as AML/CFT (Miscellaneous Provisions) Act 2020; and set up a Financial Crimes Division of the Supreme Court and of the Intermediate Court (Courts (Amendment) Act 2020).

432. The Mauritian AML/CFT legal framework, also takes into consideration the protection of the rights of bona fide third parties in asset recovery cases and provides, under the targeted financial



sanction regime, the procedures that authorises access to frozen funds or other assets of designated persons and entities which have been determined to be necessary for basic expenses, amongst others.

433. Mauritius is signatory to 30 Investment Promotion and Protection Agreements (IPPAs) out of which 20 are with African countries. These IPPAs primarily center on domestic rights, they indirectly support foreign investments by ensuring local communities maintain authority over their assets and resources. There are 5 main sections of the IPPA which ensures protection of investment.

- (a) **Article 4** pertains to protection of investments and highlights the principle of fair and equitable treatment of investment.
- (b) **Article 5** implies that each country must ensure that an investor from the other country is treated in no less favourable terms than its own investors or investors of any third Party, whichever is more favourable.
- (c) Under **Article 6**, in the event of any loss incurred by the investor due to damage to his/her investment, assets or resources investors due to a war or any other armed conflict, State of emergency, revolution, which took place in the territory he/she shall be accorded a fair treatment as regard to restitution, indemnification, compensation.
- (d) **Article 7** stipulates that investments from any investor shall not be subjected to nationalization or expropriation or subjected to any measure having an effect equivalent to nationalization or expropriation unless the measures are taken on a non-discriminatory basis, for public purpose, in accordance with due process of law and against payment of compensation.
- (e) **Article 8** ensures that an investor may transfer its investment without delay in a freely convertible currency of payments in connection with an investment.

## **Article 22 - Right to Economic, Social and Cultural Development**

- 1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.*
- 2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.*

434. The Right to development is guaranteed by the Constitution of the Republic of Mauritius.

## **Investment in Infrastructure**

435. Government has been investing massively in **major infrastructure projects** which are prerequisites for sustaining economic development and growth.

436. In line with SDG 9, to facilitate movement of people within Mauritius, **the Metro Express**, a Light Rail Transit system was launched on 02 October 2019. It is an innovative transport project that provides an environmentally friendly and mass transit system to enable swift movement of passengers through the most densely populated urban areas in minimal time. An estimated 45,000 passengers have recourse to the Metro Express daily.

437. The Road Development Authority embarked on key projects to alleviate traffic congestion and improve traffic fluidity besides reducing vehicle emissions.

438. One iconic project is the Sir Anerood Jugnauth (SAJ) Bridge, a dual carriageway linking the A1-M1 via the Grand River North West valley was inaugurated on the 10th March 2024. This unique design has necessitated international expertise from South Korea, France, and Switzerland. The bridge of 330m long and overall height of 120mm is an extradosed structure consisting of two pylons supporting a prestressed deck of central span of 130m and two outer spans of 100m. Additionally, 7 cable stays are provided per pylon to share the load of the spans. Other key projects include the La Vigie – La Brasserie – Beaux Songes Link Road to improve journey times between the West, Central and South regions of the country and the construction of a Flyover at Quay D Roundabout to modernise the road network and eliminate the Quay D roundabout so as to improve traffic flows into the capital from the North and vice versa.

439. The '**Port-Louis Cruise Terminal**' was inaugurated on December 11, 2023, further strengthening the position of Port Louis Harbour as the leading cruise hub in the Indian Ocean. The 'Port Louis Cruise Terminal' can accommodate peak traffic of up to 4,000 passengers. The Terminal is equipped with adequate facilities that provide service of international standards, ensuring a seamless embarkation and disembarkation experience for cruise passengers. The facility includes immigration, customs, and health services to enhance passenger transit efficiency. Special attention has also been given to passenger safety.

440. The **port facilities in Port Mathurin** include a dredged approach channel extending over 1,200 m in length and 120 m wide. The entire port area covers about 2.5 hectares with a yard for around 175 slots for container storage. The passenger terminal, completed in 1997 and covering 1,000 m<sup>2</sup> is used for embarking/disembarking of passengers.

441. The inauguration of the new Airstrip of 3 km long and 45 m wide and the Saint James Jetty on 29 February 2024 was a historical moment for the Republic of Mauritius and for Agalega. With the financial and technical assistance of the Government of the Republic of India, the project was implemented and made operational. The development of Agalega rests upon both enhanced sea and air connectivity

442. The Construction of the new jetty will ensure safe and rapid embarkation and disembarkation. Moreover, the recently launched vessel, “Peros Banhos” will facilitate the transportation of more goods and other commodities as it can transport more containers.

## Scientific Progress

443. The **First Mauritian Satellite, MIR-SAT1** was deployed from the International Space Station (ISS) on the 22nd June 2021. The satellite was equipped with an experimental Island to Island communication. The satellite was controlled by Mauritian Aerospace Engineers in Mauritius where a state of the art Ground Station was setup at the Mauritius Research and Innovation Council. MIR-SAT1 had re-entered the Earth’s atmosphere on the 19th April 2022. The satellite was fully disintegrated and no longer emitting or receiving signals. Many radio amateurs worldwide have successfully used the digipeater for 2-way communications. The MIR-SAT1 mission has been a success on all fronts. Pictures taken by the satellite may be accessed at the following link: - <https://spacemauritius.com/>

444. A second phase of space programme has been initiated; more specifically, a second small satellite is being designed and developed to get satellite images of the Exclusive Economic Zone of Mauritius for ensuring maritime security, coastal management and combatting illegal fishing, among others.

### **Mauritius as a Welfare State**

445. The provision of free public health services, free public education, commitment to provide social housing units and assistance to families in need and the social protection system in place have been expounded.

### **Article 23 - Right to National and International Peace**

*1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.*

*2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that: (a) any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter; (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.*

446. The Republic of Mauritius upholds friendly and diplomatic relations with numerous nations and actively supports regional integration. This commitment is demonstrated through its memberships in organizations such as the African Union, the Southern Africa Development Community, the Common Market for Eastern, the Indian Ocean Commission, the Indian Ocean Rim Association, and Southern Africa.

447. Mauritius advocates for peace at national, regional and international level and is party to several International Humanitarian Law instruments such as the four Geneva Conventions and their Protocols, the Rome Statutes and the Arms Trade Treaties amongst others.

448. The Commissioner of Police oversees the operations of the Mauritius Police Force to uphold public safety and order, as outlined in section 71 of the Constitution of Mauritius.

449. Mauritius is ranked 106<sup>th</sup> over 181 countries under the 2024 Safety Index by Global Residence Index.

### **Article 24 - Right to Satisfactory Environment**

*All peoples shall have the right to a general satisfactory environment favourable to their development.*

450. Mauritius recognises the right to a safe, clean, healthy and sustainable environment. Businesses are required to comply with the provisions of the Environment Protection Act (EPA) 2002 to ensure that development projects do not result in environmental pollution. Environmental Impact Assessment

(EIA) and Preliminary Environmental Report (PER) are development control aimed at achieving sustainable development. There is a legal requirement under the EPA 2002 for any proponent who wants to set up a business in Mauritius, to apply for a PER approval and an EIA licence in respect of a list of scheduled undertakings as provided under the Fifth Schedule of the EPA. This provision of the Act ensures that environmental impacts of major development projects are foreseen and addressed at the very inception stage through the EIA mechanism. In their PER or EIA Reports, proponents have to clearly spell out all mitigating measures to be implemented so that their activities do not cause any environmental nuisance from development to operational phase.

451. The Government of Mauritius has taken strong commitments towards moving to a cleaner, greener and more sustainable Mauritius and has announced the setting up of the green energy industry as a new growth pole for the economy. The Government has set the target of achieving 60% of electricity generated from Renewable Energy by 2030 and the phasing out of coal before 2030. Also a National Biomass Framework has been announced to promote the production and use of biomass for the production of electricity.

452. Fiscal incentives and budgetary measures have been introduced to accelerate achievement of the above targets. In this context, the CEB has introduced several prosumer Schemes (where the consumer can also be a producer of energy in a distributed energy system), offering preferential tariffs to customers in the following categories: residential, commercial, industrial, educational, NGOs and charitable organisations, religious bodies, SMEs and vulnerable social groups.

453. An innovative project, namely the Home Solar Project, has been designed especially for 10,000 low-income households. The objective of the project is to involve vulnerable families in the production of electricity, which would be a good platform for improving their standard of living and alleviate poverty.

454. Mauritius encourages the adoption of energy-efficient transportation solutions, including public transit, hybrid and electric vehicles. The government has implemented policies to improve public transportation infrastructure, promote fuel-efficient vehicles, and reduce vehicle emissions through vehicle inspection and maintenance programs. All hybrid and electrical vehicles are duty-free since 01 July 2022. The Energy Efficiency Management Office, has issued regulations to prevent the importation of inefficient appliances, encourages energy efficiency practices through publication of guidelines and inform consumers' decision making through energy labelling on electrical appliances.

### **Basic drinking water services**

455. In line with Sustainable Development Goal 6, ensuring the availability and sustainable management of water resources is a priority for Government. Government has developed and implemented inclusive policies and strategies that prioritize the needs and rights of vulnerable groups. According to 2022 Housing and Population Census, (HPC), proportion of population using safely managed drinking water services is 99.7%. Grants are provided to low income families for the purchase of water tanks and water pumps. From 2018 to June 2023, around 61,788 families benefitted from grant schemes for the acquisition of water tanks and water pumps Furthermore, Government has decided to exempt some 64,061 households which consume up to 6 m<sup>3</sup> of water from payment of water charges. In addition, Government is investing heavily in dam infrastructure, water distribution works and pipe replacement programmes island-wide to improve water supply and enhance water security and resilience. The CWA carries out regular sensitisation programmes to encourage water saving habits.

Government further provides support to households and institutions wishing to install rainwater harvesting systems

456. The main source of domestic water supply is ground water (50%) which is abstracted through 163 boreholes. The remaining 50% is derived from surface sources such as impounding reservoirs and river intakes. There are 7 major impounding reservoirs with a total capacity of 92.2 Mm<sup>3</sup> and with an annual yield of 164.4 Mm<sup>3</sup>.

### **Basic sanitation and hygiene facilities**

457. According to 2022 Housing and Population Census, 99.8 % of the population is using safely managed sanitation services in Mauritius. The Government is continuing to invest significantly in the national sewerage system. Almost the entire country has access to sanitation facilities, either through on-site disposal or the national sewerage system. Government aims to increase connection to the national sewerage network, currently at 27 percent to at least 50 percent of the population by 2030.

458. To curb water shortages in Rodrigues, around 1575 m<sup>3</sup> of potable water is processed per day at the 4 desalination plants in Rodrigues. The Island has 46 reservoirs for a total storage capacity of 26860m<sup>3</sup> for around 14,000 subscribers.

### **The Environment Protection Act**

459. The Environment Protection Act (EPA) 2002 is the main legislative framework that provides for the protection and management of the environmental assets of Mauritius. Under section 4, the Act binds the State of Mauritius in matters relating generally to the protection of the environment, including establishing such environmental standards, policies, environmental action plans and programmes for the protection of the air, water, land, quality/state of the environment and pollution prevention/control, as may be necessary, to safeguard human health and the environment. Section 2 of the EPA 2002 makes provision for environmental stewardship, whereby every person in Mauritius shall use his best endeavours to preserve and enhance the quality of life by caring responsibly for the natural environment of Mauritius. Section 37 of the EPA 2002 empowers the Minister of Environment to prescribe and issue national environmental standards and guidelines for the protection and management of the environment on air, water, effluent limitations, noise, waste, odour, amongst others.

460. In light of lessons learnt from emerging local and global environmental challenges/emergencies, the need for an in-depth review of the EPA was highlighted at the “Assises de L’Environnement” organised by the Ministry of Environment, Solid Waste Management and Climate Change in December 2019. As such, the legislative framework governing environment protection, management and conservation is being reviewed and a series of new frameworks and mechanisms that address the scale of contemporary environmental challenges faced by the country is being envisaged for introduction.

461. Provisions for enforcement and prosecution in cases of contravention of environmental laws are stipulated under Part XI of the EPA 2002 and include the issue of programme notice, enforcement notice, prohibition notice, stop order, variation notice and fixed penalty, as appropriate. Section 85 of the EPA 2002 provides for various environmental offences and their respective fines and imprisonment terms. The proposed Environment Bill provides for the strengthening of the existing enforcement and

compliance mechanisms for a more effective and efficient application of environmental laws, by conferring additional powers on the Director, such as the power to request specified tests, environmental monitoring and information relating to an activity which is likely to cause harm to the environment.

462. In the context of the proposed review of our legislative framework shortly, proposals are being made for the setting up of a National Policy, Strategy and Action Plan on Sustainable Development, that will take into consideration human rights, cultural heritage and gender issues, amongst others.

### **The Climate Change Act 2020**

463. The Climate Change Act 2020 entered into force on 22 April 2021 to establish a legal framework towards making Mauritius a climate-change resilient, and low emission country.

464. In line with provisions of the 2020 Act, an Inter-Ministerial Council on Climate Change was set up under Section 4 and is chaired by the Honourable Prime Minister to set national objectives, goals, targets and make climate change policies with a view to making Mauritius a climate change-resilient and low emission country. A Climate Change Committee was also set up under section 11 and is chaired by the Supervising Officer of the Ministry of Environment, to enable multi-stakeholder participation in the preparation of national climate change strategies and action plans for mitigation and adaptation, and coordinate the implementation of measures and strategies at sectoral level.

465. Section 8(2)(m) of the Climate Change Act provides for studies on climate change taking into consideration, *inter-alia*, human rights, cultural heritage and gender issues.

### **Climate Finance**

466. Government has revamped the National Environment and Climate Change Fund to provide around Rs. 2 billion every year to support adaptation actions such as drain construction, coastal protection and rehabilitation as well as disaster risk reduction and management. However, Financial and technical support are required from external sources to implement the Mauritius Nationally Determined Contribution which requires an estimated means of implementation to the tune of USD 4.3 billion by 2030.

### **National Multi-Hazard Emergency Alert System (NMH-EAS)**

467. The National Multi-Hazard Emergency Alert System (NMH-EAS) is a major project undertaken by the NDRRMC in line with Sendai Framework and by virtue of Section 9(2)(f) of the National Disaster Risk Reduction and Management Act 2016. It aims to provide a reliable high performance system to disseminate warnings and alerts to a maximum number of people (including women and girls, as well as persons with disabilities and stakeholders within an acceptable time frame through various communication channels such as television, radio, the internet, including the social media, amongst others.

## **Measures implemented in Rodrigues with regards to coastal resilience**

468. A project for the protection of beaches from erosion is being implemented through the use of geotextile bags (soft measure) with the community end user approach. A total of 2850 Geotextile bags have been installed. It is planned to pursue the project to offer localities experiencing eroded coastline with the installation of additional Geotextile bags and equipment to keep track of the magnitude of coastal erosion.

## **National Disaster Risk Reduction Management Centre**

469. The National Disaster Risk Reduction and Management Centre (NDRRMC) acts as the main institution in Mauritius for coordinating and monitoring the implementation of disaster risk reduction and management activities.

470. The National Disaster Risk Reduction and Management Centre carries out regular sensitisation campaign and simulation exercises on disaster risk reduction targeting vulnerable persons including elderly and persons with disabilities. During activation of the National Emergency Operations Command, priority is given to assist or evacuate persons who are at risk during a disaster. An adhoc arrangement is in place for Officers from the MPF and the MMS who are posted to the Centre to perform core functions with regard to preparedness and response activities. School Emergency Response Plans were developed to ensure preparedness of educational institutions in situations of emergency.

## **Rodrigues Emergency Operation Centre**

471. The Rodrigues Emergency Operation Centre (REOC) became operational since May 2017, following the promulgation of the National Disaster Risk Reduction and Management Act 2016. In times of a disaster, the REOC is activated and the protocol as per the National Disaster Scheme for any disaster is adopted.

472. It comprises representatives from the Police, Fire and Rescue Services, Meteorological Services, Red Cross, Commission for Social Security, Commission for Public Infrastructure, Commission for Environment, Commission for Health, Central Electricity Board and Mauritius Broadcasting Corporation (MBC). The stakeholders involved during disasters are the Police, Special Mobile Force, Rodrigues Fire and Rescue Services, National Coast Guard, Fisheries.

473. The Centre conducts sensitisation campaigns on natural disasters in villages found in vulnerable areas and schools and colleges prone to tsunami and floods. Furthermore, Community Disaster Response Team has been trained and established in risky areas where community members have been trained and provided with equipment for intervention during a disaster pending the arrival of the authorities.

## **Extractive industries and the environment**

474. Based on the definition of the African Charter on Human and People's Right of the mining sector (i.e. activities surrounding how non-renewable resources are obtained from the ground), the following potential activities is relevant in the Mauritian context: -

- rock quarry;
- sand mining; and
- petroleum mining.

475. It is to be noted that: -

- Under the Fifth Schedule of the EPA 2002, rock quarrying and offshore sand mining are scheduled undertakings which warrant an Environmental Impact Assessment. There is a legal requirement under Part IV of the EPA 2002 for any proponent to apply and obtain an EIA licence prior to starting these activities.
- A policy decision was taken in 2001 on banning of sand mining in the lagoon;
- Furthermore, the Offshore Petroleum Act 2021, which falls under the purview of the Department for Continental Shelf, Maritime Zones Administration and Exploration, constitutes a comprehensive legal framework for the prospecting, exploration, retention and production of petroleum in the seabed and subsoil areas of the maritime zones of Mauritius.

476. Companies involved in rock quarrying activities are called upon to publish annual reports as regards their activities.

477. The EPA provides for an EIA to be carried out for rock quarrying and offshore sand mining.

## **Article 25 – Duty to Promote Awareness of the Charter**

*States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.*

### **Building Human Rights Awareness**

478. The Human Rights Division is fully engaged in the promotion of human rights. Awareness and sensitisation on Human Rights instruments are carried out by the National Human Rights Institutions, the Human Rights Division and at the level of the Ministry of Education, Tertiary Education, Science and Technology.

### **National Human Rights Institutions**

479. The National Human Rights Institutions in place which have been elaborated in Part I of this Report dispense training, provide a platform for individuals to report incidents of human rights abuses and seek redress.



## SENSITISATION BY THE HUMAN RIGHTS DIVISION

### Social Media Tools

480. The Human Rights Division resorts to innovative approaches. Contents are uploaded on the website and social media tools of the Human Rights Division on a regular basis to promote awareness on human rights, communicate on Human Rights including on activities/events, trending human rights issues worldwide and other human rights instruments and mechanisms. From October 2020 to December 2023, 62 informative video clips have been produced and posted online as well as 457 posts, including 214 artworks that briefly explaining various human rights aspects.

### Workshops and Trainings

A number of **workshops** have been organised as follows: -

481. A **workshop on Human Rights** was organised by the Human Rights Division in October 2020 for around 115 participants from Ministries/Departments, National Human Rights Institutions and Non-Governmental Organisations on **the legislative framework and institutional set up for human rights** in Mauritius, exchange information, improve synergies and strengthen cooperation between all stakeholders with a view to addressing more effectively the human rights issues in Mauritius.

482. The Human Rights Division in collaboration with the United Nations Resident Coordinator Office in Mauritius organised a **half day symposium** in December 2020 on the theme **“Build back better by putting Human Rights at the core of the recovery”**. A song/video clip commissioned from the NGO, DIS MOI (Drwa de Lom Divan) was launched. The event was attended by approximately 180-190 participants.

483. With the assistance of the Commonwealth Secretariat, a **Human Rights and Youth Engagement workshop** was held from 23 to 25 May 2022 to increase understanding and knowledge of participants on human rights to promote youth participation and engagement.

484. An **awareness session on Business and Human Rights for business enterprises** was organised on 26 May 2022 to apprise participants of the responsibilities of business.

485. The Human Rights Division had organised an **Anti-Torture Frameworks Training** in collaboration with the Commonwealth Secretariat from 14 to 18 November 2022. Participants (around 50) were primarily senior officers holding supervisory ranks in the Police Department and Prisons Department and new cadets (around 200). The training aimed at strengthening the understanding of policy and institutional frameworks to prevent torture and other cruel, inhuman or degrading treatment or punishment in Mauritius. Good practices and experiences were shared on the methods of interrogation and interviewing also known as the Mendez Principles, conditions of detention amounting to torture; the role of various actors including legal and medical professionals in prevention. Different types of monitoring and oversight mechanisms (judicial, non-judicial, national preventive mechanisms and national human rights institutions) and their respective roles with regards to the prevention of torture were also discussed. Good practices on access of detainees to internal and independent complaints mechanisms as well as investigations of allegations of torture, and their impact on prevention were also shared.

486. In commemoration of the 75th Anniversary of the Universal Declaration of Human Rights, the Human Rights Division in partnership with the Mauritius Chamber of Commerce and Industry and the

Commonwealth Secretariat organised **an online workshop pertaining to Business and Human Rights** on 25 September 2023. The aim of the workshop was to foster a deeper understanding of the complex interplay between business and human rights and also encouraged enterprises to participate in the UN Global Compact, a global initiative designed to align corporate strategies and operations with universal principles concerning human rights, labour, environment, and anti-corruption.

487. An **Anti-Torture Virtual Training** was organised on 25 October 2023 by the Human Rights Division in collaboration with the Commonwealth Secretariat Human Rights Unit. The aim of the training was to strengthen the understanding of torture and other cruel, inhuman and degrading treatment or punishment in Mauritius amongst police and prisons officers. The training set out the applicable international human rights legal norms and standards that are relevant to the prevention of torture, including the Principles on Effective Interviewing for Investigations and Information Gathering also known as the Mendez Principles. Participants comprised of around 70 senior officers of the Mauritius Police Force and the Mauritius Prison Service.

488. The Human Rights Division in collaboration with the Institute of Judicial and Legal Studies organised **a high-level workshop for persons operating within the legal profession** on 13 December 2023 in the context of the commemoration of the 75th Anniversary of the Universal Declaration of Human Rights. The workshop provided participants with a comprehensive understanding of the core international human rights treaties and the treaty bodies that monitor their implementation.

## **Publications**

### **Universal Declaration of Human Rights (UDHR) in Kreol Morisien**

489. In the context of the 75th anniversary of the UDHR and to commemorate Human Rights Day 2023, the Universal Declaration of Human Rights (UDHR) was published in Kreol Morisien and aims to enhance accessibility to all. This initiative serves as a crucial tool for raising awareness and advocating human rights amongst citizens as it will facilitate and allow for a better understanding of human rights.

490. A **calendar** was published by the Human Rights Division for the years 2023 and 2024 to commemorate the Human Rights Day for years 2023 and 2024, respectively, portrays articles of the Universal Declaration of Human Rights and was distributed across Ministries/Departments in December 2022 to build up awareness on the subject.

## **Short films on Human Rights**

491. The Human Rights Division produced **9 short films** on human rights in August 2021 on the following:

- (a) Right to vote and take part in the Government
- (b) Right to Work;
- (c) Right to a healthy and sustainable environment;
- (d) Right to participate in cultural life of the community;
- (e) Business and Human Rights;
- (f) Right to Development
- (g) Freedom of thought, conscience and religion;

- (h) Right to rest and leisure; and
- (i) Right to Social Security

The films have been posted online and distributed among different stakeholders for awareness and further dissemination, namely: all Ministries/ Departments/ National Human Rights Institutions.

## **Activities**

### **Online Quiz**

492. To commemorate the Human Rights Day 2022, **an online Quiz on Human Rights** was developed. The Quiz competition was open to all internet users aiming to promote better understanding of human rights.

493. An **Art Atelier** for Vulnerable Children aged between 8 and 12 years was also organised in 2022 to encourage the children to convey, through drawings, their creativity and understanding of human rights on themes such as the right to food, right to clean air and right to water.

494. The Human Rights Division organised a **Slam Competition** for the youth aged 15 to 25 years, to enable them to express their understanding of human rights.

### **Online Quiz- International Humanitarian Law**

495. To commemorate the World Humanitarian Day 2023, an Online Quiz on International Humanitarian Law was launched on 14 August 2023. The Online Quiz aims to promote a better understanding of International Humanitarian Law and is accessible to all internet users of all age group.

## **Commemoration of UDHR75**

### **The Push for Pledges**

496. Following an invitation from the Office of the High Commissioner for Human Rights, the State of Mauritius participated in the Human Rights 75 High Level Event, held in Geneva on 11 to 12 December 2023 and the Hon Minister of Foreign Affairs, Regional Integration and International Trade made five pledges on behalf of Mauritius as follows:

- (a) to continue prioritizing the best interests of the child through the enactment of appropriate legislation;
- (b) to actively pursue efforts to combat Gender-Based Violence in line with the Mauritius National Strategy and Action Plan 2020-2024;
- (c) to maintain the right to free public education for all, from pre-primary through to tertiary, and ensure an inclusive, holistic and meaningful value-based education system;
- (d) to continue providing free and accessible public healthcare for all; and
- (e) to maintain a robust social security system and to enhance the lives of vulnerable people.

## **Article 26 – Duty to guarantee the independence of the Courts and Human Rights Institutions**

*States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.*

497. As mentioned in Part I at page 4 of this Report, rule of law and separation of powers are well established in Mauritius. In Mauritius, the separation of powers and the independence of the Judiciary are entrenched in the Constitution, which is the supreme law of the country. Moreover, the Constitution guarantees the independence and security of tenure of Judges. Mauritius is ranked 46<sup>th</sup> on the World Justice Project Rule of Law Index 2023.

### **Restructuring of the judiciary**

498. The Government has invested in the modernisation of the judiciary to ensure an improved and faster administration of justice. A new Supreme Court Building with modern facilities became operational as from July 2020.

499. The following divisions have been created within the Supreme Court for a more efficient and expeditious dispatch of court business:

- (a) the Commercial Division;
- (b) the Financial Crimes Division;
- (c) the Land Division;
- (d) the Family Division; and
- (e) the Mediation Division.

500. Ensuring the protection of children's rights is a priority of Government. The Children's Court has been set up as from 24 January 2022. The establishment of this dedicated and specialised Court has been rendered necessary with a view to ensure a child-friendly environment and to protect the interests of children during court proceedings. The Children's Court consists of a Protection Division and a Criminal Division.

501. A number of specialised Tribunals and Commissions as well as Courts, have been created in specialised fields such as –

- (a) the Assessment Review Committee for tax matters;
- (b) the Competition Commission for competition matters;
- (c) the Commission for Conciliation and Mediation, the Employment Relations Tribunal and the National Remuneration Board for employment matters;
- (d) the Environment and Land Use Appeal Tribunal for environmental issues and land use issues;
- (e) the Medical Disciplinary Tribunal for medical negligence cases;
- (f) the Public Bodies Appeal Tribunal for appeals concerning the appointment exercise or disciplinary action concerning public officers and local government officers;

- (g) the Information and Communication Technologies Appeal Tribunal for appeals against decisions of the Information and Communication Technologies Authority, the Postal Authority and Commissioner of the Data Protection office;
- (h) the Independent Review Panel for challenging decisions concerning public procurement; and
- (i) the Equal Opportunities Commission and the Equal Opportunities Tribunal for prevention of discrimination.

502. The Judiciary has implemented a State-of-the-art system to provide access to an e-service for searching and reservation of books online, in October 2021 which allows quick, easy searching and accessing of information on books available at the Supreme Court Library, issue/renewal of books, reservation of books and calculation of penalty fees for overdue books to authorised members. Books at the Library are scanned and are now equipped with a QR code to facilitate processing at the library. Several books are available online for consultation purpose.

503. To make justice more efficient, accessible and expeditious, the Commercial Division of the Supreme Court operates through an e-filing system.

**Ensure that the judiciary plays its role in the fight against impunity.**

504. The Judiciary is dedicated to fight impunity through key mechanisms and actions: fair and impartial adjudication, upholding the rule of law, applying legal principles consistently and delivering judgements based on evidence and legal reasoning.’

505. It also aims at transparency in judicial proceedings, including open hearing and accessible court records.

506. All investigations into complaints against the Police are carried out by the Independent Police Complaint Commission (IPCC) in all transparency. It then submits its report to the Director of Public Prosecutions (DPP) or to the DFSC through the Commissioner of Police for any appropriate action. Provisions have been made under the “Prevention of Corruption Act” that enquiries may be initiated through anonymous letters and whistle blowers.

507. The Judiciary ensures that cases against officers who are engaged in corrupt practices are dealt within reasonable time. The Financial Crimes Division of the Intermediate Court, created in 2020, has original jurisdiction for all financial crimes offences and any connected or ancillary thereto under The Prevention of Corruption Act, The Financial Intelligence and Anti-Money Laundering Act 2002 and the Criminal Code.

508. The Institute for Judicial and Legal Studies (IJLS), a body corporate set up under the Institute for Judicial and Studies Act 2011 and operating under the aegis of the Judiciary, has been created and mandated to conduct training courses for the legal profession (Barristers, Attorneys and Notaries) and paralegals such as court staff, ushers and research officers.

509. The training is conducted through continuing professional development programmes which include courses, seminars and workshops on ethics to the various branches of the profession. These courses are mandatory for members of the legal profession.

510. The Republic of Mauritius is fully committed to the promotion and protection of human rights, as provided for by the African Charter on Human and Peoples' Rights. Mauritius undertakes to enhance and consolidate its national human rights framework.