



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Concluding observations on the fifth periodic report of Mauritius*

1. The Committee considered the fifth periodic report of Mauritius¹ at its 2176th and 2179th meetings,² held on 9 and 10 April 2025, and adopted the present concluding observations at its 2198th and 2199th meetings, held on 28 April 2025.

A. Introduction

2. The Committee expresses its appreciation to the State Party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee welcomes the constructive dialogue held with the State Party's delegation and the oral replies and written information provided in response to the concerns raised by the Committee.

B. Positive aspects

4. The Committee welcomes the State Party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including:

- (a) The repeal of the Juvenile Offenders Act 1935, in 2022;
- (b) The adoption of the Children's Act, which prohibits the infliction of corporal or humiliating punishment on a child and increases the age of criminal responsibility to 14 years, in 2020;
- (c) The adoption of the Children's Court Act, which establishes specialized children's courts, in 2020;
- (d) The adoption of the Child Sex Offenders Register Act, in 2020;
- (e) The amendments introduced to section 16 (3) of the Criminal Appeal Act, section 135 of the Criminal Procedure Act and section 96 (6) of the District and Intermediate Courts (Criminal Jurisdiction) Act, providing that time served in custody is to be deducted from the sentence imposed, in 2018.

5. The Committee commends the State Party's initiatives to modify its policies and procedures in order to afford greater protection to human rights and to apply the Convention, in particular:

- (a) The adoption of the government programme entitled "A bridge to the future" (2025–2029), with the objective of setting up a constitutional review commission to make

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/MUS/5.

² See CAT/C/SR.2176 and CAT/C/SR.2179.



recommendations for constitutional and other legislative reforms and enhance the protection of fundamental rights, including through a zero-tolerance policy on and a victim-oriented approach to domestic violence and trafficking in persons;

(b) The adoption of the National Gender Policy (2022–2030);

(c) The adoption of the National Action Plan on Trafficking in Persons (2022–2026);

(d) The adoption of the National Strategy and Action Plan on the Elimination of Gender Based Violence, in November 2020;

(e) The launch of the “Lespwar” mobile application, which allows victims of gender-based violence to quickly connect with the main police command and control centre, in 2020.

6. The Committee also takes note of the publication in 2025 of an official translation of the Convention into Kreol Morisien and the creation of a free online repository of primary and secondary legislation.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,³ the Committee requested the State Party to provide information on the measures taken in follow-up to the recommendations on the following issues: interrogation methods and confessions obtained under duress, conditions of detention, and complaint mechanisms (paras. 24 (a), (b), (d) and (e), 30 and 32). Noting that a reply concerning the information sought by the Committee was provided on 6 December 2018,⁴ and with reference to the letter dated 27 June 2019 from the Committee’s Rapporteur for follow-up to concluding observations,⁵ as well as to the information contained in the State Party’s fifth periodic report, the Committee considers that these recommendations have been partially implemented. The outstanding issues addressed in the previous concluding observations are covered in paragraphs 18 to 21, 26 and 27 of the present document.

Criminalization of torture

8. The Committee appreciates the information provided by the State Party’s delegation on the approval, in April 2025, by the Cabinet of the introduction to the National Assembly of the Constitution (Amendment) Bill and the Criminal Code (Amendment) Bill, which are aimed at repealing section 7 (2) of the Constitution and amending section 245 of the Criminal Code, respectively, thus removing the provisions that undermine the absolute prohibition of torture, in line with the Committee’s previous observations.⁶ The Committee also notes that section 78 of the Criminal Code provides for penalties in the form of a fine of up to 150,000 rupees and imprisonment for up to 10 years, which seem to be substantially less stringent than the penalty provided for in section 259 of the Criminal Code for the offence of unlawful arrest accompanied by physical torture, namely, “penal servitude” for up to 20 years. In addition, neither section 78 nor section 259 specifies the minimum penalty, which appears to be left to the wide discretion of the prosecution and judicial authorities, creating the risk that the penalty for torture in a particular case will not be commensurate with the grave nature of the crime. Furthermore, the Committee is concerned that the Probation of Offenders Act may apply to the offence of torture, although it takes note of the delegation’s assurance that the domestic courts would not in practice order probation for such a serious offence and appreciates the State Party’s commitment to

³ CAT/C/MUS/CO/4, para. 43.

⁴ CAT/C/MUS/CO/4/Add.1.

⁵ See

tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFU L%2FMUS%2F35365&Lang=en.

⁶ CAT/C/MUS/CO/4, para. 12.

revisiting this issue. Moreover, neither section 78 of the Criminal Code nor other legislation explicitly covers complicity in torture and attempts to commit torture, which is another area of concern, although the Committee notes the explanation provided by the State Party on the application of section 109 of the Criminal Code (Supplementary) Act, which criminalizes the offence of conspiracy, in such instances. Lastly, the Committee also notes that the domestic courts have so far not been invoking or applying the provisions of the Convention to fill the gaps identified in national legislation (arts. 1 and 4).

9. The State Party should:

(a) **Take all measures necessary to repeal section 7 (2) of the Constitution and to amend section 245 of the Criminal Code and ensure that the principle of the absolute prohibition of torture is incorporated explicitly into its legislation and that it is strictly applied, in accordance with article 2 (2) of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture;**

(b) **Ensure that the offence of torture, as defined in section 78 of the Criminal Code, is punishable by appropriate minimum and maximum penalties which take into account its grave nature, in accordance with article 4 (2) of the Convention, that probation is not ordered for such a serious offence, and that the disparity in sentences imposed for offences under sections 78 and 259 of the Criminal Code is carefully reviewed;**

(c) **Clearly provide for criminal liability for any act constituting complicity in the commission of torture and attempts to commit torture, in accordance with article 4 (1) of the Convention and, in this connection, consider adding torture to the list of offences included in section 109 (2) of the Criminal Code (Supplementary) Act;**

(d) **Include information about specific cases in which the Convention has been applied by or invoked before the domestic courts, if any, in its next periodic report.**

Cruel, inhuman or degrading treatment or punishment

10. The Committee notes that section 7 (1) of the Constitution provides for the prohibition of inhuman or degrading punishment or other such treatment, but omits cruel acts, as foreseen in article 16 of the Convention. It appreciates the State Party's willingness, which was reaffirmed during the dialogue, to have this provision reviewed in due course by the constitutional review commission (art. 16).

11. The Committee encourages the State Party to align section 7 (1) of the Constitution with article 16 of the Convention by prohibiting cruel acts and punishment, in addition to inhuman and degrading treatment.

Fundamental legal safeguards

12. The Committee notes the State Party's ongoing efforts to develop the comprehensive Police and Criminal Justice Bill (formerly known as the Police and Criminal Evidence Bill, which had been pending for many years) with a view to strengthening procedural legal safeguards for arrested and detained persons, as well as the plans to improve the legal aid system and access to justice. It also notes the information provided by the State Party that closed-circuit television (CCTV) cameras have been installed in all police stations. However, it notes with concern that the storage period for such footage is only 30 days, which seems rather short for investigative purposes. Furthermore, the Committee observes with concern that section 31 of the Dangerous Drugs Act and section 27 of the Prevention of Terrorism Act, under which a person suspected of an offence related to terrorism may be detained for up to 36 hours without access to anyone, including counsel, remain in force, although the State Party states that these provisions are used sparingly and only in extreme cases. Lastly, the Committee welcomes the decision by the Judicial Committee of the Privy Council in the case of *State v. Khoyratty*, which declared unconstitutional section 3 of the Prevention of Terrorism (Denial of Bail) Act, under which a detainee suspected of an

offence related to terrorism could be denied release on bail in certain cases, but notes with concern that this section is still on the statute books (art. 2).

13. The State Party should:

(a) **Strengthen its efforts to draft and adopt the comprehensive Police and Criminal Justice Bill, in line with international human rights standards, amend section 31 of the Dangerous Drugs Act and section 27 of the Prevention of Terrorism Act to guarantee the right of arrested persons to have access to a lawyer and notify a relative, or another person of their choice, of their detention, immediately after apprehension, and repeal section 3 of the Prevention of Terrorism (Denial of Bail) Act;**

(b) **Continue its efforts to guarantee the right to have questioning in custody, as well as interviews and witness statement-taking, systematically recorded, with mandatory instructions for the storage of such recordings in secure facilities for a reasonable period of time; and ensure that recordings are reviewed to identify and investigate torture and other breaches of standards, that they are made available to defendants and their counsel, prosecutors and other supervisory bodies, and that they may be used as evidence in court;**

(c) **Provide the Committee, in its next periodic report, with information on the number of complaints received regarding the failure to respect fundamental legal safeguards, and on the outcomes of such complaints, including disciplinary measures taken against officials who failed to afford fundamental legal safeguards to detainees.**

Pretrial detention

14. While noting the measures adopted by the State Party, such as the increase in the number of magistrates and judges and the establishment of an additional division of the Intermediate and Supreme Court, with a view to ensuring the prompt processing and adjudication of cases and reducing the length of pretrial detention, the Committee remains concerned at the reported delays in police investigations, which have a negative impact on the length of pretrial detention, as well as at the high percentage of detainees who are in pretrial detention (48.7 per cent of the prison population). It also regrets the lack of comprehensive information received on the use of alternative and non-custodial measures to reduce the number and duration of placements in pretrial detention, and the absence of statistical information on the application of such measures imposed during the reporting period. In addition, the Committee takes note of the information provided by the State Party that the Police and Criminal Justice Bill, once enacted, would abolish the system of provisional charges, under which a person may be detained on suspicion of having committed a serious offence, which may result in abusive and arbitrary practices and which has been an area of concern for the Committee (arts. 2, 11 and 16).

15. The State Party should:

(a) **Ensure that the provisions on pretrial detention are respected and that such detention is resorted to only in exceptional circumstances and for a limited period, taking into account the principles of necessity and proportionality;**

(b) **Intensify efforts to address the prolonged length of periods of pretrial detention and, whenever feasible, make greater use of alternatives to pretrial detention, such as electronic monitoring, travel bans, house arrest and bail, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(c) **Pursue the adoption of the reformed Police and Criminal Justice Bill, in compliance with international human rights standards, and remove the system of provisional charges.**

National preventive mechanism

16. The Committee welcomes the information that several recommendations formulated by the national preventive mechanism of the National Human Rights Commission following its monitoring visits have been implemented by the authorities, leading to improvements in conditions of detention. It notes with concern, however, that the State Party does not intend to strengthen the provisions relating to the independence of the national preventive mechanism and that the Chairperson, the Deputy Chairperson and the other members of the mechanism continue to be selected and appointed by the executive, in accordance with section 3 (8) of the Protection of Human Rights Act, and can be removed in accordance with section 113 (4) of the Constitution of Mauritius, which is reportedly used to remove political nominees. Lastly, the Committee regrets the lack of comprehensive information on the allocation of human and financial resources to the mechanism during the period under review (art. 2).

17. The State Party should take the measures necessary to strengthen the independence of the national preventive mechanism from the executive branch. In this connection, it should revisit the process for the selection and dismissal of the members of the mechanism, establish a transparent and competitive appointment procedure and consult with civil society organizations and other stakeholders with expertise in the field of torture and ill-treatment prevention prior to the selection of members of the mechanism, and provide the mechanism with the human and financial resources necessary to enable it to fulfil its mandate effectively. The State Party should ensure that candidates of different backgrounds may be considered for membership of the mechanism, in line with article 18 (2) of the Optional Protocol to the Convention.

Independent Police Complaints Commission and investigation of cases of torture and ill-treatment by police

18. With reference to its previous concluding observations⁷ and to the assessment made by the Committee's Rapporteur for follow-up to concluding observations, the Committee remains concerned that, according to section 3 (5) and (7) of the Independent Police Complaints Commission Act, the members of the Commission continue to be appointed and removed by the executive, although it notes the State Party's explanation that their independence is guaranteed under section 3 (2) of the same Act. Furthermore, the Committee notes that, as of February 2025, out of 4,674 complaints received by the Independent Police Complaints Commission since April 2018, 2,698 had been investigated and 1,976 were pending investigation. However, it regrets the lack of comprehensive details about the outcomes of the completed investigations and remains concerned at the high number of allegations of torture, death in police custody, and police violence and abuse in the State Party received by the Independent Police Complaints Commission. The Committee is concerned at reports that police officers interfere in the investigation of complaints of police misconduct, that victims withdraw their complaints for fear of reprisals and that existing protective measures are ineffective. In this regard, the Committee acknowledges the commitment made by the State Party during the dialogue to develop a code of practice for police officers and to strengthen their training to address the aforementioned shortcomings (arts. 2, 12–14 and 16).

19. The State Party should:

(a) **Take legislative measures to amend the Independent Police Complaints Commission Act 2016 in order to ensure the independence of the Independent Police Complaints Commission from the executive;**

(b) **Further strengthen efforts to ensure that acts of torture and ill-treatment by police are promptly, impartially and effectively investigated by the Independent Police Complaints Commission, which should be properly resourced and equipped to carry out its functions, whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed, and that the alleged perpetrators are**

⁷ Ibid., paras. 31 and 32.

duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts;

(c) Ensure that the alleged perpetrators are immediately suspended from their duties for the duration of the investigation, in particular where there is a risk that they would otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim and his or her relatives or to obstruct the investigation, and take all appropriate measures to prevent acts of intimidation and reprisals against alleged victims and their legal representatives and relatives.

Inadmissibility of evidence obtained through the use of torture

20. With reference to its previous concluding observations⁸ and the assessment made by the Committee's Rapporteur for follow-up to concluding observations, as well as the information provided by the delegation during the dialogue, the Committee notes the steps taken by the State Party, including the introduction of DNA-based and digital evidence, the establishment of the Digital Interview Recording System in eight police division headquarters, the training provided to police officers on investigative methods, and the explanation provided by the delegation that the new Police and Criminal Justice Bill would provide statutory provisions on the inadmissibility of evidence and confessions obtained under torture or ill-treatment and would improve the prevention of such unlawful acts. It further observes that, between 2018 and 2024, 33 cases were opened in relation to allegations of unlawfully obtained confessions during the police investigation but regrets that many of these cases are still pending on appeal and that only a handful of cases have been completed. The Committee is also concerned about the reported difficulties in proving torture and ill-treatment alleged to have occurred during the police investigation, due to the lack of medical examinations carried out or to police intimidation during medical examinations of detainees when police officers are out of earshot but still within sight (arts. 2, 12, 13 and 15).

21. The State Party should:

(a) Ensure that confessions and other statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing such acts;

(b) Ensure that, when it is alleged that a confession or other statement has been obtained through torture, the allegation is investigated immediately, effectively and independently, and that alleged perpetrators are prosecuted and, if found guilty, punished;

(c) Continue to improve and provide mandatory and in-service training for law enforcement personnel on the provisions of the Convention, in particular on the absolute prohibition of torture and ill-treatment, and on non-coercive interrogation and investigation techniques, including the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles), and strengthen advanced investigative tools and the system for the collection of forensic evidence, in order to strengthen the shift from a confession-based to an evidence-based system;

(d) Ensure that medical examinations are carried out promptly into all allegations of torture and ill-treatment and continue to strengthen training programmes for medical and psychological personnel on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised;

(e) Provide the Committee, in its next periodic report, with information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible, and the measures taken in response.

⁸ Ibid., paras. 23 and 24.

Complaints mechanisms in places of deprivation of liberty

22. The Committee takes note of the information concerning the installation of complaint boxes in prisons and detention facilities, which are regularly collected and opened in the Confidential Registry of the Prison Headquarters, as well as other means of complaint available to detainees, including the procedure followed by medical personnel to document and report signs of torture or ill-treatment through a “detainee complaint sick form”. However, this form is referred to the Commissioner of Prisons or the officer in charge of the prison for necessary action, which raises concerns about confidentiality (arts. 2, 12, 13 and 16).

23. The State Party should:

(a) **Continue to strengthen existing complaints mechanisms by ensuring that victims of torture and ill-treatment in all places of deprivation of liberty have effective, confidential and unhindered access to them and ensure that complainants are protected from any intimidation or reprisals as a result of their complaints;**

(b) **Ensure that, if the medical personnel conducting the examination of the detainee or recording the injury in prison have grounds to believe that a person has been tortured or ill-treated, the case is immediately reported to the prosecutor’s office and all other relevant independent entities, and that the officers of the facility do not play any role in the collection or transmission of those complaints.**

Juvenile justice

24. The Committee welcomes the State Party’s efforts to align its domestic legislation and policies on children’s rights with international standards on juvenile justice, including the provision of legal aid to children in conflict with the law, free of strict eligibility criteria. It also notes that the imposition of pretrial detention on children in conflict with the law is stipulated in section 57 (1) of the Children’s Act only as a measure of last resort. However, the Committee is concerned that the legislation does not establish a time limit for pretrial detention and about the information suggesting that children have been tried in the absence of their legal representative or guardian on occasions, as noted by the Committee on the Rights of the Child.⁹ The Committee also regrets the absence of comprehensive information about the rehabilitation programmes for children in conflict with the law (arts. 2 and 11).

25. The State Party should:

(a) **Continue its efforts to bring its juvenile justice system fully into line with the relevant international standards and ensure that the duration of pretrial detention for children in conflict with the law is clearly limited in law, that such detention is applied only as a last resort, when determined to be strictly necessary and proportionate in the light of the individual’s circumstances, and for the shortest possible period of time, and that such detention is reviewed on a regular basis with a view to its withdrawal, and apply alternative measures whenever possible (United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), rule 13; and United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), rules 1, 2, 17 and 18);**

(b) **Guarantee children’s right to have their legal representative or guardian present throughout the criminal proceedings and ensure their effective access to legal assistance in the criminal justice system;**

(c) **Provide detailed information about the rehabilitation programmes in place for children in conflict with the law in its next periodic report.**

Conditions of detention

26. While taking note of the adoption of the Strategic Plan 2013–2023 of the Mauritius Prison Service, as well as several steps taken by the State Party to improve material conditions in prisons, the Committee is concerned about:

⁹ [CRC/C/MUS/CO/6-7](#), paras. 43 and 44.

(a) Reports indicating challenges in guaranteeing a strict separation between detainees on remand and convicts;

(b) Reports indicating shortcomings related to insufficient access to personal hygiene facilities and to medical assistance, including psychological and psychiatric services, and contact with families and the outside world;

(c) Reports indicating the challenging situation of women prisoners, more than half of whom are foreigners, mainly detained on charges related to drug offences, who reportedly face difficulties in accessing legal assistance and contacting their families due to high costs, and of persons detained for drug-related offences, as well as the lack of adequate harm reduction services and drug treatment health services in place, although it notes the drug-related awareness training delivered to prison officers;

(d) The limited information provided concerning the non-custodial alternatives to detention applied in practice, although the Committee notes the use of the Community Service Order Act and the consideration of the proportionality principle when sentences are being imposed;

(e) Scarce information on measures adopted to prevent suicides and other deaths of detainees in prisons, although the Committee notes the information on some training provided to prison officers on suicide prevention. In addition, it is seriously concerned about the reported deaths in police custody and takes into account the investigations opened, and the prosecutions carried out in a few cases, as explained by the delegation during the dialogue;

(f) The State Party's position that the report on the 2007 visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment cannot be made public, although the State Party noted that a summary of the actions taken to implement several of the recommendations was provided in its periodic report (arts. 2, 11 and 16).

27. The State Party should:

(a) **Continue its efforts to improve existing prison facilities and material conditions to bring them into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and ensure strict separation between detainees on remand and convicted prisoners;**

(b) **Strengthen its efforts to ensure adequate healthcare in all places of deprivation of liberty, in particular mental healthcare facilities, and take all steps necessary to improve the situation of persons detained for drug-related offences, including by providing them with adequate harm reduction services and drug treatment health services and appropriate medications; the State Party is also invited to take into account the international guidelines on human rights and drug policy in the implementation of its prison and criminal policies on drugs;**

(c) **Take steps to improve the situation of all women prisoners to ensure that they have adequate opportunities to maintain relations with their families by taking the measures necessary to increase their contact with the outside world, including by allowing them to make regular calls;**

(d) **Make greater use of non-custodial measures, such as parole and early release, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and provide further details about the practical application of the Community Service Order Act in its next periodic report;**

(e) **Develop strategies and programmes for the prevention of suicide, self-harm and inter-prisoner violence;**

(f) **Ensure that all deaths in custody are promptly and impartially investigated by an independent entity, including by means of independent forensic examinations, with due regard to the Minnesota Protocol on the Investigation of**

Potentially Unlawful Death, and, where appropriate, apply the corresponding sanctions, and compile and provide the Committee with detailed information on incidents of deaths in all places of detention, their causes and the outcomes of the investigations;

(g) Consider making the report on the 2007 visit of the Subcommittee on Prevention of Torture public.

Redress

28. The Committee takes note of the information provided by the State Party that victims of torture and ill-treatment can lodge civil actions against the perpetrators to claim compensation for damages, that several cases are currently pending before the Supreme Court and that some cases may be settled out of court without the Government admitting liability. In addition, under section 4 (4) (b) of the Protection of Human Rights Act, victims can be granted compensation upon the completion of the enquiry conducted by the Human Rights Division of the National Human Rights Commission. However, the Committee regrets the lack of comprehensive information provided by the State Party on reparation programmes for victims of torture or ill-treatment, including those providing specialized treatment for trauma and other forms of rehabilitation (art. 14).

29. The Committee recommends that the State Party take steps to ensure that all victims of torture and ill-treatment can obtain redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. To this end, the State Party should establish comprehensive reparation programmes, including for trauma treatment and other forms of rehabilitation, for victims of torture and ill-treatment, and the Committee recommends that the State Party allocate adequate resources to ensure the effective functioning of such programmes. The State Party should also provide the Committee with statistical data on cases in which it has awarded compensation to victims of torture or ill-treatment, as well as the amount of the compensation awarded in each case, in its next periodic report.

Non-refoulement

30. The Committee takes note of the State Party's statement that it adheres to the principle of non-refoulement and that it allows the Office of the United Nations High Commissioner for Refugees to conduct mandated refugee status determinations on its territory. However, the Committee regrets that the State Party has not yet reconsidered its position that there is no need to establish a functional national asylum framework in compliance with its obligations under article 3 of the Convention, particularly in the light of the fact that foreigners continue to enter Mauritius to seek asylum. In addition, the Committee is concerned that the State Party does not provide the asylum-seekers who stay in its territory temporarily with access to public education, healthcare beyond the primary level or employment, which might push them into informal sectors where the risk of exploitation is greater. Furthermore, the Committee regrets that the State Party does not envisage acceding to the core international treaties governing the rights of asylum-seekers and refugees. It also notes the information provided by the State Party that no stateless persons have been registered in its territory. Nevertheless, the Committee regrets that the State Party does not have an established framework to protect stateless persons and persons at risk of statelessness, nor is it considering acceding to the core conventions relating to statelessness (arts. 2, 3 and 16).

31. The State Party should take legislative steps to establish comprehensive national asylum legislation and procedures that provide effective protection to asylum-seekers and refugees against refoulement to a State where there are substantial grounds for believing that they would be in danger of being subjected to torture or ill-treatment, in accordance with article 3 of the Convention. It should also guarantee asylum-seekers and refugees equal access to essential public sector services, including employment, health and education. The State Party should consider acceding to the Convention relating to the Status of Refugees and its Protocol, the Organization of African Unity Convention Governing the Specific Aspects of Refugee

Problems in Africa, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Violence against women

32. The Committee appreciates the steps taken by the State Party to combat gender-based violence, including domestic violence, as well as the awareness-raising campaigns carried out. It also takes note of the information provided by the State Party's delegation during the dialogue on the proposed amendment of section 242 of the Criminal Code to make manslaughter committed against a spouse caught in the act of adultery a non-excusable offence and the introduction of a new Domestic Abuse Bill, which, together with the proposed amendments to the Criminal Code, would criminalize marital rape as a specific offence. Nevertheless, the Committee remains concerned about the reported increase in the prevalence of gender-based violence, notably domestic violence, the alleged lack of adequate enforcement of court protection orders and the low number of prosecutions and convictions compared to the high estimated number of cases during the reporting period. The Committee is also concerned about the information indicating the underreporting of cases of gender-based violence or withdrawal of complaints by the victims due to cultural barriers and fear of stigma and revictimization, although it notes the information provided by the State Party about the ongoing efforts to increase the reporting of such cases and to strengthen the support services for victims (arts. 2, 12–14 and 16).

33. The State Party should:

- (a) **Repeal section 242 of the Criminal Code;**
- (b) **Criminalize marital rape as a separate offence;**
- (c) **Continue to strengthen measures to prevent gender-based violence, including domestic violence, and mechanisms to encourage victims to come forward, and ensure that all allegations of violence are promptly, thoroughly and effectively investigated, that perpetrators are held accountable, and that victims obtain adequate redress and have access to adequate legal, medical and psychosocial support and shelters;**
- (d) **Intensify efforts to raise awareness among both men and women, including through educational and media campaigns, of the criminal nature of gender-based violence, including domestic violence, in order to challenge its social acceptance and continue to address the stigma discouraging victims from reporting it.**

Protection of human rights defenders, lawyers and journalists

34. While noting the commitment made by the delegation during the dialogue to ensure that human rights defenders and lawyers carry out their legitimate work in an enabling environment and to protect them from any threats or intimidation, the Committee is concerned about the information before it regarding instances of arbitrary arrest, threats and attacks experienced by human rights defenders, and a worsening environment for lawyers working on human rights cases, their difficulties in accessing detainees in prisons, and the intimidation and harassment experienced by journalists during the reporting period (arts. 2 and 16).

35. The State Party should ensure that all human rights defenders, lawyers and journalists are able to carry out their legitimate work in an enabling environment, free from threats, reprisals, violence or other forms of harassment. The State Party should investigate promptly, thoroughly and impartially all allegations of torture, ill-treatment, harassment and intimidation of human rights defenders, lawyers and journalists, prosecute alleged perpetrators and appropriately punish those found guilty, and provide victims with redress.

Trafficking in persons

36. While acknowledging the State Party's ongoing efforts to develop a standard operating procedure relating to trafficking in persons, to train police officers in the effective investigation of trafficking cases and to set up a combating trafficking in persons unit to

improve the coordination and prosecution of such cases, the Committee remains concerned that the phenomenon of trafficking in persons is still prevalent, notably trafficking in women and children for the purpose of sexual exploitation and trafficking for the purpose of labour exploitation in the manufacturing and construction sectors. It is also concerned about the risk of trafficking to which migrant workers might be exposed and notes the State Party's acknowledgement of this situation and its plans to address it. In addition, the Committee is concerned about the reported shortcomings in combating trafficking in persons due to the difficulties in gathering evidence (arts. 2, 12–14 and 16).

37. The State Party should strengthen its efforts to combat and prevent all forms of trafficking in persons, and ensure that such cases are thoroughly investigated, that suspected perpetrators are prosecuted and, if convicted, sentenced to appropriate penalties and that victims obtain full redress, including adequate compensation and rehabilitation. The State Party should also continue to enhance the training and resources available to enable police officers and prosecutors to collect evidence in trafficking cases, and provide training to judges, labour inspectors and social workers in the early detection and identification of victims of trafficking and their referral to appropriate psychosocial and legal services.

Violence and abuse against individuals on the basis of their actual or perceived sexual orientation or gender identity

38. While welcoming the Supreme Court's ruling of 2023 in the case of *Abdool Ridwan Firaas Ah Seek v. State of Mauritius*, which held that section 250 of the Criminal Code, which criminalized same-sex relations between consenting adults, was unconstitutional, the Committee is concerned at reports of violence, including hate speech and hate crimes, against individuals on the basis of their actual or perceived sexual orientation or gender identity, of the underreporting of such cases and of the lack of effective investigations into such cases (arts. 2 and 16).

39. The Committee recommends that the State Party take effective measures to prevent violence based on actual or perceived sexual orientation or gender identity, and ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, and that perpetrators are brought to justice and victims provided with redress.

Situation of the Chagossians

40. While noting the agreement on the return of the Chagos Archipelago to the State Party and the ongoing negotiations with the United Kingdom of Great Britain and Northern Ireland, the Committee is concerned at the discrimination, poverty and inhuman and degrading treatment to which Chagossians have been subjected as a result of their forced displacement. The Committee also takes note of the information provided by the State Party about the welfare fund and other measures taken to improve the living conditions of the Chagossians in the State Party and their aspirations to resettle in the archipelago, but lacks further information about the consultation and involvement of the Chagossians in such negotiations, in particular with respect to redress and rehabilitation (arts. 14 and 16).

41. The Committee encourages the State Party to strengthen its efforts in addressing the situation of Chagossians as a result of their forced displacement and in carrying out proper consultations with them throughout the negotiation process, including on the issues related to their return as well as redress and the means for as full a rehabilitation as possible.¹⁰

Persons with disabilities, including those confined to psychiatric and social care institutions

42. While taking note of the information provided by the State Party about the amendments introduced in 2019 to the Mental Health Care Act with the aim of preventing the prolonged hospitalization and institutionalization of persons with disabilities, the

¹⁰ General comment No. 3 (2012) on the implementation of article 14, para. 1.

Committee recalls the recent concerns and recommendations formulated by the Committee on the Rights of Persons with Disabilities¹¹ regarding the fact that the involuntary hospitalization and institutionalization of persons with disabilities, including children, based on perceived or actual impairments or level of dangerousness to themselves or to others, is still allowed, and that persons can be interned and institutionalized on a long-term basis. In addition, the Committee against Torture observes that, according to the information provided by the State Party, the ministerial inspectorate team of the Welfare and Elderly Persons' Protection Unit oversees residential care homes. However, it is unclear whether the national preventive mechanism can also conduct unannounced visits to all these institutions, including private ones, in accordance with article 4 of the Optional Protocol to the Convention and general comment No. 1 (2024) of the Subcommittee on Prevention of Torture, although the Committee takes note of the positive assurance given by the delegation in this regard. Lastly, the Committee is concerned about reports of ill-treatment in such institutions and the lack of information on reporting and investigation in these institutions (arts. 2, 11, 13 and 16).

43. The Committee recommends that the State Party intensify its efforts to abstain from involuntary admissions to closed institutions merely on the basis of impairment and avoid forced hospitalization, unless it is strictly necessary in cases in which persons pose a danger to themselves or to others, and that, even then, it should be used only as a last resort, for the shortest time possible and solely when accompanied by adequate procedural and substantive safeguards, such as initial and periodic judicial review and unrestricted access to a lawyer and to a complaint mechanism. The State Party should also continue its efforts in developing and implementing a policy of deinstitutionalization in the form of alternative and community-based support services and other forms of outpatient care programmes throughout its territory. The State Party should also ensure that the national preventive mechanism has a mandate to monitor all residential care homes, including private ones. It should also take any steps necessary to report and investigate the alleged incidents of ill-treatment that occur in those institutions.

Training

44. While noting the training provided by the Police Training School and the Prison Training School, which includes modules on human rights, and by the Institute for Judicial and Legal Studies, which provides training to legal professionals, as well as the refresher talks on the Convention and the Optional Protocol thereto, the Committee is of the opinion that more regular in-service training is needed for police officers, prison staff, prosecutors and judges on the absolute prohibition of torture and the Istanbul Protocol, as revised, and that the efficiency of the training provided in practice should be evaluated (art. 10).

45. The State Party should further strengthen mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers, prosecutors, judges, prison staff and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and the Istanbul Protocol, as revised, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, appropriately punished. It should also develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible.

Follow-up procedure

46. The Committee requests the State Party to provide, by 2 May 2026, information on follow-up to the Committee's recommendations on the criminalization of torture, the Independent Police Complaints Commission and investigation of cases

¹¹ [CRPD/C/MUS/CO/2-3](#), paras. 25 and 26.

of torture and ill-treatment by police, and conditions of detention (see paras. 9 (a), 19 (b) and (c) and 27 (f) above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.

Other issues

47. The Committee encourages the State Party to consider making the declarations under articles 21 and 22 of the Convention recognizing the competence of the Committee to receive and consider inter-State communications and communications from individuals subject to its jurisdiction.

48. The Committee invites the State Party to take all legislative measures necessary to repeal section 4 (1) of the Constitution with the aim of abolishing the death penalty in law and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

49. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

50. The Committee requests the State Party to submit its next periodic report, which will be its sixth, by 2 May 2029. For that purpose, and in view of the fact that the State Party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The State Party's replies to that list of issues will constitute its sixth periodic report under article 19 of the Convention.
