



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/4/MUS/2  
28 November 2008

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Fourth session  
Geneva, 2-13 February 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Mauritius**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations <sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	30 May 1972	None	Individual complaints (art. 14): No
ICESCR	12 December. 1973	None	--
ICCPR	12 December. 1973	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	12 December. 1973	None	-
CEDAW	9 July 1984	Yes (art. 29)	-
CAT	9 Dec. 1992	-	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
OP-CAT	21 June 2005	None	-
CRC	26 July 1990	Yes (art. 22)	-

*Core treaties to which Mauritius is not a party:* ICCPR-OP2, OP-CEDAW (signature only, 2001), OP-CRC-AC and OP-CRC-SC (signature only, 2001), ICRMW, CPD (signature only, 2007), CPD-OP (signature only, 2007), and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>3</sup>	Yes
Refugees and stateless persons <sup>4</sup>	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>6</sup>	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on the Elimination of Discrimination against Women (CEDAW) commended Mauritius on the withdrawal of reservations to article 11 paragraph 1 (b) and (d) and article 16, paragraph 1 (g) of the Convention.<sup>7</sup>
2. The Committee on the Rights of the Child (CRC) recommended that Mauritius withdraw its reservation to article 22 of the Convention, relating to the individual complaints procedure.<sup>8</sup>
3. In 2006, CRC recommended that Mauritius ratify OP-CRC-AC and OP-CRC-SC<sup>9</sup>; CEDAW recommended ratifying the Palermo Protocol, OP-CEDAW and ICRMW.<sup>10</sup> In 2001, the Committee on the Elimination of Racial Discrimination (CERD) requested Mauritius to consider the possibility of accepting the individual complaints procedure provided for under article 14 of the Convention on the Elimination of All Forms of Racial Discrimination.<sup>11</sup>
4. CRC welcomed the accession of Mauritius to, inter alia, the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.<sup>12</sup>

### B. Constitutional and legislative framework

5. In 2005, the Human Rights Committee (HR Committee) welcomed the enactment of the 1998 Protection of Human Rights Act. However, it reiterated its concern about the failure of Mauritius to integrate all the rights guaranteed under the Covenant into national legislation, the maintenance of legislative and constitutional provisions at variance with the Covenant, and the

fact that effective remedies are not available in all cases of violations of the rights guaranteed by the Covenant.<sup>13</sup>

6. In 2006, CRC noted with appreciation the legislative reform undertaken by Mauritius to ensure compliance with the Convention on the Rights of the Child. However, it remained concerned that some of the legislation does not conform to the Convention, including in the area of adoption and juvenile justice. It recommended that Mauritius strengthen its efforts in this regard and encouraged Mauritius to consider enacting a comprehensive Children's Act consolidating legislation relating to child rights.<sup>14</sup>

7. In 2006, concerned that the provisions of the Convention on the Elimination of all Forms of Discrimination against Women were not enforceable in courts, CEDAW urged Mauritius to complete the process of their incorporation into national law.<sup>15</sup>

### **C. Institutional and human rights infrastructure**

8. CRC, the HR Committee and CERD welcomed the establishment, in 2001, of the National Human Rights Commission (NHRC).<sup>16</sup> The NHRC was accredited with 'A' status in 2002<sup>17</sup> and reaccredited with the same status in 2008.<sup>18</sup>

9. In 2005, the HR Committee noted the shortcomings of the NHRC in terms of guarantees of independence in appointing and dismissing its members. It noted that the Commission does not have its own budget; that its investigative powers are restricted; and that it often requests the police to investigate complaints submitted to it. According to the HR Committee, Mauritius should ensure that the Human Rights Protection Act 1998 establishing the NHRC and its practice are in line with the Paris Principles.<sup>19</sup>

10. CRC and the HR Committee welcomed the establishment of the Ombudsperson for Children's Office in 2003.<sup>20</sup> CRC recommended that Mauritius ensure that adequate human and financial resources be allocated to this Office, that it be strengthened by allowing recruitment of qualified and trained staff, and that it be systematically included in the review of laws and policies pertaining to children.<sup>21</sup>

### **D. Policy measures**

11. While noting with appreciation the process of reviewing the Children's Policy as well as the National Plan of Action proposed in 2003/2004 with focus on Early Childhood Care and Development and Parental Empowerment Programme, CRC recommended that Mauritius implement a comprehensive National Plan of Action, covering all areas of the Convention and incorporating the objectives and goals of "A world fit for children".<sup>22</sup>

12. A 2006-2007 UNDP report noted that the Government intends to develop an action plan through a consultative and participatory process, with a focus on enhancing the human rights system in a holistic manner, in particular for the most vulnerable groups, such as women, children, people living with HIV/AIDS and the poor.<sup>23</sup>

13. In 2005, Mauritius, in collaboration with UNDP and ILO, launched a three-year programme aiming at promoting gender equality. Other projects included aligning legislation with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, setting up national machinery to address gender mainstreaming, and analysing discriminatory practices in the labour market against women in particular.<sup>24</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>25</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1999	May 2001	-	Fifteenth to eighteenth reports overdue since 2001, 2003, 2005, 2007 respectively
CESCR	1994	Oct. 1996	-	Second, third and fourth reports overdue since 1995, received in 2008
HR Committee	2004	April 2005	April 2006	Fifth report due in 2010
CEDAW	2004	Aug. 2006	-	Sixth and seventh reports due in 2009
CAT	1998	May 1999	-	Third and fourth reports overdue since 2002 and 2006 respectively
CRC	2004	March 2006	-	Third, fourth and fifth reports due in 2011

14. In October 2007, the United Nations Subcommittee on Prevention of Torture visited Mauritius and handed a set of preliminary confidential observations and recommendations to the authorities.<sup>26</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	None
<i>Visits agreed upon in principle</i>	Special Rapporteur on freedom of religion or belief
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	One communication was sent during the four year periodicity. The Government did not reply to it.
<i>Responses to questionnaires on thematic issues<sup>27</sup></i>	Mauritius responded to 7 of the 12 questionnaires sent by special procedures mandate holders <sup>28</sup> during the period under review, within the deadlines. <sup>29</sup>

#### 3. Cooperation with the Office of the High Commissioner for Human Rights

15. Through OHCHR regional office for Southern Africa and UNDP, institutional strengthening and capacity-building was undertaken with state institutions such as the police, prison officials, the judiciary and parliament.<sup>30</sup> OHCHR also co-facilitated a workshop for the NHRC and its partners in 2008 on monitoring police complaints and on the establishment of an independent police complaints commission;<sup>31</sup> provided human rights training for prison officials;<sup>32</sup> trained government officials and civil society representatives on treaty body reporting;<sup>33</sup> supported the development of a national human rights action plan;<sup>34</sup> organized a workshop to finalize elements of a plan to create a Human Rights Centre<sup>35</sup> and provided expert

technical support for the drafting of the HIV Preventive Measures Act.<sup>36</sup> In 2005, Mauritius hosted a workshop to follow-up on treaty bodies' recommendations.<sup>37</sup>

16. In 2004, OHCHR awarded to the NHRC a small grant to promote the Paris Principles at the national level.<sup>38</sup> Mauritius made a financial contribution to OHCHR in 2008.<sup>39</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non discrimination**

17. CEDAW called upon Mauritius to intensify its efforts to change strong patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society through comprehensive awareness-raising and educational campaigns, and strengthening work on non-sexist advertising, gender-neutral job classifications, sensitization of educators, and removal of stereotypes in textbooks.<sup>40</sup>

18. CEDAW noted with appreciation the 1995 amendment to section 16 of the Constitution, which included sex as a prohibited ground of discrimination.<sup>41</sup> Noting that according to section 16, the prohibition of discrimination does not apply to personal-status laws and to foreigners, the HR Committee stated that Mauritius should prohibit all forms of discrimination.<sup>42</sup> CEDAW was also concerned that an exemption to the prohibition of discrimination has been maintained in the Constitution on personal status law, including adoption, marriage, divorce, burial and devolution of property on death, and called upon Mauritius to engage with respective religious communities in order to repeal such exemption.<sup>43</sup>

19. CEDAW, CRC and the HR Committee welcomed the Sex Discrimination Act (2002).<sup>44</sup> CEDAW was concerned however that Mauritius failed to initiate the use of temporary special measures, as provided for in that Act, to accelerate the achievement of equality between women and men in both the public and private sectors.<sup>45</sup> CEDAW encouraged Mauritius to include in its Constitution or national legislation, such as the pending Equal Opportunities Bill, provisions on the equal rights of women and men.<sup>46</sup> It also recommended the inclusion in this Bill of a provision on temporary special measures, in particular with regard to women's participation in decision-making, education and access to economic opportunities.<sup>47</sup>

20. In 2008, an ILO Committee of Experts noted that the Equal Opportunities Bill does not include protection against discrimination on the basis of political opinion and that it is unclear about protection against social origin discrimination. The Committee also noted that the Employment Rights Bill prohibits discrimination in employment and occupation based on race, colour, sex, sexual orientation, HIV status, religion, political opinion, national extraction and social origin. The Committee hoped that the Government will take steps to ensure consistency in its non-discrimination and equality legislation, and amend the Equal Opportunities Bill so that it also protects against discrimination based on political opinion and social origin.<sup>48</sup>

21. The HR Committee took note of the continuing dispute regarding the legal status of the Chagos Archipelago, the population of which was removed to the main island of Mauritius and other places after 1965. It recommended that Mauritius make every effort to enable the population concerned to fully enjoy their rights under the Covenant.<sup>49</sup>

### **2. Right to life, liberty and security of the person**

22. The HR Committee noted with concern concurring reports from non-governmental organizations (NGOs) on numerous instances of ill-treatment and deaths of persons in custody

and in prisons attributable to police officers. Few complaints are investigated in order to identify and punish the officers responsible. In this regard, it noted with concern the limitations of the investigations by the Complaints Investigation Bureau, the shortcomings of the NHRC, as well as the absence of an independent appeals body for complaints against police authorities. Mauritius should ensure that investigations into all violations of the Covenant are carried out; prosecute the perpetrators of such violations and pay compensation to the victims; and ensure that the victims have access to genuinely independent bodies for investigating those complaints.<sup>50</sup>

23. CEDAW and CRC noted with satisfaction the Protection from Domestic Violence Act 1997 (amended in 2004).<sup>51</sup> According to CEDAW however, violence against women remains a serious problem,<sup>52</sup> an issue also raised by the HR Committee.<sup>53</sup> CEDAW called on Mauritius to intensify its awareness-raising efforts in this respect; to strengthen prevention efforts and sensitization measures; and to increase the number of available shelters for battered women and their children.<sup>54</sup> The HR Committee added that Mauritius should address obstacles such as economic dependence on their partners that prevent women from reporting such violence.<sup>55</sup> CEDAW also requested Mauritius to enact legislation criminalizing marital rape and to put in place effective monitoring and evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women.<sup>56</sup>

24. While noting that corporal punishment is prohibited in schools, CRC remained concerned that it is not explicitly forbidden by law in the family and in all settings.<sup>57</sup> CRC urged Mauritius to prohibit corporal punishment of children in the family, in schools, penal institutions and alternative care settings, and recommended awareness-raising campaigns, and promotion of non-violent, positive, participatory methods of child-rearing and education.<sup>58</sup>

25. Noting with concern the incidence of child abuse and neglect, including sexual abuse, CRC recommended that Mauritius provide facilities for the care, recovery and reintegration for child victims of violence; ensure that their privacy is protected in legal proceedings; and train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of violence and abuse.<sup>59</sup>

26. CRC welcomed the adoption of the National Plan of Action on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (2003-2004). It remained alarmed however at the high number of children involved in commercial sexual exploitation,<sup>60</sup> and recommended strengthening the implementation of policies and programmes for the prevention, recovery and reintegration of child victims.<sup>61</sup>

27. CEDAW was concerned about the lack of information regarding the extent of trafficking in women and girls and about the absence of a comprehensive law or systematic measures to address this issue. It was also concerned about the extent of prostitution, including of girl children as young as 10 years of age, and about the fact that clients of prostitutes are not prosecuted under current legislation.<sup>62</sup> It urged Mauritius to pursue a comprehensive approach in addressing the question of prostitution, including legislation to sanction the demand side of prostitution, and to provide educational and economic alternatives to prostitution. It called upon Mauritius to address the link between tourism and prostitution and to ensure the effective prosecution and punishment of those who exploit prostitution.<sup>63</sup> In 2005, the HR Committee recommended that Mauritius pursue and strengthen measures aimed at eradicating child prostitution and child labour.<sup>64</sup>

28. The HR Committee reiterated its concern that the powers to detain provided for by article 5, paragraphs 1 (k) and 4, of the Constitution are incompatible with article 9, paragraphs 3 and 4 of the Covenant.<sup>65</sup>

29. The HR Committee noted with concern that the Dangerous Drugs Act 2000 restricts bail and permits suspects to be remanded in custody for 36 hours without access to counsel.<sup>66</sup>

### **3. Administration of justice and the rule of law**

30. CRC remained concerned about the lack of a clear legal provision for the minimum age of criminal responsibility, the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty.<sup>67</sup> It recommended that Mauritius ensure the full implementation of juvenile justice standards; establish by law a minimum age of criminal responsibility set at an internationally acceptable level; increase availability and accessibility of alternative measures for child offenders using probation services; take all necessary measures to limit the de facto use of deprivation of liberty and ensure that it is genuinely used only as a last resort; and regularly conduct training programmes for all professionals working in juvenile justice.<sup>68</sup>

31. The HR Committee noted with concern the alarming finding of a report drawn up in the wake of the Beau Bassin prison incidents of 26 September 2003, which shows the considerable percentage of the inmate population in pre-trial detention (36 per cent) and the excessive length of such detention for serious offences. It urged Mauritius to ensure that its pre-trial detention practice is compatible with article 9 of the Covenant.<sup>69</sup>

### **4. Right to privacy, marriage and family life**

32. CEDAW urged Mauritius to accelerate the establishment of a family court to deal with all matters relating to marriage and its dissolution, within a concrete time frame (on the national agenda since 1995).<sup>70</sup>

33. CRC encouraged Mauritius to continue to ensure that declarations of births are dealt with in a more expeditious manner.<sup>71</sup>

34. Sharing Mauritius' concern that the privacy of children victims of abuse or in conflict with the law is not always respected by the press, CRC recommended that all measures be taken to fully protect the right to privacy, and that the initiatives of the Ombudsperson for Children in this domain be supported, including the proposals of drafting a Code of Ethics.<sup>72</sup>

35. Concerned that, according to the Juvenile Offenders Act, a parent or guardian can request a juvenile court to place a child in an institution on the basis of an oath that the child is "beyond control", CRC recommended the abolition of such practice and support to families with difficulties in the upbringing of children through counselling services.<sup>73</sup>

36. CRC noted with concern that few institutions undertake a regular review of children under their placement and that psychological review is only taken when it is evident that the child's behaviour has changed. It recommended that Mauritius adopt a comprehensive mechanism of periodic review of children placed in institutions.<sup>74</sup>

37. CRC recommended legislative measures to ensure that in cases of adoption the decision of the judge is supported by relevant information regarding both the child and the adopting parents in order for the adoption to be in the best interests of the child.<sup>75</sup>

## **5. Right to participate in public and political life**

38. While noting Mauritius' commitment to increase the number of women in decision-making and political life to 30 per cent, CEDAW was concerned about the extremely low level or even absence of representation of women in many sectors of political and public life and in decision-making positions, including in parliament and in the private sector.<sup>76</sup> CEDAW encouraged Mauritius to take sustained measures, including temporary special measures, and to establish concrete numerical goals and timetables to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life, including at the international level. It urged Mauritius to promote awareness of the importance of women's participation in decision-making processes at all levels of society.<sup>77</sup> In 2005, the HR Committee also found that the participation of women in political life remained inadequate.<sup>78</sup> A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in the parliament increased from 5.7 per cent in 2004 to 17.1 in 2008.<sup>79</sup>

## **6. Right to work and to just and favourable conditions of work**

39. The HR Committee noted in 2005 that the Industrial Relations Act places restrictions on trade union rights that are at variance with the Covenant, and recommended full respect of the Covenant in that regard.<sup>80</sup> In 1995, CESCR had reiterated its concern as to the adverse effects of the Industrial Relations Act on trade union rights and the right to strike.<sup>81</sup>

40. Particularly concerned about the weak enforcement of labour laws by the Sex Discrimination Division of the NHRC, CEDAW recommended that serious breaches of the Sex Discrimination Act be referred for prosecution. The NHRC apparently opted for mediation rather than referral of cases of non-compliance with the Sex Discrimination Act to the office of the Director of Public Prosecutions.<sup>82</sup>

41. Concerned about the precarious situation of women in employment, the wage differentials between women and men, the fact that maternity leave with pay only covers up to three births, and about the absence of paternity leave, CEDAW urged Mauritius to ensure equal opportunities for women and men in the labour market. In particular, Mauritius should continue to implement training programmes for unemployed women; extend maternity benefits to women for all births and encourage the introduction of both paternity and paternal leave.<sup>83</sup> Furthermore, efforts should be strengthened to eliminate occupational segregation and to narrow and close the wage gap between women and men.<sup>84</sup> The HR Committee also recommended that Mauritius strengthen measures to ensure that women enjoy equal access to the private sector labour market, including executive positions, and equal pay for work of equal value.<sup>85</sup>

42. In 2008, the ILO Committee of Experts indicated that the Sex Discrimination Act of 2002 (and the Equal Opportunities Bill intended to replace it) prohibits discrimination based on sex in employment and occupation but does not contain a provision giving legal expression to Convention No. 100. The Committee noted the Government's indication that the guidelines of the Code of Conduct for a Conflict Free Workplace (2003), which provides for equal remuneration for work of equal value, have not yet much been used. It also noted that section 4 of the Employment Rights Bill protects against discrimination based on sex and provides that remuneration for any employee shall not be less favourable for another employee for work of equal value. The Committee hoped that the Employment Rights Bill would be adopted soon and that the Government will consider integrating a provision in the Equal Opportunities Bill giving legal expression to the principle of the Convention. It also asked the Government to indicate any



further steps taken to promote a more intensive use of the Code of Conduct and to provide information on its practical impact.<sup>86</sup>

43. A 2007 ILO report noted that, following the ratification of ILO Conventions No. 100 and 111, a joint ILO/UNDP project was launched in 2005 to develop measures and strategies to redress existing gender inequalities in employment, in access to vocational training and in remuneration within the framework of the National Gender Policy and National Gender Action Plan (2005–2015). The project seeks to assist in harmonizing national law with these Conventions and to remove discriminatory practices against women with regard to remuneration.<sup>87</sup>

44. The ILO Committee of Experts noted with interest the information that provisions regarding admission to hazardous work have been included in the Occupational Safety and Health Bill of 2005, to be adopted soon. Accordingly, no employer shall employ persons under 18 years in any of the listed hazardous activities.<sup>88</sup>

### **7. Right to social security and to an adequate standard of living**

45. In 2006, while appreciating the efforts made towards poverty alleviation, CRC found no significant improvement of the living conditions of vulnerable groups particularly with regard to access to adequate housing, education and health-care facilities.<sup>89</sup>

46. Concerned about regional disparities in accessibility to health services, high infant mortality rates, infant and maternal malnutrition, the sharp decrease in breastfeeding, and limited access to clean and safe drinking water in Rodrigues, CRC recommended that Mauritius prioritize the allocation of financial and human resources to the health sector to ensure equal access to quality health care by children in all areas of the country.<sup>90</sup>

47. CEDAW and CRC were concerned about the incidence of teenage pregnancy.<sup>91</sup> CEDAW urged Mauritius to step up the provision of family planning information and services to women and girls, in particular regarding reproductive health and affordable contraceptive methods, to promote widely sex education targeted at girls and boys, with special attention to the prevention of teenage pregnancy, to provide women with access to quality services for the management of complications arising from unsafe abortions and to reduce women's maternal mortality rates.<sup>92</sup>

48. CEDAW and the HR Committee were concerned about abortion being criminalized in all circumstances<sup>93</sup> including when the mother's life is in danger.<sup>94</sup> CEDAW recommended the removal of punitive provisions imposed on women who undergo abortion. It urged Mauritius to expedite the review of circumstances under which abortion could be permitted, and to provide women with access to quality services for the management of complications arising from unsafe abortions.<sup>95</sup>

49. CRC recommended that Mauritius strengthen its efforts to ensure access to reproductive health services for all adolescents; incorporate reproductive health education in the school curriculum; conduct awareness-raising campaigns among adolescents about reproductive health rights and the prevention of sexually transmissible diseases, HIV/AIDS, and early pregnancies; and provide particular support to pregnant teenagers, including through community structures and social security benefits, and ensure their completion of education.<sup>96</sup>

50. In 2006, CEDAW expressed concern about the increasing HIV/AIDS infection rates of women,<sup>97</sup> and recommended the full implementation of the National Strategic Plan to Combat Sexually Transmitted Diseases and HIV/AIDS,<sup>98</sup> an initiative welcomed by CRC.<sup>99</sup> CRC also

welcomed the provision of anti-retroviral drugs to pregnant women free of charge.<sup>100</sup> However, concerned that the lack of awareness about HIV/AIDS leads to fear and discrimination, CRC recommended the integration of respect for the rights of the child into HIV/AIDS policies and strategies.<sup>101</sup>

51. A 2007 UNAIDS report noted that injecting drug use has emerged as a new factor for HIV infection in Mauritius and that national strategies on HIV in prison settings were being endorsed.<sup>102</sup> The report supported the development of the HIV Preventive Measures Act, which provides for expanded access to confidential, voluntary HIV testing and counseling, and mandates the establishment of a national needle exchange programme.<sup>103</sup>

## **8. Right to education and to participate in the cultural life of the community**

52. CEDAW noted with appreciation the adoption of the Education Act (amended in 2005), which increased the age of free, compulsory education to 16 years.<sup>104</sup>

53. CRC acknowledged the remarkable improvement in the field of education, and recommended that the proposed reforms secure access to free and compulsory secondary education for all children regardless of their social status and ethnic background. It also welcomed the introduction of the *Zone d'éducation prioritaire* (ZEP) as an affirmative action measure to reduce disparities in education.<sup>105</sup> The ILO Committee of Experts, also noting the ZEP programme, indicated that 90 per cent of children aged 12 to 15 are in schools and that Mauritius was expecting to achieve a school enrolment rate of 100 per cent by 2006.<sup>106</sup>

54. CEDAW recommended that Mauritius give high priority to reducing the illiteracy rate of women and to ensure that schools for girls are provided with the same facilities and resources as schools for boys. It further recommended the active encouragement of diversification of educational and professional choices for women.<sup>107</sup>

55. The HR Committee noted with satisfaction measures taken to promote the use of written Creole in schools.<sup>108</sup> In 2006, however, CRC was concerned that English as the official language of instruction in schools is not supplemented by educational materials in Creole, and recommended the development of a policy regarding the use of Creole in the Early Childhood Development stage and at primary levels.<sup>109</sup> It recommended that Mauritius introduce human rights education in the school curriculum.<sup>110</sup> A 2007 report noted the involvement of UNESCO in the formulation of recommendations for the inclusion of human rights education in primary and secondary schools.<sup>111</sup>

56. CRC, while noting progress, remained concerned about the low proportion of children with disabilities attending schools, particularly due to the poor accessibility to schools mostly located in the urban areas; and about the reluctance of schools to admit children with disabilities. The Constitution does not provide for protection from discrimination on the ground of disability.<sup>112</sup> It recommended that Mauritius further encourage the integration of children with disabilities into the regular educational system and their fullest possible social integration.<sup>113</sup>

## **9. Human rights and counter-terrorism**

57. In 2005, the HR Committee believed that the impact of the Prevention of Terrorism Act 2002 may be all the more serious as the notion of terrorism is vague and lends itself to broad interpretations. While noting that no arrests had been made under the Prevention of Terrorism Act and despite certain guarantees such as video recordings of interrogations and of suspects in

detention, the HR Committee expressed concern that the provisions of that Act denying bail and access to counsel for 36 hours are at variance with the Covenant.<sup>114</sup>

58. On 20 March 2006, the Special Rapporteur on the promotion and protection of human rights while countering terrorism expressed similar concerns, adding that under the Prevention of Terrorism Act, the Minister in charge of national security may declare any person to be a “suspected international terrorist” based, inter alia, on “reasonable” suspicion that the person “(i) is or has been concerned in the commission, preparation or instigation of acts of international terrorism; (ii) is a member of, or belongs to, an international terrorist group; (iii) has links with an international terrorist group and it is reasonably believed that the person is a risk to national security”. This qualification has wide-ranging consequences given the nature of the charge. The Special Rapporteur asked the Government to indicate the procedural and judicial guarantees granted to individuals who have been declared “suspected international terrorists” to challenge such a qualification and the criteria used in the determination that individuals are “suspected international terrorists”. Furthermore, he asked the Government to indicate how this issue will affect the right of individuals to apply for asylum. No reply to the Special Rapporteur’s correspondence has been received.<sup>115</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

59. The 2001-2003 United Nations Development Assistance Framework (UNDAF) noted enormous strides in the areas of health and education. The country has a fairly long and well-established positive track record in its commitment to the Welfare State and to respect human rights. There is a very large and actively engaged civil society as well as a very vigorous independent press.<sup>116</sup>

60. The HR Committee welcomed the Criminal Code (Amendment) Act 2003, which introduced a new section 78 on “Torture by public official.”<sup>117</sup>

61. CEDAW took note with appreciation of the creation of a fund to promote further the economic empowerment of vulnerable groups.<sup>118</sup> It welcomed the establishment of the Trust Fund for the Social Integration of Vulnerable Groups to provide access to economic resources to women living in poverty as well as the launching of microcredit and microenterprise schemes to enable women to become self-sufficient and more economically independent.<sup>119</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **A. Pledges by the State**

62. The Government pledged in 2006 to continue to uphold the primacy of democracy, good governance and development; strengthen national institutions on human rights; participate actively in the work of the Human Rights Council; and support efforts to enhance intercultural dialogue<sup>120</sup>

#### **B. Specific recommendations for follow-up**

63. The HR Committee asked to be provided, within one year, with additional information on the implementation of its recommendations relating to domestic violence and the reporting of such incidents; complaints, investigations and prosecutions of instances of ill-treatment and deaths of persons in custody and in prisons, and pre-trial detention.<sup>121</sup> A follow-up response was received in April 2006 and the HR Committee decided to take no further action.<sup>122</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

64. CRC recommended that Mauritius seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of parents and professional staff working with and for children.<sup>123</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> Concluding comments of the Committee on the Elimination of All Forms of Discrimination against Women, (CEDAW/C/MAR/CO/5), para. 4.

<sup>8</sup> Concluding observations of the Committee on the Rights of the Child, (CRC/C/MUS/CO/2), para. 9.

<sup>9</sup> Ibid., para. 69.

<sup>10</sup> CEDAW/C/MAR/CO/5 paras. 21, 34 and 37.

<sup>11</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination, (CERD/C/304/Add.106), para. 11.

<sup>12</sup> CRC/C/MUS/CO/2, para. 5.

<sup>13</sup> Concluding Observations of the Human Rights Committee, (CCPR/CO/83/MUS), paras. 3 and 6.

<sup>14</sup> CRC/C/MUS/CO/2, paras. 10 and 11.

<sup>15</sup> CEDAW/C/MAR/CO/5, paras. 10 and 11.

<sup>16</sup> CRC/C/MUS/CO/2, para. 16; CCPR/CO/83/MUS, para.7; CERD/C/304/Add.106, para. 5.

<sup>17</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>18</sup> Report of the Secretary-General on the process currently utilized by the International Coordinating Committee of National Institutions to accredit national institutions in compliance with the Paris Principals, and ensure the process is strengthened with appropriate periodic review and on ways and means of enhancing participation of national human rights institutions in the work of the Human Rights Council, A/HRC/10/055.

<sup>19</sup> CCPR/CO/83/MUS, para. 7.

<sup>20</sup> CRC/C/MUS/CO/2, para. 16; CCPR/CO/83/MUS, para. 3.

<sup>21</sup> CRC/C/MUS/CO/2, para. 17.

<sup>22</sup> Ibid., paras. 14 and 15.

<sup>23</sup> UNDP, Formulation and Implementation of a National Strategy on Human Rights (NSHR) in the Republic of Mauritius, 2006-2007, p. 4, available at [http://un.intnet.mu/undp/html/mauritius/NHRS%20GRN-UNDP%20ProDoc%20\(2006\).pdf](http://un.intnet.mu/undp/html/mauritius/NHRS%20GRN-UNDP%20ProDoc%20(2006).pdf).

<sup>24</sup> See <http://un.intnet.mu/undp/html/mauritius/gender.htm>.

<sup>25</sup> The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

<sup>26</sup> Press release, Geneva, 18 October 2007, United Nations Subcommittee on prevention of torture ends visit to Mauritius.

<sup>27</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>28</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special

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Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>29</sup> Questionnaire on the right to education of persons with disabilities (A/HRC/4/29, para. 47); questionnaire on the impact of certain laws and administrative measures on migrants (A/HRC/4/24, para. 9); questionnaire on issues related to forced marriages and trafficking in persons (A/HRC/4/23, para. 14); questionnaire on the human rights of indigenous people (A/HRC/6/15, para. 7); Working Group on mercenaries, questionnaire concerning its mandate and activities (A/61/341, para. 47); questionnaire on the sale of children's organs (A/HRC/4/31, para. 24); questionnaire on child pornography on the Internet (E/CN.4/2005/78, para. 4).

<sup>30</sup> OHCHR 2005 Annual Report, p. 127.

<sup>31</sup> OHCHR 2008 Report on Activities and Results.

<sup>32</sup> OHCHR 2007 Report on Activities and Results , p. 73.

<sup>33</sup> OHCHR 2006 Annual Report, p. 114.

<sup>34</sup> *Ibid.*, p. 53.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, p. 136.

<sup>37</sup> OHCHR 2005 Annual Report, p. 36.

<sup>38</sup> OHCHR 2004 Annual Report, p. 191.

<sup>39</sup> OHCHR 2008 Annual Report.

<sup>40</sup> CEDAW/C/MAR/CO/5, paras. 16 and 17.

<sup>41</sup> *Ibid.*, para. 6.

<sup>42</sup> CCPR/CO/83/MUS, para. 6.

<sup>43</sup> CEDAW/C/MAR/CO/5, paras. 12 and 13.

<sup>44</sup> CEDAW/C/MAR/CO/5, para. 6; CCPR/CO/83/MUS, para. 3; CRC/C/MUS/CO/2, para. 4

<sup>45</sup> CEDAW/C/MAR/CO/5, para. 14.

<sup>46</sup> *Ibid.*, para. 13.

<sup>47</sup> *Ibid.*, para. 15.

<sup>48</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092008MUS111, para. 1.

<sup>49</sup> CCPR/CO/83/MUS, para. 5.

<sup>50</sup> *Ibid.*, para. 13.

<sup>51</sup> CEDAW/C/MAR/CO/5, para. 6; CRC/C/MUS/CO/2, para. 4.

<sup>52</sup> CEDAW/C/MAR/CO/5, para. 18.

<sup>53</sup> CCPR/CO/83/MUS, para. 10.

<sup>54</sup> CEDAW/C/MAR/CO/5, para. 19.

- <sup>55</sup> CCPR/CO/83/MUS, para. 10.
- <sup>56</sup> CEDAW/C/MAR/CO/5, para. 19.
- <sup>57</sup> CRC/C/MUS/CO/2, para. 37.
- <sup>58</sup> *Ibid.*, para. 38.
- <sup>59</sup> *Ibid.*, paras. 47 and 48.
- <sup>60</sup> *Ibid.*, para. 64.
- <sup>61</sup> *Ibid.*, para. 65.
- <sup>62</sup> CEDAW/C/MAR/CO/5, para. 20.
- <sup>63</sup> *Ibid.*, para. 21.
- <sup>64</sup> CCPR/CO/83/MUS, para. 11.
- <sup>65</sup> *Ibid.*, para. 14.
- <sup>66</sup> *Ibid.*, para. 15.
- <sup>67</sup> CRC/C/MUS/CO/2, para. 66.
- <sup>68</sup> *Ibid.*, para. 67.
- <sup>69</sup> CCPR/CO/83/MUS, para. 16.
- <sup>70</sup> CEDAW/C/MAR/CO/5, paras. 32 and 33.
- <sup>71</sup> CRC/C/MUS/CO/2, para. 34.
- <sup>72</sup> *Ibid.*, paras. 35 and 36.
- <sup>73</sup> *Ibid.*, paras. 41 and 42.
- <sup>74</sup> *Ibid.*, paras. 43 and 44.
- <sup>75</sup> *Ibid.*, para. 46.
- <sup>76</sup> CEDAW/C/MAR/CO/5, para. 22.
- <sup>77</sup> *Ibid.*, para. 23.
- <sup>78</sup> CCPR/CO/83/MUS, para. 8.
- <sup>79</sup> United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- <sup>80</sup> CCPR/CO/83/MUS, para. 19.
- <sup>81</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights, (E/1996/22), para. 239.
- <sup>82</sup> CEDAW/C/MAR/CO/5, paras. 28 and 29.
- <sup>83</sup> *Ibid.*, paras. 26 and 27.
- <sup>84</sup> *Ibid.*, para. 27.
- <sup>85</sup> CCPR/CO/83/MUS, para. 8.
- <sup>86</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092008MUS100, para. 2.
- <sup>87</sup> ILO, *Equality at work: Tackling the challenges*, Geneva, 2007, p. 102, available at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms\\_082607.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf) .
- <sup>88</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092008MUS182, para. 3.
- <sup>89</sup> CRC/C/MUS/CO/2, para. 58.
- <sup>90</sup> *Ibid.*, paras. 52 and 53.
- <sup>91</sup> CEDAW/C/MAR/CO/5, para. 30; CRC/C/MUS/CO/2, para. 54.

<sup>92</sup> CEDAW/C/MAR/CO/5, para. 31.

<sup>93</sup> CEDAW/C/MAR/CO/5, para. 30; CCPR/CO/83/MUS, para. 9.

<sup>94</sup> CCPR/CO/83/MUS, para. 9.

<sup>95</sup> CEDAW/C/MAR/CO/5, para. 31.

<sup>96</sup> CRC/C/MUS/CO/2, para. 55.

<sup>97</sup> CEDAW/C/MAR/CO/5, para. 30.

<sup>98</sup> *Ibid.*, para. 31.

<sup>99</sup> CRC/C/MUS/CO/2, para. 56.

<sup>100</sup> *Ibid.*, para. 56.

<sup>101</sup> *Ibid.*, para. 57.

<sup>102</sup> UNAIDS, *Making the money work*, Geneva, 2007, p. 10 and 68, available at [http://data.unaids.org/pub/Report/2007/2006\\_unaids\\_annual\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2007/2006_unaids_annual_report_en.pdf).

<sup>103</sup> *Ibid.*, pp. 28-29.

<sup>104</sup> CEDAW/C/MAR/CO/5, para. 6.

<sup>105</sup> CRC/C/MUS/CO/2, paras. 60 and 61.

<sup>106</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, Doc. No. 092008MUS182, paras. 5-6.

<sup>107</sup> CEDAW/C/MAR/CO/5, paras. 24 and 25.

<sup>108</sup> CCPR/CO/83/MUS, para. 4.

<sup>109</sup> CRC/C/MUS/CO/2, para. 60.

<sup>110</sup> CRC/C/MUS/CO/2, para. 61.

<sup>111</sup> United Nations Development Group, 2007 Resident Coordinator Annual Report – Mauritius, 2007, available at <http://www.undg.org/rcar07.cfm?fuseaction=RCAR&ctyIDC=MAR&P=589>.

<sup>112</sup> CRC/C/MUS/CO/2, para. 50.

<sup>113</sup> *Ibid.*, para. 51.

<sup>114</sup> CCPR/CO/83/MUS, para. 12.

<sup>115</sup> A/HRC/4/26/Add.1, paras. 44 and 45.

<sup>116</sup> See the UNDAF 2001-2003 for Mauritius, p. 11, available at [http://www.undg.org/archive\\_docs/1627-Mauritius\\_UNDAF\\_\\_2001-2003\\_-\\_Mauritius\\_2001-2003.pdf](http://www.undg.org/archive_docs/1627-Mauritius_UNDAF__2001-2003_-_Mauritius_2001-2003.pdf).

<sup>117</sup> CCPR/CO/83/MUS, para. 3.

<sup>118</sup> CEDAW/C/MAR/CO/5, para 7.

<sup>119</sup> *Ibid.*, para 8.

<sup>120</sup> Pledges and commitments undertaken by Mauritius before the Human Rights Council, as contained in the note verbale dated 6 April 2006 sent by the Permanent Mission of Mauritius to the United Nations addressed to the President of the General Assembly, available at <http://www.un.org/ga/60/elect/hrc/mauritius.pdf>.

<sup>121</sup> CCPR/CO/83/MUS, para. 21.

<sup>122</sup> A/61/40 (vol. I), para. 237.

<sup>123</sup> CRC/C/MUS/CO/2, para. 51.