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Instruments**

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**Common core document forming part of the reports of States
parties**

Mauritius*

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Introduction

1. The Common Core Document has been prepared in line with the harmonised guidelines of the Human Rights Committee regarding the form and content of periodic reports to be submitted by State Parties. It has been prepared by the Human Rights Division of the Ministry of Foreign Affairs, Regional Integration and International Trade and is based on a collaborative approach involving Ministries and Departments, and takes on board inputs from National Human Rights Institutions.
2. The Common Core Document provides updated information on the demographic, economic, social and cultural characteristics of the country and outlines its constitutional, political and legal structure.

I. General information

A. Demographic, economic, social and cultural characteristics of Mauritius

3. The Republic of Mauritius is located in the south-west of the Indian Ocean and consists 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. The two main islands are the Island of Mauritius (1,868.4 sq km) and the Island of Rodrigues (110.1 sq km). The Republic of Mauritius has a population of around 1.3 million with an estimated resident population of 1,261,041 in Mauritius and 44, 945 in Rodrigues as at July 2023. Mauritius does not have an indigenous population.
4. Mauritius achieved sustainable economic growth over the years which can be attributed to its successful management of the COVID-19 pandemic, stable institutions, outwards oriented investment and trade policies adopted and active public-private partnerships. According to the World Bank's classification, Mauritius attained upper middle income country status with a per capita income of US\$ 10,256.2 in 2022.
5. The performance of Mauritius has been recognised by the ranking it has achieved on several global indices, namely its position as a top performer on the Mo Ibrahim Index of African Governance (1st in 2021), the World Bank's Ease of Doing Business Index (13th out of 190 countries in 2019), Global Competitiveness Report (52nd out of 140 countries in 2019) and UNDP Human Development Index (63rd out of 191 countries in 2021).
6. However, important challenges need to be tackled such as an ageing population and the disruption in trade route resulting from the instability in the Middle East and the fall backs of the war in Ukraine. Also, as a Small Island Developing State, Mauritius is particularly vulnerable to the negative impacts of climate change.
7. Despite these challenges the Government of Mauritius is committed to the promotion and protection of Human Rights and to the maintenance of the Social Welfare system to ensure the socio-economic wellbeing of the population. Free public education from pre-primary to tertiary, free health care in public health institutions and basic pensions to those aged 60 and above are provided to all citizens.

B. Constitutional, political and legal structure of Mauritius

The Constitution

8. The Constitution of Mauritius, a written document bequeathed by an Order-in-Council of the British Government at the time of independence in 1968, is based on the Westminster model. It rests on two fundamental tenets which are the rule of law and the principle of separation of powers. Section 1 of the Constitution provides that the Republic of Mauritius shall be a "sovereign democratic State", this being in consonance with the fundamental rights and freedoms guaranteed under Chapter II of the Constitution. Those fundamental rights and freedoms 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 of the law, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement, protection for the privacy of home and other property and protection from discrimination.

The political structure of Mauritius

9. Mauritius gained its independence from Great Britain on 12 March 1968 and became a Republic on 12 March 1992. The country is a parliamentary democracy which has the Prime Minister as the Head of Government. The Head of State is the President of the Republic who is elected by a majority of the members of the National Assembly on a motion of the Prime Minister. The State of Mauritius holds free and fair national and local elections at regular intervals. The conduct of these elections is supervised by an independent Electoral Supervisory Commission. The National Assembly consists 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.

10. In 2002, a decentralised system of governance was set up in the island of Rodrigues with the Rodrigues Regional Assembly being responsible for the formulation and implementation of policy for matters, such as agriculture, water resources management, environment and tourism in relation to Rodrigues. Members of the Rodrigues Regional Assembly are elected by citizens of Mauritius who are residents of Rodrigues.

11. Rodrigues Regional Assembly laws may also be adopted in relation to its areas of responsibility and shall apply only to Rodrigues. The draft law has first to be transmitted by the Chief Commissioner of Rodrigues to the Minister who holds the portfolio for Rodrigues. Thereafter, Cabinet will have to give its approval for the Bill to be introduced in Parliament for its enactment in accordance with the relevant Standing Orders.

12. Regional Assembly Regulations may be made by the Rodrigues Regional Assembly (RRA) and such regulations will have effect only in Rodrigues. Regulations made by the RRA operate in addition to and not in derogation from any law of the Republic of Mauritius. Like other regulations made by any minister, they may be subject to a negative resolution by the Parliament of Mauritius pursuant to section 122 of the Constitution and section 31(7) of the Rodrigues Regional Assembly Act.

The Judicial System

13. The judicial system of Mauritius is based comprises of a single-structured judicial system made up of the Supreme Court and subordinate courts. The Supreme Court has various divisions exercising jurisdiction such as the Master's Court, the Family Division, the Commercial Division, the Criminal Division, the Land Division, the Financial Crimes Division, the Mediation Division and the Court of first instance in civil and criminal proceedings, the appellate jurisdiction (to hear and determine civil & criminal appeals from decisions of the subordinate courts), the Court of Civil Appeal and the Court of Criminal Appeal (to hear and determine appeals from decisions of the Supreme Court sitting in the exercise of its original jurisdiction in civil matters and in criminal matters respectively). The subordinate courts consist of the Intermediate Court, the Industrial Court, the Children's Court, the District Courts, the Bail and Remand Court and the Court of Rodrigues.

The Supreme Court

14. The Supreme Court is composed of the Chief Justice, the Senior Puisne Judge and Puisne Judges. It is vested with all the powers and jurisdiction necessary to apply the laws of Mauritius. It is a superior Court of record and has unlimited jurisdiction to hear and determine any civil and criminal proceedings. It is vested with all the necessary powers and authority to exercise its equitable jurisdiction as a Court of Equity. The Supreme Court also exercises supervisory jurisdiction over subordinate courts and ensures that the law is upheld and that there is no miscarriage of justice. Only the Supreme Court has the power to determine whether any provision of the Constitution has been contravened, including the power to determine whether any law made by Parliament is void on the ground that it contravenes the

provisions of the Constitution. Section 17 of the Constitution empowers the Supreme Court to hear applications for redress in cases of breach or anticipated breach of the protective provisions entrenched in the Constitution. The Supreme Court also hears and determines complaints of a disciplinary nature in respect of the professional conduct of a law practitioner or a ministerial officer including a land surveyor.

15. In 2008, the Family Division and the Commercial Divisions of the Supreme Court were set up administratively. Subsequently, in 2020, the Courts Act was amended to provide a statutory basis for the establishment of such divisions of the Supreme Court as the Chief Justice thinks fit, including a Financial Crimes Division, a Land Division, a Family Division, and a Commercial Division, of the Supreme Court.

16. Since 2022, an application made to the Judge in Chambers may be heard by remote hearing where the parties agree or at the initiative of the Judge in Chambers.

Civil Jurisdiction of the Supreme Court as Court of first instance

17. The Supreme Court hears and determines: (i) any civil matter, although it will generally entertain and hear claims where the matter in dispute is of the value which is more than Rs 2,000,000; (ii) divorce and matrimonial proceedings; (iii) petitions for insolvency, and all matters of a commercial nature; (iv) admiralty matters; and (v) claims for Constitutional relief.

18. All civil proceedings are heard and determined by a single Judge, unless otherwise provided for under any written law, or as may be decided by the Chief Justice, having regard to the interest at stake, or to the importance or intricacy of the questions of fact or law involved. The Supreme Court, in the exercise of its civil jurisdiction, has the power and jurisdiction to hear and determine any complaint of a disciplinary nature, brought up by any of the authorities or bodies exercising powers of supervision over the professional conduct of law practitioners or ministerial officers.

The Family Division of the Supreme Court

19. The Family Division of the Supreme Court exercises jurisdiction in any matter under the Divorce and Judicial Separation Act or under any other enactment which relates to family or matrimonial matters including alimony, child maintenance, or the custody or guardianship of minors, other than a matter which is under an enactment within the exclusive jurisdiction of the Intermediate or District Court. Two Puisne Judges, designated by the Chief Justice, are posted in that division.

The Commercial Division of the Supreme Court

20. The Commercial Division of the Supreme Court was set up administratively in 2009. Two Puisne Judges, designated by the Chief Justice, sit in the Commercial Division of the Supreme Court. It entertains, hears and determines matters arising under the Insolvency Act 2009 and the Companies Act; disputes relating to banking, bills of exchange, offshore business, patents, and trademarks; and generally anything which is of a commercial nature. An e-Judiciary system is operational in the Commercial Division since 2013.

The Master and Registrar and the Bankruptcy Division

21. The Master and Registrar and two Deputies Master & Registrar exercise the jurisdiction conferred upon the Master by the “Code Civil Mauricien” in relation to succession and division of immovable property and by the Sale of Immovable Property Act. The Master and Registrar also deals with and rules upon all pre-trial issues and formal matters for civil cases lodged before the Supreme Court as well as the taxations of costs and matters of audit, inquiry and accounts.

22. In the Bankruptcy Division, the Master and Registrar has jurisdiction relating to all matters of bankruptcy, insolvency or the winding up of companies. This jurisdiction is vested in and is exercised by him concurrently with the Judges of the Supreme Court.

The Mediation Division

23. The Chief Justice may upon the application of any party, refer a civil suit, action, cause or matter pending before the Supreme Court to the Mediation Division, where two Puisne Judges are in post. The primary purpose of mediation is to dispose of the civil suit, action, cause or matter by a common agreement or to narrow down the issues in dispute.

The Criminal Division of the Supreme Court (Assizes)

24. The Supreme Court is the principal court of original criminal jurisdiction and holds sessions for the dispatch of criminal business. Criminal trials before the Supreme Court are held before a Presiding Judge and a jury consisting of nine persons, and relate to very serious offences such as murder and manslaughter. Provision is also made for the prosecution of certain offences, including offences under the Dangerous Drugs Act, before a Judge of the Supreme Court without a jury.

The Land Division

25. Six Puisne Judges designated by the Chief Justice sit in the Land Division which hears and determines matters regarding ownership of land and property rights other than matters connected therewith which fall under the jurisdiction of the Intermediate Court or District Court under any enactment.

The Financial Crimes

26. The Financial Crimes Division deals with financial crime offences which are prescribed in the Courts Act and ancillary offences. Cases are referred to this Division by the Director of Public Prosecutions, taking into consideration whether there are international ramifications, the case involves complex sequence of bank transfers or commercial transactions or complex ownership, company and proxy structures, or is one in which the offenders may be engaged in cybercrime or computer-based fraud involving money held in the form of virtual currency.

Appellate jurisdiction of the Supreme Court

27. The Supreme Court has full powers and jurisdiction to hear and determine all appeal cases, whether civil or criminal, from the decision of - (i) the Judge in Chambers; (ii) the Master's Court; (iii) the Intermediate Court; (iv) the Industrial Court; (v) the District Courts (vi) the Children's Court and (vii) any other court or body established under any other enactment. Appeals to the Supreme Court are heard before at least two judges, except as otherwise provided for in any other enactment.

The Court of Civil Appeal

28. The Court of Civil Appeal is a division of the Supreme Court. It hears and determines all appeals from the decisions of the Supreme Court sitting as the Court of first instance in civil proceedings. It is constituted of two or three Judges, as the Chief Justice may decide. Where the Chief Justice is absent or is for any reason unable to sit on the Court of Civil Appeal, the Senior Puisne Judge, presides over the Court of Civil Appeal.

Court of Criminal Appeal

29. The Court of Criminal Appeal is a division of the Supreme Court. It constitutes of three Judges and has full power to hear and determine all appeals from the decisions of the Supreme Court sitting as the Court of first instance in criminal proceedings. The Chief Justice and, in his absence, the Senior Puisne Judge, presides over the Court of Criminal Appeal.

The Judicial Committee of the Privy Council

30. The Judicial Committee of the Privy Council is the final court of appeal of Mauritius. An appeal shall lie from decisions of the Court of Appeal or of the Supreme Court, to the Judicial Committee, as of right in the following cases: (i) final decisions in any civil or criminal proceedings and on questions as to the interpretation of the Constitution; (ii) where

the matter in dispute is of the value of Rs 10,000 or upwards or where the appeal involves directly or indirectly a claim to or a question respecting property or a right of the value of Rs 10,000 or upwards; (iii) final decisions in proceedings under section 17 of the Constitution for the enforcement of protective provisions; (iv) with leave of the Supreme Court, where in the opinion of the Court the 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 of the Privy Council.

Subordinate Courts

The Intermediate Court

31. The Intermediate Court is established under the Courts Act and has island civil and criminal jurisdiction, including Rodrigues and since 2020 also comprises of a Financial Crimes Division. It consists of three Presidents, two Vice-Presidents and any such number of Intermediate Court Magistrates established under the Civil Establishment Act. Each Division of the Intermediate Court is headed by a President. He may either proprio motu or on application made in writing by any party to a case, direct that any case shall be heard by 2 or more Magistrates.

32. The Intermediate Court has jurisdiction in all civil cases where the claim or matter in dispute, whether in balance of account or otherwise, does not exceed Rs 2,000,000.

33. The Intermediate Court has jurisdiction to try any criminal matter which the Director of Public Prosecutions may refer to it in respect of serious offences under the Criminal Code and any other offence that can be tried by the Intermediate Court under any other enactment. It has power to inflict penal servitude on convicted offenders for a period not exceeding fifteen years and imprisonment for a period not exceeding ten years. However, for persistent offenders, the Intermediate Court may increase the sentence to twenty years' penal servitude. The Intermediate Court is also empowered to inflict a higher sentence for offences under the Dangerous Drugs Act and the Criminal Code. The Financial Crimes Division has the jurisdiction to try financial crimes offences as may be referred to it the Director of Public Prosecutions using similar criteria as used for referring cases to the Supreme Court Financial Crimes Division.

The Industrial Court

34. The Industrial Court consists of a President and a Vice-President. Established under the Industrial Court Act, it has exclusive civil and criminal jurisdiction to try any matter arising out of legislation prescribed under the Act and includes the Employment and Training Act, the Occupational Safety and Health Act, the Passenger Transport Industry (Buses) Retiring Benefits Act, Sugar Industry Retiring Benefits Act, the Workers' Rights Act 2019 in so far as it does not relate to section 69A and the Workmen's Compensation Act.

The Children's Court

35. The Children's Court, set up by the Children's Court Act 2020, consists of a Protection Division and a Criminal Division. The Protection Division has jurisdiction to hear and determine any application under Part IV of the Children's Act 2020; and such other matter as the Chief Justice may direct, and the proceedings shall be instituted and conducted in the same manner as proceedings in a civil matter before a Magistrate of the Intermediate Court.

36. The Criminal Division has jurisdiction to hear and determine in the case of a child victim criminal offences specified in Part I of the Schedule, in the case of a child witness criminal offences specified in Part II of the Schedule, in the case of a juvenile offender criminal offences committed by the child other than an offence specified in Part III of the Schedule, such other matter as the Director of Public Prosecutions may lodge before it and such other matter as may be prescribed. The proceedings before the Criminal Division shall be instituted and conducted in the same manner as proceedings in a criminal matter before a Magistrate of the Intermediate Court.

District Courts

37. Ten District Courts sit 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 any such number of District Magistrates as may be decided by the Chief Justice. 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. The District Court has jurisdiction in all civil cases where the claim or matter in dispute does not exceed Rs 250,000. Conversely, District Magistrates have exclusive jurisdiction in landlord and tenant disputes, irrespective of the amount of the claim for non-payment of rent.

38. District Court receives applications for a Protection Order from an aggrieved spouse and from persons living under the same roof, who may be victims of domestic violence, under the Protection from Domestic Violence Act. District Magistrates are empowered to hear and determine such applications and to issue Protection Orders where the Court is satisfied that there is a serious risk of harm to the applicants. District Magistrates are also empowered to receive and determine applications for the issue of Occupation Orders and Tenancy Orders. Such orders confer upon the victims of domestic violence the exclusive right to the use and occupation of the conjugal common house.

39. To facilitate the settlement of claims, the Small Claims Procedure was introduced in 1999 to enable District Courts to adjudicate on minor claims not exceeding Rs 100,000. Litigants lodge their claims in a prescribed form which is served on the adverse parties. Parties are convened before the Magistrate in Chambers with a view to resolve the dispute. If there is no agreement between the parties, the matter is set down for trial.

40. 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, and also operates on weekends and public holidays to safeguard the constitutional rights of detainees. The BRC is presided over by a District Magistrate and is located at the New Court House in Port Louis.

41. In Rodrigues, justice is administered by a full-time Magistrate and a visiting Judge of the Supreme Court. A Magistrate also visits the other smaller islands, such as Agalega, which forms part of the Republic of Mauritius, whenever required.

E-Judiciary

42. The Judiciary has, since April 2010, embarked on the development and implementation of an electronic filing of cases and an electronic case management system. The launching of the first phase on a pilot basis has taken place in April 2013 at the Commercial Division of the Supreme Court. The system has been extended to other divisions of the Supreme Court. These divisions as well as all subordinate courts as part of the 'Modernisation of the Judiciary' programme.

Institute for Judicial and Legal Studies

43. The Institute for Judicial and Legal Studies was set up under the Institute for Judicial and Legal Studies Act which was passed by the National Assembly on 27 July 2012. The Institute seeks to promote proficiency among law practitioners and legal officers and in the delivery of court services in general, foster continuing judicial and legal education, promote international exchanges and co-operation with other jurisdictions in the field of judicial and legal studies, and promote transparency and consistency in the sentencing of offenders, and the award of civil damages, by making recommendations, annually, to the Chief Justice for the issue of guidelines. This is done through the organisation and provision of Continuing Professional Development programmes, that is, continuous training courses, seminars and workshops, for the benefit of existing and prospective law practitioners and judicial and legal officers. Every law practitioner and legal officer must participate in the Continuous Professional Development Programme for a prescribed number of hours.

II. General framework for the promotion and protection of human rights

C. Acceptance of International Human Rights Norms

44. The Republic of Mauritius is party to the following international instruments related to human rights.

Table 1

Treaties/Conventions

<i>Treaty/Convention</i>	<i>Date of accession(a) /ratification (r)</i>
International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	30 May 1972 (a)
International Covenant on Economic, Social and Cultural Rights (ICESCR)	12 December 1973 (a)
International Covenant on Civil and Political Rights (ICCPR)	12 December 1973 (a)
International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	09 July 1984 (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)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	09 December 1992 (a)

Table 2

Optional Protocols

<i>Optional Protocol</i>	<i>Date of accession(a) /ratification (r)</i>
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)

Table 3
Multilateral Treaties

<i>Multilateral Treaties</i>	<i>Date of accession(a)/ratification (r)</i>
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)

Table 4
Regional Human Rights Instruments

<i>Regional Human Rights Instruments</i>	
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	16 June 2017 (r)

45. The State of Mauritius is also party to the following International Humanitarian Law Instruments.

Table 5
International Humanitarian Law Instruments

	<i>Date Signed (s)/ Acceded (a) / Succeeded (Su)</i>
<i>The Four Geneva Conventions and their Protocols</i>	
1949 Geneva Convention I for the Amelioration of the conditions of the Wounded and Sick in the Armed Forces in the Field	18 August 1970 (r)
1949 Geneva Convention II for the Amelioration of the condition of the Wounded and Sick and Shipwrecked members of the Armed Forces at Sea	18 August 1970 (r)
1949 Geneva Convention III relative to the Treatment of Prisoners of War	18 August 1970 (r)
1949 Geneva Convention IV relative to the Protection of Civilian Persons in Time of War	18 August 1970 (Su)
1977 Protocol I – Additional to the 1949 Geneva Convention relating to the Protection of Victims of International Armed Conflict	22 March 1982 (r)

<i>The Four Geneva Conventions and their Protocols</i>	<i>Date Signed (s)/</i>
	<i>Acceded (a) / Succeeded (Su)</i>
1977 Protocol II – Additional to the 1949 Geneva Convention relating to the Protection of Victims of Non-International Armed Conflicts	22 March 1982 (r)
Final Act of the Diplomatic Conference of Geneva of 1974–1977	10 June 1977 (s)
The Biological Weapons Conventions 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	07 August 1972 (r)
Chemical Weapons Convention on the Prohibition of the Development, Production Stock-piling and Use of chemical Weapons and their Destruction	09 February 1993 (r)
<i>The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) and its Protocols</i>	<i>Date signed (s)/</i>
	<i>Accession(a)/ Ratification (r)</i>
1925, Geneva Protocol on Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare	12 March 1968 (a)
1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) which may be deemed to be Excessively Injurious or to Have Indiscriminate Effects	06 May 1996 (a)
1980 Protocol I on the Non- Detectable Fragments	06 May 1996 (a)
1980 Protocol II on the Prohibitions and Restrictions on the Use of Mines, Booby-traps and other Devices	06 May 1996 (a)
1980 Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons	06 May 1996 (r)
1995 Protocol IV on Blinding Laser Weapons	06 May 1996 (r)
Protocol V on Explosive Remnants of War	02 November 2018 (r)
Amended Protocol II on the Prohibitions and Restrictions on the Use of Mines, Booby-traps and other Devices (1996)	02 November 2018 (r)
1997 Convention on the prohibition of the Use of Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction	03 December 1997 (a)
Convention on Cluster Munitions, 2008	01 October 2015 (r)
Hague Convention for the Protection of Cultural Property in the event of armed conflict	22 September 2006 (r)

The Rome Statute

The Rome Statute for the International Criminal Court, 1998 05 March 2002 (r)

Amendment to Article 8 of the Statute of the International Criminal Court 05 September 2013 (r)

Arms Trade Treaty and others

Convention on the Prohibition of military or any hostile use of environmental modification techniques (ENMOD), 1976 09 December 1992 (a)

Arms Trade Treaty 23 July 2015 (r)

Convention on the Prevention and Punishment of the Crime of Genocide, 1948 08 July 2019 (a)

Convention on the Rights of the Child

Convention on the Rights of the Child 26 July 1990 (r)

The Optional protocol on the involvement of children in armed conflict 12 February 2009 (r)

Nuclear Related Treaties

Nuclear Non-Proliferation Treaty 08 April 1969 (r)

Convention on Early Notification of a Nuclear Accident 17 August 1992 (a)

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency 17 August 1992 (a)

African Nuclear-Weapon-Free Zone Treaty 11 April 1996 (s)

International Convention Suppression of the Acts of Nuclear Terrorism (ICSANT) 14 September 2005 (s)

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management 15 April 2013 (a)

Vienna Convention on Civil Liability for Nuclear Damage 15 April 2013 (a)

Convention on Supplementary Compensation for Nuclear Damage 24 June 2013 (s)

D. Legal framework for the protection of human rights at national level

46. Fundamental human rights and freedoms of the individual are entrenched in Chapter II of the Constitution of Mauritius. Under section 17 of the Constitution, any person who alleges that his rights enshrined under section 3 to 16 of the Constitution has been or is being or is likely to be contravened, may seek redress to the Supreme Court.

47. New laws have been enacted and existing ones have been amended to better guarantee the protection of human rights. These include the following:

(i) The Combatting of Trafficking in Persons Act, which was proclaimed on 30 July 2009, has been amended in 2023 so as to consolidate the existing legal provisions for combating of trafficking in persons and to provide for a modern legal framework to address the issue of trafficking in persons more effectively. Moreover, the amendments to the Combatting of Trafficking in Persons Act now provides the police with additional powers to carry out investigations in order to identify and prosecute cases of trafficking in persons. Provision is now made for better support to victims of trafficking in persons and the establishment of an effective institutional framework through the creation of a specialised Unit within the Mauritius Police Force as well as Steering Committee for Combating of Trafficking in Persons for the fight against trafficking in persons. In addition to stricter penalties being imposed for persons convicted of offences relating to trafficking in persons, it is being provided that those convicted persons will no longer be eligible for remission or release on parole under the Reform Institutions Act. The Court will no longer have the discretion to inflict a term of imprisonment of less than 3 years for the offence of trafficking in persons;

(ii) The Children's Act 2020 came into operation on 24 January 2022. The main object of the Act was to repeal the Child Protection Act and replace it with a more comprehensive and modern legislative framework with a view to addressing the shortcomings of the Child Protection Act and giving better effect to the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Act accordingly makes provisions: (a) for the better care, protection and assistance to children; (b) for the respect and promotion of the rights of children and for the protection of the best interests of children; (c) for the setting up of structures, services and means for promoting and monitoring the sound, physical, psychological, intellectual, emotional and social development of children; (d) for the setting up of a Child Services Coordinating Panel which shall be responsible for the coordination of all activities relating to the implementation of the present legislation, the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child; (e) to prohibit marriage of children under the age of 18; (f) for a child under the age of 14 not to be held criminally responsible for any act or omission; and (g) for child witnesses and child victims under the age of 14 to be, subject to certain conditions, competent as witnesses without the need for them to take the oath or making a solemn affirmation;

(iii) The Children's Court Act 2020 provides for the setting up of a specialised court. The Protection Division deals with cases relating to the protection of children as provided under the Children's Act. The Criminal Division hears and determines cases involving:

- (a) Child victims of a criminal offence specified in Part I of the Schedule;
- (b) Child witnesses of any criminal offence specified in Part II of the Schedule;
- (c) Juvenile offenders except for offences specified in Part III of the Schedule;
- (d) Such other matter as the Director of Public Prosecutions may, depending on the seriousness of the case and where he considers it to be in the best interests of a child victim, child witness or juvenile offender, lodge before it;

(iv) The Child Sex Offender Register Act 2020 came into operation on the 24 January 2022. The object of the Act was to establish, with a view to reducing and preventing the risk of sexual offences against children, a Child Sex Offender Register, also known as CSO register. The CSO register will assist in (a) monitoring and tracking persons in the community who have been found guilty of committing sexual offences against children; and (b) detecting and investigating sexual offences against children. In addition, the Commissioner of Police will be empowered, in the interest of public safety, to disclose personal information of persons who have been found

guilty of committing sexual offences against children to another Government agency and foreign agencies for the purposes of (a) monitoring the whereabouts of those offenders; (b) verifying personal information reported by those offenders; (c) managing the risk that those offenders may commit further sexual offences against children; and (d) managing any risk or threat to public safety;

(v) The Climate Change Act came in to force on 22 April 2021. The main object of the Act was to implement, with a view to addressing the adverse effects of climate change and developing Mauritius into a greener economy, the obligations of Mauritius under the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change. It is intended to make Mauritius a climate change-resilient and low emission country, through the establishment of an Inter-Ministerial Council on climate change. There is equally a climate department within the Ministry whose functions are among others, commission studies on climate change, taking into consideration, inter alia, human rights, cultural heritage and gender issues and monitoring and reporting with respect to greenhouse gas emissions. The Act also makes specific provisions for Rodrigues;

(vi) The Civil Status Act has been amended with regard to the use of NIC for minors on their birth certificates for identification purposes. Other amendments have been made with respect to the holding of marriages where a non-citizen is marrying a citizen of Mauritius as well as the refusal of the Registrar of Civil Status to celebrate a marriage;

(vii) The Civil Code has been amended to set the legal age for marriage to 18 years old;

(viii) The Criminal Procedure Act was amended in the year 2018 to ensure that the time spent on remand by a detainee is deducted from the term of imprisonment or penal servitude that is imposed on him;

(ix) The Protection from Domestic Violence Act was amended in year 2016 to provide for better protection to victims of domestic violence by, inter alia – (a) increasing the powers of Enforcement Officers; (b) widening the definition of term “domestic violence”; (c) providing that a person who does an act of domestic violence against his spouse, a child of his spouse or another person living under the same roof shall commit an offence; and (d) empowering a police officer not below the rank of Assistant Superintendent to arrest a person where, following an act of domestic violence, physical injury has ensued;

(x) The Independent Police Complaint Commission Act was proclaimed in 9th April 2018. The Act sets up the Independent Police Complaints Commission (“IPCC”) which consists of a Chairperson and two members. The IPCC investigates into complaints, other than acts of corruption and money laundering offences, made against police officers in the discharge of their functions. Moreover, the Commission investigate inter-alia into (i) the cause of death of a person who died whilst in police custody or as a result of police action; (ii) advising on ways in which any police misconduct may be addressed and eliminated; (iii) promoting better relations between the public and the Police; and (e) performing such other functions as may be conferred to it by any other enactment;

(xi) A new Data Protection Act was enacted in year 2017 and proclaimed on 15 January 2018. The object of this Act was to provide for a new and more appropriate legislation which will strengthen the control and personal autonomy of data subjects over their personal data, thereby contributing to respect for their human rights and fundamental freedoms, in particular their right to privacy, in line with current relevant international standards, in particular the European Union’s General Data Protection Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. The Act also, inter alia, (a) simplify the regulatory environment for business in our digital economy; and (b) promote the safe transfer of personal data to and from foreign jurisdictions, given the diversification, intensification and globalisation of data processing and personal data flows;

(xii) The Employment Rights Act was repealed in 2019 and replaced by the Workers' Rights Act which provides a modern and comprehensive legislative framework for the protection of workers, and to provide for related matters;

(xiii) The Cybersecurity and Cybercrime Act was enacted in 2021 and establishes the National Cybersecurity Committee and a comprehensive more legal framework to deal with cybercrime. It replaced the Computer Misuse and Cybercrime Act and creates several new offences relating such as Misuse of fake profile, Cyberbullying, Cyber extortion, Revenge pornography and Cyberterrorism;

(xiv) A new Immigration Act was enacted in 2022 to consolidate and strengthen the law with regard to the admission, and stay, of non-citizens in Mauritius.

48. In the judgments of *Ah Seek v State of Mauritius* [2023 SCJ 399] and *Fokeerbux v The State of Mauritius* [2023 SCJ 400] delivered on 4th October 2023, the Supreme Court held that section 250(1) of the Criminal Code is unconstitutional and violates section 16 of the Constitution in so far as it prohibits consensual acts between consenting male adults in private and should accordingly be read so as to exclude such consensual acts from the ambit of section 250(1). Furthermore, the court held that the word "sex" in section 16 of the Constitution should be interpreted as including "sexual orientation".

E. Framework within which human rights are promoted at the national level

49. Human rights are promoted at the national level through the National Human Rights Institutions, the dissemination of the human rights instruments to the population and awareness campaigns and educational programmes.

i. Office of the Ombudsman

50. Chapter IX of the Constitution provides, for the establishment of the office of the Ombudsman. The mandate of the office is to investigate any action taken by any public officer or authority 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 Ombudsman, to have sustained injustice in consequence of maladministration. The procedure for making complaints to the Ombudsperson is prescribed in the Ombudsman Act.

51. Statistics of complaints received and dealt with for years 2021 and 2022 are as follows:

<i>Complaints</i>	<i>2021</i>	<i>2022</i>
Cases dealt with	890	844
Miscellaneous & copies of complaints	262	241
Cases rectified	191	141
Cases not justified	5	2
Cases explained	186	191
Cases discontinued	29	30
Cases not investigated	5	7
Cases not sustained	2	2
Cases not entertained	2	-
Cases no maladministration disclosed	9	5
Cases pending as at 31 December 2021 & 2022	199	225
Awareness raising campaign	2*	21

Source: Office of the Ombudsman.

52. The Office of the Ombudsman represents a crucial element of the good governance and institutional accountability architecture. It ensures an inclusive society with access to equal treatment and justice for all.

ii. National Human Rights Commission

53. The National Human Rights Commission was established under the Protection of Human Rights Act 1998. The Commission complies with the Paris Principles and is a key institution in the protection and promotion of human rights at the national level. The Commission has two divisions, namely, the Human Rights Division and the National Preventive Mechanism Division (set up following the ratification by Mauritius of the Optional Protocol to the Convention Against Torture) to which any alleged violation of human rights can be reported by any individual or group of individuals. The Commission is composed of a Chairperson and two Vice-Chairpersons and four members. The National Human Rights Commission for period 2016 to 2023 are as follows:

<i>Year</i>	<i>Human Rights Division</i>	<i>National Preventive Mechanism Division</i>
2016	133	576
2017	180	235
2018	216	85
2019	287	75
2020	181	94
2021	109	69
2022	111	97
2023	173	117

Source: National Human Rights Commission.

iii. Office of the Ombudsperson for Children

54. The Office of the Ombudsperson for Children was established in 2003 and became operational in 2004. Its objectives are to ensure that the rights, needs and interest of children are given full consideration by public bodies, private authorities, individuals and associations of individuals; promoting the rights and interests of children; and to ensure compliance with the Convention on the Rights of the child and the African Charter on the Rights and Welfare of the child to which Mauritius is a party.

55. The Ombudsperson for Children initiates an investigation whenever she/he considers that there is, has been or is likely to be a violation of the rights of a child. She/he shall make proposals to the Minister on legislation, policies and practices regarding services to, or the rights of children. Statistics from the Office of the Ombudsperson for Children on cases dealt with for years 2019-2023 are as follows:

<i>Period</i>	<i>Number of Cases lodged</i>	<i>Number of cases disposed</i>	<i>Percentage of cases disposed</i>
2019-2020	403	316	79%
2020-2021	468	374	80%
2021-2022	468	380	81%
2022-2023	446	407	91.3%

Source: Office of the Ombudsperson for Children.

iv. Equal Opportunities Commission

56. The Equal Opportunities Commission was established on 24 April 2012 under the Equal Opportunities Act. It examines and investigates into complaints referred to it and also investigates into cases where it believes that an act of discrimination may have been or may be committed. The mandate of the Equal Opportunities Commission is to work towards the

elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status. It has a duty to attempt to reconcile the parties to whom and against whom a complaint relates. Upon completion of an enquiry which reveals that an offence has been committed under the Act, it may refer the matter to the Director of Public Prosecutions for any further action.

57. In April 2013, the Equal Opportunities Commission issued Guidelines for Employers under section 27(3)(f) of the Act. The Guidelines came into effect on 15 April 2013. In line with section 9 of the Act, every employer is required to draw up and apply an equal opportunity policy in line with the guidelines and codes issued by the Commission. The Equal Opportunities Commission also published guidelines and codes of conduct for all employers of the public and private sectors in view of the implementation of an equal opportunity policy by all employers which is a mandatory requirement under the Equal Opportunities Act.

58. Cases which are not resolved by the Commission are referred to the Equal Opportunities Tribunal which has also been set up under section 34 of the Act. the Equal Opportunities Tribunal has the power to issue interim orders, directives and compensatory orders up to Rs500,000. Failure to comply with an order or directive of the Equal Opportunities Tribunal may give rise to the commission of an offence punishable by a fine of a maximum of Rs100,000 and to imprisonment for a term not exceeding 5 years. Below are some statistics concerning complaints dealt with by the Commission for the period January 2016 – December 2023:

<i>Details</i>	<i>Total</i>
No. of complaints lodged (Including Rodrigues)	1 265
No. of complaints investigated/examined by the Commission	1 196
No. of complaints not under the purview of the Equal Opportunities Act	248
No. of complaints time barred	12
No. of complaints withdrawn	256
No. of complaints in which there was no evidence of discrimination	123
No. of Findings issued	56
No. of Reports issued/referred to Equal Opportunities Tribunal	57
No. of Rulings issued	3
No. of complaints referred to other instances	3
No. of complaints conciliated/settled	265

Source: Equal Opportunities Commission.

v. Independent Police Complaints Commission

59. The Independent Police Complaints Commission Act (Act No.14 of 2016) was passed by the National Assembly on 19 July 2016 and proclaimed on 09 April 2018. The Independent Police Complaints Commission (IPCC) became operational from 09 April 2018. It is currently presided by a former Judge of the Supreme Court and was established to ensure that fundamental human rights of citizens under Chapter II of the Constitution are respected.

60. The IPCC is a body corporate, which in the discharge of its functions and exercise of its powers, is not subject to the direction or control of any person or authority.

61. As per section 4 of IPCC Act, without prejudice to the jurisdiction of the Courts or the powers conferred on the Director of Public Prosecutions, the Ombudsman or the Disciplined Forces Service Commission, the IPCC has, as its functions, to:

(a) Investigate into any complaint made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions, other than a complaint of an act of corruption or a money laundering offence;

(b) Investigate into the cause of death of a person who died whilst the person was in police custody or as a result of police action;

- (c) Advise on ways in which any police misconduct may be addressed/eliminated;
- (d) Promote better relations between the public and the Police; and
- (e) Perform such other functions as may be conferred to it by any other enactment.

62. Since its setting up on 09 April 2018 and as at 31 December 2023, the Independent Police Complaints Commission has received 3947 complaints, out of which, 1834 complaints are still under investigation and 2113 cases have been completed as follows:

- (a) 416 complaints have been withdrawn by complainants;
- (b) 209 complaints have been settled by conciliation meetings conducted by the Commission;
- (c) 6 complaints have been referred to the Disciplined Forces Service Commission for disciplinary action to be initiated against police officers;
- (d) 43 complaints have been referred to the Director of Public Prosecutions (DPP) for advice for prosecution, out of which, 17 complaints have been lodged in Court (16 cases are still pending at the level of Court and one case has been dismissed), and 26 cases are still pending at the level of DPP;
- (e) 1439 complaints have been disposed of in line with section 10(4) of IPCC Act.

vi. Office of Ombudsperson for Financial Services

63. The Office of Ombudsperson for Financial Services (“the Office”) was created under the Ombudsperson for Financial Services Act in 2018 and came into operation on 1 March 2019. The Office is managed by the Ombudsperson for Financial Services (“the Ombudsperson”) who is appointed by President of the Republic acting on the advice of the Honourable Prime Minister who must consult the Leader of the Opposition.

64. With a view to giving better protection to consumers of financial services, the Office receives and deals with complaints from consumers of financial services. It is incumbent upon the Office to inform and educate the general public on investments in financial services offered by financial institutions.

65. The role of the Ombudsman for Financial Services is to investigate complaints against financial institutions. The Office provides free, fair, and independent solutions to disputes involving financial services. It offers an alternative dispute resolution forum to resolve disputes between consumers of financial services and financial institutions.

66. In the exercise of its powers of investigation, the Office may call for the production of any relevant information, summon relevant persons and examine witnesses under oath. In cases of financial loss, an Award may be made ordering the financial institution to pay to the complainant a compensation. The Ombudsperson may also give such directives as he may determine to the financial institution. In addition, the Ombudsperson may issue instructions and guidelines or impose such requirements as he may determine on financial institutions. Where, in the discharge of his functions and exercise of his powers, the Ombudsperson becomes aware of improper practices or financial fraud in relation to any activity in the financial services sector, he shall immediately refer the matter to the relevant Regulator.

67. The Office, in the exercise of its functions, acts without fear or favour and is not subject to the directions or control of any other person or authority.

Statistics for the period 01 March 2019 to 31 January 2024

Number of complaints received	3 246
Number of cases investigated	929
Number of cases not investigated	1 633
Number of pending cases as at 31 January 2024	684

Source: Office of the Ombudsperson for Financial Services.

vii. Office of the Ombudsperson for Sports (OS)

68. The Statutory function of the Ombudsperson as laid down in Section 46 of the Sports Act of 2016, is as follows: (3) Notwithstanding section 45, 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 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.

69. The OS's role is to hear appeals from any person who feels aggrieved by the decision of the aforesaid parties for the end product of conciliation. An enquiry may be initiated into the matter or disputing parties may be invited for an amicable settlement of the matter in dispute.

70. The complaints and/or appeal procedure to the OS is not final inasmuch as in case no amicable settlement is reached, the procedure laid down in sub section 5 provides as follows:

“(5) Where the Ombudsperson for Sports comes to the conclusion that an amicable settlement is not possible:

(a) He may refer the dispute to the Tribunal;

(b) Any of the aggrieved parties may, within 90 days from the date he or it is informed of the conclusion of the Ombudsperson for Sports, have recourse to the arbitration mechanisms under this Act.”.

71. Further, in virtue of section 6 (1) (i) of the Act a National Sports Federation shall, in the discharge of its functions and exercise of its powers – submit any unresolved conflict to the Ombudsperson for Sports or the Tribunal. He conducts enquiries, summon parties, listens to witnesses and finds solutions to end up in conciliation where possible. He writes reports and findings for each and every case.

72. The statistics for cases handled for the period of July 2018 to June 2023 are as follows:

<i>Case Status</i>	<i>July 2018 – June 2019</i>	<i>July 2019 – June 2020</i>	<i>July 2020 – June 2021</i>	<i>July 2021 – June 2022</i>	<i>July 2022 – June 2023</i>
Number of appeals settle through conciliation	4	7	1	3	2
Number of appeals resolved (no conciliation)	3	1	1	-	-
Number of cases abandoned	13	4	8	3	-
Number of cases referred to SAT	2	2	6	7	1
Number of cases set aside	1	2	3	2	1
Number of cases in progress	-	2	5	3	-
Number of appeals received	23	18	24	18	-

Source: Office of the Ombudsperson for Sports.

Promotion of human rights awareness

73. The Human Rights Division operates under the aegis of the Ministry of Foreign Affairs, Regional Integration and International Trade and is responsible for the promotion of human rights, state reporting to treaty bodies and acts as Secretariat for the National Mechanism for Reporting and Follow-Up (NMRF).

74. The Human Rights Division is fully engaged in the promotion of human rights. Sensitisation and awareness on human rights instruments are carried out through a multitude of ways so as to reach large cross section of the population. Innovative approaches have been used in building awareness through publications, audio visual materials, workshops, training programmes amongst others.

75. Budgetary provision is made in the national budget for the Human Rights Division and the National Human Rights Commission (NHRC) to engage in promotion of human rights.

Publications

76. The National Human Rights Action Plan 2012-2020 was first published in 2012 and aimed to ensure a comprehensive approach to the implementation of measures related to Human Rights. In December 2021, the National Human Rights Action Plan Progress Report 2012-2020 was published and assessed that around 90 % of the actions as per the Action Plan had been implemented.

77. A new National Human Rights Action Plan 2024 – 2030 is under preparation and aims to be a major policy document for an integrated human rights approach to be adopted and to guide government entities in mainstreaming human rights into clear actions.

78. The Braille version of the Constitution of the Republic of Mauritius was launched in cooperation with the Loïs Lagesse Trust Fund in April 2018 in line with the Government of Mauritius' commitment to empower persons with disabilities.

79. A "Know Your Rights" Pamphlet intended for Migrant Workers was produced and published in six different languages, namely English, French, Hindi, Tamil, Bangla and Mandarin. The Pamphlets were launched on 23 March 2019, among a gathering of foreign workers, trade unions and representatives of Madagascar and India.

80. Around 90,000 pamphlets printed in the different languages were distributed to the economic industries employing migrant workers through the Ministry of Labour, Human Resource Development and Training. The Passport and Immigration Office, trade union organisations as well as respective Embassies and Consulates based in Mauritius were also provided copies for distribution at their end.

81. Human Rights Calendars depicting various elements of the Universal Declaration of Human Rights was produced to commemorate the Human Rights Day 2022 and another calendar was published to mark Human Rights Day 2023 and sensitise on articles of the UDHR. The calendar was distributed to all Ministries/Departments, National Human Rights Institutions, Municipal and District Councils, and the Rodrigues Regional Assembly.

82. For 2022, articles depicted pertained to:

- (a) Equality;
- (b) Recognition as person before law;
- (c) Freedom of movement;
- (d) Right to a nationality;
- (e) Right to own a property;
- (f) Right to take part in the Government;
- (g) Right to Social Security;
- (h) Right to Work;
- (i) Right to Rest and Leisure;
- (j) Right to an adequate standard of living;
- (k) Right to Education; and
- (l) Right to a social order that articulates the Universal Declaration of Human Rights.

83. For 2023, articles explained covered articles:

- (a) Right to Education;
- (b) Freedom from Torture;
- (c) Right to Nationality;

- (d) Right to marriage and family;
- (e) Right to Work;
- (f) Duty to community;
- (g) Freedom of expression;
- (h) Freedom of Movement;
- (i) Presumption of innocence;
- (j) Right to take part in cultural, artistic and scientific life;
- (k) Equality; and
- (l) Right to rest and leisure.

84. To mark the 75th anniversary of the Universal Declaration of Human Rights (UDHR), the UDHR was translated in Kreol Morisien in collaboration with the Creole Speaking Union and was launched on 08 December 2023. The publication seeks to facilitate a clearer understanding of human rights for citizens of all ages and educational backgrounds.

Workshops

85. In April 2018, a workshop on International Human Rights Treaties was organized in collaboration with the National Human Rights Commission and the European Union in the presence of the National Human Rights Institutions.

86. A 3-day workshop on State Party Reporting to Treaty Bodies in collaboration with the Regional Office of the UN High Commissioner for Human Rights (Southern Africa) was held at Labourdonnais Hotel from 24 to 26 April 2019, to strengthen the national capacity of Mauritius on engagement with human rights mechanisms to report more efficiently and implement their recommendations. The workshop was attended by around 50 participants from Ministries/ Departments, National Human Rights Institutions and Non-Governmental Organisations who are members of the National Mechanism for Reporting and Follow-up (NMRF).

87. A Capacity Building Programmes of the National Mechanism for Reporting and Follow up workshop was organised from 21 to 24 May 2019 to build capacity of representatives from Ministries/ Departments, National Human Rights Institutions and Non-Governmental Organisations who are members of the National Mechanism for Reporting and Follow-up (NMRF) on the National Reporting Tracking Database (NRTD) including its possible benefits, its main functions and features and ways to customize its use in Mauritius.

88. A two-day workshop on asylum seekers and refugees was organised in collaboration with the United Nations High Commissioner for Refugees on 30 and 31 May 2019, to sensitise officers from key Government agencies on refugee laws, and to develop standard operating procedures for better coordination and synergy among all stakeholders to deal with cases of refugees and asylum seekers in Mauritius.

89. A half day symposium on Build back better by putting Human Rights at the core of the recovery, was organised by the Human Rights Division in collaboration with the United Nations Resident Coordinator Office in Mauritius on 10 December 2020. The event was organised to reaffirm the importance of Human Rights in re-building the world following the COVID-19 crisis, the need for global solidarity and interconnectedness and shared humanity as human beings. The event was attended by 190 participants, including representatives from Government Bodies, National Human Rights Institutions (NHRIs), Business Organisations, Association of Employers, Chamber of Commerce, Trade Union Federations and Association of Employees, NGOs, University Students and Youth Councils.

90. The Human Rights Division organised a Workshop on Human Rights on 29 October 2020 with members of the National Mechanisms for Reporting and Follow-Up (NMRF) and representatives of the Civil Society and the Non-Governmental Organisations. The workshop comprised two panels of discussions moderated each by a Senior Lecturer from the University of Mauritius. Discussions were held on the following topics, namely, legislative

framework and institutional set up for Human Rights in Mauritius; and how to create better synergies and strengthen the cooperation between stakeholders with a view to addressing more effectively the Human Rights issues in Mauritius. The workshop was attended by 115 participants from different Ministries/Departments, Parastatal Bodies, Civil Societies, Non-Governmental Organisations and National Human Rights Institutions.

91. A two-day Introductory Training on the Right to Participate in Public Affairs and the United Nations (UN) Participation Guidelines was held from 06 to 07 April 2022, in collaboration with the Office of the High Commissioner for Human Rights and the United Nations Resident Coordinator's Office for Mauritius and Seychelles. The workshop was facilitated by a Human Rights and Democracy Advisor from the Office of the High Commissioner for Human Rights and the themes covered were, namely, Human Rights law and mechanisms; the legal and policy framework for participation in Mauritius; an introduction to the UN Participation Guidelines; discrimination; participation before decision-making; and the participation ladder; direct and indirect participation. The two-day workshop was attended by representatives of Ministries/Departments, National Human Rights Institutions and Non-Governmental Organisations. A half day awareness workshop on the same subject was also held on 08 April 2022 for youths from Universities, Youth Centres, Youth Clubs and Non-Governmental Organisations.

92. The Human Rights Division, in collaboration with the Commonwealth Secretariat, organised and delivered two events in Mauritius from 23 to 26 May 2022 namely, a three-day Workshop on Human Rights and Youth Engagement from 23 to 25 May 2022 and a one-day Workshop on Business and Human Rights on 26 May 2022. The three-day Human Rights and Youth Engagement workshop aimed at educating youth trainers on building confidence and capacity as regards human rights protection and promotion and was attended by Youth Officers from the Ministry of Youth Empowerment, Sports and Recreation, Youth Trainers, Youth Ambassadors and Delegates from various Youth Centres, Councils and Clubs across the island, Lecturers from Universities and Representatives of Non-Governmental Organisations. The Business and Human Rights workshop was organised on 26 May 2022 aiming to raise awareness and strengthen understanding on the United Nations (UN) Business and Human Rights Guiding Principles. The workshop was attended by representatives from Ministries and Departments, the Private Sector, Parastatals Bodies, Non-Governmental Organisations, Civil Society, and Federations of the Trade Unions.

93. A follow-up to this workshop, namely, a Business and Human Rights Virtual Workshop was held on 25 September 2023 in collaboration with the Mauritius Chamber of Commerce (MCCI) targeting around 20-member organisations of the MCCI.

94. A Training Programme on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Protocol was held with around 436 Trainee Police Constables on 14 and 15 November 2022 at the Police Band Auditorium. The participants were sensitised on the importance of Human Rights, key elements of the CAT, including the prohibition of having recourse to torture.

95. A three-day 'Train the Trainers' programme was also held from 16 to 18 November 2022 for around 35 Police Officers and 17 Prison Officers at the Beau Bassin Prison Training School so as to enable them to carry out sensitization and training of a larger number of Officers thereafter. These participants were officers of the supervisory level from various Police and Prisons Departments, including the Anti-Drug and Smuggling Unit, Special Mobile Force and National Coast Guard, Criminal Investigation Department and Local Police. They were empowered to build awareness of international and regional human rights standards prohibiting torture, and cover topics such as national and international Codes of Conduct for law enforcement as the basis for ethical policing, the Mendez Principles relative to principles of effective interviewing for investigations and information gathering, and legal and procedural safeguards for evidence based and non-coercive interviewing techniques during the interviewing process.

96. A follow-up workshop on the Anti-Torture Frameworks Virtual Training, was also carried out on 25 October 2023 in collaboration with the Mauritius Police Force and Mauritius Prison Service targeting around 40 Senior Police Officers and 20 Senior Prison Officers.

97. The Human Rights Division in collaboration with the Institute of Judicial and Legal Studies organised a high-level workshop titled “the UDHR and the legal framework for the protection and promotion of Human Rights in Mauritius” for persons of the legal profession on 13 December 2023. The workshop provided participants with a comprehensive understanding of the core international human rights treaties and the treaty bodies that monitor their implementation.

98. In June 2018, the context of the 50th Anniversary of the Independence of Mauritius and the South African Week, a public lecture on 50 Years of Independence - Inspiration from the making and workings of the South African Constitution - The Way Forward was organised, in collaboration with the High Commission of South Africa.

99. Mr Tshililo Michael Masutha, former Minister of Justice and Correctional Services of South Africa delivered a talk on Disability and Human Rights on 18 January 2019. Mr T.M Masutha shared his own experiences being himself visually impaired. He dwelt on the need for social inclusion and equal opportunities for people with disabilities and also expressed hope for these people to achieve success in various fields.

100. A talk on the Progressive Realisation of Rights through the Courts: the experience of the Supreme Court of India by Justice Dipak Misra, Former Chief Justice in India was organised on 22 March 2019 in collaboration with the Equality & Justice Alliance (UK). The talk was attended by around 50 legal professionals, including the Chief Justice, Senior Puisne Judge, Puisne Judges, Solicitor General, Senior Magistrates, Magistrates, and senior officers from the Attorney General’s Office and the office of the Director of Public Prosecutions, as well as legal professionals in the private practice.

101. A half-day awareness session on Human Rights for Senior Chief Executives and Permanent Secretaries of Ministries was held on 4 May 2019 in collaboration with the National Human Rights Commission, to promote awareness of the State obligations under the various international instruments within the Head of Ministries and Departments and ensure that the best conditions are put in place in Ministries and Departments for compliance therewith. The session was attended by around 35 Senior Officials and was facilitated by the Chairperson of the National Human Rights Commission.

Production and launching of Video Clips on Human Rights

102. A first batch of 8 video clips on Human Rights were produced and launched on 10 December 2018 in the context of celebrations of the International Human Rights Day. They focused on the following themes:

- (a) What are Human Rights?
- (b) Right to Education;
- (c) No to Sexual Harassment;
- (d) No to Child Marriage;
- (e) Rights of Disabled Persons;
- (f) Yes to Meritocracy and Equal Opportunity;
- (g) Rights of Detainees;
- (h) Rights of the Elderly.

103. The video clips were posted online and widely distributed in Mauritius and Rodrigues among the student population. Moreover, the Citizen Advice Bureaus were also provided with same.

104. A video on the “Know Your Rights” Pamphlet was also produced in English and was broadcasted on the channels of the MBC TV in June 2019 for a period of 2 weeks.

105. A second batch of video clips on Human Rights videos were launched on 4 August 2021 on the following themes:

- (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;
- (i) Right to Social Security.

106. The videos were posted online and distributed among different stakeholders for awareness and further dissemination, namely, all Ministries/ Departments and National Human Rights Institutions, Youth Centres and Sport Complexes, Social Security Centres, Community Centres, Citizen Advice Bureaus, Employment Information Centres, and Cultural Centres.

Posters/Sensitisation Campaign on the rights of children

107. A poster campaign on 60 buses was carried out for a period of two weeks in June 2019, in collaboration with the Office of Ombudsperson for Children, to sensitise the public at large on the need to eliminate violence against children. The theme of the campaign was “Violans Detrir Lavenir Zanford: Aret Violans Kont Zanford Nou Repiblik”.

Wreath Laying Ceremony

108. A wreath ceremony was also held on 10 December 2021 at the Monument of the Universal Declaration of Human Rights in the presence of officials from National Human Rights Institutions, the then Lord Mayor of Port Louis and United Nations Resident Coordinator.

Slam Competition

109. A Slam Competition on selected articles of the Universal Declaration for Human Rights was organised to promote knowledge of human rights among the younger generation and the final was held on 10 December 2022. The selected themes were articles of the Universal Declaration of Human Rights and those were Article 1 (Equality), Article 19 (Right to Freedom of Opinion and Expression), Article 24 (Right to Rest and Leisure), Article 25 (Right to an adequate standard of living) and Article 26 (Right to Education). There were 2 categories of participants, namely those aged from 15 to 18 years old and those aged from 19 to 35 years old.

110. The award ceremony was held on 15 December 2022 in the Conference Room of the Human Rights Division and a winner and 2 runner-ups for each category were awarded with a cash prize and a trophy.

Online Quiz

111. An online quiz aiming to test one's knowledge and promote greater understanding of human values, was launched on 06 December 2022. The online quiz is accessible online to all internet users.

112. The questions in the Online Quiz pertain to various topics such as:

- (a) The Articles of the Universal Declaration of Human Rights;
- (b) Commemorative days relating to Human Rights; and
- (c) The National Human Rights Institutions in Mauritius; and the Conventions ratified by Mauritius.

Art Atelier for children

113. An Art Atelier was organised on 07 December 2022 for around 90 children aged between eight and twelve years 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. The atelier was conducted with the assistance of water colour artists from the International Watercolor Society Mauritius, who guided the children in painting techniques.

Online Exhibition

114. An Online Exhibition which showcased children's artwork, revealing their interpretations of human rights through creative drawings, was launched on 08 December 2023, in the context of Human Rights Day 2023.

UDHR 75 – The Push for Pledges

115. 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:

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

F. Reporting process at the national level**National Mechanism for Reporting and Follow-Up (NMRF)**

116. The National Mechanism for Reporting and Follow-up (NMRF) is a unique inter-ministerial structure set up administratively by the Government of Mauritius in 2017 with technical support from the Office of the High Commissioner for Human Rights (OHCHR) Regional Office for Southern Africa.

117. It was set up for effective reporting and implementation of treaty obligations, engagement with the international and regional human rights systems and follow up on the recommendations or decisions emanating from the Treaty Bodies, the Human Rights Council, the Universal Periodic Review, Special Procedure Mandate Holders, Regional Human Rights Mechanisms and at the national level.

118. The NMRF is chaired by the Hon. Minister responsible for human rights and comprises representatives of Ministries and Departments, National Human Rights Institutions (NHRIs) and Non-Governmental Organisations / the Civil Society. The last meeting of the NMRF was held on 08 November 2023.

119. The Regional Office of the High Commissioner for Human Rights (OHCHR) assists in the use of the National Reporting and Tracking Database, an essential tool for the NMRF in its efforts to promote and protect of Human Rights. It is viewed by that Office as one of the functioning NMRF in the region since its establishment.

120. The NMRF is committed to strengthening its human rights reporting and follow-up mechanisms through:

(a) Continued support from the Office of the High Commissioner for Human Rights (OHCHR), with which its Secretariat has established a strong work relationship to ensure the NMRF's effectiveness in coordinating and reporting on human rights issues;

(b) Collaboration with ministries / departments and non-governmental entities for enhanced a cohesion to human rights reporting and follow-up.

National Recommendations Tracking Database (NRTD)

121. The National Recommendations Tracking Database (NRTD) system developed by the Office of the High Commissioner for Human Rights (OHCHR) was implemented in Mauritius in 2019. It was designed to allow for a proper recording, monitoring and follow-up of human rights recommendations made by Treaty Bodies.

122. The Human Rights Division in collaboration with the OHCHR is looking into the possibility of organising training programmes on the new version of the NRTD in order to ensure effective follow-up on the implementations received from treaty body committees.

III. Information on non-discrimination and equality and effective remedies

G. Other related human rights information

123. The Constitution of Mauritius firmly establishes the right of every individual to be treated equally and to live a life free from discrimination. It prohibits discrimination on inter alia, the ground of caste, colour, creed, sex and race. It also provides that no law shall be discriminatory either in itself or in its effect. Section 3 of the Constitution entitled "Fundamental rights and freedoms of the individual" reads as follows:

"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 interest."

124. Section 16 of the Constitution, inter alia, provides that "no law shall make any provision that is discriminatory either of itself or in its effect". The term "discriminatory" is defined as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description". Section 17 of the Constitution provides that a citizen who alleges that his rights under Chapter II of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for

redress. However, that person must do so within 3 months and he must have exhausted all available remedies.

125. The Criminal Code also makes provisions for offences which may be directly or indirectly linked to discrimination based on protected status:

- Section 78 “Torture by public official “for any reason based on discrimination provides for a fine not exceeding 150,000 rupees and to imprisonment for a term not exceeding 10 years;
- Section 183 “Interference with freedom of conscience” provides for a fine not exceeding 100,000 rupees, and by imprisonment for a term not exceeding 2 years;
- Section 184 “Disturbing religious ceremony” provides for a fine not exceeding 100,000 rupees and imprisonment for a term not exceeding 2 years;
- Section 185 “Outrage on religious worship” provides for a fine not exceeding 100,000 rupees, and imprisonment for a term not exceeding 2 years;
- Section 186 “assaulting and outraging against minister of religion” provides for a fine not exceeding 100,000 rupees and to imprisonment;
- Section 206 “Outrage against public and religious morality” provides for imprisonment for a term not exceeding 2 years and to a fine not exceeding 100,000 rupees;
- Section 254 “Sexual Harassment” provides for a fine not exceeding 100,000 rupees and to imprisonment;
- Section 258 “Unlawful arrest, detention and sequestration” provides for a fine;
- Section 282 “Stirring up racial hatred” provides under subsection (1) for a fine not exceeding 100,000 rupees and penal servitude for a term not exceeding 20 years and under subsection (2) for a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 4 years;
- Section 283 “Sedition” is an offence committed by any person who, by any means specified in Section 206 - (a) holds or brings into hatred or contempt, or excites disaffection towards, the Government or the administration of justice; (b) raises discontent or disaffection among the citizens of Mauritius or promotes feelings or ill will and hostility between different classes of such citizens. The penalty provided for is imprisonment for a term not exceeding 2 years and a fine not exceeding 100,000 rupees;
- Section 286 refers to “Importing seditious publication”;
- Section 287 relates to “Suspending publication of newspaper containing seditious publication”;
- Section 287A concerns “Prohibiting circulation of seditious publication”;
- Section 287B lists the penalties for seditious publication under Sections 286, 287 and 287A and provides that under these Sections, no person shall be prosecuted unless upon an information by the Director of Public Prosecutions and any such person shall on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

126. The mandate of the Equal Opportunities Commission is to work towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status. The Commission is mandated to address complaints alleging discrimination on the basis of one or more of the 12 protected grounds under the law. Such complaints may emanate from individuals, a group of persons, corporate bodies or they may even be anonymous. Very often, complainants seek information from the Commission before lodging the complaint.

127. The Commission provides assistance to the public in understanding the principles of the Act and its procedural aspects. When the complaint is lodged, there is a preliminary examination of the said complaint by the Members of the Commission. At this stage, the

complainant is very often called at the seat of the Commission for a preliminary hearing so as to enable the Commission to gather more information as to the allegations made. It is apposite to note that even if *ex facie* it would appear that there is no sufficient evidence to find that a complaint is well-founded, the Commission does not reject the complaint outright. The complainant is given the opportunity to provide the Commission with further evidence or is requested to particularise the status upon which he/she feels discriminated.

128. The same procedure is adopted when, *ex facie*, the complaint appears to be time barred under the law. The Commission gives the complainant the opportunity to show good cause for the delay to be extended. Albeit increasing the workload and being heavily time-consuming, such a process is systematically adopted as it is believed that the Commission has a social mission to achieve. Therefore, following a preliminary examination of the complaint, if the Commission finds that there is no sufficient evidence of discrimination even after gathering more information from the complainant, no further action is taken on the complaint. If the Commission is of the view that there is sufficient evidence to proceed, the alleged discriminator is called in with a view to ascertaining prospects of conciliation in the first instance, without delving into the merits of the case. This, very often enables an early settlement of the case, thereby avoiding a lengthy, time-consuming and costly process. Should the alleged discriminator be unwilling to reconcile, but the complaint appears to be well-founded, the Commission carries out a full-fledged investigation.

129. Following the investigation, it may still be found that there is no evidence of discrimination, in which case, the complaint is set aside. If on the completion of the investigation, the Commission finds, on a balance of probabilities, that there is discrimination on the basis of one of the protected grounds under the law, a final attempt at conciliation is made. A report containing the recommendations of the Commission is sent to the parties whilst at the same time inviting them to attempt conciliation. If no settlement is reached within 45 days, the Commission may then, with the consent of the complainant, refer the matter to the Tribunal.

130. The Equal Opportunities Commission has since its inception dealt with more than 1400 cases lodged by either individuals or by group of individuals seeking redress as to cases of discrimination. However, the Commission has had also a number of cases of frivolous, vexatious and unfounded nature from complainants. The population is being sensitized by the Commission with regards to lodging of complaints before it.

131. To prevent the internet being used for the dissemination of discriminatory or racist messages, the Information and Communication Technologies Act prohibits the use of an information and communication service in the following circumstances:

- (a) The transmission or reception of a message which is grossly offensive, or of an indecent, obscene or menacing character; or
- (b) For the purpose of causing annoyance, inconvenience or needless anxiety to any person; and
- (c) The transmission of a message which is of a nature likely to endanger or compromise State defence, public safety or public order.

132. A Truth and Justice Commission was established in March 2009 and was empowered to conduct inquiries into slavery and indentured labour during the colonial period in Mauritius, determine appropriate measures to be extended to descendants of slaves and indentured labourers, enquire into complaints made by persons aggrieved by dispossession or prescription of any land in which they claim to have an interest and prepare a comprehensive report of its activities and findings based on factual and objective information and evidence. The Commission submitted its report to the President of the Republic on 25 November 2011.

133. A Ministerial Committee was set up to consider the recommendations contained in the Report and has instituted a Land Research and Mediation Unit (LRMU) to continue research on possible dispossession of land and requested the Ministry of Arts and Cultural Heritage to identify land for the construction of a Slave Museum, and start acquiring exhibits to be displayed therein.

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

- (a) To carry out in-depth investigations into cases of alleged land dispossessions identified in the report of the Truth and Justice Commission;
- (b) To carry out in-depth investigation concerning an 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, to claimants as regards land surveys or other necessary actions; and
- (g) To submit or refer the matter to mediation and to promote amicable settlements which shall be binding upon all parties.

135. The Services of a team of professional comprising a Project Manager, three Attorneys, three Consultants in Land Surveying and a Genalogist have been enlisted by the Ministry of Housing and Land Use Planning for the LRMU. The LRMU took over the 355 files of alleged dispossessions of land which were in the custody of the then Ministry of Finance and Economic Development.

136. The status of the 355 cases is as follows:

Number of cases identified that can be 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.

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

138. Furthermore, the Intercontinental Slavery Museum was officially opened on 01 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). By promoting remembrance and reconciliation, it supports inclusion of people of African origin and aims to combat all forms of racism and discrimination.