



REPUBLIC OF MAURITIUS

Eleventh Session of the Human Rights Council

Statement

by

H.E. Mr. S.B.C. Servansing,

Ambassador and Permanent Representative of Mauritius

to the United Nations in Geneva,

on the occasion of the adoption of the

outcome of the UPR of Mauritius

(Geneva, 11 June 2009)

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Mr. President,

On behalf of my delegation, I have the honour to address the Human Rights Council in respect of the adoption of the outcome of the Universal Periodic Review of Mauritius.

As the Council would recall, the Mauritius delegation, led by Honourable Jayarama Valayden, Attorney-General, participated in the meetings of the Working Group for the Universal Periodic Review of Mauritius in February 2009. The UPR has gratified us with a unique opportunity to make a critical self-assessment of the human rights situation in Mauritius before the review exercise and to reflect constructively on the views expressed by the international community, particularly on our efforts to promote and protect human rights, undoubtedly making the UPR an enriching exercise.

Mauritius has always upheld the highest standards of human rights and remains committed to continue to do so. We reiterate that the promotion and protection of human rights, be it at the international, regional or national level, is of utmost priority for Mauritius. Our commitment to abide by human rights norms is enshrined in our Constitution and we are proud to say that we have an independent judiciary which ensures compliance with the Supreme law of the land. There can be no departure from these norms and values.

As we have stated before, Mauritius believes firmly in "*Putting People First*" and the Government of Mauritius sees to it that actions taken, be it in the field of economic development, justice, social or otherwise, are human rights orientated. In addition to the human rights provisions enshrined in the Constitution, a series of measures have been adopted and ensure that citizens of Mauritius, irrespective of their race, place of origin, political opinions, colour, creed or sex, are able to exercise effectively their civil, political, economic, social and cultural rights. It is also worth noting that the Economist 2008 Democracy Index ranks Mauritius as the 26th most democratic country in the world and the first in Africa in a survey of 165 countries. These measures also attest to the fact that our adherence to the principles of democracy is deeply-rooted.

However, we are also conscious that there should be no room for complacency with regard to the protection and promotion of Human Rights. Indeed, the Government is fully engaged in the process of consolidating foundations for Mauritius to become a Human Rights Island. In this pursuit, a number of legislative measures have been adopted recently to further promote Human Rights. These include the Equal Opportunities Act, the HIV and AIDS Act, the Truth and Justice Commission Act, the Employment Relations Act and the Employment Rights Act, amongst others.

As we pledged in February, all recommendations put forward during the UPR have been given serious consideration and every effort is being made to implement those that have been accepted by Mauritius.

We are pleased to report that Mauritius has already started to implement a number of them. Allow me to highlight a few:

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was ratified by Mauritius on 12 February 2009.

Consultations are ongoing with a view to domesticating the provisions of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and ratifying the Optional Protocol. Mauritius, in April, announced that it has no objection to the proposed visit of the Special Rapporteur on the sale of children, child prostitution and child pornography to analyse the actual situation and make recommendations on measures that need to be adopted in order to allow Mauritius to ratify the Optional Protocol. Mauritius has recommended that the said visit takes place by end 2009.

Concerning the recommendation to increase efforts in ensuring full compliance of domestic legislation with the Convention on the Rights of the Child, the Ministry of Women's Rights, Child Development and Family Welfare is in the process of preparing a consolidated Children's Bill. It will be a comprehensive piece of legislation which will consolidate the various domestic laws on children's rights.

The Government budget which was recently approved by the National Assembly provides for necessary funds to be allocated to the Office of the Ombudsperson for Children to achieve a number of important objectives, such as investigating all cases related to violations of the rights of the child; sensitizing the public on the rights of the child; making proposals on policy, strategy and law; and monitoring children's rights in Mauritius.

The Combating of Trafficking in Persons Act was passed on 21 April 2009 and is aimed at not only preventing human trafficking and prosecuting traffickers, but also providing protection and assistance to victims of trafficking. The Act provides for centres to be set up to provide accommodation for such period as may be needed suited to the needs of victims of trafficking.

The eradication of poverty is also high on the agenda of Government. A series of measures have been announced in the recent budget exercise, which include strengthening the Eradication of Poverty Programme, support to micro enterprises and SMEs, funding to small farmers, breeders and fishermen under the Food Security Fund, setting up of decent dwellings for families in need, and provision of funds to increase old-age and non-contributory pensions and social aid benefits.

With a view to alleviating the problem of overcrowding and to providing improved conditions to prisoners, the Government of Mauritius plans to build a new and modern prison to accommodate 750 detainees. A total of 42 acres of land have been earmarked for this purpose. The conceptual design for the new prison is in progress. It is expected that tenders will be launched by September 2009.

Mr. President,

During its UPR in February, Mauritius also undertook to examine 13 recommendations and to provide its concrete views thereon at this session of the Council. In this regard, I wish to draw the Council's attention to the addendum to the report of the UPR Working Group on Mauritius which has been made available for circulation during this meeting.

Allow me to highlight a few issues raised in this document.

Concerning the recommendations to accede to certain human rights instruments, we would like to inform the Council that:

The Abolition of Death Penalty Act was passed in Mauritius in 1995, and all death sentences were commuted by operation of the law. Mauritius has, since then, consistently taken an abolitionist stand in international fora. It is worth highlighting that Mauritius co-sponsored and voted in favour of the resolutions on "*Moratorium on the Use of the Death Penalty*" which were adopted by the 62nd Session of the UN General Assembly on 18 December 2007 and the 63rd session of the UN General Assembly on 18 December 2008.

Mauritius acceded to the Convention relating to the Status of Refugees of 28 July 1951, but is not a Party to the Additional Protocol relating to the Status of Refugees of 31 January 1967. Given its limited resources as a Small Island Developing State, it would be very challenging for Mauritius to adopt an open policy of granting refugee status to foreigners. However, every application for refugee status is treated on a humanitarian basis and Mauritius cooperates with international organisations and other States with a view to facilitating settlement of refugees in States willing to receive them. In practice, the principle of *non-refoulement* is observed with regard to persons claiming to be persecuted in their country of origin.

In view of the fact that the issue of "enforced disappearances" is of no direct relevance to the domestic situation in Mauritius, consideration for the ratification of the Convention for the Protection of All Persons from Enforced Disappearances would be given in due course in the light of all relevant factors.

With regard to the recommendation to amend constitutional provisions that negatively affect the status of women, the Council may wish to note that the Constitution of Mauritius provides for the application, in some cases, of personal laws with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters. Such laws are not to be deemed discriminatory even if they result in different treatment being afforded to different persons on the ground of creed or sex. The inclusion of this provision in the Constitution was considered necessary in view of the fact that Mauritius is a multi-religious, multiethnic and multicultural society and that Mauritians of different religions have to be given the freedom to practice their respective religion. The amendment of that provision of the Constitution is not being envisaged in the short term.

Moreover, the amendment of section 16 of the Constitution to include new forms of discrimination will be considered in the context of a general review of the Constitution. The Equal Opportunities Act, which was voted last year, prohibits discrimination on grounds not covered in the Constitution, such as sexual orientation and HIV status.

As regards the recommendation to include marital rape as an offence under the proposed Sexual Offences Bill, we would like to point out that there is currently no specific reference to the offence of marital rape. However, section 249 of the Criminal Code criminalizes the offence of rape. It is also arguable that it is possible to prosecute for the offence of marital rape under the Criminal Code as it stands. However, in order to avoid any ambiguity, it is proposed to make express reference to this offence in the Sexual Offences Bill which is presently being considered by a Select Committee of the National Assembly.

Finally, Mr. President, I wish to reaffirm the firm commitment of Mauritius to continue to maintain a constructive engagement in the work of the Human Rights Council and to fully cooperate with the Universal Periodic Review Mechanism. In accordance with the recent pledges submitted by Mauritius in relation to its bid for re-election to the Human Rights Council, we undertake to continue upholding the highest standards of human rights at the national level with a view to bringing a qualitative improvement in the lives of all Mauritians through the full enjoyment of their fundamental rights and freedoms. I also take this opportunity to express our sincere appreciation to all delegations for the constructive interactions during the Universal Periodic Review of Mauritius.

At a time when the world is facing one of the worst financial and economic crises, it is imperative that the promotion and advancement of human rights and fundamental freedoms remains high on the international agenda. To this end, Mauritius aspires to continue working in a spirit of constructive dialogue, cooperation and objectivity, and playing its role as a consensus builder within the Council for the universal promotion and protection of human rights.

To conclude, I humbly submit, through you, Mr. President, that the report on the outcome of the UPR of Mauritius be adopted by this distinguished body.

I thank you.