PART II

MEASURES TAKEN AND DEVELOPMENTS IN RELATION TO THE AFRICAN CHARTER RIGHTS

A. Civil and Political Rights

Article 1 - Recognition and Implementation of Rights, Duties and Freedoms under the Charter

The Member States of the Organisation of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.

1.0 The rights, duties and freedoms provided for in Chapter 1 of the Charter have been enshrined in our law. Chapter II of the Mauritius Constitution guarantees the enjoyment of fundamental rights and freedoms which include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection for privacy of home and other property, protection of the law, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement and prevention from discrimination.

2.0 Section 5 of the Constitution states that no person shall be deprived of his personal liberty save as may be authorised by law in a number of circumstances including where there is the need to ensure his appearance in Court. A person who is arrested or detained should be brought before a court of law without undue delay and if such a person is not tried within a reasonable time, he shall be released with or without conditions without prejudice to the appropriate authority's power to bring fresh proceedings subsequently, including his right to be released on bail. The Bail Act sets out the grounds on which bail may be refused by the court as well as the conditions that may be imposed by the court for the release of the defendant or detainee.

3.0 Section 10 of the Constitution lays down provisions to secure the protection of the law, amongst which are the presumption of innocence, the right to be informed as soon as reasonably practicable of the nature of the offence and in a language that the accused
understands, the right to be given adequate time and facilities for the preparation of one’s defence, the right to defend oneself in person or by a legal representative of one’s own choice or by a legal representative provided at the public expense, the right to the assistance of an interpreter if one cannot understand the language used at the trial. If a person cannot afford to retain the services of a legal representative, there is the possibility to apply for legal aid under the Legal Aid Act and Legal Assistance Act.

4.0 Section 17 of the Constitution ensures that any person whose rights or freedoms are violated shall have an effective remedy by applying to the Supreme Court for redress. Section 17 (2) of the Constitution confers on the Supreme Court very wide powers to make such orders, issue such writs and give such directions as it may consider appropriate for the purposes of enforcing or securing the enforcement of the protected right. The Judiciary is independent and plays a fundamental role in ensuring that these rights are fully protected.

5.0 Section 18 of the Constitution provides for instances where rights and freedoms can be derogated in periods of emergency. However, recourse to these derogations are subjected to strict controls. There should first be proclamation by the Resident and such Proclamation needs to secure two-thirds of the votes of the members of the National Assembly. Section 18 also provides for the setting up of an impartial tribunal to control any abuse by the Executive in periods of emergency.

Articles 2 & 3- Non Discrimination and Equality before the Law

Article 2

*Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.*

Article 3

*Every individual shall be equal before the law*

*Every individual shall be entitled to equal protection of the law*

6.0 Refer to Part I- Information on Non-Discrimination and Equality and Effective Remedies.
Article 4 - Right to Life and Integrity of a Person

*Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.*

7.0 The right to life is entrenched in section 4 of the Constitution. Section 4 (1) of the Constitution provides that “*No person shall be deprived of his life intentionally save in the execution of the sentence of a court in respect of a criminal offence of which he has been convicted*”. This section has not yet been amended to prohibit the imposition of death sentences. Any change of the Constitution requires a ¾ majority votes in the National Assembly. However, the National Assembly enacted the Abolition of Death Penalty Act in 1995 and all death sentences imposed have been commuted to sentences of penal servitude for life.

8.0 The Geneva Conventions of 1949 have been incorporated into our law by virtue of the Geneva Conventions Act which makes it an offence to commit a grave breach of any of the four Geneva Conventions. The International Criminal Court Act which was passed in 2011 provides for the effective implementation of the Rome Statute of the International Criminal Court in the laws of Mauritius. As a democratic State and as a State which upholds the protection and promotion of human rights and which adheres to the core principles including the rule of law, peace and justice and human dignity, Mauritius shares the view that the international community has to put an end to impunity for serious crimes against humanity.

*Unwanted pregnancies*

9.0 Amendments were made to the Criminal Code by Act 11 of 2012, with effect from 15 October 2012, to authorise the termination of pregnancy in specified circumstances, in accordance with subsection 235A (2) of the Criminal Code, in cases where-

(a) the continued pregnancy will endanger the pregnant person’s life;

(b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;

(c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus, as assessed by the appropriate specialists; and
(d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the police.

10.0 Section 235A (1) of the Criminal Code provides that:-

No person shall provide treatment to terminate a pregnancy unless he-

(a) is a specialist in obstetrics and gynaecology who is registered as such under the Medical Council Act;
(b) provides the treatment in a prescribed institution; and
(c) complies with all the requirements of this section.

The specialist referred to in subsection (1)(a) may only provide treatment to terminate a pregnancy where another specialist in obstetrics and gynaecology and another specialist in the relevant field share his opinion, formed in good faith, that at least one of the 4 conditions set out in subsection 235A(2) of the Criminal Code is satisfied.

11.0 The Medical Council (Termination of Pregnancy) Regulations 2012 provides for a stringent regulatory framework for the termination of pregnancies. Such termination can only take place in institutions prescribed by the Permanent Secretary of the Ministry of Health and Quality of Life and there is a record provided with regard to specialists who advise termination of pregnancies and with regard to the consent of the person who wishes to terminate a pregnancy.

12.0 Measures to prevent unwanted pregnancies include awareness raising campaigns in line with the National Sexual and Reproductive Health Strategy & Plan of Action 2009-2015; provision of skilled medical aid and universal access to medical services free of user cost; free distribution of condoms to female sex workers; and special care given to teenage mothers.

Article 5- Rights to respect of human dignity, prohibition of slavery; slave trade; torture cruel inhuman and degrading treatment

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man
particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

13.0 Section 6 of the Constitution provides that no person shall be held in slavery or servitude and that no person shall be required to perform forced labour. Section 7 prohibits the torture or inhuman or degrading punishment or other such treatment to any person.

14.0 Mauritius strongly condemns the fact that Diego Garcia, which forms part of the territory of Mauritius, was used after September 2001 as a transit point for rendition of persons to countries where they risked being subjected to torture or ill-treatment. In February 2008, following the announcement by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs that Diego Garcia had been used on two occasions in 2002 for rendition flights by the United States, the Government of Mauritius urged the United Kingdom Government to refrain from acts which would violate the UN Convention against Torture and any other international human rights conventions in respect of the territory of Mauritius.

15.0 The National Human Rights Commission (NHRC) and, since June 2015, its National Preventive Mechanism (NPM) Division also investigates complaints which may be made by a detainee. Statistics on complaints from detainees received at the NHRC for years 2014/2015 are as follows:-

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Complaints</th>
<th>Disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
<td>2015</td>
</tr>
<tr>
<td>Prisons</td>
<td>150</td>
<td>335</td>
</tr>
<tr>
<td>Police Cell</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>152</td>
<td>337</td>
</tr>
</tbody>
</table>

Source: National Human Rights Commission

**Forced labour**

16.0 The Employment Rights Act also provides that a child below the age of 16 cannot enter into an employment contract, and that an employer shall not keep on employment a young person where the work is of such a nature, or the circumstances in which it is carried out, is likely to jeopardise the health, safety, physical, mental, moral or social development of the young person.
17.0 Under this Act, the normal day’s work of a worker (other than a part-time worker or a watchperson) consists of 8 hours’ actual work. A worker and an employer can agree that the worker works in excess of the stipulated hours without added remuneration, if the number of hours covered in a fortnight does not exceed 90 hours, or such lesser number of hours as may be specified in such agreement. A worker is entitled to a rest day of at least 24 consecutive hours in every period of 7 consecutive days. Every worker shall be entitled to a rest of not less than 11 consecutive hours in any day. Every employer is, unless otherwise agreed, entitled to a meal break of one hour not later than 4 consecutive hours of work and one tea break of at least 20 minutes or two tea breaks of at least 10 minutes each. A young person cannot be employed in an industrial undertaking between 10.00 p.m. and 05.00 a.m.

18.0 The Act also makes provision for equal remuneration for work of equal value. Every employer has a duty to ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value. Every employer shall pay remuneration to a worker at monthly intervals, unless the parties agree to payment at shorter intervals.

Combating trafficking and all forms of servitude

19.0 The objects of the Combating of Trafficking in Persons Act are to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, prevent and combat trafficking in persons, and protect and assist victims of trafficking. The Act provides that any person who traffics another person or allows another person to be trafficked shall commit an offence and it shall not be a defence for that person so charged that, inter alia, the victim has consented to the act which was intended to constitute trafficking. Any person who knowingly leases a room, house, building or establishment or subleases or allows it to be used, for the purpose of harbouring a victim of trafficking; or advertises, publishes, prints, broadcasts, distributes, or causes the advertisement, publication, broadcast or distribution of, information which suggests or alludes to trafficking by any means, including the use of the internet or other information technology, shall also commit an offence under the Act.

20.0 Section 11 of the Act also provides that any person who knowingly benefits, financially or otherwise, from the services of a victim of trafficking or uses, or enables another person’s usage of, the services of a victim of trafficking shall commit an offence and further imposes a duty on every internet service provider operating in Mauritius to report to the Police forthwith any site on its server which contains information in contravention of subsection (2)(b) (advertisement, publication etc. of information which suggests or alludes to trafficking by any means including use of internet or IT) of the Act. Any person who is
found guilty of an offence under Section 11 shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.

21.0 The Act also provides, *inter alia*, for the repatriation of victims of trafficking as well as the return of victims of trafficking to Mauritius. Appropriate compensation can also be ordered by the Court, to be paid to the victim(s) by the person convicted under Section 11, for namely:

(a) damage to, or loss or destruction of, property, including money;
(b) physical, psychological or other injury; or
(c) loss of income or support, resulting from the commission of the offence.

It also imposes a duty on any person to report any case of trafficking to the police if the person believes that another person is a victim of trafficking. It is to be noted that the identity of the person making such a report shall not be disclosed, unless a Judge in Chambers otherwise orders.

22.0 The setting up of centres for victims of human trafficking is provided for under the law. Such centres shall provide temporary accommodation suited for the needs of victims of trafficking admitted to them. Every Centre shall *inter alia* secure the safety of its inmates against any risk of retaliation; provide counselling and rehabilitation services to its inmates; facilitate the integration of its inmates into their families; and may offer facilities aimed at providing education, skills development and training.

23.0 From 2009 to 2015, the number of cases of trafficking in persons or having bearing on human trafficking that have been reported to the Police is as follows:

<table>
<thead>
<tr>
<th>Trafficking in persons</th>
<th>Period</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under the Combating of Trafficking in Persons Act</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Child Trafficking under the Child Protection Act</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Cases having a bearing on human trafficking</td>
<td>2</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>6</td>
<td>5</td>
</tr>
</tbody>
</table>
24.0 The Mauritius Police Force (MPF) continues to strengthen its action to combat Trafficking in Persons (TIP) through a series of measures to prevent, identify, investigate and prosecute cases of TIP or related offences. In that endeavour, the MPF is carrying out a prevention/sensitisation campaign in Mauritius with a view to better informing the community and creating awareness on the dangers and consequences of TIP and Commercial Sexual Exploitation of Children (CSEC). Following the enactment of the Combating of Trafficking in Persons Act, Police Officers, Prosecutors, Senior Officers and other professionals have been trained locally and abroad as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. Trained in Trafficking in Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>77</td>
</tr>
<tr>
<td>2014</td>
<td>328</td>
</tr>
<tr>
<td>2015</td>
<td>98</td>
</tr>
</tbody>
</table>

25.0 In terms of victim support, there are Government funded NGO shelters and victim drop-in centre. The Courts Act provides for camera testimonies under specific circumstances. As far as advocacy and preventive measures are concerned, the Government, including the Police and the Ministry of Gender Equality, Child Development & Family Welfare conduct regular extensive public awareness campaigns on trafficking in persons, especially with regard to child abuse and child rights at schools engaging in or facilitating child prostitution. In addition the Ministry concerned is also working on a comprehensive policy and strategic plan for children and the Police Department is collaborating with international organisations such as INTERPOL to gather information and intelligence for offences, including those related to human trafficking having an international dimension.

26.0 To ensure a proper coordination, an inter-Ministerial Committee has been set up under the chairmanship of the Attorney-General and comprising the Prime Minister's Office; the Ministry of Social Integration and Economic Empowerment; the Ministry of Gender Equality, Child Development and Family Welfare; the Ministry of Labour, Industrial Relations, Employment and Training; the Commissioner of Police; and the Director of Public Prosecution for a concerted response to issues related to Trafficking in Persons, including child trafficking and forced labour.
Corporal Punishment

27.0 Corporal punishment is prohibited in schools by virtue of Regulation 13 (4) of the Education Regulations 1957, section 13 (1) of the Child Protection Act; and section 230 of the Criminal Code. Circulars are sent to schools by the Ministry of Education at the beginning of every term reminding them of those regulations and teachers are required to acknowledge having taken cognizance of same. Section 13 of the Child Protection Act provides that:

(1) Any person who ill-treats a child or otherwise exposes a child to harm shall commit an offence.

(2) For the purposes of this section, any person who, in an advertisement, exploits a child by using him in such a way as is likely to cause in him or in any child watching him reactions which are contrary to morality or detrimental to psychological development shall be deemed to expose a child to harm.

28.0 A Children’s Bill is being finalised to incorporate the spirit of the Convention on the Rights of the Child which include all its main principles and obligations. The objective of the Bill is to bring together the different pieces of legislation dealing with children under a single legislation. Prohibition of Corporal Punishment in all settings is being considered in the draft Children’s Bill.

Article 6 & 7 - Right to Liberty, Security and Fair Administration of Justice

Article 6
Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7
1. Every individual shall have the right to have his cause heard. This comprises: (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force; (b) the right to be presumed innocent until proved guilty by a competent court or tribunal; (c) the right to defence, including the right to be defended by counsel of his choice; (d) the right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

29.0 Section 5 of the Constitution states that no person shall be deprived of his personal liberty save as may be authorised by law in a number of circumstances including where there is the need to ensure his appearance in Court. A person who is arrested or detained should be brought before a court of law without undue delay and if such a person is not tried within a reasonable time, he should be released with or without conditions without prejudice to the appropriate authority’s power to bring fresh proceedings subsequently, including his right to be released on bail. The Bail Act sets out the grounds on which bail may be refused by the court as well as the conditions that may be imposed by the court for the release of the defendant or detainee.

30.0 Section 10 of the Constitution lays down provisions to secure the protection of the law, amongst which are the presumption of innocence, the right to be informed as soon as reasonably practicable of the nature of the offence and in a language that the accused understands, the right to be given adequate time and facilities for the preparation of one’s defence, the right to defend oneself in person or by a legal representative of one’s own choice or by a legal representative provided at the public expense, the right to the assistance of an interpreter if one cannot understand the language used at the trial. If a person cannot afford to retain the services of a legal representative, there is the possibility to apply for legal aid under the Legal Aid Act and Legal Assistance Act.

31.0 Questioning of detainees should be in line with Judges’ Rules. There are also Standing Orders of the Mauritius Police Force. In addition, the “Rights of Detainees in Police Custody” are posted in all Police Stations for the information of detainees and their families in three languages (English, French and Creole). A suspect can also avail himself of the procedure of *Habeas Corpus* if he claims that he has been illegally detained. The writ of *Habeas Corpus* is in effect a procedure to secure, as a matter of urgency, the release of a person who is illegally detained.

**Pre-trial detention**

32.0 The Mauritius Police Force operates in a transparent, accountable, fair and responsible manner and pays due respect to human rights. Any person, who is arrested, is brought before Court within 24 hours. Since the Bail and Remand Court (BRC), is operational during weekends and public holidays, no person is detained unnecessarily. A
person/detainee who is arrested on a Friday does not have to wait till Monday morning to be taken to Court as used to be the case in the past. Officers from the Office of the Director of Public Prosecutions are on standby duty to deal with bail motions, if need be. Furthermore, any person who is detained in a Police cell or detention centre is allowed to contact any of his family members or his lawyer or friend and to inform him/her of the place of detention so as to receive visits. For such purpose, the detainee is given the necessary facilities to communicate with his family member or friend.

33.0 With a view to ensuring the right of the accused to be tried within the minimum delay, specialised divisions of the Supreme Court have been created. Furthermore, in line with the recommendations of the Judicial Reforms Committee, it is intended to set up a Court of Appeal. The Government Programme 2015-2019 proposes reforms to the Judiciary and provides that ‘reforms will be brought to the judiciary to expedite determination of court cases and improve services to the public’. Government will introduce legislation to set up a separate Court of Appeal Section and a separate High Court Section of the Supreme Court.

34.0 The Police Force is already equipped with video recording system for recording of statements of suspects involved in high profile cases. With the coming into force of the DNA Identification Act, more emphasis is being laid on the reliance of scientific evidence instead of confession. These are additional safeguards against allegations to the effect that confessions are extracted by Police using force.

35.0 Where a detainee complains that he is suffering or that he is or has been victim of an accident, he is immediately conveyed to hospital by the Police for medical examination/treatment before any interrogation starts or he is detained. Such medical examination also helps against allegation of Police abuse.

36.0 The Government Programme 2015-2019, presented on 27 January 2015 provides, *inter alia*, that Government will come up with a modern legal framework modelled on the UK Police and Criminal Evidence Act to address the abusiveness and arbitrariness of the present system of “provisional charges”. In this regard Government will review the policy underpinning the existing Bill and an international consultant has been approached to provide assistance in the drafting of the new Bill. The Government Programme further provides that Police Stations will be equipped with CCTV and audio recording systems and investigations will be conducted in a more professional manner with focus on scientific-led evidence rather than confession.
Article 8 - Freedom of Religion and Conscience

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

37.0 The freedom of thought, conscience and religion is entrenched in Section 11 of the Constitution which provides that no person shall be hindered in the enjoyment of his freedom of conscience, including the freedom of thought and religion. In order to enable the citizens to practise their religion indiscriminately, the Government provides religious subsidies to religious bodies, and infrastructural facilities during all religious festivals celebrated in Mauritius.

Subsidies to religious bodies

38.0 Every year the National Assembly votes budgetary provision for “Subsidy to Religious Bodies”. There are two categories of religious associations benefiting from financial subsidies, namely: (i) religious bodies affiliated to Federations, which receive an amount of subsidy based on the number of adherents as provided by Statistics Mauritius; and (ii) religious bodies not affiliated to any Federation but which operate as branches of international religious organizations. They are paid a fixed grant. The objectives of the subsidies are meant to meet the following:-

(a) the salaries of priests (including their travelling expenses);
(b) expenses on construction and maintenance of places of worship; and
(c) expenses incurred on training of priests.

39.0 In the case of Shiv Parivar Mandir & Anor v The Mauritius Sanathan Dharma Temples Federation 2008 SCJ 286, the applicants complained that the respondent was illegally and unlawfully, without any right, title or capacity suspending the payment of the applicants’ respective grants. The Court held that the applicants were entitled to seek the jurisdiction of the Judge in Chambers as a matter of urgency to prevent the respondent from adversely affecting the applicants’ financial situation and bringing to a standstill its activities by withholding the payment of the subsidy, a substantial part of which is to be used to meet the salary of the priests. The Court ordered the respondent to pay to the applicants their respective subsidy and to also pay for the costs of the application.

40.0 Apart to providing subsidies/grants to religious bodies, Government has, in line with its objective to promote racial harmony and unity in diversity for the preservation of our rich cultural heritage and promotion of languages, set up Trust Funds, Cultural Centres,
Speaking Unions and Heritage Funds. These are expected to allow Mauritians of all cultural backgrounds the opportunity to participate in religious and cultural activities of their choice and to foster harmony and mutual respect. It must, however, be stressed that it is very difficult to distinguish clearly between religion and culture, in the local context, as the two are inextricably linked and therefore often, in practice, the rights ensuring the protection of one’s culture may be extended to the protection of freedom of religion and vice versa. In this respect, students as from primary level are taught oriental languages (according to their personal liking or cultural/religious background, they may choose between Hindi, Mandarin, Tamil, Urdu, Arabic).

41.0 An annual Government grant in the bracket of Rs 1m to Rs 4 m, meant for their activities and administrative expenses, is provided to each of the bodies which have been set up to promote languages and cultures in Mauritius. A list of the bodies is listed below:

(a) National Heritage Fund
(b) AapravasiGhat Trust Fund
(c) Le Morne Heritage Trust Fund
(d) Islamic Cultural Centre Trust Fund
(e) Nelson Mandela Centre for African Culture Trust Fund
(f) Mauritian Cultural Centre Trust
(g) Malcom de Chazal Trust Fund
(h) Mauritius Council of Registered Librarians
(i) Mauritius Museums Council
(j) Rights Management Society
(k) National Library
(l) Prof. Basdeo Bissoondoyal Trust Fund
(m) President’s Fund for Creative Writing
(n) Ramayana Centre
(o) Conservatoire National de Musique François Mitterand
(p) Mauritius Film Development Corporation
(q) Mauritius Telegu Cultural Centre Trust
(r) Hindi Speaking Union
(s) Arabic Speaking Union
(t) Bhojpuri Speaking Union
(u) Chinese Speaking Union
(v) Creole Speaking Union
(w) English Speaking Union
Article 9- Right to receive information and right to express opinion

1. Every individual shall have the right to receive information.

2. Every individual shall have the right to express and disseminate his opinions within the law.

42.0 Section 12 of the Constitution provides for freedom of expression, that is freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence. The local media enjoy a long tradition of freedom and pluralism with a number of dailies, weeklies, fortnightlies and monthlies whilst the audiovisual landscape consists of the national radio and television, the Mauritius Broadcasting Corporation and equally private radio stations. Freedom of the press is guaranteed and is an essential component of the right to freedom of expression provided for under section 12 of the Constitution.

43.0 In the Government Programme 2015-2019, it is stated that a Freedom of Information Act will be enacted to promote transparency and accountability in public administration in contract allocations. Given that the nature and scope of such legislation is an evolving one, Government is presently doing the necessary ground work for the preparation of a legislation which will adopt innovative processes to improve access to information. Once this initial process is completed drafting instructions will be given to the Attorney-General’s Office to proceed with the preparation of the Bill.

Articles 10 & 11- Right to Free Association and Free Assembly

Article 10
1. Every individual shall have the right to free association provided that he abides by the law.

2. Subject to the obligation of solidarity provided for in 29 no one may be compelled to join an association.
Article 11
Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

44.0 Section 13(1) of the Constitution guarantees, *inter alia*, the protection of freedom of association. It provides that except with his own consent, no person shall be hindered in the enjoyment of his freedom of association, that is to say, his right to associate with other persons and, in particular, to form or belong to trade unions or other associations for the protection of his interests.

45.0 Section 13(2) of the Constitution provides that laws can be made which restrict the freedom of association to the extent that the laws in question makes provision in the interests of defence, public safety, public order, public morality or public health, or for the purpose of protecting the rights or freedoms of other persons; or for the imposition of restrictions upon public officers. However, these laws will not stand the test of constitutionality if it is shown that they are not reasonably justifiable in a democratic society.

46.0 In conformity with Section 13 of the Constitution, Section 21 of the Equal Opportunities Act states that no person shall discriminate against another one when the latter is invited to join him in the setting up of a company, partnership, "société" or registered association. Furthermore, a company, partnership, "société" or registered association, or an officer shall not discriminate against a member of the body by denying that member access, or limiting his access, to a benefit, facility or service arising from membership; by expelling that member; or by placing that member at a disadvantage in any other manner.

47.0 The Public Gatherings Act regulates the manner in which public gatherings shall be held or organised. Not less than 7 clear days’ written notice of the public gathering should be given to the Commissioner of Police. The latter may impose any condition on the holding of the gathering and gives due consideration to matters of defence, public safety and public order.

Article 12 -Right to Free Movement

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

48.0 Section 15 of the Constitution provides, inter alia, that no person shall be deprived of his freedom of movement, and freedom includes the right to move freely throughout Mauritius, the right to reside in any part of Mauritius, the right to enter Mauritius, the right to leave Mauritius and immunity from expulsion from Mauritius.

49.0 Restriction of the right to leave Mauritius may be imposed by :-

(a) a Court of Law where the person is subject to a Court case;
(b) an objection raised by the Mauritius Revenue Authority to the departure of a person who is indebted to the Authority; or
(c) by the Police may raise an objection to departure against a person whose presence is required for the purpose of enquiry into Police cases.

50.0 Travel documents are issued in the following circumstances:-

(a) any citizen of Mauritius who has lost his passport abroad and has to travel back to Mauritius;
(b) any Commonwealth Citizen who has lost his passport and has to travel back to his country of residence or has to travel to a specific destination and return to Mauritius; and
(c) a citizen of Mauritius whose passport has been sent abroad for visa purposes and has to travel to another country in the meantime.

51.0 All citizens of Mauritius are entitled to a travel document. However, a Court of Law may impose restrictions on the use of such travel documents. Statistic on the number of Travel Documents and Passports issued from years 2007 to 2015 are as follows:-
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No of Travel Documents issued</td>
<td>817</td>
<td>636</td>
<td>458</td>
<td>460</td>
<td>504</td>
<td>227</td>
<td>280</td>
<td>312</td>
<td>409</td>
</tr>
<tr>
<td>No of Passports issued</td>
<td>63,430</td>
<td>56,126</td>
<td>45,914</td>
<td>48,776</td>
<td>51,853</td>
<td>50,912</td>
<td>55,299</td>
<td>62,673</td>
<td>63,738</td>
</tr>
<tr>
<td>TOTAL</td>
<td>64,247</td>
<td>56,762</td>
<td>46,372</td>
<td>49,236</td>
<td>52,357</td>
<td>51,139</td>
<td>55,579</td>
<td>62,985</td>
<td>64,147</td>
</tr>
</tbody>
</table>

52.0 A person travelling to Mauritius without the required travel documents may be returned back to his country of origin or residence, by the international carrier, which brought him/her. All expenses in connection therewith, including hotel accommodation, medical care and court costs, if any, are borne by the carrier.

**Requirements for the admission of Non-Citizens**

53.0 Entry and exit visas are issued by the Passport and Immigration Office to foreigners entering the country. Those staying for a longer period must apply for a resident permit. Those persons who are lawfully within the territory have the freedom of movement and to choose their residence.

54.0 A non-citizen should hold a valid residence permit, except those who are exempt persons under the Passports Regulations and/or the Immigration Act, subject to the person:

(i) holding valid passport;
(ii) possessing valid return passage ticket;
(iii) having adequate fund; and
(iv) being eligible to re-enter country of origin/residence.

**Asylum seekers**

55.0 Mauritius, being a small and densely-populated island with limited resources, has not yet adopted a policy or law to grant refugee status to foreigners. Although Mauritius has not yet signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol Convention, it does however, attempt to treat applications for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their settlement in a friendly country willing to receive them.
Deportation

56.0 A Deportation Order under the Deportation Act is required to make a non-citizen leave and remain out of Mauritius. The Deportation Act sets the procedures for a deportation order in respect of a convicted person, an undesirable person, a destitute person or a prohibited immigrant under the Immigration Act.

57.0 The Deportation Act also provides, inter alia, for detention in custody pending decision; how deportation orders are to be executed; deportation orders in respect of persons undergoing a sentence of imprisonment; and expenses of or incidental to deportation of a person to be met by the State.

Extradition

58.0 The Extradition Act provides, with regard to extradition crimes, namely in its section 7, that an offender shall not be surrendered to a foreign State where the offence in respect of which the request for his surrender is one of a political character or where the Minister has reasonable grounds for believing that the request for surrender is being made for the purpose of prosecuting or punishing the offender on account of his race, caste, place of origin, nationality, political opinions, colour or creed or where the Minister is satisfied that it would be unjust, oppressive or too severe a punishment to surrender the offender, amongst others.

59.0 Part II of the Extradition Act deals with extradition to a foreign State. Under section 8 of the Extradition Act, every request for the surrender of an offender who is in Mauritius is made to the Minister responsible for the subject of external affairs for transmission to the Attorney General, through the diplomatic channel or by such other means as may be specified in the extradition treaty or in the case of a Commonwealth country, as may be agreed upon.

60.0 Pursuant to Section 8 of the Act once the request for extradition is transmitted to the Attorney General’s Office, the latter will process the extradition request in accordance with the relevant provisions of the Extradition Act and/or the relevant Extradition Treaty (between Mauritius and the Requesting State). The Attorney General may authorise, in writing, a Magistrate to issue a warrant for the arrest of the offender as provided for under section 9 of the Extradition Act.

61.0 Section 13 of the Extradition Act provides that:

“Where a person who, under this Part (Part II), has been committed to prison, or otherwise ordered to be held in custody, is in custody in Mauritius at the expiration of 2 months-
(a) after the date of committal or order; or

(b) where a writ of habeas corpus is issued, after the Supreme Court has decided on the return of the writ, whichever is the later, the Supreme Court shall, on application and on proof that reasonable notice of the intention to make the application has been given to the Attorney-General, order that the offender be released, unless sufficient cause is shown against the release.

62.0 The principles relating to the law of extradition have been set out clearly in the cases of Danche D. v The Commissioner of Police & ORS (2002) SCJ 171 and Ramankhan M F. v The Commissioner of Prisons (2002) SCJ 140, and both cases are still good law.

63.0 In the first case the applicant, a French National moved the court for the issue of a writ of habeas corpus so that his release be ordered. A warrant for arrest of the applicant had been issued under the Extradition Act since the latter had been accused of having committed in the United States of America (USA) the offences of mail fraud, interstate transportation of stolen property and wire fraud. The argument put forward by the applicant was that there was no extradition treaty between Mauritius and U.S.A. It was held by the court that the extradition treaty signed between the United Kingdom and the U.S.A, under the United Kingdom Extradition Acts 1870–1935 was succeeded to by Mauritius after its independence and it was open to Mauritius from 1968 onwards to give notice of termination of the treaty. Since neither Mauritius nor U.S.A had given notice of termination of the treaty, the court held that the treaty was still binding on both countries and the application was set aside.

64.0 In the case of Ramankhan M F v the Commissioner of Prisons (2002) SCJ 140, the applicant moved the court for the issue of a writ of habeas corpus so that his release be ordered. A warrant of arrest had been issued against applicant on the basis that the applicant had in England the offence of indecent assault on a female child under the age of 16. The grounds on which applicant have relied at the hearing are as follows:-

(a) there is no extradition treaty between Mauritius and England;
(b) there was no prima facie evidence established against the applicant in respect of the charge on indecent assault;
(c) his extradition is required for the purposes of a police enquiry. Consequently, he is only a suspect and not an accused party under the Act;
(d) he will not be afforded a fair hearing in England in that: (a) his right to silence will be undermined; (b) he will be amenable to a penalty which is more severe in England than in Mauritius for the offence with which he has been charged; and (c) he will be denied the protection of stricter legal rules in Mauritius governing the evidence of child witnesses; and (e) there is a discrepancy between the charge laid against the applicant in the document that was put before the magistrate.

65.0 It was held by the Court that:

(a) there was no need for extradition treaty between England and a Commonwealth Country like Mauritius;
(b) there was sufficient evidence for the committal; and
(c) the applicant was an ‘accused’ for an extradition crime namely indecent assault in England which is comparable to the Mauritian offence of attempt upon chastity.

The Court found no merit in the other arguments put forward by the applicant and the application was set aside.

66.0 In the case of Auger R v The Commissioner of Police &Ors (2010) SCJ 127, the detainee, a Canadian citizen applied for a writ of habeas corpus following a warrant of commitment pending his surrender to the Canadian authorities, issued by the District Magistrate of Port Louis issued, under Section 11(5)(c) of the Extradition Act. The Court held that there was “not the least indication that there has been a failure to comply with the legal requirements under the Act which is of such a nature that would render the decision of the Magistrate irregular or illegal”. The Court declined the application and ordered that the applicant be not discharged from custody pending the decision of the Attorney-General to surrender him to the Canadian authorities.
The status for extradition request in Mauritius as at November 2015 is as follows:

<table>
<thead>
<tr>
<th>No.</th>
<th>Extradition Requests</th>
<th>Extradition Authorised or Refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Hungary</td>
<td>One Hungarian National - Under consideration by the State Law Office</td>
</tr>
<tr>
<td>2.</td>
<td>Belgium</td>
<td>One Belgian National - Under consideration by the State Law Office</td>
</tr>
<tr>
<td>3.</td>
<td>India</td>
<td>One Indian National - extradition executed on 14 November 2015</td>
</tr>
</tbody>
</table>

Source: Ministry of Foreign Affairs, Regional Integration and International Trade

Article 13- Right to participate in public affairs

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Section 44 of the Constitution provides that any person who is registered as an elector in a constituency shall be entitled to vote in such manner as may be prescribed at any election, unless that person is prohibited from so doing by the law of Mauritius.

The main aim of the 2011 amendments to the Local Government Act was to reform the law relating to local government and to, among others, increase the participation of women in local elections. In 2015, Government further amended Section 11(6) of the Local Government Act and replaced it by Sections 11(6)(a) and 11(6)(b). Section 11(6)(a) reads as follows :-

“Every group presenting more than 2 candidates at an election of a Municipal City Council or Municipal Town Council shall ensure that not more than two thirds of the group’s candidates for election to that Council are of the same sex.”
Section 11(6)(b) of the Local Government Act catered for the common situation that a group may form part of an alliance and thus provided:

“Where the group forms part of an alliance, it shall be sufficient for the alliance to comply with paragraph (a) without each group forming part of the alliance necessarily complying with that paragraph.”

The First Schedule to the Local Government Act was also amended to provide for the number of Councillors for the Municipal City Council of Port-Louis to be raised from 24 to 32. The Second Schedule to the Local Government Act was also amended to provide for the number of Councillors for Municipal Town Councils to be increased as follows: 24 for the towns of Beau-Bassin-Rose Hill and Vacoas-Phoenix, 20 for the Town Councils of Curepipe and Quatre-Bornes.

To implement the above amendments, Government also amended the Municipal City and Municipal Town Council Elections Regulations 2012, in 2015 by the Municipal City Council and Municipal Town Council (Amendment) Regulations 2015. These regulations provide that political parties should register as a “group” and where they contest an election alongside another group or groups, as the case may be, they should register as an alliance for the purposes of Municipal and Town Council Regulations.

Government now intends to undertake the second phase of the review of the Local Government Act. The review will focus, inter alia, on how democracy at local level could be further consolidated, community participation encouraged, and the local authorities operate in a more effective manner for improved delivery of services.

Regarding the participation of women in the national decision-making process, Mauritius is committed to the decision taken by South Africa Development Community to increase women’s participation in politics and decision-making by 30%. For the two last general elections held in July 2005 and in May 2010, the main political parties honoured their pledge to increase women representation in National Assembly and there was a marked increase in the number of women candidates. With regard to the National Assembly Elections 2014, on Nomination Day, 739 candidates deposited their nomination papers in the 21 constituencies whereby 128 were women candidates. 8 women candidates were elected as members of the National Assembly.

As regards women’s representation in decision-making bodies in 2014, same is illustrated in table below:-
<table>
<thead>
<tr>
<th>Grade</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministers</td>
<td>3 out of 25</td>
<td>12</td>
</tr>
<tr>
<td>Members of Parliament</td>
<td>8 out of 70</td>
<td>11.4</td>
</tr>
<tr>
<td>Ambassadors</td>
<td>5 out of 22</td>
<td>22.7</td>
</tr>
<tr>
<td>Senior Chief Executive</td>
<td>2 out of 4</td>
<td>50</td>
</tr>
<tr>
<td>Permanent Secretaries</td>
<td>10 out of 32</td>
<td>31.3</td>
</tr>
<tr>
<td>Deputy Permanent Secretaries</td>
<td>26 out of 68</td>
<td>38.2</td>
</tr>
<tr>
<td>Assistant Permanent Secretaries</td>
<td>53 out of 131</td>
<td>59.5</td>
</tr>
<tr>
<td>Judges</td>
<td>8 out of 19</td>
<td>42.1</td>
</tr>
<tr>
<td>Magistrates</td>
<td>28 out of 19</td>
<td>68.3</td>
</tr>
</tbody>
</table>

*Information from Statistical Unit (figures are after General Elections, December 2014)*

76.0 To increase the participation of persons with disabilities in public and political spheres, the following measures have been taken to making voting procedures disabled-friendly:-

(i) accessible room on ground floor with ramps in each polling station has been reserved for voters with disabilities;
(ii) special adjustable booth for wheelchair users is provided;
(iii) the law has been amended to allow a blind voter or with severe disability to be accompanied by a close relative to assist him to accomplish his civic duties; and
(iv) explanations of voting procedures are also given in the Mauritian Sign Language on television.

**Electoral reform**

77.0 At national level the National Assembly consists of 70 members of whom 62 are elected in accordance with the first-past-the-post system and the remaining 8 are allocated seats from among the best losers at general elections on a communal and party basis. In order to be able to implement the Best Loser System which ensures a fair and adequate representation of each community, the First Schedule to the Constitution of Mauritius requires that, at any general election, candidates have to declare the community to which they belong. The community of the candidate appears on the nomination paper which is
published but does not appear on the ballot paper. A person who, by his way of life does not appear to belong to the Hindu, Muslim or Sino-Mauritian Community, is regarded as belonging to the residual category known as the “General Population”.

78.0 However, some time before the General Elections of 2014, a group of persons belonging to a political party named ‘Rezistans ek Alternativ’ challenged the above requirement for a candidate to declare to which community he belongs to, under the communications procedure laid down in the First Optional Protocol to the International Covenant on Civil and Political Rights. The Applicants alleged breaches of Articles 18, 25 and 26 of the Covenant and highlighted the vagueness of the criteria which determines which community they belong to.

79.0 The Human Rights Committee in its finding of 2012 stated that Article 25 of the Covenant had been violated. An extract of the Human Rights Committee’s findings reads as follows:

«The Committee therefore finds, taking into account the State party’s (Government of Mauritius) failure to provide adequate justification in this regard and without expressing a view as to the appropriate form of the State party’s or any other electoral system, that the continued maintenance of the requirement of mandatory classification of a candidate for general elections without the corresponding updated figures of the community affiliation of the population in general, would appear arbitrary and therefore violates Article 25 of the Covenant».

80.0 With a view to complying with the findings of the Human Rights Committee, Parliament has, in July 2014, passed the Constitution (Declaration of Community) (Temporary Provisions) Act whereby it is no longer mandatory for a candidate to declare the community to which he belongs. Section 4 of the Act provides that notwithstanding paragraph 3 of the First Schedule to the Constitution, a candidate at the next general election may elect not to declare the community to which he belongs. In the event that a candidate at that election has not declared his community, he shall be deemed to have opted not to be considered for the purpose of the allocation of additional seats and no additional seat shall be allocated to him.

81.0 Where a candidate has not declared his community and is returned as member, the Electoral Supervisory Commission shall, for the sole purposes of determining the appropriate community and allocating additional seats, proceed on the basis of the average number of returned members belonging to each community at all general elections held since 1976. In the event that no candidate belonging to a community has been returned as
member to represent a constituency and the allocation of additional seats as pursuant to the above paragraph, will result in no additional seat being allocated to any available unreturned candidate belonging to that community, the first additional seat required to be allocated shall be allocated to the most successful unreturned candidate belonging to that community and belonging to a party and finally where all candidates who are returned as members have declared their community, the allocation of additional seats shall be effected under paragraph 5 of the First Schedule to the Constitution.

82.0 In light of findings of the UN Human Rights Committee, the new Government which was elected in December 2014, is pursuing its discussions and consultations to work towards an electoral reform that will suit the long-term interest of the country and that will have five criteria as follows:-

(i) stability;
(ii) fairness;
(iii) inclusiveness to ensure representation of all components of the Mauritian rainbow nation;
(iv) gender representation; and
(v) transparency and accountability.

83.0 The new Government stands committed to reform the electoral system so as to introduce a dose of proportional representation in the National Assembly and guarantee better women’s representation. The issue of mandatory declaration of community will be addressed in the wider context of the electoral reform. In this context a Ministerial Committee has been set up to examine the various implications of the proposed changes and make recommendations. Thereafter, appropriate consultations will be held with all the stakeholders prior to implementation.

**Article 14 - Right to Property**

*The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.*

84.0 Section 8 of the Constitution provides, *inter alia*, provides for the protection of the individual from the compulsory deprivation of his property except when the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilisation of any property in such a manner as to promote the public
benefit or the social and economic well-being of the people of Mauritius. The owners are compensated accordingly whenever there is compulsory acquisition by Government.
B. Social, Economic and Cultural Rights

Article 15 - Right to work

*Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work*

85.0 The Employment Rights Act 2008, which has replaced the Labour Act 1975, with effect from 02 February 2009, has revised and consolidated the legal provisions relating to employment, contract of employment or service, termination of employment, minimum age for employment, hours of work, payment of remuneration and other basic terms and conditions of employment, thereby ensuring a better protection of workers’ rights.

86.0 Section 20 of the Employment Rights Act 2008 has been amended in June 2013 and now reads as follows:-

1. “Every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value”.

2. “Where an employer has recourse to the services of a job contractor, the job contractor shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value”.

87.0 The Act has also been amended with a view to, *inter-alia*:-

(a) creating a legal framework for the operation of the regime of fixed term contracts of employment to prevent employers from having recourse to such contracts abusively;

(b) extending the grant of paid annual and sick leave to workers reckoning between more than 6 months’ and less than 12 months’ continuous employment;

(c) reviewing the process of disciplinary hearing to ensure that such hearing is held in a fair and independent manner;
(d) introducing the concept of reinstatement in cases of unfair termination of employment on grounds of redundancy, discrimination and victimisation for participation in trade union activities;
(e) providing for the setting up of an independent Employment Promotion and Protection Division within the Employment Relations Tribunal to determine, within a specific time frame, whether cases of redundancy or closing down of enterprises are justified or not;
(f) providing for the payment of a death gratuity in case of death of workers reckoning not less than 12 months’ continuous employment; and
(g) increasing the quantum of meal allowance from 50 rupees to 70 rupees per day where a worker is required to perform more than 2 hours overtime after having completed a normal day’s work.

88.0 The Employment Relations Act also focuses on, inter alia, the protection and enhancement of the democratic rights of workers and trade unions; the promotion of collective bargaining; the promotion of voluntary settlement and peaceful resolution of disputes; the strengthening of the disputes and conflicts resolution procedures and institutions to ensure speedy and effective settlement; the right to strike, as a last resort, after conciliation and mediation have failed; and the building of a productive employment relationship.

89.0 All legal and administrative provisions regarding health and safety at the workplace are governed by the Occupational Safety, Health and Welfare Act, which provides the mechanism for the control of unsafe working conditions and gives pre-eminence to the duty of employers to ensure safe working conditions and the safety, health and welfare of all employees. No category of worker is excluded from the scope of existing safety and health legislations.

**Article 16- Right to Health**

1. *Every individual shall have the right to enjoy the best attainable state of physical and mental health.*

2. *States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.*

90.0 The right to health is provided for in different legislations. Mauritius being a welfare State, medical care is free for everyone and the right to health care is guaranteed
for everybody. The Radiation Protection Authority established under the Radiation Protection Act, *inter alia*, regulates, controls and supervises radiological work and every activity relating to the acquisition, importation, use, transportation and disposal of radioactive material, wastes and substances. Further, under section 20 of the Act, when a person who is engaged in radiological work or who is exposed to ionising radiation, shows signs of disease or injury which is suspected to be caused by radiation, the employer employing such person shall immediately make arrangements for the medical examination of the person concerned.

91.0 There is also a Trust Fund provided for under the Specialised Medical Care Act to cater for the operation of a Specialised Medical Care Centre and the management of other institutions for the provision of high-tech medical care. The welfare of mental patients is governed by the Mental Health Act, which serves as guidelines for the management, security and welfare of patients.

92.0 The HIV and AIDS Act 2006 protects the rights and privileges of people living with HIV and those affected by the disease. One of the objects of the Act is to respond to the HIV and AIDS epidemic through enhanced HIV prevention programmes and national mechanisms for HIV testing and counseling (HTC). It also safeguards a wide range of protection to key affected populations and ensures that stigma and discrimination do not hinder accessibility to health care services and needle exchange programme.

93.0 The Immigration and Civil Status Act has further been amended to allow a non-citizen who is HIV infected to marry a Mauritian citizen, provided he has disclosed his HIV status to his partner.

94.0 Under the Dangerous Chemicals Control Act, the Dangerous Chemicals Control Board has the task of, *inter alia*, disseminating to other law enforcement agencies and public departments information relating to dangerous chemicals; ensuring coordination and cooperation amongst the law enforcement agencies, government departments and other institutions for the effective control of dangerous chemicals; and carry out such other duties as may be necessary for the control of dangerous chemicals.

95.0 The Food Act regulates, *inter alia*, the determination of fitness of food, its preparation, packaging, storing, conveyancing, distribution as well as sale.
96.0 The prevalence of major communicable diseases of public health importance has decreased considerably during the past few decades, mainly due to improvements in safe water supply and environmental sanitation and also due to the Expanded Programme on Immunization (EPI) in accordance with the recommendations of the World Health Organisation. The vaccine is free of user cost in public health institutions and its coverage rate is high.

97.0 Mauritius has been able to eliminate vector borne diseases such as Malaria and Lymphatic Filariasis and no case of Schistosomiasis has been reported since 1998. Moreover, outbreaks of Chikungunya in 2005 and 2006 were successfully controlled. Only imported cases are still being detected. From 2009 to 2015, there have been three outbreaks of locally transmitted dengue fever. Mauritius is constantly under threat of introduction and vector borne diseases such as Malaria, Chikungunya and Dengue as the vectors of these diseases are found locally.

98.0 With a view to preventing resurgence or emergence of epidemic prone diseases, the Ministry of Health and Quality of Life has initiated actions to carry out a reorganisation of the Communicable Disease Control Unit, aiming at strengthening the communicable disease surveillance system in the country, with focus on the setting up of an early warning and rapid response system. This project is also in line with the recommendations of the World Health Organization to Member States to reinforce capacity for the implementation of the International Health Regulations. In addition, with a view to preventing the introduction of communicable diseases of major public health importance, surveillance at the ports of entry and at residence is being carried out for passengers arriving from high risk areas. Training has been conducted for the various categories of staff who would eventually form part of rapid response teams.

99.0 Vector control is another important pillar of prevention and control of diseases transmitted by mosquitoes. This is an on-going activity throughout the year. Awareness campaigns related to specific diseases are being carried out as a routine, though media channels and also at community level. Water quality is also being monitored regularly to detect contamination. Food safety ranks high on the agenda of the Ministry and as such the need for closer food monitoring is being emphasized.

100.0 Strengthening of laboratory capacity has also been a regular feature. In this respect, among other achievements, the setting up of a molecular biology cell within the virology department of the Central Health Laboratory has been an important milestone in the
development of new diagnostic tools. World Health Organization has recognized the molecular biology and virology laboratory as a National Influenza Centre and it now forms part of the WHO Global Influenza Surveillance and Response System. Tests have also been introduced for the detection of newly emerging diseases such as Influenza A H7N9 and MERS-Coronavirus.

101.0 Treatment, care and support to people living with HIV have been decentralised and is now accessible through National Day Care Centres for the Immuno-suppressed in the four out of five regional hospitals of the Island except for Flacq Hospital. A plan to house a Day Care Centre for the immune- depressed in the new complex of Flacq Hospital is being considered. HIV Testing has been extended to Primary Health Care level.

102.0 The control of non-communicable diseases shall be enhanced in line with WHO Global Strategy for Prevention and Control of non-communicable diseases. Action Plans on Nutrition, Tobacco, and Physical Activity and Cancer are being implemented. Draft Action Plans on Harmful use of Alcohol, and on Tobacco have been finalised. A National Plan of Action on Nutrition, which includes amongst others, dietary guidelines for healthy nutrition, fruit and vegetable promotion initiatives and regulation of the sale of foodstuffs on school premises, has been implemented. A second National Plan of Action on Nutrition has already been prepared and will be implemented in 2015. Regulations will be made on trans-fatty acids.

103.0 The Mauritius NCD Survey 2015 has revealed several positive findings, namely, inter alia:-

(i) the prevalence of diabetes has stabilised to around 23% for the first time since 1987;
(ii) the prevalence of hypertension has significantly come down from 38% to 28%;
(iii) the prevalence of physical activity has come up from 16.5% to 23.7%; and
(v) the prevalence of smoking has decreased from 21.7% in 2009 to 19.3% in 2015.

104.0 To better protect the rights of mental patients, specialised services in the field of mental health care have been decentralised in the Regional hospitals. Mental health care is also being provided at Primary Health Care Centres by psychiatrists and community physicians.
105.0 The Pitié Salpêtrière Hospital in Paris, France will update the current Cancer Action Plan and assist the Ministry in the setting up of the National Cancer Agency. A Memorandum of Understanding has been signed between Ministry of Health and Quality of Life and Pitié Salpêtrière Hospital to that effect.

106.0 To better protect the rights of mental patients, specialised services in the field of Mental Health Care have been decentralized and there is now also a Psychiatric Unit at the Regional Hospital at Flacq to cater for the eastern part of the island. In the other Regional Hospitals, Liaison Psychiatry is being practiced. Mental Health Care is also being provided at Primary Health Care Centres by Psychiatrists and Community Physicians.

107.0 Sexual and reproductive health services are available in all hospitals and health care centres and are fully accessible by any citizen, free of cost. Section 235 of the Criminal Code has been amended in order to allow for abortion in cases of therapeutic abortion as well as in cases where ensuing pregnancies is the result of rape or incest.

**Article 17- Right to Education**

1. *Every individual shall have the right to education*

2 *Every individual may freely, take part in the cultural life of his community*

3. *The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.*

108.0 The right to education is provided for in the Education Act and education is free in Mauritius from pre-primary to tertiary level. In line with internationally accepted best practices, Government encourages the use of mother tongues to facilitate teaching and learning. With a view to promoting teaching of the mother tongue, the Kreol Morisien was introduced in Standard I in 2012 as an optional subject. Bhojpuri has also been integrated in the existing Hindi curriculum. Implementation will be pursued incrementally for the teaching of *Kreol Morisien* across the primary cycle. The *Kreol Morisien* will ultimately be reckoned as an examinable subject for end of year primary examination on the same lines as other optional languages.

109.0 The Ministry of Education and Human Resources has taken several measures for the inclusion and integration of children with Special Education Needs so as to ensure that
no child is deprived of education on account of any form of impairment or disability. These are *inter alia*:-

(a) the registration procedures for Special Education Needs children have been reviewed. An intensive campaign is being carried out to persuade and encourage parents to register their wards in the nearest primary schools;
(b) schools are being retrofitted with ramps to facilitate access to the classrooms;
(c) all new secondary schools constructed have already been provided with adapted toilets for the disabled;
(d) links between building blocks have been made to facilitate access, using wheelchairs to the first floor where specialist rooms are located;
(e) a flexible approach is adopted towards parents who wish to call at school during the day to provide assistance to their physically disabled pupils;
(f) facilities like music room, library, science laboratory, computer room are available on the ground floor where necessary. In primary schools, Head Masters usually make arrangements to move the whole class to the ground floor wherever necessary;
(g) students with disabilities are released earlier than the other students so that they do not face any movement difficulties;
(h) school Attendants usually help students on wheelchair to move around the school compound;
(i) the same facilities are available in Private Grant Aided secondary schools to enable children with disabilities to move around the school compound and participate actively in academic activities;
(j) educators are encouraged to provide individual extra assistance to children with disabilities so as to allow them to keep pace with their classmates;
(k) children with disabilities benefit from extra time for the CPE examination;
(l) enlarged print school books/manuals and question papers are produced for children suffering from visual impairment;
(m) a Mauritian Sign Language has been developed to ease communication for children with deafness;
(n) children with hearing impairment are provided with the service of sign language interpreters for the purpose of examinations;
(o) children with hearing impairment are provided specialist Teacher/Interpreters in the mainstream secondary school with the active collaboration of NGOs;
(p) special Education Needs Resource and Development Centres (SENRDC) are being set up. Three are already operational at Ferney, Maingard and Plaines des
Papayes. These centres provide support to children with disabilities in the mainstream. The SENRDC provide proximate specialized and relevant services to children with disabilities according to their specific needs;

(q) the Ministry of Education and Human Resources has put up integrated units in government primary schools around the island so as to reach out those who have to travel long distance. There are at present 13 such Integrated Units and the majority of them are run in partnership with specialist NGOs;

(r) the Mauritius Institute of Education is providing courses to build capacity of Teachers/ Educators with the appropriate skills/knowledge to deal with children with disabilities;

(s) provision of a Carer is made on a case to case basis to children with special needs requiring extra assistance; and

(t) with a view to profitably gain from the experience and good practices in other countries, assistance from some of them have been sought.

110.0 To ensure that no single child is denied the opportunity for early self-development, the Ministry of Education and Human Resources in collaboration with the Early Childhood Care and Education Authority are currently working on the amendments that need to be brought to the Early Childhood Care and Education Authority Act in order to make pre-primary education compulsory in Mauritius.

Nine-year schooling

111.0 The introduction of the nine-year schooling is high on the agenda of Government. The latter is committed to introduce the nine-year basic continuous schooling and to replace the Certificate of Primary Education by an end-of-primary cycle assessment. The Ministry of Education and Human Resources, Tertiary Education and Scientific Research will soon present for an Implementation Plan for that purpose. Under this system, the learners will be expected to acquire appropriate levels of literacy, numeracy as well as life skills and ethical and civic values.

Arts and Culture

112.0 The Ministry of Arts and Culture, the National Heritage Fund and the Attorney-General’s Office are currently finalising the first draft of the new National Heritage Fund Bill, with a view to including, inter alia, the provisions of the Convention for the Protection of Cultural Property in the event of Armed Conflicts.
Article 18- Protection of the Family, Women & Children

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.

2. The State shall have the duty to assist the family which is the custodian or morals and traditional values recognized by the community.

3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Protection of the family

113.0 The amendments brought to the Protection from Domestic Violence Act in 2007 have already entered in force. The Act was amended with a view to providing better services to victims of domestic violence and strengthening the enforcement mechanism of the Act as follows:-

- The Court may hear an application for a Protection Order in such manner as it thinks fit subject to such rules as may be made by the Chief Justice.

- The Court which has made the Protection, Tenancy or Occupancy Order, may make an ancillary as to alimony.

- Magistrates have been given the power to make an order as regards payment of alimony in respect of the aggrieved spouse and any child of the parties at the same time as an order for Protection is made on such terms and conditions as the Court thinks fit.

114.0 The Act was further amended in 2011 for rules to be made by the Chief Justice and for applications for Protection Orders to be heard in such manner as the Court thinks fit.

However, despite the above amendments, the number of cases of domestic violence has been increasing as illustrated in the disaggregated table as reply to question 21, and following the tragic deaths of women victims of domestic violence in early 2014, an Advisory Committee was set up under the aegis of the Ministry of Gender Equality, Child Development and Family Welfare, in March 2014, to make recommendations on measures to reinforce the framework for the protection of women against domestic violence. The Committee in its report published in
October 2014 observed that the Act as it stands still have several lacunas and weaknesses such as a narrow definition of domestic violence, not all acts of domestic violence are criminalized, and the weak support given to victims needs. In light of the report, Government intends to further amend the Act so as to introduce, among others, psychological and sexual abuses as well as economic deprivation within the definition of domestic violence.

115.0 The Ministry of Gender Equality, Child Development and Family Welfare is considering amending the Criminal Code to make marital rape an offence. Furthermore, Article 242 of the Criminal Code will be also amended to remove from the Code that ‘Manslaughter committed by any person on his spouse, as well as on his accomplice, at the very moment he finds them in the act of adultery is excusable’.

116.0 As spelt out in the Government Programme 2015-2019, Government has set up a National Coalition against Domestic Violence Committee under the aegis of the Prime Minister’s Office. The said Committee will liaise with the Ministry of Gender Equality, Child Development and Family Welfare and the Ministry of Social Security, National Solidarity and Reform Institutions to ensure that victims of domestic violence are given immediate shelter in a Government institution and provided with a job and a house within a reasonable time frame to lead a normal life anew. The Committee has already examined measures that could be quickly implemented and, among others, has decided that all reported cases of domestic violence would be treated as an aggravated offence and that legislations would be amended in due course to that effect.

117.0 However, not all cases of gender based violence are reported to the relevant Ministry or the Police. The Ministry concerned, conducts regular sensitisation programmes to encourage persons who are victims of domestic violence to come forward and seek assistance.

118.0 Amendments were brought to the **Code Civil Mauricien** in 2011 to provide for a new procedure for divorce, which is by way of mutual consent. This procedure enables married couples to go through the divorce in a much simpler and quicker procedure/wayas compared to the other types of divorce such as the ‘divorce pour faute’ or ‘divorce pour rupture de la vie commune’ for instance. Only parties who have been married for a period of more than 24 months are allowed to enter a divorce petition by way of mutual consent. They may, if they so qualify, retain the services of only one Attorney instead of one for each party. Another precondition to the divorce by way of mutual consent is that both parties need to agree on the breakdown of the marriage and on the arising effects. Parties need
further to reach and submit an ‘agreement’ for ‘ratification’ by the Judge, which takes care of all the consequences of the divorce.

119.0 Marriage Enrichment Programmes delivered by the Family Welfare and Protection Unit of the Ministry of Gender Equality, Child Development and Family Welfare are targeted at married couples. The following modules are covered under these programmes:-

- Fundamental concepts of marriage;
- Conflict Resolution and Enhancing Communication;
- Sexuality in marriage;
- Family Budget and Common Decision Making;
- Reviewing commitments and understanding each other; and
- Family Values and Improving Interpersonal Relationships, amongst others.

120.0 Pre-Marital Counselling Programmes by the Family Welfare and Protection Unit of the Ministry are also available for married couples. The modules covered are:-

(i) Enhancing Communication and Common Decision Making;
(ii) Role Expectations Understanding each other;
(iii) Basic ingredients for a successful marriage;
(iv) Anger Management and Conflict Resolution;
(v) Planning a Family Budget;
(vi) Love and Sexuality; and
(vii) Legal Aspects of Marriage, amongst others.

**Protection and elimination of discrimination against women**

121.0 In addition to the constitutional protection afforded to many of the Covenants’ obligations, some of these obligations are implemented through statutes (including for example the Equal Opportunities Act) or administrative measures. Moreover, in line with the provisions of the ILO Convention No. 100 and Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Section 20 of the Employment Rights Act 2008 was amended in June 2013 to ensure equal pay for equal work as detailed under Article 15 above.

122.0 Section 30 of the Act was also amended in 2013 and contains a number of provisions protecting the rights of workers with family responsibilities as detailed below:-
(a) 12 weeks’ maternity leave on full pay, to a female worker who remains in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave, to be taken either before confinement or after confinement provided that at least 7 weeks’ leave is taken immediately after confinement. However, for those female workers reckoning less than 12 months’ continuous service, the leave is without pay;
(b) where a female worker who has been in continuous employment with the same employer for a period of 12 consecutive months immediately preceding the beginning of leave, gives birth to a still-born child, she shall, on production of a medical certificate, be entitled to 12 weeks’ leave on full pay;
(c) 2 weeks’ leave on full pay in case of miscarriage irrespective of the length of service of the female worker;
(d) that an employer shall not require a pregnant female worker to perform overtime, two months before her confinement;
(e) that a female worker shall not be required to perform duties necessitating continuous standing; or that may be detrimental to her health and that of her baby, provided that there is a recommendation to that effect from a medical practitioner;
(f) that an employer is prohibited from giving a notice of dismissal to an employee on maternity leave or giving such notice which will expire during her maternity leave except on grounds that relate to the economic, technological, structural or similar nature affecting the employer’s activities;
(g) that an agreement shall not be terminated by an employer by reason of a worker’s absence from work during maternity leave; and
(h) for a female worker, who is nursing her breastfed child, to be entitled to a daily break of one hour, or a break of half an hour twice daily with pay for the purpose of nursing the child; for a period of 6 months from the date of confinement or such longer period as may be recommended by a medical practitioner.

123.0 As announced in the Government Programme 2015-2019 and in line with the ILO Maternity Protection Convention 2000, the Employment Rights Act was further amended in April 2015 to extend the duration of maternity leave from 12 to 14 weeks so as to better support working mothers fulfilling their family obligations.

124.0 Section 31 of the Act provides that a male worker is entitled to 5 continuous working days’ paternity leave upon the production of a medical certificate certifying that
his spouse has given birth to his child and a written statement from him that his spouse and himself are living under a common roof. This benefit is also extended on a pro-rata basis to part-time male employees. The leave is on full pay for a worker reckoning more than 12 months’ continuous employment. The application of this provision has been extended to all sectors of employment, including those covered by Remuneration Regulations. It is to be noted that under this section, ‘spouse’ is defined as a person with whom the worker has contracted a civil or religious marriage.

125.0 The Equal Opportunities Act was enacted in 2008 with the aim of promoting equal opportunities for both men and women. Subsequently, following amendments brought to the Act in 2012, the Equal Opportunities Commission (EOC) and the Equal Opportunities Tribunal have been set up to address cases of discrimination made on the basis of race, religion, status and sex amongst others so as to ensure greater equality in term of access to opportunities and life chances to all citizens. This Act coupled with the setting up of the Commission and the Tribunal contributes to address the issues of gender equality and discrimination against women.

126.0 Following the enactment of the New Local Government Act in 2012 which stipulates that at least 1 out of 3 candidates to be fielded for elections at local/Municipal level should be of the opposite sex, there has been a significant leap in the number of women participating in Municipal and Village Council elections. At Municipal level, there has been an increase from 12.5% in 2005 to 28.2% in 2012. At Village Council level, the increase has been from 5 % in 2005 to 30.3% in 2012. In 2015, Government further amended Section 11(6) of the Local Government Act and replaced it by Sections 11(6)(a) and 11(6)(b). Section 11(6)(a) reads as follows :-

“Every group presenting more than 2 candidates at an election of a Municipal City Council or Municipal Town Council shall ensure that not more than two thirds of the group’s candidates for election to that Council are of the same sex.”

127.0 Section 11(6)(b) of the Local Government Act catered for the common situation that a group may form part of an alliance and thus provided:-

“Where the group forms part of an alliance, it shall be sufficient for the alliance to comply with paragraph (a) without each group forming part of the alliance necessarily complying with that paragraph.”
128.0 In terms of capacity building of women in the political arena, the Ministry of Gender Equality, Child Development and Family Welfare in collaboration and the National Women’s Council (NWC) collaborate with the Equal Opportunities Commission and act as facilitators in mobilizing women to attend awareness campaigns on the Equal Opportunities Act and the New Local Government Act.

129.0 In its implementation of the National Action Plan to End Gender-Based Violence, the above Ministry conducted capacity building programmes for NGOs, in collaboration with the Mauritius Council of Social Service (MACOSS) in 2012. Through these capacity building programmes, the Ministry encouraged NGOs to submit projects for the setting up and management of shelter for victims of gender-based violence under the Special Collaborative Programme for Support to Women and Children in Distress. Currently, women victims of domestic violence are provided with temporary accommodation at the shelter of SOS Femmes and the Shelter for Women and Children in Distress.

**Protection of Children**

130.0 Following the visit of the Special Rapporteur, Mauritius ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography on 14 June 2011. Government signed on 13 August 2012 the Optional Protocol to the Convention on the Rights of the Child on Communications Procedure. Furthermore to give effect to the UN Protocol to Prevent Suppress and Punish Trafficking in persons, the Combating of Trafficking in Persons Act 2009 was proclaimed on 30th July 2009.

**The Children’s Bill**

131.0 Upon the recommendation of the Committee on the Rights of the Child, a Children’s Bill is being prepared and is at the stage of finalisation. The Bill is expected to incorporate the provisions of the Convention on the Rights of the Child. The objective of the Bill is to bring together the different pieces of legislation dealing with children under a single comprehensive legislation. Prohibition of Corporal Punishment in all settings is being considered in the draft Children’s Bill which will provide for severe penalties for offences against children with disabilities.

**Ombudsperson for Children’s Office**

132.0 Section 5 of the Ombudsperson for Children Act provides that “The Ombudsperson for Children shall:-
(a) ensure that the rights, needs, and interests of children are given full consideration by public bodies, private authorities, individuals and association of individuals; 
(b) promote the rights and best interests of children; 
(c) promote compliance with the Convention on the Rights of the Child.

133.0 The main duties of the Ombudsman for Children are to investigate cases of violation of the rights of the child and make proposals to the relevant authorities, including Ministers, on legislations, policies and practices. 224 cases of violation of the rights of the child have reported in 2014 and 261 in 2015. In 2014 and 2015, the Ombudsman for Children has sensitised 2000 and 2693 children and the public at large, respectively, on the Convention on the Rights of the Child.

134.0 However, there are still several challenges which are faced by the Office of the Ombudsman for children which has reported that at times the recommendations made by the Office are not implemented by the authorities; the roles and functions of the Office have been found note to be clear by other institutions; and most children are unaware of the existence of the Office and the means to contact it. These challenges are being addressed through sensitisation.

Measures of protection against child trafficking

135.0 The Police has set up a Police Family Protection Unit (PFPU) with the special mandate to provide specific services within society. Awareness/sensitisation campaigns have been conducted by the PFPU as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of sessions in Primary Schools</th>
<th>No. of Attendees</th>
<th>No. of sessions in Secondary Schools</th>
<th>No. of attendees</th>
<th>No. of session in Social Welfare centre etc.</th>
<th>No. of Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>296</td>
<td>12104</td>
<td>28</td>
<td>923</td>
<td>82</td>
<td>2920</td>
</tr>
<tr>
<td>2014</td>
<td>281</td>
<td>9949</td>
<td>13</td>
<td>950</td>
<td>131</td>
<td>5110</td>
</tr>
<tr>
<td>2015</td>
<td>335</td>
<td>11048</td>
<td>40</td>
<td>2161</td>
<td>88</td>
<td>3157</td>
</tr>
<tr>
<td>Total</td>
<td>912</td>
<td>33101</td>
<td>81</td>
<td>4034</td>
<td>301</td>
<td>11187</td>
</tr>
</tbody>
</table>

*Statistics from the Mauritius Police Force*
136.0 The Mauritius Police Force has, at the request of the Ministry of Gender Equality, Child Development & Family Welfare, set up a new unit called "Brigade pour la Protection des Mineurs" in May 2004. One of the priorities of the Brigade is to act as a watchdog against all forms of exploitation and abuse against children. The Brigade is providing a meaningful and sound customer care service aimed at optimizing the protection of children and helping to alleviate the anxiety of parents whose children have been subjected to such abuses. The "Brigade pour la Protection des Mineurs" will continue its work with the Ministry of Gender Equality, Child Development and Family Welfare, on the protection of the child from all forms of abuse including commercial sexual exploitation of children.

137.0 Since January 2008, crackdown operations have been conducted islandwide at regular intervals by Officers of the Ministry of Gender Equality, Child Development and Family Welfare, National Children’s Council, Brigade des Mineurs (Police Department), in collaboration with NGOs to ensure that young persons and students are attending schools during normal school hours. Such operations are seen to contribute in an efficient way to prevent young persons from engaging in truancy and loitering and getting involved in illicit activities. Campaigns conducted are as follows:-

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of sessions</th>
<th>No. of Attendees (Minors/ Adults)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>390</td>
<td>28558</td>
</tr>
<tr>
<td>2014</td>
<td>337</td>
<td>25071</td>
</tr>
<tr>
<td>2015</td>
<td>436</td>
<td>32744</td>
</tr>
<tr>
<td>Total</td>
<td>1163</td>
<td>86373</td>
</tr>
</tbody>
</table>

Statistics from the Mauritius Police Force

138.0 The Police, in collaboration with the Social Workers of the Ministry of Education and Human Resources and the Child Development Unit of the Ministry of Gender Equality, Child Development and Family Welfare also redirect children who drop out of school back to the education system. Police Officers refer children who have been abused, to the Child Development Unit for psychotherapy and placement to shelters. In addition, the Police provide the following services:-

- A 24-hour hotline service (Tel: 999)
- At divisional level, an Operations Room is open on a 24-hour basis
- Likewise, at Line Barracks the Operations and Information Room is open on a 24-hour basis

- A protocol of assistance to child victims ranging from protection to counselling exists, whereby all Police Officers serving in any part of the country, deal with reported cases of child abuse.

139.0 A Residential Care Drop-in-Centre for victims of Commercial Sexual Exploitation of Children has been constructed. Its purpose is to assist children victims of sexual abuse and exploitation and to help them to re-integrate society. A Hotline (113) is available to public for referral of cases of victims of child prostitution.

140.0 Community Child Watch Committee (CCWC) is a surveillance mechanism for children who are exposed to all forms of violence at community level. Its objective is the prevention, reduction and elimination of violence against children. This is done through 32 CCWCs currently operating across the island that report cases, create awareness and encourage community action. In 2013, 315 meetings were held; 51 activities were carried out; 4038 children were reached out; and 850 adults were reached out. In 2014 (January to April): 112 meetings were held, 6 activities have been carried out and 540 children were reached out.

141.0 The District Child Protection Committee (DCPC) acts as a mediator between the community and the main institutions providing services for children, through meetings. Meetings are held every 2 months at the level of each district. DCPCs have been set up to take cognizance, review and monitor Child Protection issues at District level. In 2013: 48 meetings were held; 24 activities were carried out; 2052 children were reached out; and 342 adults were reached out. In 2014 (January to April): 3 Meetings were held, 2 activities have been carried out, 200 children were reached out, and 20 adults were reached out.

142.0 As regard the National Parental Empowerment Programmes, during period 2010 - 2011, 22 Ecoles des Parents were held reaching 480 Parents; in 2012, 13 Ecoles des Parents were held reaching 404 Parents; in 2013, 9 Ecoles des Parents were held reaching 324 Parents; in 2014 (January to April), 2 Ecoles des Parents were held reaching 54 parents.

134.0 Concerning Community Child Development Programmes, the reached out was as follows:-
(a) at the Mahebourg Child Creativity Centre:

<table>
<thead>
<tr>
<th>Year</th>
<th>No of Children Reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>9,749</td>
</tr>
<tr>
<td>2013</td>
<td>7,985</td>
</tr>
<tr>
<td>2014 (January to April)</td>
<td>1,618</td>
</tr>
</tbody>
</table>

(b) children attendance in Children’s Clubs was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No of Children Reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>3,260</td>
</tr>
<tr>
<td>2013</td>
<td>3,800</td>
</tr>
<tr>
<td>2014 (January to April)</td>
<td>5,060</td>
</tr>
</tbody>
</table>

143.0 The public awareness/sensitization campaign is maintained by the Police with a view to better sensitizing the community on the dangers of drugs and commercial sexual exploitation of children. Anti Drug and Smuggling Unit (ADSU) has intensified its awareness campaign in collaboration with the community, schools and other NGOs. The number of sessions held and the number of persons reached is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of sessions held</th>
<th>No. of persons sensitised</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>34</td>
<td>2,525</td>
</tr>
<tr>
<td>2013</td>
<td>53</td>
<td>4,800</td>
</tr>
<tr>
<td>2014</td>
<td>69</td>
<td>26,620</td>
</tr>
<tr>
<td>2015</td>
<td>106</td>
<td>24,649</td>
</tr>
</tbody>
</table>

144.0 Measures to combat the commercial exploitation of children by Police in collaboration with the Ministry of Social Security, National Solidarity and Reform Institutions, the Ministry of Gender Equality, Child Development and Family Welfare and NGOs are:

(a) networking and work sessions with other stakeholders and service providers (CDU, NGOs working with children);
(b) proactive identification of potential victims and vulnerable groups;
(c) increased Police patrols and vigilance near vulnerable areas and place of complaints;
(d) checks at places of amusements, complaints, night clubs, boarding houses and others; and
(e) counselling and guidance to parents in cases of child beyond control/behavioural problems/unruly life and those who are exposed to risks.

145.0 With a view to promoting Mauritius as a safe family destination, the Ministry of Tourism and Leisure has embarked on a sensitization campaign on the impact of the commercial sexual exploitation of children. A pamphlet on “Zero Tolerance to Child Exploitation” has been prepared.

Protection of children with disabilities

146.0 A protocol of collaboration between the Ministry of Gender Equality, Child Development and Family Welfare and the Ministry of Social Security, National Solidarity and Reform Institutions has been signed on 09 June 2015. The protocol mentioned that the Disability Unit of the Ministry of Social Security shall:-

- Assist in removing children with disabilities victims of violence to places of safety.
- Provide specialized services, sign language interpreter, and assistive devices as appropriate to children with disabilities victims of violence.
- Carry out sensitization and awareness for prevention and rehabilitation of children victims of violence including children with disabilities.
- Carry out training and capacity building of carers, parents, staff at Day Care Centres, specialized schools and NGOs, to better identify abuse on children with disabilities.

147.0 The Ministry of Social Security, National Solidarity and Reform Institutions also assist in the integration of children with disabilities and provides several facilities such as:

(a) a scholarship scheme to encourage children with disabilities to pursue secondary and tertiary studies;
(b) refund of bus fares to parents accompanying disabled children to school and refund of taxi fares to severely disabled students attending University; and
(c) provision of large print and Braille facilities to blind children integrated in mainstream institutions.

148.0 In order to bring inclusive, quality and free primary and secondary education to children with disabilities, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research has also taken, *inter alia*, the following measures:-

(a) setting up Integrated Units in mainstream primary schools around the island with a view to reaching out to children with special education needs who usually have to travel long distances to go to school. There are at present 14 such Integrated Units;

(b) schools are being retrofitted with ramps to facilitate access to classrooms in a phased manner;

(c) all new secondary schools are being provided with ramps and adapted toilets;

(d) children with hearing impairment are provided with special teachers/interpreters in the mainstream secondary schools with the active collaboration of non-governmental organisations; and

(e) facilities of carers are provided in primary and secondary mainstream schools to enable children with disabilities to move around the school compound and to participate actively in academic activities.

149.0 However, it is felt that there is still room for improvement in the management of shelters by non-governmental organisations. For example, shelters should also cater for the needs of children with disabilities; provide a closer psychological care to children victims of abuse; further facilitate the access of these children to the mainstream education system; and the planning of their development needs. Due consideration is being given by Government to that effect in the National Child Protection Strategy. A Disability Bill is also currently under preparation. It aims at providing greater protection to persons with disabilities, including children, and at promoting their rights.

The National Child Protection Strategy

150.0 In fact Action has been initiated for the preparation of a National Child Protection Strategy with a view to consolidating and strengthening on-going efforts and measures to respond to child protection issues and to ensuring protection of children from any forms of abuse and violence.
Protection of elderly persons

151.0 Refer to Part I - Information on Non-discrimination and Equality and Effective Remedies.

Protection of persons with disabilities

152.0 Refer to Part I - Information on Non-discrimination and Equality and Effective Remedies.

Protection of the vulnerable groups

153.0 Refer to Part I - Information on Non-discrimination and Equality and Effective Remedies.
C. Peoples’ Rights

Article 19- Equality of Peoples

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights.

Nothing shall justify the domination of a people by another.

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

“It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms:-

(a) the right of the individual to life, liberty, security of the person and the protection to the law;

(b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and

(c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation, and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public.

155.0 Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either of itself or in its effect. The section defines the term “discriminatory” as affording different treatment to different persons attributable wholly or mainly to their
respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject to or are accorded privileges or advantages that are not accorded to persons of another such description. Section 17 of the Constitution provides that a citizen who alleges that his right under, *inter alia*, section 16 of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress. [Refer also to information under Articles 2 & 3]

**Article 20- Self-Determination**

1. *All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.*

2. *Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.*

3. *All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.*

156.0 Mauritius became a sovereign State upon obtaining independence in 1968 and achieved a republican status in 1992. Section 1 of the Constitution recognises this sovereign status. The State of Mauritius holds free and fair national and local elections at regular intervals. The conduct of these elections is supervised by an independent Electoral Supervisory Commission, and is followed by international observers.

157.0 The Republic of Mauritius includes the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius.

**The Chagos Archipelago**

158.0 The Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius, under both Mauritian law and international law. Although Mauritius has sovereignty over the Chagos Archipelago, it is being prevented from exercising its rights over the Chagos Archipelago because of the *de facto* and unlawful control of the United Kingdom over the Archipelago.
159.0 The Government of Mauritius does not recognise the so-called “British Indian Ocean Territory” which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence. This excision was carried out in violation of international law and of United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

160.0 Since this illegal excision, Mauritius has consistently and persistently pressed the United Kingdom Government in both bilateral and multilateral fora for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius. In this context, Mauritius has continuously received the support of the African Union and the Non-Aligned Movement which have constantly recognised the sovereignty of Mauritius over the Chagos Archipelago.

161.0 On 20 December 2010, Mauritius initiated proceedings against the United Kingdom under Article 287 of, and Annex VII to, the United Nations Convention on the Law of the Sea (UNCLOS) to challenge the legality of the ‘marine protected area’ (MPA) purportedly established by the United Kingdom around the Chagos Archipelago. The Arbitral Tribunal constituted under Annex VII to UNCLOS to hear the dispute delivered its Award on 18 March 2015 and unanimously held that the ‘MPA’ violates international law. It ruled that in establishing the ‘MPA’, the United Kingdom had breached its obligations under Articles 2(3), 56(2) and 194(4) of UNCLOS. Moreover, two of the members of the Tribunal confirmed that Mauritius has sovereignty over the Chagos Archipelago. No contrary view was expressed by the other three arbitrators who held that they did not have jurisdiction to address that issue.

162.0 The excision of the Chagos Archipelago from the territory of Mauritius also involved the shameful eviction by the British authorities of the Mauritians, who were residing in the Archipelago (‘Chagossians’), in total disregard of their human rights, in order to pave the way for the establishment of a US military base in Diego Garcia. Most of the Chagossians were removed to Mauritius.

163.0 Chagossians, being fully-fledged citizens of Mauritius, enjoy the same rights as other Mauritian citizens. However, with a view to improving the well-being of the Chagossians, the Government of Mauritius has taken special measures in their favour. These measures include the donation of land for the construction of houses and the setting up of the Chagossian Welfare Fund. In 2012, the Chagossian Welfare Fund Act was
amended to provide for children of members of the Chagossian community to be eligible to stand as candidates and to vote at elections for members of the Board of the Fund.

164.0 The Government of Mauritius recognizes the legitimate right and claim of the former inhabitants of the Chagos Archipelago, as Mauritian citizens, to be resettled in the Archipelago. The Government of Mauritius will continue to press for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius, whilst firmly supporting the right of return of the Chagossians and other Mauritians to the Archipelago.

Island of Tromelin

165.0 Mauritius has always maintained that the Island of Tromelin forms an integral part of its territory and has consistently asserted its sovereignty over the island, including its maritime zones. There exists, however, a dispute between Mauritius and France over Tromelin, as France claims sovereignty over the island.

166.0 On 7 June 2010, Mauritius signed, with France a Framework Agreement on Economic, Scientific and Environmental Co-management relating to the Island of Tromelin and its Surrounding Maritime Areas, as well as three Implementing Agreements relating to archaeological research, environmental protection and fisheries resources respectively. These Agreements, which have been concluded without prejudice to the sovereignty of Mauritius over Tromelin, have not yet entered into force.

Article 21- Right to Free Disposal of Wealth and Natural Resources

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

167.0 Section 8 of the Constitution provides for the protection from deprivation of property. It stipulates that no property shall be compulsorily acquired except when there the taking of possession or acquisition is necessary, against payment of an adequate compensation.

168.0 On 01 December 2008, the Republic of Mauritius and the Republic of Seychelles made a joint submission, in relation to the Mascarene Plateau region, to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76, paragraph 8, of the United Nations Convention on the Law of the Sea (UNCLOS). On 30 March 2011, the CLCS which has been established under the aegis of the United Nations, made recommendations on the Limits of the Continental Shelf in regard to the joint submission made by Mauritius and Seychelles concerning the Mascarene Plateau region. These recommendations enabled the Republic of Mauritius and the Republic of Seychelles to explore and exploit the marine resources in the joint extended continental shelf area of approximately 396,000 square kms in the Mascarene Plateau region. On 12 March 2012, the two coastal States have entered into two bilateral treaties with a view to jointly managing, exploring and exploiting the natural resources found within the said extended continental shelf. Matters such as environmental protection, exploration and exploitation of the living and non-living resources as per the provisions of Article 77 of UNCLOS have also been addressed in the two treaties.

Article 22- Right to Economic, Social and Cultural Development

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.
169.0 Although the Constitution does not expressly provide for economic, social and cultural rights, yet these rights are catered for under other pieces of legislation, for example, the right to work is provided for under the Employment Rights Act, the right to health in the Mauritius Mental Health Care Act and the Food Act, the right to education in the Education Act. Furthermore, Mauritius being a Welfare State, already provides free education; free access to health services; social aid to vulnerable groups; and pension benefits to the elderly.

170.0 Standards of Occupational Safety and Health at places of work have been enhanced. The Occupational Safety and Health Act has reinforced and updated the legislation on safety and health at work in order to adapt it to the changes in the working conditions of employees brought about by the introduction of new technologies and new equipment. The legislative framework pertaining to Occupational Safety and Health has been further reinforced by the Occupational Safety and Health (Safety of Scaffolds) Regulations 2013 which aims at further improving the standard of safety and health on construction sites, especially in relation to the erection, maintenance, alteration, repair, use, dismantling of scaffolds.

171.0 The social security system of Mauritius provides, in respect of contingencies like old age, invalidity, death of bread winner, sickness, unemployment and employment injury, for the provision of basic benefits, social aid, unemployment hardship relief, contributory pensions, industrial injury benefits and refund of contributions made to National Savings Fund.

172.0 During the past years a strategy for food self-sufficiency has been adopted and is being implemented. The measures taken include mobilising land and aquatic resources, inputs for production, human resources, technology and financial resources in order to optimise food and livestock production locally for domestic consumption; partnering with countries of the region, such as Mozambique, and such other countries where opportunities arise to produce food crops, livestock and marine products for domestic consumption as well as for regional markets; and undertaking a sensitization campaign to promote healthy eating. Amendments have been made to the Food Act for the control of saturated fats in cooking oils.

173.0 Subsidies on rice and flour as well as provision of milk and a meal to needy children, have helped to ensure food is accessible to vulnerable persons. The entire population now has access to piped potable water.
The necessary conditions for the setting up of a decent social housing at a reasonable and affordable cost have been put in place by the construction of housing units for low income families, the provision of service plots to lower-middle income group for housing purposes, and the provision of a grant for casting of roof slab to low income families.

The State provides free health services to the entire population. The public healthcare services delivery includes 135 facilities at local level which provides medical, nursing, dispensary and support services at local level, 5 regional hospitals and 2 district hospitals that can accommodate over 2500 in-patients. In addition, there are several specialist hospitals: a mental hospital with 811 beds, an eye hospital, and ear, nose and throat hospital, a cardiac centre and a chest hospital which together have over 200 beds. The regional hospitals and primary care centres or facilities benefit from a wide range of clinical and non-clinical support services including pathology laboratories, X-Ray, CT Scan and MRI, pharmacy, blood collection and transfusion, public health and hygiene, medical records and information services, catering, laundry, transport and cleaning.

In line with the World Health Organization Global Strategy for Prevention and Control of Non-communicable Diseases, several action plans have been formulated and are being implemented, such as the National Service Framework for Diabetes (2007), the National Action Plan on Tobacco Control 2008-2012, the National Action Plan for Nutrition 2009-2010, the National Cancer Control Programme Action Plan 2010-2014, the National Action Plan on Physical Activity 2011-2014. Following the adoption of a National Sexual and Reproductive Health Policy in 2007, a National Sexual and Reproductive Health Strategy and Plan of Action 2009-2015 has been formulated and is being implemented.

Injecting behaviour has largely been responsible for the spread of the HIV epidemic in Mauritius. Proactive actions (HIV and AIDS Act, Needle Exchange Programme and Methadone Substitution Therapy) from the Government and other partners have brought positive results. In 2014 the estimated prevalence of HIV among the population of Mauritius was 0.86%, representing 9,191 People Living with HIV (PLHIV). It is projected that this trend will continue provided that the national response to eliminate the epidemic is scaled up.

In October 2015, the Ministry of Health and Quality of Life has requested the UNAIDS to carry out a full and comprehensive evaluation to assess the relevance, effectiveness, efficiency and sustainability of the Needle Exchange Programme and the
Methadone Maintenance Therapy Programmes and to come up with appropriate recommendations.

179.0 Free education is provided to all, as well as free transport facilities to and from educational institutions. Section 14 of the Constitution guarantees the right of a religious denomination or any other group to establish schools. Section 37 of the Education Act provides for education to be mandatory for all children up to age of 16. Government is committed to integrate children with special education needs within the general school environment. It has also sustained efforts to upgrade the performance level of low achieving schools. Needy children in deprived regions are provided with meals and other support facilities.

180.0 Historical and cultural heritage have been preserved and promoted. The Apravasi Ghat and Le Morne Sites, related respectively to indentured labour and slavery, have been declared World Heritage Sites. A ‘Musee du Peuplement de Maurice’ depicting the peopling of Mauritius was set up at Pointe Canon, Mahebourg. Records at the National Archives are being restored and digitalized to be made accessible to the public through internet. Paintings and other art works dating back to the 19th century are being rehabilitated.

181.0 Cultural and linguistic diversity have been preserved and promoted through the setting up, with the support of Government, of Cultural Centres and Speaking Unions. Festivals such as Spring Festival, Divali, Eid-Ul-Fitr and Christmas are celebrated at a national level with government’s active participation in the organizational aspects.

**Cultural Development**

182.0 Participation in reading, artistic and cultural activities have been encouraged and promoted by the establishment in different regions of ‘Centre de Lecture Publique et d’Animation Culturelle’. Three Centres “de Formation Artistique” have been set up to provide training in various art forms. Assistance is provided to local artists through the Ministry of Arts and Culture. The scope of the President’s Fund for Creative Writing was extended from English language only to all languages written and spoken in Mauritius to give a boost to Mauritian literature.

183.0 The following initiatives are also taken by the Ministry of Arts and Culture:-

(a) **Promotion of Culture:** The Ministry celebrates festivals and commemorative events at national level along with a significant number of other artistic and
cultural events on the basis of an elaborate annual calendar of activities to ensure the promotion of culture and to encourage artistic creativity;

(b) **Preservation of Cultural Heritage:** The National Heritage Fund (NHF) which was set up in 1997 has been actively promoting our tangible and intangible heritage. Following the ratification of the Convention on the Safeguarding of the Intangible Cultural Heritage, the NHF has initiated research to inventory and document its Intangible Cultural Heritage. The NHF in collaboration with the University of Mauritius has completed an Inventory of the Intangible Cultural Heritage of Mauritius.

The NHF is also working on the listing of elements of Intangible Cultural Heritage in the UNESCO Representative List of Intangible Cultural Heritage of Humanity with a view to preserving and promoting the intangible heritage which gives pride to the population and promotes cultural tourism.

*Sega Tipik* is the first element to have been inscribed on the Representative List of the Intangible Cultural Heritage of Humanity in December 2014. It comes mainly from the Creole community of African descent whose ancestors had been slaves on the Island of Mauritius. The nomination dossier for Bhojpuri Folk Song and Music has already been submitted to UNESCO for examination in 2016. The NHF is also working on the nomination dossiers of the *Sega Tambour* of Rodrigues and *Sega Chagos*.

(c) **Support to artists:** Workshops, exhibitions, cultural programmes, concerts and plays in ten languages are also organized by the Ministry of Arts and Culture on a regular basis. Financial and other support are provided to artists and groups of artists to encourage artistic creation. The Ministry has also two theatre halls which are put at the disposal of the artist community at a reduced rate with a view to promoting arts and culture and encouraging the Mauritian public to attend cultural events. The assistance provided to artists from 2009 and 2015 is as follows:-
<table>
<thead>
<tr>
<th>Year</th>
<th>Under the Assistance Scheme to Artists (Rs)</th>
<th>Under the International Development Grant (Rs)</th>
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<tbody>
<tr>
<td>2009</td>
<td>510 000</td>
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<tr>
<td>2010</td>
<td>750 000</td>
<td>1 587 247</td>
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<td>2011</td>
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<td>2014</td>
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<td>267 900</td>
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<tr>
<td>2015</td>
<td>1 620 000</td>
<td>831 776</td>
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(d) **Copyright:** The Copyright Act of 1997 has been reviewed and replaced by the Copyright Act 2014 with a view to providing more effective protection of copyright and related rights. The Rights Management Society (formerly the Mauritius Society of Authors) set up under the Copyright Act manages the copyright and related rights of its members/right holders. In view of problem related to piracy, to safeguard the interests of artists, the act is being reviewed to address the various weaknesses detected.

(e) **Cultural Exchanges:** The Ministry of Arts and Culture ensures respect for cultural diversity by promoting cultural pluralism, through cultural exchanges with foreign countries such as India, China, Seychelles, Egypt, etc. Such exchanges help in the enhancement of mutual understanding among countries and in the promotion of and respect for cultural diversity and universal human rights.

(f) **Artists with disabilities:** The Ministry also provides financial assistance to artists with disabilities for their creative works and encourages their participation in programmes at national level.

184.0 However, although the social status of artists has improved considerably and the importance of quality performances and creativity are valued, legal protection of artists’ rights has not been fully accomplished. They are not enjoying legal treatment consistent with their talents. Government intends to come up with a new legislation which will acknowledge the rights of artists for the creation, distribution and enjoyment of their cultural goods and services.
Article 23- Right to National and International Peace

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that: (a) any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter; (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

185.0 Section 71 of the Constitution establishes the Mauritius Police Force under the responsibility of a Commissioner of Police for the maintenance of public safety and public order. The Commissioner of Police is responsible for determining the use and controlling the operations of the Force.

186.0 The Republic of Mauritius maintains diplomatic relations with many countries and is active in the promotion of regional integration as evidenced by its membership to the African Union, the Southern Africa Development Community, the Common Market for Eastern and Southern Africa and the Organisation Internationale de la Francophonie. Mauritius is also Party to over 37 international and regional human rights and humanitarian law treaties as shown in paragraph 12 above.

187.0 With regard to the right for asylum, Mauritius, being a small and densely-populated island with limited resources, has not yet adopted a policy or law to grant refugee status to foreigners. Although Mauritius has not yet signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol Convention, it does however attempt to treat applications for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their settlement in a friendly country willing to receive them.

188.0 Moreover, Section 7 of the Extradition Act provides that an offender shall not be surrendered to a foreign State where the offence in respect of which the request for his surrender is one of a political character or where there are reasonable grounds for believing that the request for surrender is being made for the purpose of prosecuting or punishing the offender on account of his race, caste, place of origin, nationality, political
opinions, colour or creed or where it is satisfied that it would be unjust, oppressive or too severe a punishment to surrender the offender, amongst others.

189.0 The Mutual Assistance in Criminal and Related Matters Act enables the widest possible measure of international cooperation to be given and received by the Republic of Mauritius promptly and to the fullest extent possible, in proceedings including investigations, prosecutions concerning serious offences and related civil matters.

Article 24- Right to Satisfactory Environment

*All peoples shall have the right to a general satisfactory environment favorable to their development.*

190.0 Mauritius has made significant progress in developing and implementing policies, strategies for the sound management of the environment and the promotion of sustainable development. A National Environment Policy has been formulated, and a Framework for Integrated Coastal Management (ICZM) and a Framework for the Protection of Environmentally Sensitive Areas (ESA) have already been adopted. A Sustainable Integrated Development Plan for Rodrigues has also been elaborated. The Environmental Impact Assessment (EIA) has been identified as a planning tool to control development on and around ESAs. The ESAs will also be included in the Outline Planning Schemes by the Ministry of Housing and Lands.

191.0 A National Climate Change Adaption Policy Framework, which is the first of its kind for the Republic of Mauritius has been formulated under the African Adaptation Programme (AAP). The key objectives of this framework are to foster the development of policies, strategies, plans and processes to avoid, minimise and adapt to the negative impacts of climate change on the key sectors and also to avoid or reduce damage to human settlements and infrastructure and loss of lives caused by climate change.

192.0 A Disaster Risk Reduction and Management Strategic Framework and Action Plan, including Risk Maps in relation to inland flooding, landslide and coastal inundation for the Republic of Mauritius has been developed under the African Adaptation Programme. The Local Authority has been empowered in 2008 as an enforcing agency responsible for the enforcement of environmental law within its administrative area. The Local Authorities are now able to make use of the more stringent enforcement mechanisms provided under the EPA, thus enabling a synergistic approach to enforcement.
193.0 The Energy Efficiency Act was promulgated in 2011 to promote and implement energy efficiency measures in all sectors of the Economy. Other programmes such as energy efficiency awareness campaigns for members of the public in general and in schools have been carried out by the Ministry of Energy and Public Utilities. There is also an ongoing pilot project for energy efficiency labelling of electronic appliances and if conclusive this measure may become mandatory.

**Right to Sustainable Development**

194.0 Refer to Part I - Information on Non-discrimination and Equality and Effective Remedies.
D. Specific Duties on States

Article 25- Duty to Promote Respect of Rights under the Charter

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

195.0 Refer to Part I - E. Framework within which human rights are promoted at national level

Article 26- Duty to Guarantee Independence of Courts and Human Rights Institutions

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

196.0 The Constitution of Mauritius is based on the Westminster model and rests on two fundamental tenets: the rule of law and the doctrine of separation of powers, thereby providing for the institution of an independent judiciary. The independence of the judiciary is enhanced by the retention of the Judicial Committee of the Privy Council as the highest Court of Appeal in Mauritius. The personnel of the Judiciary is independent and the recruitment is done by a Judicial and Legal Service Commission.

197.0 The judicial system in Mauritius is based on the British adversarial system. It consists of the Supreme Court, the Intermediate Court and the District Courts which all have jurisdiction in civil and criminal matters; and the Industrial Court which hears industrial disputes. The Supreme Court is the principal Court of original criminal jurisdiction and holds sessions for the dispatch of criminal matters. The Supreme Court also has two further divisions, namely a Family Division and a Mediation Division. In line with the ongoing reforms, the Supreme Court of Mauritius has also created a Commercial Division that has been hearing commercial cases for the past two years.
The powers of the National Human Rights Commission have been strengthened and the scope of its activities broadened through the Protection of Human Rights (Amendment) Act 2012 which aims at restructuring the National Human Rights Commission so as to enhance its role as a key institution in the protection and promotion of human rights at the national level. The Act provides for the National Human Rights Commission to operate through three divisions, namely, the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism Division. The mandate of the Commission has been broadened and its new functions have been aligned with the Paris Principles. The Commission can now recruit its own staff. The new set up is fully operational since 18 June 2014.

As stated in the Government Programme 2015-2019, Government will establish an Independent Police Complaints Commission, separate from the National Human Rights Commission, and to be chaired by a former Judge of the Supreme Court. It is expected that the setting of this dedicated institution will deal with police complaints in a more expeditious manner.

**Article 27- Duty of Family**

1. *Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.*

2. *The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.*

The Code Civil Mauricien lays down the general principle for every person to act in good faith in the exercise of his rights and obligations. Under the Code Civil Mauricien, several rights and obligations are recognised and imposed to family members individually or collectively. Inter alia, spouses have a general and mutual duty of faithfulness and held and assistance. They further have a joint duty to look after and cater for the moral as well as financial aspects of the family unit. They must look after the education of the children with a view to ensuring the latter’s future.

Parents, by the fact of marriage, have a joint obligation to bring up and attend to all the basic needs of their children. On the other hand the Code Civil Mauricien also imposes a duty on children to care and attend to the basic food needs of parents or ascendants who are not able to provide same for themselves. It is to be noted that this duty extends to sons and daughters in laws towards their father and mother in laws, as the case may be, but in this latter case, such an obligation may cease under specific conditions.
Article 28- Respect to Fellow Beings

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Section 16 of the Constitution provides for protection of the individual from discrimination on ground of race, caste, place of origin, political opinions, colour, creed or sex. The Equal opportunities Act 2012 also prevents discrimination on the same grounds.

Article 29- Individual Duties

The individual shall also have the duty:-

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;

2. To serve his national community by placing his physical and intellectual abilities at its service;

3. Not to compromise the security of the State whose national or resident he is;

4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;

5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defense in accordance with the law;

6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

Following a request from the United Nations to the effect that the religious Heads of every Member State should meet and work together with a view to promoting peace, the
‘Conseil des Religions’ of Mauritius was founded in 2001. Government has on several occasions solicited the assistance of the Conseil during social conflicts.

204.0 The Nelson Mandela Centre for African Culture was opened in 1986 and is dedicated to the advancement of the African and Creole culture in Mauritius. Since its opening the Centre has played an important role in projecting a positive image of African and Creole culture in Mauritius, promoting the richness and variety of African and Creole Arts and Culture by organizing various forms of cultural and social activities through exhibitions, publications, meetings, talks, and the performing arts.

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1.0 To ensure that Government involves all relevant Government Ministries and civil society organisations in the preparation of its next Periodic Report, including the National Human Rights Commission.

A consultative meeting on the draft Report with all relevant stakeholders, including the National Human Rights Institutions, was held on 10 December 2015. The final version of the Report has incorporated the views and comments of the stakeholders.

2.0 To look into the possibility of employing more police officers and officers of the court to help reduce lengthy pre-trial detention and the speeding up of cases to their conclusion.

2.1 Some 666 Trainee Police Constables were recruited in April 2015. Consideration will be given for the creation of additional posts at all levels within the Judiciary in order to deal with the increase in the number of criminal cases and thereby reduce delays in respect of pre-trial detention and speed up case disposal.

2.2 At the level of the Police Department, cases concerning pre-trial detention are being looked into on a priority basis. Straightforward cases are decided by Senior Officers as per powers bestowed on them under the Police Standing Orders. As regards complex cases, they are referred to the Direction of Public Prosecutions for advice. These cases are being closely monitored.

2.3 The draft Police and Criminal Evidence Bill, once enacted, shall aim at striking a full balance between the rights of the individual and the practice of their powers by the Police and those in authority. A policy decision will also soon be taken on the question of provisional charge. It is intended to bring the said Bill shortly to the National Assembly.
3.0 To address the problem of prison overcrowding.

3.1 A Ten-year Strategic Plan has been developed with the assistance of the UNODC to address the problem of overcrowding in prisons, on the use of alternative and non custodial measures, on reducing pre-trial detention methods and reducing the rate of recidivism. The coming into operation of the Melrose Prison has palliated the existing overcrowding problems in prisons. As at 10 August 2015, there was a total of 2,093 detainees in our prisons and with the operationalisation of the new prison which has a maximum capacity of 1000 to accommodate detainees, the issue of prison overcrowding in our prisons has been addressed. With the operationalisation of Melrose High Security Prison, a new method of addressing criminal behaviour has been developed with the assistance of the Department of Correctional Services of Australia. A Team of Senior Officers have been exposed to this new method which includes: Unit Management System, Sentence Planning, Individual Management Plan for detainees, Payback to Society, involvement of the Correctional Services with the Civil Society in addressing criminal behaviour and providing support to victims.

3.2 The Open Prison for Women is also nearing completion and a special committee chaired by a Deputy Commissioner of Prisons is planning the operationalisation of the new facility for women detainees.

3.3 In addition, consideration is also being given to the following:-

(i) Revamping of the Parole system so as to encourage detainees to participate in rehabilitation programmes and extend the supervision of released detainees through the introduction of an extended parole system; and

(ii) Introduction of a mechanism for ‘earned remission’, to all detainees with a view to motivating them to adhere to prison rules and participate in rehabilitative programmes and this will eventually result in the early release of detainees.

4.0 To take measures to address the problems of pre-trial delays.

Provisions have already been made in the law so that any person, who is arrested, is brought before Court within 24 hours. Since the Bail and Remand Court (BRC), is operational during weekends and public holidays, no person is detained unnecessarily. A person/detainee does not have to wait until Monday morning to be taken to Court.
5.0 To take the necessary steps to address the problems of backlog of cases.

5.1 The e-judiciary, which is an e-filing and case management system, will be extended to other divisions of the Supreme Court. The Judiciary is currently considering best practices in Court Management Systems in other jurisdictions to reduce backlogs.

5.2 The implementation of specialized Divisions and Units within the Judiciary, together with pre-trial conferencing and mediation, may be extended to other Courts to help eliminate backlogs.

5.3 Necessary measures have already been initiated to address outstanding cases. In almost all Police Stations, an officer of the rank of Police Inspector or Police Sergeant style as ‘Station Enquiry Officer’ has been appointed to supervise and monitor the enquiry into reported cases. They also act as liaison officer with court officials for disposal of ‘fast track’ cases. This initiative has significantly contributed to maintain a proper balance between inflow and outflow of cases. In a bid to address shortcomings in the process of investigation, the Police Inspectorate Team is also conducting periodical and thematic inspection at all Police Stations. This initiative has increased the level of accountability at the level of all ranks, hence preventing undue delay in the conduct of enquiry.

6.0 To take adequate measures to address the incidences of drug use and trafficking in prisons.

6.1 With the expert advice and technical support of the Ministry of Health and Quality of Life and the Global Fund, a harm reduction programme has been introduced in our prisons. Consequently, the prisons health staff is taking an active role in addressing the incidences of drug use and the Security and General Staff is being trained and provided with the necessary tools and equipment to address the problem of trafficking in prisons.

6.2 For instance, the enrolment of drug users on a Methadone Substitution Therapy is helping to reduce drug dependence and hence drug trafficking. New equipment like mobile detectors, network jamming system and mobile sniffer dog are being used to reduce trafficking in prisons.

6.3 A Drug Secretariat has been set up at the Prisons Department since 2007 to plan and monitor all activities concerning the rehabilitation and prevention programme for substance abusers. The Drug Secretariat has worked out a comprehensive Drug Strategy whose objective is to help detainees concerned to refrain from using illicit drugs so as to
achieve ultimately a drug-free life. Currently, drug-free units are operational at Beau Bassin Central Prison, Women Prison and Petit Verger Prison.

7.0 To include standards like the Robben Island Guidelines in the human rights training being drawn up for police officers.

The ‘Robben Island Guidelines’ have already been integrated into the Human Rights Training Manuals provided to Trainee Police Constables (TPCs). During their training, TPCs are exposed to information on international Human Rights standards relevant to their duties. Regular workshops on Human Rights are also conducted at the Police Training School for serving members of the Force. Training is streamlined towards reinforcing an ethos of legality, promoting and protecting human rights with particular emphasis on the prohibition against torture and any form of cruel, inhuman and degrading treatment.

8.0 To investigate all acts of police misconduct, including brutality and take appropriate action

8.1 The Police Complaints Act which was enacted in 2012, provides for the setting up, within the National Human Rights Commission, of a Police Complaints Division to investigate complaints made against members of the Police Force, other than allegations of corruption and money laundering. Provisions is also made for the Division, upon completion of an investigation, to make recommendations to the relevant authority for appropriate action to be taken, including the institution of criminal or disciplinary proceedings or award of compensation. The Division can also investigate into the death of a person occurring in police custody or as a result of police action and advise on ways in which any police misconduct may be addressed and eliminated.

8.2 Formerly, enquiry into cases of Police misconduct including brutality were being carried out by Police. However, as from 2012, with the advent of the Police Complaint Act, all cases of Police misconduct are referred to the Police Complaints Division (PCD) of the National Human Rights Commission for investigation. The PCD is an independent body which has increased the transparency in the way investigation into cases of Police misconduct is being carried out.

8.3 To further decrease delay in the outcome of enquiries concerning police brutality, Government has agreed to review existing legislations for the establishment of an Independent Police Complaints Commission (IPCC) as announced in the Government
Programme 2015-2019. The PCC will be separate from the National Human Rights Commission and a former Judge of the Supreme Court will act as the chairperson. The State Law Office is currently drafting the legislations for the setting up of the IPCC.

9.0 To speed up the process to amend provisions of the Constitution that still maintain the death penalty

9.1 The Abolition of Death Penalty Act was enacted in November 1995 and provides for:-

(i) the abolition of death penalty; and
(ii) that under section 2 (2) of the said Act, the Court shall impose a sentence of penal servitude for life instead of death sentence.

9.2 However, section 4(1) of the Constitution has not yet been amended to prohibit the imposition of death sentences. Amending the Constitution is not an automatic process. Alteration to section 4 (1) of the Constitution cannot be effected unless it is supported by the votes of not less than three quarters of the members of the National Assembly.

10.0 To take measures, including enacting laws that will provide for the protection of refugees.

Mauritius, being a small and densely-populated island with stretched limited resources, has not yet adopted a policy or law to grant refugee status to foreigners. It does however attempt to treat applications for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their settlement in a friendly country willing to receive them. Moreover, although Mauritius has not yet signed the Convention, it has always extended the necessary assistance to those who apply for asylum through the United Nations High Commissioner for Refugees.

11.0 To inform it in its next Report on the progress in preparing a harmonised Children's Bill that will consolidate the various pieces of legislation on children's rights and the harmonization of laws in line with the Convention on the Rights of the Child.

The draft Children's Bill is at the stage of finalization. It will incorporate the provisions of the Convention on the Rights of the Child (CRC). However, with regard to Articles 37 and 40 of the CRC, the issues relating to juvenile justice shall be dealt with more comprehensively in the draft Juvenile Justice Bill which is also under preparation.
12.0  To take urgent measures to address the high number of children who are victims of drug abuse, especially street children.

12.1  The public awareness/sensitization campaign is maintained by the Police with a view to better sensitizing the community on the dangers of drugs and commercial sexual exploitation of children. The Anti Drug and Smuggling Unit (ADSU) has intensified its awareness campaign in collaboration with the community, schools and other NGOs. For year 2012, the ADSU organized 34 sessions under its awareness campaign touching more than 2,525 persons. For year 2013, 53 sessions were held reaching more than 4,800 persons. For year 2014, as at 14th August 2014, 40 sessions were held touching more than 2,994 persons.

12.2  The Crime Prevention Unit of the Police carried awareness campaign sessions at school level as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NO. OF SESSIONS HELD IN PRIMARY &amp; SECONDARY SCHOOLS</th>
<th>NO. OF STUDENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>143</td>
<td>37,994</td>
</tr>
<tr>
<td>2011</td>
<td>108</td>
<td>21,840</td>
</tr>
<tr>
<td>2012</td>
<td>121</td>
<td>17,790</td>
</tr>
<tr>
<td>2013</td>
<td>75</td>
<td>14,192</td>
</tr>
<tr>
<td>2014</td>
<td>114</td>
<td>19,471</td>
</tr>
<tr>
<td>2015</td>
<td>110</td>
<td>17,686</td>
</tr>
</tbody>
</table>

12.3  The Crime Prevention Unit carried out meetings, sessions at Community level, as follows: -

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NO. OF SESSIONS HELD IN COMMUNITY LEVEL</th>
<th>NO OF PERSONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>281</td>
<td>19,755</td>
</tr>
<tr>
<td>2011</td>
<td>253</td>
<td>17,819</td>
</tr>
<tr>
<td>2012</td>
<td>318</td>
<td>21,072</td>
</tr>
<tr>
<td>2013</td>
<td>327</td>
<td>18,838</td>
</tr>
</tbody>
</table>
12.4 Measures to combat the commercial exploitation of children, by Police in collaboration with the Ministry of Social Security, National Solidarity and Reform Institutions, the Ministry of Gender Equality, Child Development and Family Welfare and NGOs are:

(i) Networking and work sessions with other stakeholders and service providers (CDU, NGOs working with children);
(ii) Proactive identification of potential victims and vulnerable groups;
(iii) Increased Police patrols and vigilance near vulnerable areas and place of complaints;
(iv) Checks at places of amusements, complaints, night clubs, boarding houses etc.;
and
(v) Counseling and guidance to parents in cases of child beyond control/behavioural problems/unruly life and those who are exposed to risks.

12.5 To give effect to the UN Protocol to Prevent Suppress and Punish Trafficking in persons, the Combating of Trafficking in Persons Act 2009 was proclaimed on 30th July 2009.

12.6 Under the Special Collaborative Programme for Children and Women in Distress managed by the Ministry of Gender Equality, Child Development and Family Welfare, the Service d'Accompagnement, de Formation, d'Insertion et de Réhabilitation de l'Enfant (SAFIRE) has benefitted funds for the purchase of a 15 Seated Van in order to facilitate the transportation of 20 street children from different parts of the island to enable them to attend the educational farm training offered by SAFIRE on a daily basis. The van is an essential component for the better implementation of the project. The rehabilitation of the 20 street children is on-going. A plot of land to the extent of 1.5 Acres situated at Verdun was donated by Espitalier-Noel Limited (ENL Ltd) for implementation of an agricultural project by the 20 street children which is being renewed annually. The project has been completed and all relevant reports have been duly submitted.

12.7 The Anti–Drug Smuggling Unit (ADSU), Brigade pour la Protection des Mineurs (BDM), Crime Prevention Unit (CPU) and other adjuncts of the MPF are working together
with the Child Development Unit (CDU) and NGOs including the NATReSA to sensitise school children and other teens both in rural and urban areas on the ill-effects of drugs. The sensitisation campaigns are aimed at empowering these youngsters to steer clear from drugs and other substance abuse. Police have intensified consultations with the community representatives and other stakeholders with a view to curbing drugs consumption in school zones and other sensitive places/premises frequented by minors, such as discotheques, night clubs, fairs, places of public amusement, concerts and kermesses.

Police have equally espoused a zero tolerance policing approach to bring at bay drug peddlers who are trying to lure children to drugs. Besides focusing on the reduction of drugs supply and demand, Field Intelligence Officers are actively involved in identifying high risk areas and vulnerable persons. Through community policing forum and social media, parents are being constantly sensitised on different drugs prevention programmes to counter drug abuse among children.

12.8 Likewise, the Crime Prevention Unit and other adjuncts of the Mauritius Police Force are working in collaboration with the Child Development Unit of the Ministry of Gender Equality, Child Development and Family Welfare in the conduct of selective prevention programmes with a view to raising awareness among family members on risks associated with drug abuse. Parents are being continuously sensitised on how to identify the early signs of drug addiction by their children, hence empowering them to intervene quickly and effectively and to seek professional guidance and medical intervention where necessary.

13.0 To implement the recommendations of the UN Committee on the Rights of the Child regarding discrimination against certain groups of children, particularly with regard to children with disabilities, children affected and/or infected by HIV/AIDS and children from disadvantaged families and girls.

Children with disabilities are provided with the following facilities:

- A scholarship scheme to encourage children with disabilities to pursue secondary and tertiary studies;
- Refund of bus fare to parents accompanying disabled children to school and refund of taxi fare to severely disabled students attending University; and
- Provision of large print and Braille facilities to blind children integrated in mainstream institutions
14.0 To intensify efforts regarding the prevention and treatment of HIV/AIDS especially amongst teenage girls.

14.1 The Ministry of Health and Quality of Life continues to target youngsters in school settings, youth centres and outreach sessions. Awareness sessions on Prevention of Mother to Child Transmission (PMTCT) with women and girls of child bearing age are also carried out.

14.2 A total of 390 awareness sessions have been conducted and 20,482 school students have been reached in 2014. 1149 youngsters have been sensitized during 40 out of school youth sessions. 24 sessions have been conducted with health clubs of secondary schools reaching 1178 in school youngsters. 17 awareness sessions have also been organised in rehabilitation youth centres (CYC/RYC) during which 377 inmates have been reached. 14 sessions have been carried out with teenagers and around 400 teenagers have been sensitised on PMTCT.

14.3 The AIDS Unit of the Ministry of Health and Quality of Life intends to work with the Ministry of Education on a project – Parent Mediator – which targets parents whose children tend to default schools. The National AIDS Secretariat of the Ministry of Health and Quality of Life oversees the implementation of the National Strategic Framework for HIV and AIDS 2013 – 2016. This programme is mainly funded by Government and 22% of funds come from the Global Fund to Fight against AIDS, Tuberculosis and Malaria. Mauritius has achieved Millennium Development Goal 6, that is, to halt and begin to reserve the trend of the HIV epidemic, as evidenced by the reduction in transmission of HIV.

14.4 With the development of the New Funding Model Request to the Global Fund, the Investment Case, and evolutions observed in tracking the HIV epidemic, the National AIDS Secretariat is developing an Action Plan for HIV/AIDS 2015-2020 which is aligned to the UNAIDS vision of ending HIV transmission by 2030, and achieving the 90-90-90 treatment goals. These are as follows:

(i) 90% of people living with HIV diagnosed;
(ii) 90% of those diagnosed put on treatment; and
(iii) 90% of those on treatment achieve viral load suppression.
15.0 To enact law that ensures that any child born in Mauritius acquires Mauritian citizenship

The implications of implementing this policy are being examined before the proposal of amendment to existing legislation on Citizenship is envisaged.

16.0 To review laws relating to abortion for unwanted pregnancies, especially expunging the punitive provisions imposed on women who undergo abortion in accordance with the Beijing Declaration and Platform for Action

In May 2012, amendments were introduced in Parliament to the Criminal Code to authorise the termination of pregnancy in specified circumstances, namely, in cases where:-
   (a) the continued pregnancy will endanger the pregnant person's life;
   (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;
   (c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus, as assessed by the appropriate specialists;
   (d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse

17.0 To take urgent measures to address the low level of female representation in Government.

17.1 An Equal Opportunities Act was enacted in 2008 with the aim of promoting equal opportunities for both men and women. Subsequently, following amendments brought to the Act in 2012, the Equal Opportunities Commission (EOC) and the Equal Opportunities Tribunal have been set up to address cases of discrimination made on the basis of race, religion, status and sex amongst others so as to ensure greater equality in terms of access to opportunities and life chances to all citizens. This Act coupled with the setting up of the Commission and the Tribunal contributes to address the issues of Gender Equality and discrimination against women.

17.2 The Government of Mauritius has enacted a New Local Government Act in 2012 which stipulates that at least 1 out of 3 candidates to be fielded for elections at local/Municipal level should be of the opposite sex. With this legislation, there has been a significant leap in the number of women participating in Municipal and Village Council
elections. At Municipal level, there has been an increase from 12.5% in 2005 to 28.2% in 2012. At Village Council level, the increase has been from 5% in 2005 to 30.3% in 2012.

18.0 To take adequate measures to urgently address violence against women and expedite the enactment of the Sexual Offences Bill.

18.1 The following measures have been taken:

- A National Action Plan to End Gender-Based Violence (NAP-EGBV) was launched in November 2011 and as at date, 50 recommended actions were implemented. Some 176 sensitisation campaigns were conducted in 2013 and some 8746 people were reached.

- A Victim Empowerment and Abuser Rehabilitation Policy was launched in November 2013. A training plan for Human Resources cadres of both public and private sectors has been worked out for 2014.

- Specifications to set up the Domestic Violence Information System (DOVIS) have been submitted by Central Informatics Bureau. This is being examined at the level of the Ministry.

- Women victims of domestic violence are provided with temporary accommodation at the shelter of SOS Femmes and the Shelter for Women and Children in Distress.

- In line with the implementation of the National Action Plan to End Gender-Based Violence, the Ministry of Gender Equality, Child Development and Family Welfare, conducted capacity building programmes for NGOs, in collaboration with the Mauritius Council of Social Service (MACOSS) in 2012. Through these capacity building programmes, the Ministry encouraged NGOs to submit projects for the setting up and management of shelter for victims of gender-based violence under the Special Collaborative Programme for Support to Women and Children in Distress.

18.2 Rape as an offence is criminalised under section 249 of the Mauritian Penal Code. However, it is intended to amend the Criminal Code to provide for further and better provisions for the prosecution of sexual offences including the criminalisation of the offence of marital rape.
19.0 To speed up the process of finalising the National Curriculum Framework for secondary schools so that human rights education can be introduced at lower secondary level.

The preparatory process, with the assistance of the Commonwealth Secretariat, for the introduction of Human Rights Education in lower secondary schools, in the first instance, has almost been completed. The programme is expected to start in January 2016, on a pilot basis.

20.0 To finalise the drafting of the Freedom of Information legislation and pass it into law.

In the Government Programme 2015-2019, it is stated that a Freedom of Information Act will be enacted to promote transparency and accountability in public administration in contract allocations. Given that the nature and scope of such legislation is an evolving one, Government is presently doing the necessary ground work for the preparation of a legislation which will adopt innovative processes to improve access to information. Once this initial process is completed drafting instructions will be given to the Attorney-General’s Office to proceed with the preparation of the Bill.

21.0 To take measures to protect the rights of all workers, in particular migrant workers and improve their living conditions.

21.1 The Employment Rights Act 2008, which has replaced the Labour Act 1975 with effect from 02 February 2009, has revised and consolidated the legal provisions relating to employment, contract of employment or service, termination of employment, minimum age for employment, hours of work, payment of remuneration and other basic terms and conditions of employment, thereby ensuring a better protection of workers’ rights.

21.2 The Employment Rights Act has been further amended in June 2013 with a view to, *inter-alia*:

(i) creating a legal framework for the operation of the regime of fixed term contracts of employment to prevent employers from having recourse to such contracts abusively;

(ii) extending the grant of paid annual and sick leave to workers reckoning between more than 6 months’ and less than 12 months’ continuous employment;
(iii) reviewing the process of disciplinary hearing to ensure that such hearing is held in a fair and independent manner;

(iv) introducing the concept of reinstatement in cases of unfair termination of employment on grounds of redundancy, discrimination and victimisation for participation in trade union activities;

(v) providing for the setting up of an independent Employment Promotion and Protection Division within the Employment Relations Tribunal to determine, within a specific time frame, whether cases of redundancy or closing down of enterprises are justified or not;

(vi) providing for the payment of a death gratuity in case of death of workers reckoning not less than 12 months’ continuous employment; and

(vii) increasing the quantum of meal allowance from 50 rupees to 70 rupees per day where a worker is required to perform more than 2 hours overtime after having completed a normal day’s work.

21.3 Migrant workers enjoy the same terms and conditions of employment as those laid down for local workers in our legislation. The contract of employment of a migrant worker, prior to his arrival in Mauritius, is examined and vetted by the Special Migrant Workers’ Unit of the Ministry of Labour, Industrial Relations and Employment to ensure that it contains no abusive clauses and that it is in full conformity with the prevailing labour law.

21.4 Regular inspection visits are carried out by officers of the Special Migrant Workers’ Unit of the Ministry of Labour, Industrial Relations and Employment at workplaces where migrant workers are employed to, inter alia, ascertain that the employer is complying with the terms and conditions of employment as provided for in the vetted contract of employment and in the prevailing labour legislation. In the course of inspections, the officers also check whether every migrant worker has received a copy of his/her vetted contract of employment. Furthermore, on their assumption of duty, migrant workers are informed of their rights and obligations arising out of their vetted contract of employment by the officers of the above Unit.
22.0  To review existing laws governing press freedoms with a view to repealing the harsh libel laws that currently exist.

22.1  Chapter II of the Mauritian Constitution which is the supreme law of the land provides, inter-alia, for the protection of fundamental rights and freedoms of the individual. The freedom of the press is guaranteed under its section 12 and is an essential component of the right to freedom of expression. Journalists and the local media at large enjoy a long tradition of freedom and pluralism in Mauritius.

22.2  Any citizen, including a journalist, who believes that any provision of Chapter II of the Constitution has been breached with respect to him, may apply to the Supreme Court for redress under section 17 of the Constitution.

22.3  However, any person whether an ordinary citizen or a journalist who stirs up racial hatred, publishes false news or causes harm to the reputation of a person, through wrong or unverified information, etc., may be prosecuted for sedition, criminal defamation, insult, publishing false news, etc. The victim may also lodge a civil case against such person for privacy invasion and can claim damage.

22.4  Mauritius has also committed itself to protect the right to freedom of expression and of the press by signing and ratifying a number of international instruments including, inter-alia, ‘The African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights’.

22.5  There is no specific law meant for the exclusive protection of journalists in Mauritius. Our legislation provide for protection and security of all citizens and non-citizens alike. There is also no formal mechanism for the monitoring and reporting of attacks against journalists. The human rights landscape in Mauritius is such that any occurrence of this nature, if any, will be strongly condemned by the authorities, the civil society as well as the public at large.

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