

Responses to Recommendations

MAURITIUS

Review in the Working Group: 10 February 2009
 Adoption in the Plenary: 11 June 2009

Mauritius' responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
44 REC accepted; 6 commented but no clear position given; 13 pending.	All 13 pending REC are commented but no clear position is given	The delegation repeated the same comments as included in the addendum	None	Accepted: 44 Rejected: 0 No clear position: 19 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/28:

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

- 1. Consider the possibility/ speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Algeria, Argentina, Brazil, Mexico, Slovenia);
- 2. Review its domestic legislation with a view to aligning it with the provisions of the human rights instruments that it has ratified (South Africa);
- 3. Present to the Parliament, as soon as possible, the Police Complaints Bill which is being prepared, and direct particular attention to increasing the awareness of police agents with respect to human rights principles (Algeria);
- 4. Finalize and adopt the Sexual Offences Bill currently under consideration (Canada);
- 5. Ensure that rape within marriage is a punishable offence under its legal code (Canada);
- 6. Ensure that any legislation, regulation or measures concerning the media fully respect the right to freedom of opinion and expression, including freedom of the media, in accordance with article 19 of

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

- 7. See that competent institutions carry out a campaign to explain the content of the Constitution distributed to different groups of the society (The Democratic Republic of the Congo);

- 8. Increase its efforts in ensuring full compliance of its domestic legislation with the Convention on the Rights of the Child, including by introducing a legal minimum age for criminal accountability (Italy) in line with international standards (Germany); Enact a Children's Act as well as consolidating national legislation which is fully in line with the international obligations it has undertaken (Indonesia);

- 9. Consider implementing the recommendations of the National Human Rights Commission (NHRC) contained in paragraph 37 of the national report (Azerbaijan);

- 10. Give to the Office of the Ombudsperson for Children the necessary resources to carry out its tasks so as to ensure its effective realization of the rights of children (Burkina Faso);

- 11. Continue its impressive efforts towards realization of children rights, and in this context share its experiences on the work of the Ombudsperson for Children (Botswana);

- 12. Implement the recommendations of the Committee on the Rights of the Child (South Africa);

- 13. Continue its efforts on behalf of the defence and sustainability of a pluralistic democracy, good governance, economic and social development and the strengthening of national human rights institutions (Côte d'Ivoire);

- 14. Finalize and implement the National Action Plan on Human Rights, (Zimbabwe, Algeria) as referred to in paragraphs 80 and 81 of the national report (Algeria), which will undoubtedly bring about tangible improvements in the observance of all categories of human rights (Zimbabwe);

- 15. Continue its efforts along the path of promotion and protection of human rights in all fields (Egypt); Encourage Mauritius to continue with its positive efforts in promoting and protecting human rights of its people and share its experience in this area with other countries (Malaysia); Continue to work over the challenges and the constraints it is facing in its endeavour to promote and protect human rights (Zimbabwe);

- 16. Continue efforts to promote human rights education (Canada);

- 17. Continue to fine-tune its development agenda and by doing so, continue to effectively promote and protect human rights as well as economic, social and cultural rights in the country (Indonesia);

- 18. Continue to apply a gender perspective in its policies and programmes, including in the follow-up on the results of the current review, within the context of its National Gender Policy Framework of 2008 and other mechanisms (Botswana);

- 19. Call on the international community to provide the much-needed technical and technological know-how and finances to Mauritius in support of its efforts to attain full enjoyment of civil and political rights as well as economic, social and cultural rights for its population (Nigeria); call on the United Nations Development Programme and the Commonwealth Secretariat to continue to assist Mauritius in capacity-building (Zimbabwe); Call on the international community to support Mauritius by providing all assistance needed to improve its programmes for the protection and promotion of human rights (Chad);

- 20. Continue along the path of its humanistic ideal of a rainbow nation, rich in cultural, social and religious diversity and respecting the rights of minorities (Côte d'Ivoire);

- 21. Continue its efforts to eliminate discrimination against women and intensify awareness-raising campaigns on women's rights (New Zealand); Take further steps to address discrimination against women, especially in the work place (United Kingdom);

- 22. Carry out investigations into all violations and deaths of persons in custody and in prisons attributable to police officers, and: that perpetrators of such violations are prosecuted; and that victims are paid compensation and have access to independent bodies for investigating those complaints (United Kingdom); and establish a police complaints authority with active work and necessary technical assistance from the international community (China);
- 23. Adopt further measures to ensure that the use of pre-trial detention complies with international standards and to rationalize the system of inspection of prisons and of processing of complaints in cases of alleged mistreatment or torture (Czech Republic);
- 24. Pursue efforts to provide specific human rights training to law enforcement and judicial officers on all aspects of human rights (Czech Republic);
- 25. Make more strenuous effort to address the issue of violence against women (Malaysia), including through intensifying its awareness-raising and strengthening prevention efforts and measures (Malaysia, Germany) and put in place effective monitoring and evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women; increase the number of available shelters for victims of violence and their children; address all obstacles that prevent women from reporting acts of violence to the police (Germany);
- 26. Continue and strengthen its efforts in addressing domestic violence (Palestine, Pakistan) in particular in raising the awareness of the population through information campaigns and by enhancing the system of criminal prosecutions (Palestine);
- 27. Make all possible efforts to eradicate all forms of violence, all form of abuse against children and eliminate completely police brutality (Mexico);
- 28. Strengthen existing policies and programmes aimed at eradicating child prostitution (Turkey); Strengthen the existing national plan of action on the protection of children, in particular on its policies in the prevention, recovery and reintegration of children victims of sexual exploitation (Malaysia); Continue its efforts to protect child rights, in particular in its attempt to completely eradicate child labour (France);
- 29. Undertake further steps to eradicate child prostitution and child labour (New Zealand);
- 30. Effectively monitor the implementation of the Combating of Trafficking in Persons Bill upon its adoption (Turkey); Take into account the human rights dimensions of human trafficking, in particular the need to protect and provide assistance to victims, in the drafting of legislation to combat human trafficking (Philippines);
- 31. Take measures to bring the situation of persons in custody in line with international standards, including the length of pre-trial detention (Germany);
- 32. Follow-up dynamically on its policies of combating prison overpopulation, in particular through the development of new facilities (Palestine);
- 33. Step up its efforts to complete the reform of its judicial system, and if necessary to request technical assistance from the Office of the High Commissioner for Human Rights in this regard (Algeria);
- 34. Encourage the participation of women in Parliament and increase of women participation in the different decision making processes (Syrian Arab Republic);
- 35. Continue to implement and strengthen its policy and measures to eradicate poverty (Tunisia, South Africa); Maintain and strengthen programmes to combat extreme poverty (Brazil);
- 36. Continue ongoing efforts to strengthen respect for the human rights of women and to take steps to improve their living standards (Canada);
- 37. Continue to improve the access to education, health care and medicine (Azerbaijan);

- 38. Continue its efforts in promoting human rights, especially by integrating into school programmes the fundamental principles of human rights and strengthening the education on these rights in parallel campaigns and educational measures (Morocco);
- 39. Include in the plan outlined by the Attorney-General for the early ratification of the Convention on the Rights of Persons with Disabilities measures to increase the proportion of children with disabilities attending school (New Zealand);
- 40. Continue to enhance efforts to protect the human rights of migrants (Philippines);
- 41. Share additional information about the Equal Opportunities Act and its targeted groups (Nepal);
- 42. Share its plans and practices in eradicating poverty in a time-bound manner as is reflected in the works of the special Committee for the Eradication of Absolute Poverty and five-track partnerships (Nepal);
- 43. Share additional information on the nature and composition of the Human Rights Centre and its functions in relation to the NHRC (Nepal);
- 44. Reject any attempts to impose on it any values or standards beyond its international legal obligations and not in conformity with its social values (Egypt).

81. The following recommendations will be examined by Mauritius, which will provide responses in due time. The response of Mauritius to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session:

- 1. Ratify/consider ratifying the Convention on the Rights of Persons with Disabilities (France, Mexico) and its Optional Protocol (Mexico);
- 2. Sign and ratify/consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (France, Mexico);
- 3. Consider becoming party to/ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Azerbaijan, Mexico);
- 4. Speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Slovenia);
- 5. Speed up the process of ratifying/ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Mexico, Slovenia);
- 6. Accede to the 1951 Refugee Convention and its 1967 Protocol (Czech Republic);
- 7. Accomplish the human rights goals set by resolution 9/12 of the Human Rights Council and, within its context, consider the ratification of CED and CPD (Brazil);
- 8. Amend constitutional provisions which negatively affect the status of women, including marriage, divorce, adoption, burial and transfer of property in case of death (Italy);
- 9. Consider extending (Latvia, Brazil)/Extend (France, Slovenia)/ extend and implement (Czech Republic) a standing invitation to all special procedures of the Human Rights Council;
- 10. Prohibit in the Constitution all forms of discrimination without exception (Mexico);
- 11. Include marital rape as an offence under the proposed Sexual Offences Bill (New Zealand);

- 12. Take further measures to prevent discrimination based on sexual orientation, and that the Equal Opportunities Act allow legal acknowledgement of homosexual couples and their human rights (United Kingdom);

- 13. Develop a policy for the use of Creole at all levels of primary education, and to incorporate human rights in the education curricula (Mexico).

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

1. With regards to the recommendation to ratify in 2009, as it had committed itself, the CPD (France), included in paragraph 33 (a), Mauritius indicates that it has undertaken to ratify the CPD as soon as the necessary legislation is passed, and the necessary measures are taken to allow implementation of the CPD;”

- Paragraph 33(a) (France): “To ratify in 2009, as it had committed itself, the Convention on the Rights of Persons with Disabilities (CPD)”

“2. Regarding the recommendation to ensure that the NHRC is in line with the Paris Principles (Mexico), included in paragraph 54 (a), Mauritius considers that the NHRC already operates in line with the Paris Principles, hence its accreditation since 2002 as “A” status by the International Coordinating Committee of National Institutions for the promotion and protection of human rights, as referred to in paragraph 8 of the compilation prepared by the OHCHR (A/HRC/WG.6/4/MUS/2);”

- Paragraph 54(a) (Mexico): “To ensure that the National Human Rights Commission operates in line with the Paris Principles”

“3. Regarding the recommendation to enact legislation that criminalizes rape (Germany), included in paragraph 51 (e), Mauritius stated that the Criminal Code already provides for the offence of rape;”

- Paragraph 51(e) (Germany): “To enact legislation that criminalizes rape”

“4. Regarding the recommendation to adopt measures for the prevention of sexual abuse and provide facilities for the care, recovery and reintegration for child victims of violence (New Zealand), included in paragraph 55 (g), Mauritius mentioned that such measures and facilities already exist but can be enhanced;”

- Paragraph 55(g) (New Zealand): To adopt measures for the prevention of sexual abuse and provide facilities for the care, recovery and reintegration for child victims of violence”

“5. Regarding the recommendation to include provisions in its proposed Equal Opportunities Act on the equal rights of women and men and provide girls with access to education facilities and resources equivalent to those available to boys (New Zealand), included in paragraphs 55 (b) and (c); Mauritius commented that the Equal Opportunities Act and the Constitution already provide for equal rights of women and men. Girls and boys already have access to the same education, facilities and resources.”

- Paragraph 55(b) (New Zealand): “To include provisions in its Equal Opportunities Act on the equal rights of women and men”

- Paragraph 55(c) (New Zealand): “To provide girls with access to education facilities and resources equivalent to those available to boys”

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