



Republic of Mauritius

Annual Report on Performance

2017-2018

**Ministry of Justice, Human Rights and
Institutional Reforms**

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Introduction

In order to ensure a high level of protection, promotion and affirmation of human rights and freedom, Government, in September 2017, established the Ministry of Justice, Human Rights and Institutional Reforms. Under the umbrella of Institutional Reforms, Ministries/Departments are responsible to function in an effective and efficient manner bearing in mind the concept of good governance through appropriate democratic policies and the guarantee of respect for human rights for a better society.

Our Vision

Our vision is to ensure that rule of law prevails in our democratic society and the fundamental human rights of all are respected according to our Constitution.

Our Mission

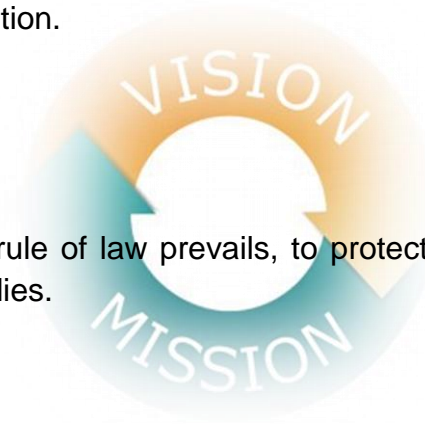
To provide assistance to relevant institutions so that the rule of law prevails, to protect and promote human rights and to re-engineer public sector bodies.

Our Goals

- To ensure that fairness and justice prevail in our society.
- To ensure that Mauritius fulfills its human rights obligations.
- To ensure that the fundamental rights of all are respected.
- To enhance institutional reforms so that our institutions become more responsive to the needs of the society.
- To ensure that State Reports are prepared in a timely manner and follow up actions are taken thereon.
- To be a platform for dissemination of data, information and statistics on human rights.

Our Objectives

- To establish appropriate mechanisms in order to uphold the rule of law.
- To liaise with international bodies to ensure dissemination of human rights for one and all.
- To activate the role of institutional development to ensure proper implementation of plans and programmes.
- To enhance the governance landscape in public sector organisations.
- To mainstream human rights issues.



Minister's Statement

It gives me a great pleasure to present the Annual Report for the newly set up Ministry of Justice, Human Rights and Institutional Reforms.

A Ministry dedicated to Human Rights was set up in September 2017 and issues pertaining to Human Rights are now being attended to in a more systematic and comprehensive manner.

Government has a strong political commitment towards the protection and promotion of human rights. The Ministry is determined to work closely with all stakeholders, based on the principle of equality and mutual respect, to further promote the human rights of citizens.

A National Mechanism for Reporting and Follow-Up (NMRF) has been set up under this Ministry as per the recommendations of the Office of the High Commissioner for Human Rights. NMRF has become the platform for consultations with Non-Governmental Organisations (NGOs) and civil society on a regular basis under my Chair on issues pertaining to Human Rights.

The Office of the Public Sector Governance (OPSG), the other arm of this Ministry, is mandated to monitor the overall performance of public enterprises and support Ministries and parastatals in implementing performance enhancing reforms approved by Government. It also establishes, reviews and monitors the effectiveness of Audit Committees; promotes and monitors the implementation of the Code of Corporate Governance and carries out sensitisation activities on good governance; conducts special inquiries into reported cases of mismanagement, malpractices and irregularities; conducts program evaluation with a view to ensuring that the cost effective ways are adopted in the delivery of quality service to the public; and undertakes reform strategies to ensure that public sector organisations become more cost effective and outcome-oriented as well as ensures that their services are responsive to the needs of the public and adopt best practices of good governance.

The Honourable Maneesh Gobin

Attorney-General

Minister of Justice, Human Rights and Institutional Reforms



Supervising Officer's Statement

I am pleased to be associated with the presentation of the Annual Report on the performance of the Ministry of Justice, Human Rights and Institutional Reforms which covers the period September 2017 to 30 June 2018.

The Ministry of Justice, Human Rights and Institutional Reforms is a fairly new Ministry. Nevertheless, we are proud of the achievements made in the short span of its existence.

The Ministry is deeply committed to promote human rights and ensure fairness, equality and justice and it also endeavors through the OPSG to promote the creation of Audit Committee in the public sector as a means to reducing wastages and inefficiencies.

As far as the Office of Public Sector Governance is concerned, a Ministerial Committee has been set up to look at its restructuring and revamping.



Ms Asha Devi Burrenchobay
Senior Chief Executive
Ministry of Justice, Human Rights and Institutional Reforms

ROLES AND FUNCTIONS OF THE MINISTRY

The Ministry of Justice, Human Rights and Institutional Reforms focuses on Human Rights and the Public Sector Governance.

This Ministry is the focal point for all policy decisions regarding Human Rights matters. At the level of the Ministry of Justice, Human Rights and Institutional Reforms, there is a secretariat for all matters relating to human rights. It facilitates consultations and engagements with all the relevant stakeholders in order to gather information, maintain the database on human rights, advise on the human rights issues, ensure compliance with reporting obligations and prepare technical and follow up reports, and also the drafting of Report for the State of Mauritius based on the relevant convention whenever it is due.

The National Mechanism for Reporting and Follow-Up (NMRF) has been set up since December 2017. The NMRF aims to ensure that Human Rights obligations are fully met, periodic reports and mid-term Review /Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned. Furthermore, it ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights issues.

The stakeholders of the NMRF are the Ministries/Departments, the National Human Rights Institutions, NGOs and Civil Society.

The fundamental human rights and freedoms of the individual are enshrined in Chapter II of the Constitution of Mauritius. It provides, *inter-alia*, for the protection of the rights to life and the protection of the right to personal liberty.

Conventions and Treaties

Mauritius is party to:

(a) United Nations Human Rights Treaty Instruments

- The International Covenant on Civil and Political Rights;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Elimination of all Forms of Racial Discrimination;
- The Convention on the Elimination of all Forms of Discrimination Against Women;
- The Convention on the Rights of the Child; and
- The Convention on the Rights of Persons with Disabilities.

(b). African Charter of Human and Peoples' Rights as well as to its Protocol Establishing the African Court on Human and Peoples' Rights.

The Ministry also has under its portfolio, the International Humanitarian Law.



THE OFFICE OF PUBLIC SECTOR GOVERNANCE (OPSG)

The role and functions of the OPSG are to promote and monitor the implementation of best management practices in particular those relating to transparency and accountability in the public sector as a whole so that public sector management becomes more cost-effective and outcome oriented.

The OPSG is also empowered to monitor the overall performance and examine the level of efficiency of public sector enterprises with a view to improving the quality of services and making optimal use of human resources.

Broadly, the OPSG is responsible for the provision of services relating to good governance practices, management consultancy, financial and organizational reviews in public sector organisations comprising Ministries/Departments and Local Authorities.

The post of Director, Office of Public Sector Governance has not yet been filled.

It is to be noted that the OPSG needs a complete restructuring, revamping and rebranding with appropriate qualified persons to be able to deliver its mandate effectively. As such, in March 2018, Cabinet approved that a Ministerial Committee to be chaired by the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms be set up comprising the Minister of Civil Service and Administrative Reforms and the Minister of Financial Services and Good Governance to look into the restructuring and revamping of the Office for Public Sector Governance. The Cabinet also agreed to review the mandate of the OPSG including the conduct of special enquiries into reported cases of mismanagement.

The present mandate of the OPSG is as follows: -

(a) Monitoring and reporting on the effectiveness of the implementation of the recommendations of the National Audit Office (NAO), the Public Accounts Committee (PAC) and the Internal Control Unit;

The OPSG monitors and reports on the implementation of the recommendations made by the NAO, PAC and Internal Control Unit. In so doing, the OPSG examines the observations and recommendations made in the report as regards to Ministries and Departments and advise them on how to implement these recommendations in an effective and efficient manner at the level of Audit Committees.

An Action Plan is requested from the Ministries and Departments which is reviewed by the OPSG. The OPSG may as well advise them through the formulation of workable solutions. Status reports on implementations are also requested for the purpose of monitoring.

The findings together with the recommendations of the OPSG are reported to the management of the Ministry for any necessary action.

(b) Establishing, reviewing and monitoring the effectiveness of Audit Committees

OPSG has the responsibility of reviewing and monitoring the effectiveness of established Audit Committees in Ministries and Departments. The role of the Audit Committee is, among others, to ensure that whether the criticisms raised by the Director of Audit, Public Accounts Committee and Internal Control Unit are addressed and corrective and preventive measures are undertaken. The OPSG is supposed to monitor the effectiveness of the Audit Committee (AC) in achieving its objectives.

For the purpose of the above, the OPSG has the following related responsibilities:

- Advising on the composition of the AC;
- Ensuring submission of the duly signed Performance Contract and Action Plan of the Audit Committee;
- Sensitising Ministries/ Departments on the benefits of AC;
- Preparing AC Charter to guide the AC in their operation;
- Monitoring the performance of the AC through their quarterly status reports; and
- Assessing the effectiveness of Audit Committees and recommending payment of fees to the members.

(c) Conducting special enquiries (organization and financial reviews) into reported cases of mismanagement

The OPSG conducts special enquiries into reported cases of mismanagement in public sector organisations. In addition, it carries out assignments related to financial reviews. Hence, the OPSG assists in enhancing the effectiveness, efficiency and management of public institutions.



Gender Statement

Gender equality is at the very heart of human rights. The Ministry recognises the major role of women as agents of development and shares the opinion that gender equality and empowerment of women are critical factors for overall economic, social and political progress. The Ministry ensures that gender practices are an integral part at all levels in its decision-making process. Out of the 37 officers at this Ministry, there is a mix of 16 males and 21 females officers working without any disparity, whether at professional, technical or support staff level.

The Ministry is adopting the following practices for an appropriate gender approach:

- (a) Employment under delegated power from the Public Service Commission will be given due consideration, that is, irrespective of applicants' caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation;
- (b) Reinforcement of equal opportunity at all levels of the Ministry, in both the technical and administrative functions;
- (c) Officers are encouraged to develop their skills and qualifications, and to take advantage of promotion and development opportunities in the organization;
- (d) Facilities such as equipment and furniture are provided to staff without discrimination;
- (e) Complaints about discrimination in the course of employment will be looked into with due diligence; and
- (f) Bringing about change in mindset of men and women at work to enjoy equal rights and to be at par.

About our People

The Senior Chief Executive is the Administrative Head and Accounting Officer of the Ministry. She is assisted in her duties by a Deputy Permanent Secretary, two Assistant Permanent Secretaries and officers of the Technical Cadre, Office of Public Sector Governance and support staff from Financial Operations Cadre, Human Resources Cadre, Procurement and Supply Cadre as well as officers of the General Service Grade.

The Ministry of Justice, Human Rights and Institutional Reforms is presently manned with a workforce of 37 staff.



The staffing structure 2017-2018

SN	Designation	No. in post for period ending 30 June 2018	Remarks
1	Senior Chief Executive	1	
2	Deputy Permanent Secretary	1	
3	Assistant Permanent Secretary	2	
4	Assistant Manager, Human Resources	1	
5	Assistant Manager Financial Operations	1	
6	Procurement and Supply Officer/ Senior Procurement and Supply Officer	1	
7	Financial Officer/Senior Financial Officer	1	
8	Office Management Executive	1	
9	Office Management Assistant	4	
10	Management Support Officer	3	
11	Confidential Secretary	2	
12	Word Processing Operator	2	
13	Auxiliary/ Senior Office Auxiliary	2	
DEPARTMENTAL GRADE			
1	Director, Office of Public Sector Governance	-	Scheme of service for the post is under review.
2	Lead Financial and Governance Analyst	4	
3	Financial and Governance Analyst/Senior Financial and Governance Analyst	10	
4	Senior Accounting Technician	1	

TRAINING AND DEVELOPMENT

Given that training and development are important components of the Human Resource Management, staff of the Ministry are provided with regular training to keep them abreast of new skills, trends and techniques. Such courses are run by the Civil Service College, Mauritius in order to increase staff efficiency, sense of responsibility and accountability.

Officers of the Ministry are also nominated to participate in overseas trainings, workshops, seminars and conferences to upgrade their technical skills, abilities and competencies. The international exposures help them to broaden their horizon and establish networking with their counterparts in other countries.



List of Training Courses/Workshops/Seminars attended by officers of this Ministry are as follows:

- Courses organised by the Civil Service College, Mauritius:-
 - Certificate of Achievement in Service and Performance Excellence – Level 4
 - Certificate of Achievement in Service and Performance Excellence – Level 3
 - Certificate of Achievement in Service and Performance Excellence – Level 2
 - Certificate of Achievement in Service and Performance Excellence – Level 1

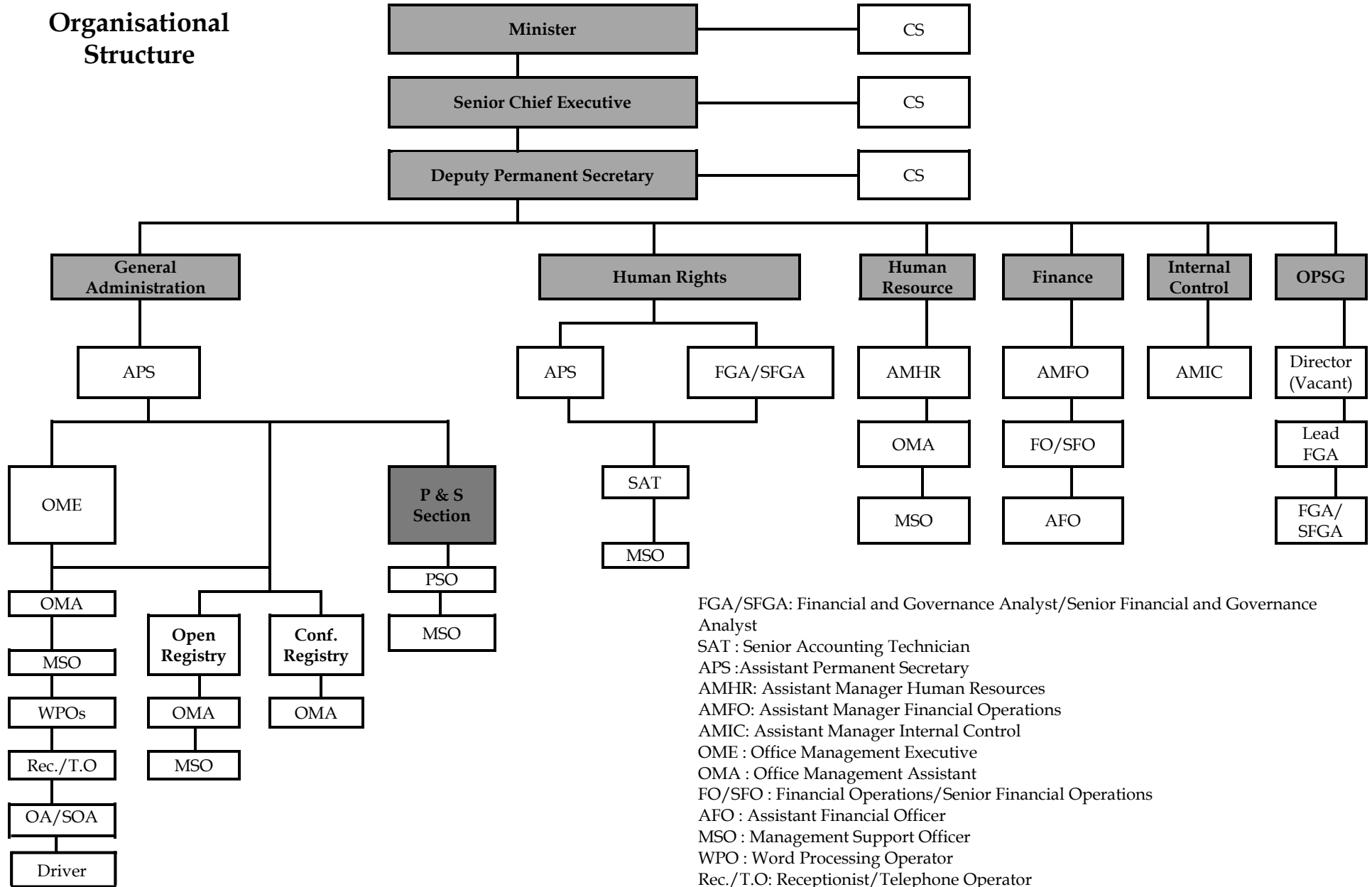
- Courses organized by the Occupational Safety and Health Division of the Ministry of Civil Service and Administrative Reforms:
 - Fire Safety and Fire Risk Management

- Workshop organized by the Ministry of Technology, Communication and Innovation in collaboration with the Data Protection Office:
 - Workshop on the Data Protection Act 2017

- Training in India under the ITEC/SCAAP Programme for the year 2017-2018:
 - General Management Programme for Senior Executive Course – Session 130

MINISTRY OF JUSTICE, HUMAN RIGHTS AND INSTITUTIONAL REFORMS

Organisational Structure



FGA/SFGA: Financial and Governance Analyst/Senior Financial and Governance Analyst
 SAT : Senior Accounting Technician
 APS :Assistant Permanent Secretary
 AMHR: Assistant Manager Human Resources
 AMFO: Assistant Manager Financial Operations
 AMIC: Assistant Manager Internal Control
 OME : Office Management Executive
 OMA : Office Management Assistant
 FO/SFO : Financial Operations/Senior Financial Operations
 AFO : Assistant Financial Officer
 MSO : Management Support Officer
 WPO : Word Processing Operator
 Rec./T.O: Receptionist/Telephone Operator
 OA/SOA: Office Auxiliary/Senior Office Auxiliary

PART II-MINISTRY'S ACHIEVEMENTS AND CHALLENGES

Major Achievements

Setting up of NMRF

Following the recommendation of the Office of the High Commissioner on Human Rights, Government has agreed in December 2017, to the setting up of a Human Rights Secretariat and a National Mechanism for Reporting and Follow Up (NMRF) under the aegis of this Ministry.

The NMRF is chaired by Honourable Maneesh Gobin, Attorney General, Minister of Justice, Human Rights and Institutional Reforms. The NMRF is centrally placed to coordinate reporting, engagement and follow-up. It also consults the National Human Rights Institutions (the Office of the Ombudsman, the National Human Rights Commission, the Equal Opportunities Commission, the Office of the Ombudsperson for Children, etc.) and civil society.

Constitution of Mauritius in Braille version

The Ministry of Justice, Human Rights and Institutional Reforms, in collaboration with the Loïs Lagesse Trust Fund (LLTF), launched the braille version of the Constitution of the Republic of Mauritius in April 2018.

Honourable Maneesh Gobin highlighted that the braille version of the Constitution is in line with the Government's commitment to empower persons with disabilities. He also underlined the importance for every citizen of Mauritius to understand the Constitution which not only lays out the fundamental rights of individuals, but also connects each citizen to his country.

A symbolic distribution of 25 copies of the braille version of the Constitution was made to NGOs, Municipal Councils, District Councils and visually impaired and blind students on this occasion.

Workshop on International Human Rights Treaties

In April 2018, a workshop was organized by the Ministry of Justice, Human Rights and Institutional Reforms in collaboration with the National Human Rights Commission and the European Union. Professor Ludovic Hennebel conducted the workshop on International Human Rights Treaties for members of the National Reporting and Follow Up Mechanism.

Professor Ludovic Hennebel is from the Law Faculty of Aix-Marseille, France and he has given several keynote speeches in international conferences on Human Rights, International Law and Global Justice Issues.



Public Lecture by Ms Thuli Madonsela, Advocate of the High Court of South Africa

In June 2018, the context of the 50th Anniversary of the Independence of Mauritius and the South African Week, the Ministry, in collaboration with the High Commission of South Africa, organised a public lecture on "50 Years of Independence - Inspiration from the making and workings of the South African Constitution - The Way Forward".

The imminent speaker was Ms Thuli Madonsela. She is an Advocate of the High Court of South Africa and a lifelong activist on social justice, constitutionalism, human rights, good governance and the rule of law. Ms Thuli Madonsela is one of the drafters of South Africa's Constitution and co-architect of several laws that have sought to illuminate South Africa's democracy. In 2014, Ms Thuli Madonsela was one among the TIME 100 influential people and also Forbes Africa Person of the year 2016.

Mission to Rodrigues from 4th to 5th February 2018

Honourable Maneesh Gobin, Attorney-General, Minister of Justice, Human Rights and Institutional Reforms led a delegation to Rodrigues from 4th to 5th February 2018 to take stock of issues pertaining to Human Rights with various stakeholders. Discussions were held, *inter alia* on the practice of weekend custody, teenage pregnancy, high rates of illiteracy among elderly persons, gender equality and domestic violence.

Office of Public Sector Governance (OPSG)

Major achievements of the OPSG include the following: -

- (a) Follow-Up on Public Accounts Committee recommendations in its 2015 Report in respect of the Police Department for the improvement of the effectiveness of the Police Department;
- (b) Follow-Up on Public Accounts Committee recommendations in its 2015 Report in respect of the National Development Unit relating to shortcomings on project management;
- (c) Follow-Up on Public Accounts Committee recommendations in its 2015 Report in respect of the Ministry of Housing and Lands for a better financial management of revenue and arrears in the lease of State lands and to improve State lands administration;
- (d) Review of the Structural Defects at the Special Education Needs (SEN) Centre (Flacq) annexed to Rajcoomar Gujadhur Primary School;
- (e) Re-organisation of the Energy Services Division;
- (f) A job Inspection exercise at the Ministry of Financial Services and Good Governance;
- (g) An enquiry on Cost Overrun at Melrose Eastern High Security Prison; and
- (h) the monitoring and assessment of the effectiveness of 35 Audit Committees for improving the implementation of the recommendations of Public Accounts Committee, National Audit Office and Internal Control Unit.

Risk Management, Citizen Oriented Initiative and Good Governance

Risk Management, Citizen Oriented Initiative and Good Governance are three related practices that help an organisation to assure its objectives, address uncertainty and reliability and act with integrity. The Ministry ensures that these related practices are adopted to ensure fairness and justice.

PART III- FINANCIAL PERFORMANCE

Financial Highlights

Since the Ministry was created in September 2017, it did not have a budget on its own. Funds were made available from the Ministry of Financial Services, Good Governance and Institutional Reforms for the Office of the Public Sector Governance and from the Prime Minister’s Office (Home Affairs) for Human Rights.

Statement of Revenue and Expenditure

Statement of Revenue (Nil)

Revenue	2016-2017 Actual (Rs million)	2017-2018 Estimates (Rs million)	2017-2018 Actual (Rs million)
Property Income			
Sales of Goods and Services			
Fines, Penalties and Forfeits			
Miscellaneous Revenues			
Total Revenue from Property Income, User Fees and Other Sources			

Statement of Expenditure

Head/Sub-Head 25-103 (Good Governance) and Head/Sub-Head 25-104 (Institutional Reforms) were originally under the Ministry of Financial Services, Good Governance and Institutional Reforms and were transferred to this Ministry upon its setting up.

1) Head/Sub-Head 25-103 (Good Governance)

(excluding Item: Grant to Extra Budgetary Units - Integrity Reporting Services Agency)

Head/Sub-Head of Expenditure	2016-2017 Actual	2017-2018 Estimates After Virement (Rs million)	2017-2018 Actual (Rs million)
Compensation of Employees		25.72	15.90
Goods and Services		8.13	3.06
Subsidies			
Grants			
Social Benefits			
Other Expense			
Acquisition of Non-Financial Assets		1.60	1.40
Acquisition of Financial Assets			
Total		35.45	20.36

(2) Head/Sub-Head 25-104 (Institutional Reforms)

Head/Sub-Head of Expenditure	2016-2017 Actual	2017-2018 Estimates After Virement (Rs million)	2017-2018 Actual (Rs million)
Goods and Services		10.44	NIL

3.(a)Head/Sub-Head 25-101 (Ministry of Financial Services, Good Governance and Institutional Reforms- General):

Item 26210105- Contribution to Permanent Court of Arbitration, and

Item 28216012- Other expenses - Contribution for Operation of Mauritius International Arbitration Centre Ltd.

Funds under the above items were under the Ministry of Financial Services, Good Governance and Institutional Reforms and were eventually transferred to this Ministry upon its setting up.

Head/Sub-Head of Expenditure	2016-2017 Actual	2017-2018 Estimates (Rs million)	2017-2018 Actual (Rs million)
Grants Item: 26210105		9	7.75
Other Expenses Item: 28216012		25	Nil

(b)Head/Subhead 2-103 (Home Affairs)

Item 22900932- Human Rights Awareness

Funds under this item were under the Home Affairs Vote and were transferred to this Ministry upon its setting up.

Head/Sub-Head of Expenditure	2016-2017 Actual	2017-2018 Estimates (Rs million)	2017-2018 Actual (Rs million)
Goods and Services Item: 22900932		1.5	0.64

Trends and Challenges

The changing economic, social and environmental landscape provides new challenges and opportunities for Government. Expectations about performance and quality of organisations in the Public domain are increasing all the time.

The public sector is constantly being asked to do more with less.

The above challenges will be taken care of while proceeding with the revamping and restructuring of the OPSG whereby the latter would have to assist public sector institutions in ensuring a new culture of transparent, ethical and efficient organisations.

In view of the enormous challenges faced by this Ministry to adhere to human rights obligations, there is need for a fully dedicated Human Rights cadre.

Strategic Direction

The Strategic Direction of the Ministry over the next three years is as follows:-

- To reinforce the public sector governance and accountability structures to protect the rights of all individuals.
- To monitor and follow-up regarding recommendations made by the UN Human Rights Council in respect of all ratified conventions.
- To prepare documents with latest available statistics.
- To involve all stakeholders in preparation of reports.
- Integration of the SDGs as human rights issues.
- To prepare a communication strategy in respect of human rights issues pertaining to the Republic of Mauritius.
- To make Mauritius a reference in respect of human rights issues.

