



**AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS**

**NINTH TO TENTH COMBINED PERIODIC REPORT OF  
THE REPUBLIC OF MAURITIUS ON THE IMPLEMENTATION OF  
THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS  
(JANUARY 2016-AUGUST 2019)**

**Republic of Mauritius  
2019**

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## **PART I**

### **1. GENERAL INFORMATION**

#### **A. DEMOGRAPHIC, ECONOMIC, SOCIAL AND CULTURAL CHARACTERISTICS OF MAURITIUS**

1. The Republic of Mauritius, is located in the south-west of the Indian Ocean, some 890 km to the east of Madagascar. It consists of 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.

2. The maritime zones of the Republic of Mauritius stretch over an area of 2.6 million km<sup>2</sup>, of which 2.3 million km<sup>2</sup> represents the Exclusive Economic Zone. The Republic of Mauritius manages jointly with the Republic of Seychelles 396,000 km<sup>2</sup> of continental shelf in the Mascarene Plateau Region. The Republic of Mauritius has made a submission to the United Nations Commission on the Limits of the Continental Shelf (UNCLCS) on 26 March 2019, for an Extended Continental Shelf (ECS) of an approximate area of 175,000 km<sup>2</sup> in the Southern Chagos Archipelago Region. The submission has been made following the Advisory Opinion delivered by the International Court of Justice on 25 February 2019 whereby the Court made it clear that the Chagos Archipelago is and has always been an integral part of the territory of the Republic of Mauritius and that the United Kingdom's continued administration of the Chagos Archipelago is an unlawful act of continuing character.

3. The Republic of Mauritius has a population of about 1.3 million with an estimated resident population of 1,222,208 in Mauritius (1,865 sq km), 43,155 in Rodrigues (104 sq km) and 274 in Agalega and other islands, as at December 2018. Mauritius does not have an indigenous population. It comprises of 626,261 males and 639,376 females. 18 % are below 15 years and 17% are above 60 years.

4. Mauritius has attained upper middle –income country (MIC) status. The GDP per capita in 2018 was Rs 381,020. The State is aspiring to becoming an inclusive high-income country. Government is investing heavily on modern and strategic infrastructure to transform the country and improve services to the public.

5. Mauritius is continuing its efforts to be among the top countries ranking at regional or international level.

6. In 2017, the Economist Intelligence Unit (EIU) ranked Mauritius as the 16th most democratic nation in the world illustrating the commitment of the Government to strengthen the existing democratic and human rights architecture.

7. For the twelfth consecutive year Mauritius has maintained the position of a top performer in the overall governance in Africa according to the Mo Ibrahim Index of African Governance (IIAG) 2018.

8. According to the latest World Bank annual ratings, Mauritius is now 20<sup>th</sup> in the ease of doing business. It has been improving its ranking over the last years from 28<sup>th</sup> in 2015, 25<sup>th</sup> in 2017. Both the International Monetary Fund and Moody's have described the economic performance of Mauritius as being strong and resilient. In March 2018, Moody's affirmed the current Baa1 sovereign credit rating for Mauritius due to its stable outlook.

9. Mauritius HDI value for 2017 is 0.790 which put the country in the high human development category, position it at 65 out of 189 countries and territories. The income inequality has been reduced with Gini Coefficient being improved from 0.414 in 2012 to 0.400 as per Statistics Mauritius's Household Budget Survey 2017.

10. The Kreol Morisien (KRM) is the widely used language in Mauritius but it is not the official language. Government is in the process of setting up of the Akademi Kreol Repiblik Moris (AKRM) to develop and promote KRM as the key medium, component and expression of Mauritian heritage, culture and traditions in its unity and diversity and follow up on the development and use of the Kreol language in the Republic of Mauritius.

11. Climate change is one of the most critical challenges for Mauritius. According to the Global Climate Risk Index, Mauritius is ranked 14<sup>th</sup> as regards its disaster risk and is the 7<sup>th</sup> most exposed to natural hazards. Above all, the life of our citizens may be at risks due to the more frequent calamities and their unpredictability. We are bound to build resilience to climate change and facilitate our adaptation. We are exposed to the impacts of climate change in a disproportionate way, which could hamper our progress on poverty alleviation, economic growth and stability and our ability to meet the sustainable development goals. We have never met with a greater sense of urgency. Climate change is considerably disrupting national economies, affecting livelihood, and costing people and communities.

12. According to the latest World Risk Report 2018, Mauritius is ranked as the 16<sup>th</sup> country with the highest disaster risk and ranked 10<sup>th</sup> on the list of countries most vulnerable and exposed to natural hazards. Indeed, as a Small Island Developing State (SIDS), it is known that Mauritius is highly vulnerable to natural disasters. The irony is that we are being disproportionately impacted in spite of the fact that Mauritius' contribution to global greenhouse gas emissions is being only around 0.01%.

13. The effects of climate change are visible. High intensity cyclones have become more frequent in our region and changing rainfall patterns with flashfloods, which are now common. In

March 2013, Port Louis came to a standstill with an unprecedented flashflood where eleven people lost their lives. It also caused serious damage to infrastructure and property.

## **B. CONSTITUTIONAL, POLITICAL AND LEGAL STRUCTURE OF MAURITIUS**

### **THE CONSTITUTIONAL STRUCTURE**

14. The Constitution of Mauritius which is a written document based on the Westminster model, establishes Mauritius as a sovereign democratic State and rests on two fundamental tenets which are the rule of law and the principle of separation of powers between the legislature, the executive, and the judiciary so that one branch of government may not trespass on the province of any other. Accordingly, the power to make laws has been vested into Parliament exclusively and the Courts are not entitled to encroach upon or usurp such powers.

15. The Constitution being the ‘supreme law of Mauritius’, it is the duty of the Courts not only to interpret but also to ensure compliance with its provisions. It is up to the Supreme Court to determine the validity of any statute which is alleged to be unconstitutional and if any such law is found to be inconsistent with the Constitution, that law shall, to the extent of the inconsistency, be declared void.

16. The primary concern of the Courts of law where a contravention of the Constitution is established is to ensure that such contravention is redressed as judiciously and expeditiously as possible. Chapter II of the Constitution provides for the protection of fundamental rights and freedoms of the individual. These fundamental rights and freedoms are largely inspired from the European Convention on Human Rights and include, *inter alia*, 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 of the law, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement, protection for the privacy of home and other property and protection from discrimination. The Constitution makes provision under section 17 for an aggrieved party whose rights under Chapter II of the Constitution have been, are being or are likely to be contravened to seek redress to the Supreme Court.

### **THE LEGAL STRUCTURE**

17. The Judiciary of Mauritius was ranked 49<sup>th</sup> by the World Economic Forum for judicial independence and 25<sup>th</sup> by the Heritage Foundation’s 2019 index of Economic Freedom for Judicial effectiveness.

## THE POLITICAL STRUCTURE OF MAURITIUS

18. The executive authority in Mauritius is vested in the President whose authority under the Constitution may be exercised by the President directly or through officers subordinate to him. The President, acting in his own deliberate judgment, appoints as Prime Minister, the member of the National Assembly who appears to him best able to command the support of the majority of the members of the Assembly, and he shall also appoint, in accordance with the advice of the Prime Minister, the Deputy Prime Minister, the other ministers from among the members of the National Assembly as well as the Attorney-General.

19. The country being a parliamentary democracy is led, through Cabinet, by the Prime Minister and Ministers whose functions are to advise the President in the Government of Mauritius. The Cabinet is collectively responsible to the National Assembly for any advice given to the President by or under the general authority of the Cabinet and for all things done by or under the authority of any minister in execution of his office.

20. The Constitution also provides for the position of Leader of the Opposition who shall be appointed by the President.

21. The State of Mauritius holds free and fair national and local elections at regular intervals. The Constitution provides for an Electoral Supervisory Commission which has a general responsibility for the supervision and the registration of electors for the election of members of the Assembly and the conduct of elections of such members. The Constitution provides for the National Assembly to consist 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 community and party basis, in order to ensure a fair and adequate representation of each community.

22. In 2002, provision was made for a decentralised form of Government in the island of Rodrigues by setting up the Rodrigues Regional Assembly which is responsible for the formulation and implementation of policy for specified matters in relation to Rodrigues (such as agriculture, child development, employment, environment and tourism). Members of the Rodrigues Regional Assembly are elected by citizens of Mauritius who are residents of Rodrigues.

23. The Rodrigues Regional Assembly has power, *inter alia*, to propose and adopt Bills in relation to its areas of responsibility, which Bills, when adopted by Parliament shall be known as Regional Assembly Laws.

## **THE SUPREME COURT**

24. The Constitution entrusts the Supreme Court with unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law other than a disciplinary law. It also provides the Supreme Court with a supervisory jurisdiction over all inferior courts for the purpose of ensuring that justice is duly administered.

25. The Supreme Court sitting as Court of First Instance is composed of various Divisions exercising jurisdiction such as the Master's Court, the Family Division, the Commercial Division, the Criminal Division (Assizes), the Mediation Division.

26. In exercising its Appellate jurisdiction, it hears and determines civil & criminal appeals from the decisions of the subordinate courts, but it also sits as a Court of Civil Appeal and a Court of Criminal Appeal hearing and determining appeals from decisions of the Supreme Court sitting in the exercise of its original jurisdiction in civil and in criminal matters.

27. The Supreme Court, in the exercise of its civil jurisdiction, has further jurisdiction to hear and determine any complaint of a disciplinary nature, brought by any of the authorities or bodies exercising powers of supervision over the professional conduct of law practitioners.

## **THE SUBORDINATE COURTS**

28. The subordinate courts consist of the Intermediate Court, the Industrial Court, the District Courts, the Bail and Remand Court and the Court of Rodrigues.

### **INTERMEDIATE COURT**

29. The Intermediate Court is established under the Courts Act and has island-wide civil and criminal jurisdiction, including over the island of Rodrigues. In so far as civil cases are concerned, the Intermediate Court has jurisdiction to entertain claims or matters in dispute, which do not exceed Rs 2 Million.

30. The Intermediate Court has jurisdiction to hear and determine serious criminal offences provided under specific sections of the Criminal Code and any other offence that can be tried by the Intermediate Court under any other enactment. It has the power to inflict penal servitude on convicted offenders for a period not exceeding fifteen years and imprisonment for a period not exceeding ten years. The Intermediate Court is also empowered to inflict a higher sentence for offences under the Dangerous Drugs Act and the Criminal Code. The bench of the Intermediate Court is constituted of one or more Magistrates, as may be decided by the President.

## **INDUSTRIAL COURT**

31. The Industrial Court established under the Industrial Court Act, has exclusive civil and criminal jurisdiction to try any matter arising out of, *inter alia*, the Employment and Training Act, the Employment Rights Act, the Occupational Safety and Health Act, the Passenger Transport Industry (Buses) Retiring Benefits Act, the Sugar Industry Retiring Benefits Act and the Workmen's Compensation Act as well as of any regulations made under those enactments, and with such other jurisdiction as may be conferred upon it by any other enactment.

## **THE DISTRICT COURT**

32. There are ten District Courts in Mauritius and one in Rodrigues. The District Courts have jurisdiction to try and determine both civil and criminal cases as provided for by the law. Each District Court is presided by a District Magistrate and by any such number of District Magistrates as may be decided by the Chief Justice. The District Court has jurisdiction to hear all civil cases where the claim or matter in dispute does not exceed Rs 250,000. The District Court has power and jurisdiction to hear and determine criminal cases punishable by a term of imprisonment not exceeding five years and a fine not exceeding Rs 100,000.

33. By virtue of the Protection from Domestic Violence Act, a Magistrate has jurisdiction to try any offence under this Act and may impose any penalty provided therein. District Magistrates may hear and determine applications in relation to Protection Orders, Occupation Orders and Tenancy Orders.

34. The Small Claims Procedure, provided for under the Courts Act, enables District Courts to adjudicate on minor claims not exceeding Rs 100,000 in an expeditious manner. Such claims are lodged by the litigants themselves after filling in a prescribed form which is served on the adverse parties. Both parties are convened before the Magistrate in Chambers to resolve the dispute. In the event there is no agreement between the parties, the matter is set down for trial. It is to be noted that such cases are disposed of by this method of conflict resolution rather than through a trial process.

35. Whenever a child is assessed to be in immediate danger, the District Magistrate is informed accordingly, application is made for an Emergency Protection Order (EPO) under the Child Protection Act, and, as soon as the order is issued, the child is sent to a "place of safety" which includes the shelter of the Ministry and other Residential Care Institutions for Children which work in collaboration with the Ministry. An EPO is also issued for the purpose of enquiries where officers cannot get access to the victim, and also for the purpose of medical examination after minor's placement in a shelter.

## **THE JUVENILE COURT**

36. A District Court sitting for the purpose of hearing any charge against a juvenile shall be known as a Juvenile Court.

## **THE BAIL AND REMAND COURT**

37. The Bail and Remand Court (BRC) established under the Bail Act, has exclusive jurisdiction with regard to remand or release of persons charged with an offence or arrested on reasonable suspicion of having committed an offence, and also operates on weekends and public holidays to safeguard the constitutional rights of detainees. The BRC is presided over by a District Magistrate and is located at the New Court House in Port Louis.

38. In Rodrigues, justice is administered by a full-time Magistrate and a visiting Judge of the Supreme Court. The Magistrate for Rodrigues has within Rodrigues the same powers and jurisdiction as are conferred on every District Magistrate in Mauritius. He also exercises jurisdiction to hear and dispose of any case referred to in section 112 (d) and (f) of the Courts Act which in Mauritius, would upon a reference by the Director of Public Prosecution, be cognizable by the Intermediate Court. In respect of penalties and forfeitures, he is vested with the same powers as were conferred upon the Intermediate Court by section 113 of the Courts Act. The Court of Rodrigues is governed by the Court of Rodrigues Jurisdiction Act.

## **THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL**

39. After independence in 1968 and on its becoming a Republic in 1992, Mauritius deemed it fit to maintain the Judicial Committee of the Privy Council as its highest and final court of appeal. Section 81 of the Constitution provides that an appeal shall lie from the decisions of the Court of Appeal or of the Supreme Court, to the Judicial Committee either as of right, or with leave of the Court, under specific circumstances. For instance, such an appeal as of right will lie against final decisions in any civil or criminal proceedings, on questions as to the interpretation of the Constitution. When in the opinion of the Court a question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to the Judicial Committee, then an appeal shall lie from the decisions of the Court of Appeal or of the Supreme Court, in relation to final decisions in any civil proceedings, with the leave of the Court. The procedure for appeal to the Judicial Committee is provided by the Mauritius (Appeals to Privy Council) Order 1968.

## **FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

### **ACCEPTANCE OF INTERNATIONAL HUMAN RIGHTS NORMS**

40. Mauritius has acceded to almost all the core Conventions both at international and regional levels.

41. Mauritius is party to the 7 out of the 9 core conventions of the United Nations. The two conventions that we have not ratified are the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and International Convention for the Protection of All Persons from Enforced Disappearance.

42. Since the last report, Mauritius acceded to the Maputo Protocol on 16 June 2017 and the Instrument of Accession was deposited on 23 June 2017 subject to the following reservations -

- The Republic of Mauritius declares that it shall not take any legislative measures under Article 6(b) and 6(c) of the Protocol where these measures would be incompatible with provisions of the laws in force in Mauritius.
- The Republic of Mauritius declares in relation to Article 9 of the Protocol that it shall not take any legislative measures under Article 9 of the Protocol that it shall use its best endeavours to ensure the equal participation of women in political life, in accordance with its Constitution.
- The Republic of Mauritius declares that it shall not take any measures under Articles 4(2)(k),10(2)(d) and 11(3) of the Protocol;
- The Republic of Mauritius declares that it shall use its best endeavours to achieve the aims in Article 12(2) of the Protocol, in accordance with its Constitution, and the accession to the Protocol should not be regarded as an acceptance of positive discrimination by the Republic of Mauritius; and
- The Republic of Mauritius declares that it shall not take any measures under Article 14(2)(c) of the Protocol in relation to the authorisation of medical abortion in cases of sexual assault, rape and incest where the matter has not been reported to the police or where the pregnancy has exceeded its fourteenth week.

43. We have also deposited the instrument of accession to the amended protocol II and Protocol V of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Deemed to be Excessively Injurious or Have Indiscriminate Effects on 30 October 2018.

44. The Convention on the Prevention and Punishment of the Crime of Genocide was acceded to by Mauritius on 08 July 2019.

45. Moreover, Mauritius also acceded to the Arms Trade Treaty on 23 July 2015 and the Convention on Cluster Munitions on 1 October 2015.

46. Mauritius accession to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa is contemplated. All implications thereof are presently being examined.

47. The updated International Instruments related to Human Rights to which the Republic of Mauritius is party are as follows: -

Table 1: Human Rights Conventions

<b>Treaty/Convention</b>	<b>Date of signature</b>	<b>Date of ratification(r) / accession (a)</b>
International Covenant on Civil and Political Rights (CCPR)	-	12 December 1973 (a)
Optional Protocol to the International Covenant on Civil and Political Rights (CCPROP-1)		12 December 1973 (a)
International Covenant on Economic, Social and Cultural Rights (CESCR)	-	12 December 1973 (a)
International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	-	30 May 1972 (a)
International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	-	09 July 1984 (a)
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women(CEDAW-OP)	11-Nov-01	31 October 2008 (r)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	-	09 December 1992 (a)
Optional Protocol to the Convention against Degrading Treatment or Punishment (CAT- OP)	-	21 June 2005 (a)
Convention on the Rights of the Child(CRC)	-	26 July 1990 (a)

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC)	11-Nov-01	14 June 2011 (r)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	11-Nov-01	12 February 2009 (r)
Convention on the Rights of Persons with Disabilities (CRPD)	25-Sep-07	08 January 2010 (r)

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

Table 2: Other Multilateral Treaties

<b>Treaty</b>	<b>Date of signature</b>	<b>Date of ratification (r)/ accession (a)</b>
United Nations Convention against Transnational Organized Crime	12-Dec-00	18 April 2003 (r)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational	-	24 September 2003 (a)
The Hague Convention on the Civil Aspects of International Child Abduction	-	23 March 1993 (a)
Convention for the protection of individuals with regards to automatic processing of personal data (European Treaty 108)	-	17 June 2016 (a)

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

Table 3: Regional Human Rights Instruments

<b>Treaty</b>	<b>Date of signature</b>	<b>Date of ratification (r)/ accession (a)</b>
African Charter on Human and Peoples' Rights	27-Feb-92	19 June 1992 (r)
African Charter on the Rights and Welfare of the Child	07-Nov-91	14 February 1992 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	09-Jun-98	03 March 2003 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	29-Jan-05	16 June 2017 (r)

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

Table 4: International Humanitarian Law Instruments

	<b>Treaty</b>	<b>Date Signed/ Acceded / Succeeded</b>	<b>Domestic Legislation enacted</b>
<b>A.</b>	<b>The Four Geneva Conventions and their Protocols</b>		
1.	<b>1949 Geneva Convention I</b> for the Amelioration of the conditions of the Wounded and Sick in the Armed Forces in the Field	Succeeded on 18 August 1970	Geneva Conventions Act
2.	<b>1949 Geneva Convention II</b> for the Amelioration of the condition of the Wounded and Sick and Shipwrecked members of the Armed Forces at Sea	Succeeded on 18 August 1970	Geneva Conventions Act
3.	<b>1949 Geneva Convention III</b> relative to the Treatment of Prisoners of War	Succeeded on 18 August 1970	Geneva Conventions Act
4.	<b>1949 Geneva Convention IV</b> relative to the Protection of Civilian Persons in Time of War	Succeeded on 18 August 1970	Geneva Conventions Act
5.	<b>1977 Protocol I</b> – Additional to the 1949 Geneva Convention relating to the Protection of Victims of International Armed Conflict	Acceded on 22 March 1982	Geneva Conventions (Amendment) Act 2003
6.	<b>1977 Protocol II</b> – Additional to the 1949 Geneva Convention relating to the Protection of Victims of Non-International Armed Conflicts	Acceded on 22 March 1982	Geneva Conventions (Amendment) Act
<b>B.</b>	<b>The Biological Weapons Conventions</b> 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	Signed on 10 April 1972 Ratified on 7 August 1972	Biological and Toxin Weapons Convention Act

	<b>Treaty</b>	<b>Date Signed/ Acceded / Succeeded</b>	<b>Domestic Legislation enacted</b>
<b>C.</b>	<b>Chemical Weapons Convention</b> on the Prohibition of the Development, Production Stock-piling and Use of chemical Weapons and their Destruction	Ratified on 9 February 1993	Chemical Weapons Convention Act
<b>D.</b>	<b>The CCW and its Protocols</b>		
<b>1</b>	<b>1980 Convention on Prohibitions or Restrictions on the Use of Certain conventional Weapons (CCW)</b> which may deemed to be Excessively Injurious or to Have Indiscriminate Effects	Acceded on 6 May 1996	The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) which may deemed to be Excessively Injurious or to Have Indiscriminate Effects Act 2018
<b>2</b>	<b>1980 Protocol I</b> on the Non-Detectable Fragments	Acceded on 6 May 1996	
<b>3</b>	<b>1980 Protocol II</b> on the Prohibitions and Restrictions on the Use of Mines, Booby-traps and other Devices	Acceded on 6 May 1996	
	Amended Protocol II on the Prohibitions and Restrictions on the Use of Mines, Booby-traps and other Devices (1998)	Acceded on 30 October 2018	
<b>4</b>	<b>1980 Protocol III</b> on Prohibitions or Restrictions on the Use of Incendiary Weapons	Acceded on 6 May 1996	
<b>5</b>	<b>1995 Protocol IV on Blinding Laser Weapons</b>	Acceded on 6 May 1996	
	Protocol V on Explosive Remnants of War	Acceded on 30 October 2018	
<b>E.</b>	<b>The Ottawa Treaty 1972 Ottawa Convention</b> on the prohibition of the Use of Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction	Acceded on 24 December 2002	

	<b>Treaty</b>	<b>Date Signed/ Acceded / Succeeded</b>	<b>Domestic Legislation enacted</b>
<b>F.</b>	<b>The Rome Statute 1998 Rome Statute</b> for the International Criminal Court	Signed on June 1998 Ratified on 5 March 2002	International Criminal Court Act
<b>G.</b>	<b>The Convention on the Rights of the Child</b> <b>The 2000 Optional</b> protocol on the involvement of children in armed conflict	Signed on 11 November 2001  Ratified on 12 February 2009	The main provisions of the CRC were to be incorporated in the Childrens' Bill
<b>H.</b>	<b>Convention for the Protection of Cultural property in the event of Armed Conflict</b>	Ratified on 22 December 2006	Draft Amendment Bill under Preparation at the Ministry of Arts and Culture
<b>I.</b>	<b>Arms Trade Treaty</b>	Acceded on 23 July 2015	The Firearms Act (amended in 2016)

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

## **LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS AT THE NATIONAL LEVEL**

48. The national legal framework for the protection of Human Rights comprises of the Constitution which is the 'supreme law' of the Republic of Mauritius and of a wide array of enactments and subsidiary legislation.

49. Several avenues are open to a person who alleges that his rights have been contravened. Section 17 of the Constitution provides that any person who alleges that his rights under section 3 to 16 have been contravened or is likely to be contravened, may apply to the Supreme Court to seek redress. Any person may further enter a civil claim for damages before the Courts as a means of compensation for a prejudice which he claims he has suffered as a result of the acts or omissions of another party including of the State. The law provides that complaints in relation to specific matters may be made to various institutions such as the National Human Rights Commission, the Equal Opportunities Commission, the Office of the Ombudsman, the Ombudsperson for Children, the Independent Police Complaints Commission.

50. Administrative decisions may also be challenged in Court by way of applications for Judicial Review.

## NEW INSTITUTIONS AND MECHANISMS

51. Since the last report, there have been some fundamental changes in the overall human rights framework.
52. A new Ministry, namely the Ministry of Justice, Human Rights and Institutional Reforms was created in September 2017 and has been, *inter alia*, entrusted with the mandate of Human Rights and International Humanitarian Law.
53. In December 2017, a National Mechanism for Reporting and Follow-Up (NMRF) was set up under the said Ministry as per the recommendations of the Office of the High Commissioner for Human Rights. The NMRF has become, *inter-alia*, the platform for consultations with Ministries, Departments, NGOs and civil society on a regular basis. The NMRF is chaired by the Hon Minister of Justice, Human Rights and Institutional Reforms. The NMRF aims to ensure that Human Rights obligations be it at the United Nations (UN) or African Union (AU) level are kept under review for proper follow up. Periodic reports and mid-term Review/Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned.
54. The NMRF ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights obligations. In this respect, a fully manned Human Rights secretariat has been put in place at the level of the Ministry, to assist the NMRF.
55. The Independent Police Complaints Commission (IPCC) has been established and is fully operational since April 2018. The IPCC investigates into complaints, other than acts of corruption or money laundering offences, made against police officers in the discharge of their functions. The IPCC is headed by a former Judge of the Supreme Court.
56. With the coming into operation of the IPCC, the Complaints Division of the National Human Rights Commission has now become defunct. All the pending cases were transferred to the IPCC.
57. Human Rights are promoted at the national level through the Ministry of Justice, Human Rights and Institutional Reforms, the NMRF, the National Human Rights Institutions and the National International Humanitarian Law (IHL) Committee.
58. Human Rights awareness workshops and activities is at Annex 1.

## NATIONAL LEGISLATIONS

59. Existing legislations have been amended to better guarantee the protection of human rights and also new pieces of legislation have been enacted since 2015. It includes the following:

- (a) The **Equal Opportunities Act** was amended in 2017 to prohibit discrimination in employment on the grounds of a person's criminal record, both at recruitment and promotion level, where a person's past criminal offences as per his record is irrelevant to the nature of the employment for which that person is being considered. The law was also amended to put the burden of proving that the criminal record of the prospective employee or of the employee was relevant, on the employer.
- (b) **The Independent Police Complaints Commission Act** was enacted in 2016 to provide for the establishment of an Independent Police Complaints Commission to investigate into complaints made against police officers in the discharge of their functions, other than complaints of acts of corruption or money laundering offences.
- (c) The **Criminal Code** provides for the offences of Outrage against Public and Religious Morality and of Stirring up Racial Hatred. The provisions relating to these two offences were amended in 2018 by the Judicial and Legal Provisions Act to increase the respective penalties and to also criminalise the commission of these offences through electronic means.

The Criminal Appeal Act was amended in 2018 by the Judicial and Legal Provisions Act to provide that the Court shall, in reviewing the term of imprisonment or penal servitude to be served by an appellant, give him full credit for the time he spent in custody by deducting that time from the term of imprisonment or penal servitude imposed.

The **Judicial and Legal Provisions Act** further amends the Criminal Procedure Act to provide that a convicted person who has, so far, not benefitted from full credit for the time he has spent in custody, may petition the President under section 75 of the Constitution with a view to obtaining full credit for the time he has spent in custody.

- (d) The **Extradition Act** dating back to 1970 was repealed and replaced by a new Extradition Act passed in the National Assembly in 2017 to make better provisions for the extradition of persons from and to Mauritius. It simplifies extradition procedures and makes no distinction between Commonwealth and non-Commonwealth countries and promotes cooperation without for that matter neglecting to make adequate allowance for the rights of persons whose extradition or arrest is sought. The first case of extradition under the new law has been processed in 2018.

- (e) The **Prevention of Terrorism Act** was amended in 2016 to provide for the reinforcement of the legal framework against terrorism, and for related matters.

**Section 15 of the Constitution** establishing the right to Freedom of Movement, was amended in 2016, to provide for the imposition of restrictions on the movement within Mauritius or on the right of any person to leave Mauritius pursuant to an order of a Court or a Judge of the Supreme Court under such law, being a law relating to offences or acts of terrorism.

- (f) **The Reform Institutions Act** was amended in 2018 to, *inter alia* -
- a. do away with the system of automatic remission whereby convicted persons were eligible to be discharged after having served two thirds of the period of sentence and to replace it with a new system of earned remission with a view to encouraging convicted persons to earn maximum remission not exceeding one third of the period of sentence where, during their term of imprisonment, they are of good conduct by not committing any prison default;
  - b. toughen the law against officers of the Mauritius Prisons Service, detainees and persons working in reform institutions who are convicted under the Act; and
  - c. provide that where, during his term of imprisonment, a detainee commits an offence under the Act, that detainee shall, on conviction for that offence, be ordered to serve immediately after the expiry of the sentence for which he was detained, any sentence imposed upon him by the Court.
- (g) Officers of the Police Force have been granted the right to unionise, with the possibility of improving further their conditions of employment, with the enactment of the Police (Membership of Trade Union) Act in 2016. Amendments were further brought to the Employment Relations Act to provide that a Police Officer may be a member of any trade union or association of employees, having for its objects the control or influence of the pay, pensions, or conditions of service of police officers. As at December 2017 four (4) trade unions grouping officers of the Police Force have been created and registered with the registrar of Association;
- (h) The **National Wage Consultative Council Act** was passed by the National Assembly in 2016 and provides for the establishment of the National Wage Consultative Council, which, in the discharge of its functions shall be mainly responsible to make recommendations to Government regarding the introduction of a national minimum wage in the private and public sectors;
- (i) The National Minimum Wage Regulations 2017 was enacted and the National Minimum Wage is a reality in Mauritius. Government introduced this historic measure

in December 2017, which sets a national minimum wage of Rs 8,140 per month payable with effect from 01 January 2018 to every full-time worker. The relief provided to workers by way of this measure is further enhanced by the Negative Income Tax Scheme which is implemented by the Mauritius Revenue Authority and the payment of the additional remuneration for the years 2018 and 2019, the combined effect of which, made the wages of a worker rise to Rs 9400 per month as from 01 January 2019. Some 70,000 workers are benefitting from the Negative Income Tax. As per the National Wage Consultative Council Act 2016, the Council shall review the next national minimum wage by latest 2020 and subsequently every 5 years;

- (j) Amendments were brought to the Rodrigues Regional Assembly Act, through the **Rodrigues Regional Assembly (Amendment) Act 2016** with a view to reforming the electoral system in Rodrigues by providing, *inter alia*, for a minimum number of candidates for election to the Regional Assembly to be of particular sex and for a more equitable representation of parties in the Regional Assembly. Concurrently, an amendment was brought to Section 16 of the Constitution (Protection from Discrimination) to exempt the application of this provision to legislation providing for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly.
- (k) The **Local Government Act** was amended in 2015 to provide for a larger representation of women in the political arena. The Municipal City Council and Municipal Town Council Elections Regulations 2012 were amended in 2015 to provide for compliance with Section 11 (6) of the Local Government Act, which provides that any group presenting more than 2 candidates in an election shall ensure that not more than two-thirds of the group's candidates are of the same sex.
- (l) The **Firearms Act** was amended in 2016 to implement certain provisions of the Arms Trade Treaty to which Mauritius is a Party. It enables police officers to exert a better control on the movement of firearms in the country and those in transit.
- (m) The **Anti-Personnel Mines and Cluster Munitions (Prohibition) Act** was enacted in 2016 to give effect to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and to the Convention on Cluster Munitions.
- (n) The **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to have Indiscriminate Effects Act** was passed in 2018 to give effect to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

commonly known as the Convention on Certain Conventional Weapons (CCW) and to its protocols. It provides for the protection of civilians and civilian populations and for post-armed conflict measures.

- (o) The Protection of **Elderly Persons Act** was amended in 2016 to enhance the level of protection of, and security to the elderly.
- (p) The Protection from **Domestic Violence Act** was amended in May 2016 to provide for better protection to victims of domestic violence.
- (q) A new **Data Protection Act** was enacted in 2017 and came into force in January 2018. It provides for the protection of the privacy rights of individuals in view of the developments in the techniques used to capture, transmit, manipulate, record or store data relating to individuals. This new Act aligns the law in Mauritius with the EU General Data Protection Regulation (GDPR). Mauritius is the first country to align itself with the EU GDPR.
- (r) The Human Tissue (Removal, Preservation and Transplant) Act was enacted in 2018 to provide for a better legal framework for the removal, preservation and transplant of human tissue, other than blood, under appropriate medical supervision.
- (s) Amendments to the Information and Communication Technologies Act were brought in 2018 to strengthen the existing provisions in relation, *inter alia*, to online material that could cause “inconvenience, distress or anxiety.”
- (t) The Acquisitive Prescription Act was enacted in November 2018 to repeal the Affidavits of Prescription Act and the Affidavits of Prescription Act (Suspension of Certain Provisions) Act. It provides for a new and more appropriate legislative framework with better safeguards regarding acquisitive prescriptions. However, this Act is not yet in operation.

## FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROMOTED AT NATIONAL LEVEL

### HUMAN RIGHTS INSTITUTIONS

#### I. THE OFFICE OF THE OMBUDSMAN

60. The Constitution of the Republic of Mauritius provides at Chapter IX for the Office of the Ombudsman. The mandate of the office is to investigate any action taken by any officer or authority in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration. The Office is a public Office and the services provided by the Ombudsman are free of charge.

61. An annual working trip is also undertaken by both the Ombudsman and the Senior Investigations Officer to promote and educate the inhabitants of Rodrigues Island on their rights. The Ombudsman has a duty to make an Annual Report to the President concerning the discharge of his functions, a copy of which Report is also laid before the Assembly.

62. A total of 2,236 complaints were received for the period of January 2016 to June 2019. Of the total number of complaints received, 1,340 were against Ministries/Departments, Local Authorities and Rodrigues Regional Assembly. Remaining complaints were Miscellaneous/copies of letters (i.e cases which were either outside the jurisdiction of the Ombudsman or simply trivial/frivolous allegations).

Table 5: Breakdown of complaints received

<b>Details</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>As at June 2019</b>	<b>Total</b>
Complaints Received	620	669	586	361	2236
Cases Dealt (Including pending cases)	722	771	741	493	2727
Case Intake	355	417	360	208	1340
Pending for previous year	102	102	155	132	-
Cases Finalised	363	364	383	169	1279
Pending for current year	102	155	132	171	-
Miscellaneous & Copies	265	252	226	153	896

Source: Office of the Ombudsman

Table 6: Case Intake from 2016 to 2019

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>As at June 2019</b>
Ministries/Departments	252	287	234	104
Local Authorities	85	102	100	77
Rodrigues Regional Assembly	18	28	26	27
Total	355	417	360	208

Source: Office of the Ombudsman

Table 7: Service information provided to the public from 2016 to 2019.

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>As at June 2019</b>
No. of persons who called at our Office	476	498	295	140
Working trip to Rodrigues	18	60	50	59
Telephone	300	400	750	326

Source: Office of the Ombudsman

## **II. THE NATIONAL HUMAN RIGHTS COMMISSION**

63. The National Human Rights Commission (NHRC) was established under the Protection of Human Rights Act and is mandated to deal with complaints relating to civil and political rights as set out in Chapter II of our Constitution.

64. The NHRC consist of 2 divisions, namely the Human Rights Division and the National Preventive Division given that the Police Complaints Division is no longer in operation with the establishment of the Independent Police Complaints Commission (IPCC).

65. Awareness campaigns are also conducted by the NHRC and statistics provided are at Annex 2.

66. Details about the activities and cases handled at the NHRC as follows:

Table 8: Enquiries carried out by the national human rights commission in respect of complaints

<b>YEAR 2016</b>			
	<b>No. of Complaints</b>	<b>Disposed of</b>	<b>Ongoing</b>
<b>1. Police Complaints Division</b>			
Assault	167	105	62
Verbal Abuse	76	55	21
Service Delivery	358	239	119
Other Complaints	-	-	-
<b>Sub-total</b>	<b>601</b>	<b>399</b>	<b>202</b>
<b>2. Human Rights Division</b>			
Review of convictions by Supreme Court	-	-	-
Prisons Authorities	-	-	-
Ministries/Government Departments	27	23	4
Parastatal Bodies	2	-	2
Government owned companies	-	-	-
Judiciary	8	8	-
Director of Public Prosecution	1	1	-
Miscellaneous Complaints	95	90	5
<b>Sub-total</b>	<b>133</b>	<b>122</b>	<b>11</b>
<b>3. National Preventive Mechanism Division</b>			
Prisons	350	-	-
Police Cell	83	-	-
Detention Center	18	-	-
Miscellaneous Complaints	125	-	-
<b>Sub-total</b>	<b>576</b>	<b>475</b>	<b>101</b>
<b>TOTAL</b>	<b>1310</b>	<b>996</b>	<b>314</b>

Source: National Human Rights Commission

Table 9: Enquiries carried out by the National Human Rights Commission in respect of complaints

<b>YEAR 2017</b>			
	<b>No. of Complaints</b>	<b>Disposed of</b>	<b>Ongoing</b>
<b>1. Police Complaints Division</b>			
Assault	42	32	10
Verbal Abuse	175	103	72
Service Delivery	375	234	141
Other Complaints	-	-	-
<b>Sub-total</b>	<b>592</b>	<b>369</b>	<b>223</b>
<b>2. Human Rights Division</b>			
Review of convictions by Supreme Court	-	-	-
Prisons Authorities	-	-	-
Ministries/Government Departments	66	58	8
Parastatal Bodies	14	7	7
Government owned companies	-	-	-
Judiciary	12	11	1
Director of Public Prosecution	-	-	-
Miscellaneous Complaints	88	74	14
<b>Sub-total</b>	<b>180</b>	<b>150</b>	<b>30</b>
<b>3. National Preventive Mechanism Division</b>			
Prisons	138	-	-
Police Cell	5	-	-
Detention Centre	8	-	-
Miscellaneous Complaints	84	-	-
<b>Sub-total</b>	<b>235</b>	<b>193</b>	<b>42</b>
<b>TOTAL</b>	<b>1007</b>	<b>712</b>	<b>295</b>

Source: National Human Rights Commission

Table 10: Enquiries carried out by the National Human Rights Commission in respect of complaints

<b>Enquiries carried out by the NHRC in respect of complaints</b>			
<b>YEAR 2018</b>			
	<b>No. of Complaints</b>	<b>Disposed of</b>	<b>Ongoing</b>
<b>1. Police Complaints Division (until 9 April 2018)</b>			
Assault	66	5	61
Verbal Abuse	14	2	12
Service Delivery	99	6	93
Other Complaints	-	-	-
<b>Sub-total</b>	179	13	199 - cases transferred to Independent Police Complaint Commission on 11 April 2018
<b>2. Human Rights Division</b>			
Review of convictions by Supreme Court	-	-	-
Prisons Authorities	-	-	-
Ministries/Government Departments	59	43	16
Parastatal Bodies	5	2	3
Government owned companies	-	-	-
Judiciary	14	9	5
Director of Public Prosecution	6	3	3
Miscellaneous Complaints	132	95	37
<b>Sub-total</b>	<b>216</b>	<b>152</b>	<b>64</b>
<b>3. National Preventive Mechanism Division</b>			
Prisons	85	76	9
Police Cell	-	-	-
Detention Centre	-	-	-
Miscellaneous Complaints	-	-	-
<b>Sub-total</b>	<b>85</b>	<b>76</b>	<b>9</b>
<b>TOTAL</b>	<b>480</b>	<b>241</b>	<b>73</b>

Source: National Human Rights Commission

### III. THE OMBUDSPERSON FOR CHILDREN’S OFFICE (OCO)

67. The Ombudsperson for Children’s Office (OCO) was set up under the Ombudsperson for Children Act. The Office of the Ombudsperson for Children became operational in 2004. Its objectives are to promote the rights and interests of children and to ensure that their rights, needs and interests are given full consideration by public bodies, private authorities, individuals and associations of individuals.

68. The Ombudsperson for Children carries out sensitization campaigns such as talks, seminars, workshops, conference and activities to promote the United Nations Convention on the Rights of the Child (UNCRC) and issues related to children concerning child sexual abuse, drug trafficking, child marriage and discrimination against children with disabilities.

69. For the reporting year 2017-2018, more than 13,000 persons were sensitized, more than 6000 children and 7500 adults were attained in sensitization programmes, 20 workshops were organised by the Ombudsperson for Children’s Office, 25 talks were organised at the Citizens Advice Bureaus, more than 125 media interviews, 3 visits effected in Rodrigues, more than 60 visits to Residential Care Institutions, 40 Sensitization Sessions and Talks, and more than 135 field visits.

Table 11: Cases recorded and handled by the Ombudsperson for Children’s Office

Reporting Year	Number of cases Recorded
2015-2016	241
2016-2017	346
2017-2018	465
2018-2019	466

Source: Ombudsperson for Children’s Office

Table 12: Cases handled by the Ombudsperson for Children’s Office

Cases status	2015/2016	2016/2017	2017/2018	2018/2019
Cases Closed	194	290	417	393
Cases in progress	9	5	4	15
Cases Awaiting report	38	51	44	58
<b>Total</b>	<b>241</b>	<b>346</b>	<b>465</b>	<b>466</b>

Source: Ombudsperson for Children’s Office

#### IV. THE EQUAL OPPORTUNITIES COMMISSION (EOC)

70. The Equal Opportunities Commission (EOC) was established under section 27(1) of the Equal Opportunities Act (EOA) and the Commission became operational in April 2012.

71. Under the EOA, the alleged discrimination is based on the ‘status’ of the aggrieved person, and are limited to age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex, and sexual orientation.

72. The Equal Opportunities Act was amended in 2017 to provide for the prohibition of discrimination in employment on the grounds of a person’s criminal record, both at recruitment and promotion level, where a person’s criminal record is not relevant to the nature of the employment for which that person is being considered. The law was also amended to put the burden of proof, that a discrimination on ground of criminal records is relevant, on the employer.

73. The EOC attempt to reconcile the parties to whom and against whom a complaint relates, and work towards the elimination of discrimination, and the promotion of equality of opportunity and good relations between persons of different status.

Table 13: Statistics on Complaints received at EOC (May 2012 to May 2019)

<b>Complaints Received</b>	<b>Complaint lodged</b>
Complaints Received from Mauritius	2126
Complaints Received from Rodrigues	99
Total Complaints Received	2225
<b>Status of Complaints</b>	
<b>Status of Complaints</b>	<b># of Complaints</b>
Examined	1738
Withdrawn	259
Assessment on going (Additional Information Requested)	102
Pending Investigation	116
Total	2225
<b>Details of Complaints examined</b>	
<b>Status</b>	<b>Number of Cases</b>
Conciliated/settled	221
Referred to Equal Opportunities Tribunal	51
Referred to DPP	2
Not Under Purview	882
No evidence of discrimination	571
Referred to other Instances (NHRC, ICAC, Ministry of Social Security)	17
Complainant Deceased	4
<b>Total</b>	<b>1748</b>

Source: Equal Opportunities Commission

74. Cases which are not resolved by the Commission are referred to the Equal Opportunities Tribunal. The mandate and powers of the Tribunal has remained unchanged since the last report.

## V. INDEPENDENT POLICE COMPLAINTS COMMISSION

75. The Government programme 2015-2019 provided for the establishment of an Independent Police Complaints Commission (IPCC).

76. The IPCC was accordingly set up on 09 April 2018 to -

- (a) investigate into any complaint made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions, other than a complaint of an act of corruption or a money laundering offence;
- (b) investigate into the cause of death of a person who died whilst the person was in police custody or as a result of police action;
- (c) advise on ways in which any police misconduct may be addressed and eliminated;
- (d) promote better relations between the public and the Police; and
- (e) perform such other functions as may be conferred to it by any other enactment.

77. The IPCC is composed of a former judge of the Supreme Court as Chairperson and two members. Prior to the establishment of the IPCC on 09 April 2018, complaints against police were handled at the level of the Police Complaints Division of the National Human Rights Commission.

78. The IPCC has received 601 complaints from April 2018 to April 2019 and there were 277 pending files from the Police Complaints Division (PCD) which were taken over by the IPCC in April 2018.

Table 14: Breakdown of complaints from April 2018 to April 2019

	Received	Disposed after investigation	Still under investigation	Withdrawn	Referred to DPP	Referred to DFSC	Settled by conciliation
PCD (OLD FILES)	277	142	135	18	1	0	4
IPCC 2018 (as from 10.04/2018)	456	158	298	12	4	2	4
IPCC 2019	145	14	131	2	0	0	1

Source: Independent Police Complaints Commission

## **VI. THE OMBUDSPERSON FOR FINANCIAL SERVICES**

79. The Office of Ombudsperson for Financial Services was set up in March 2019 under the 2018 Ombudsperson for Financial Services Act with a view to providing better protection to consumers of financial services, including namely to inform and educate the general public on investments in financial services offered by financial institutions and to assist the Ombudsperson in dealing with complaints made by consumers of financial services against financial institutions. As from 1 July 2019, the Office operates under the aegis of the Prime Minister's Office.

## **DISSEMINATION OF HUMAN RIGHTS INSTRUMENTS**

80. The Action Plan 2012-2020 on Human Rights for Mauritius was adopted in October 2012 and at least 90% of the measures have been attained at different degree of completion. A wide consultative campaign will be carried out with all relevant stakeholders prior to finalizing the new Action Plan 2020-2029, which will include all the recommendations that the State has received in respect of the various conventions it has been reviewed.

81. The Office of High Commissioner for Human Rights and the Ministry of Justice, Human Rights and Institutional Reforms are working in close collaboration for the establishment of a National Reporting and Tracking Database (NRTD), which will provide NMRF the appropriate system to facilitate the recording, tracking, and reporting on implementation of human rights recommendations.

82. Mauritius is among the first five countries globally to establish the National Reporting and Tracking Database and it will be the first country in Africa to do so. Training sessions were held by the OHCHR in May 2019 with all members of the National Mechanism for Reporting and Follow Up, that is representatives of Ministries, Civil Society and NGOs. The NRTD aims at further consolidating the engagement and coordination capacity of the NMRF by providing up to date and accurate information on the implementation of recommendations, within the deadlines.

## **HUMAN RIGHTS AWARENESS**

83. The promotion of human rights awareness through education programmes, media and Government sponsored public information and assistance from partnership is a common feature throughout Mauritius.

84. Among the salient activities of the Ministry of Justice, Human Rights and Institutional Reforms, it is worthwhile noting (a) the publication for the first time ever of the Constitution of the Republic of Mauritius in braille, (b) the launching of the know your rights pamphlet and (c) the production of 8 video clips of human rights awareness (d) a talk by Ms. Thuli Madonsela, Advocate of the High Court of South Africa and also a lifelong activist on social justice,

constitutionalism, human rights, good governance and the rule of law (e ) a talk on disability and human rights by Hon M. T Masutha, the Minister of Justice and Correctional Services of South Africa (f) a talk by former Chief Justice Deepak Misra of the Republic of India on the “**Progressive Realization of Rights through the Courts: the experience of the Supreme Court of India**”, (g) awareness session on human rights for senior chief executives and permanent secretaries (h) several workshops to build capacity of the members of the National Mechanism for Reporting and Follow Up, officials and NGOs.

85. Moreover, it is worthwhile noting that in 2017, the National Human Rights Commission entered into a Memorandum of Understanding with the European Union (EU) whereby the EU will be financing a three-year campaign to educate the public on human rights. The target groups are women, school children, the private sector, police officers and prison officers among others.

86. Apart from financing the NHRC, the European Union (EU) is funding the Decentralised Cooperation Programme (DCP) where it is financially supporting NGOs and community-based organisations on poverty- reduction projects. Since 2006, some 412 grants, worth Rs 456 million have been allocated to strengthen capacity development of NGOs in key areas such as, project management, strategic planning, governance and policy dialogue. Moreover, 4 NGOs have been able to secure financing in 2019, in the field of women rights, children rights, disabilities and good governance, totaling Rs 60 M from the EU following a call for proposal. Other call for proposals to the tune of Rs 100M are expected shortly.

87. Other Ministries/ Departments/ NHRIs and other stakeholders may report on their awareness campaigns and workshops organized, on human rights aspects.

88. Additional details on the Human Rights activities are at Annex 1-d.

#### **INFORMATION ON NON-DISCRIMINATION AND EQUALITY AND EFFECTIVE REMEDIES**

89. The Constitution of Mauritius firmly 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, sex and race. It also provides that no law shall be discriminatory either in itself or in its effect. Section 3 of the Constitution is at Annex 3.

90. Section 16 of the Constitution, *inter alia*, provides that “*no law shall make any provision that is discriminatory either of itself or in its effect*”. The term “discriminatory” is defined 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 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 Chapter II of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress.

91. The Criminal Code also makes provisions for offences, and related penalties, in relation to discrimination in general. These have been elaborated at paragraph 47 of the previous African Charter report. The only change that occurred concerns section 282 (“Stirring up racial hatred”) where the penalties now provide for a fine not exceeding 100,000 rupees and penal servitude for a term not exceeding 20 years.

92. The Equal Opportunities Act (EOA) provide further safeguards and protection by complementing the provisions in the Constitution. The EOA deals with direct as well as indirect discrimination.

93. The Equal Opportunities Act applies to employment activities, education, provision of goods and services, accommodation, the disposal of immovable property, companies, partnerships, “*sociétés*”, and registered associations, clubs and access to premises which the public may enter or use and sports. It also applies to both the public and private sectors and includes within its ambit sexual harassment. Discrimination by victimization is also prohibited.

94. The Equal Opportunities Commission (EOC) was set up in April 2012. It not only examines and investigates into complaints referred to it but it equally investigates proprio motu into cases where it believes that an act of discrimination may have been or may be committed. The Equal Opportunities Commission is mandated to receive complaints from both the Private and the Public Sector.

95. The mandate of the Equal Opportunities Commission, the complaint mechanism procedure put in place, the investigation process and the conciliation process have not changed since the last report of the African Charter submitted in 2016. Consequently, paragraphs 48 to 51 of the last AHCHR report remain valid.

96. The Equal Opportunities Act was amended in 2017 to provide for the prohibition of discrimination in employment on the grounds of a person’s criminal record, both at recruitment and promotion level, where a person’s criminal record is not relevant to the nature of the employment for which that person is being considered. The burden of proof, that a discrimination on ground of criminal records is relevant, has been put on the employer.

97. Cases which are not resolved by the Commission are referred to the Equal Opportunities Tribunal which has the power to issue interim orders, directives and compensatory orders up to Rs. 500,000. Failure to comply with an order or directive of the Equal Opportunities Tribunal may

give rise to the commission of an offence punishable by a fine of a maximum of Rs. 100,000 and to imprisonment for a term not exceeding 5 years.

98. As from 2018, the Government complies with sections 9 and 27 (3) (f) of the EOA and has thus put in place an Equal Opportunity Policy in Ministries and Departments in line with the guidelines and codes issued by the Equal Opportunities Commission.

99. The National Code of Corporate Governance (2016) was launched in 2017 and the Financial Reporting Act was amended putting the responsibility on licensed auditors to report on the extent of compliance with the code in the annual report of all public interest entities.

100. The Code, *inter alia*, provides the following –

*i. Principle 3: Director Appointment Procedures*

There should be a formal, rigorous and transparent process for the appointment, election, induction and re-election of directors. The search for Board candidates should be conducted, and appointments made, on merit, against objective criteria (to include skills, knowledge, experience, and independence and with due regard for the benefits of diversity on the Board, including gender).

*ii. Board Diversity*

All organisations should have directors from both genders as members of the Board, i.e at least one male and one female director. All boards are encouraged to have a non-discrimination policy that covers its senior governance positions, which includes disability, gender equality, race, religion, beliefs and age.

## **MEASURES TO PROHIBIT INCITEMENT TO RACIAL DISCRIMINATION**

101. To prevent the internet being used for the dissemination of discriminatory or racist messages, the Information and Communication Technologies Act prohibits the use of an information and communication service in the following circumstances: -

- (a) the transmission or reception of a message which is grossly offensive, or of an indecent, obscene or menacing character; or
- (b) for the purpose of causing annoyance, inconvenience or needless anxiety to any person; and
- (c) the transmission of a message which is of a nature likely to endanger or compromise State defence, public safety or public order.

102. The Independent Broadcasting Authority (IBA) was created in 2001 to oversee the provision of radio and television broadcasting services. Its objects also include the preservation and promotion of the plural nature of Mauritian culture by ensuring that licensees include, in their services, programmes reflecting the linguistic and cultural diversity of Mauritius. A Standards Committee set up under the IBA is responsible for the drawing up of a code of ethics for licensees and a code of advertising practice.

103. The Code of Conduct for Broadcasting Services, in its Preamble, stresses on the upholding of the fundamental principle “that the freedom of all broadcasting licensees is indivisible from, and subject to, the same restraints as those relevant to the individual person, and is founded on the individual’s right to be informed and to freely receive and disseminate opinions.”

104. Broadcasting licensees may not broadcast “any material which is indecent, obscene or offensive to public morals or offensive to the religious convictions or feelings of any section of the population or likely to prejudice the safety of the State or the public order or relations between sections of the population.

105. The Authority has set up a Complaints Committee which considers and adjudicates, *inter alia*, on any complaint of breaches or anticipated breaches of the codes and unjust or unfair treatment or the likelihood of such treatment in a broadcast programme. Upon complaints made to the police, an investigation is carried out by the police and if charges are found to be substantiated, the office of the Director of Public Prosecutions advises prosecution.

106. The number of cases pertaining to acts of racial discrimination or incitement to racial hatred reported and prosecuted by the Police and outcomes thereof are as follows –

Section 106 (outrage against public and religious morality) and section 282 (Stirring up racial discrimination) of the Criminal Code have been amended in 2018 and has been broadened to capture radio communication, and technology having electrical, digital, magnetic, wireless, optical and electromagnetic capabilities, and writing in different forms which includes writing by electronic means, communication in the form of speed or other sound.

## **TRUTH AND JUSTICE COMMISSION**

107. The Truth and Justice Commission was set up under the Truth and Justice Commission Act in 2008. It started its operation in March 2009. The Commission had, as its mandate in terms of section 3(2) made an assessment of the consequences of slavery and indentured labour during the colonial period up to the present.

Section (4) of the Act made provision for the –

- conduct of inquiries into slavery and indentured labour in Mauritius during the

colonial period and, for that purpose, gather information and receive evidence from any person;

- determination of appropriate reparative measures to be extended to descendants of slaves and indentured labourers;
- enquire into complaints, other than a frivolous and vexatious complaints, made by any person aggrieved by a dispossession or prescription of any land in which he/she claimed to have an interest; and
- preparation of a comprehensive report of its activities, research and findings, based on factual and objective information and evidence received by it and submit the report to the President.

108. The Truth and Justice Commission submitted its report on 25 November 2011. A Ministerial Committee was subsequently set up to look into the recommendations of the report. The first meeting of the Ministerial Committee was held on 6 August 2015.

109. The report of the Truth and Justice Commission also led to the setting up of a Committee of Inquiry on the Acquisitive Prescription in May 2012. The Acquisitive Prescription Bill was presented to Parliament in October 2018 to repeal the Affidavits of Prescription Act and the Affidavits of Prescription Act (Suspension of Certain Provisions) Act. It would provide for a new and more appropriate legislative framework with better safeguards regarding acquisitive prescriptions.

110. Government is also looking into the structure that would be most appropriate to deal with cases of land dispossession and hear disputes regarding land. In March 2019, Government, has given the assurances that it will expedite matters. In this respect, in the budget 2019/2020, it has been announced that a new legislation will be brought to set up a separate land division of the Supreme Court to investigate into cases of land dispossession and ownership claims. Moreover, a Special Fund will be set up and an amount of Rs 50 million has been earmarked.

111. Moreover, the setting up of a separate Court of Appeal Section and a separate High Court section of the Supreme Court is currently in progress.

112. Following the review of Mauritius by the CERD Committee on the Convention on the Elimination of Racial Discrimination Committee in August 2018 in Geneva, a Ministerial Committee, under the chair of the Vice Prime Minister and composed of 6 Ministers, has been set up in September 2018 to look into the recommendations of the Committee.

## **PERSON WITH DISABILITIES**

113. Mauritius is considering to become a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and all the implications

are being looked into. Though, Mauritius has already ratified the UN Convention on the Rights of Persons with Disabilities since 2010, it is not in a position yet to remove the reservations under the Articles 9(2)(d), 11, 24(2)(b). Continuous progress is being made regarding accessibility. The Building Control Act 2012 provides for enhanced accessibility to public infrastructure by disabled persons. The Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 provide for a universal design requirement in respect of new buildings and building under major renovation. For the granting of the Land Use and Building Permit, a technical sheet of the Planning Policy Guidance (PPC) regarding access for people with disabilities, which gives guidance for the needs/ requirements of people with disabilities.

114. Social housing schemes and programmes of the Ministry of Housing and Lands, provide for preferential allocation of ground floor accommodation for disabled person in respect of high-rise buildings.

115. Previously, only children above the age of 15 years suffering from disabilities were entitled to the Basic Invalidity Pension (BIP). This age discrimination was removed in July 2016. As at July 2019, 5632 children suffering from a disability of 60% or more are paid BIP. The rate of BIP as at July 2019 is Rs 6210. If the child is severely handicapped and bedridden, he/she is eligible to a Carer's allowance which stands at Rs 3000. The rate of both BIP and Carer's allowance will both be increased by Rs 500 as from January 2020 as announced in Budget Speech 2019/2020. Thus, the rate of BIP will stand at Rs 6710 while Carer's allowance will increase to Rs 3500. It is to be noted that these rates will be adjusted, if any compensation will be paid for cost of living index in 2020.

116. Persons suffering disabilities of 60% or more and who are bedridden or who need constant care of another person benefit from a monthly Carer's allowance of Rs 3000. The monthly Carer's allowance will be increased from Rs 3,000 to Rs 3,500 as from January 2020. It is to be noted that these rates will be adjusted, if any compensation will be paid for cost of living index in 2020. Domiciliary visit which were previously provided to bedridden people aged 75 years and above has been extended to bedridden persons aged 60 to 74 years as from 01 July 2019. Based on the current number of beneficiaries of Carer's allowance and BIP, it is estimated that an additional 6500 will benefit from this service.

117. Over the past few years, Government has significantly enhanced the universal non-contributory basic pension to the elderly, the widows and persons with disabilities. Between December 2014 and January 2019, the monthly Basic Retirement Pension has increased by 70 % from Rs 3,623 to Rs 6,210. As from January 2020, the old age pension will be Rs 6,710 per month, excluding compensation for cost of living 2020.

118. The Ministry of Arts and Culture also provides financial assistance to artists with disabilities for their creative works and encourages their participation in programmes at national level. Mauritius also encourage athletes with disabilities to participate in sports activities represent the country in regional competition and international competition.

119. Mauritius hosted the 10<sup>th</sup> Indian Ocean Island Games in July 2019 whereby Paralympics competitions were also featured. Persons with disabilities participated and represented the country and a cash prize was offered to those winning a medal.

120. Persons with disabilities are entitled to 100% duty-free facilities to purchase adapted cars not exceeding 1600 cc once every 7 years, subject to the following criterion being met. In the first instance, person with disability of 60% and above, who is in gainful employment and holding a valid driving licence. Secondly, a parent or legal guardian of a disabled person with permanent orthopedic disability of 60% or above, having severe mobility problem; and heavily dependent on others for activities of daily living and thirdly a person, deaf or blind with disability of 60% and above, and who is in gainful employment.

121. The Disability Bill is yet to be finalized. Its implications and bearings are under study. However, it is to be highlighted that, notwithstanding the fact that the Disability Bill has not yet been introduced, the Equal Opportunities Act, the Training and Employment of Disabled Persons Act and the Building Control Act deal extensively with the issue of discrimination against persons with “impairment”, employment of persons and constriction of buildings to ensure that they are accessible to persons with disabilities.

122. Although any person having a disability of less than 60% may not be eligible for BIP, if he qualifies for social aid, he will be benefit from same. Assistive devices such as hearing aids, spectacles and wheel chairs are provided to persons coming from households whose monthly income is less than Rs 30,000 free of charge.

123. A special loan scheme of up to Rs 300,000 (at 4% interest) has been launched by the EWF for people with disability provided they are registered with the Disability Unit of the Ministry of Social Security, National Solidarity and Environment and Sustainable Development (Social Security and National Solidarity Division). This scheme covers educational purposes both locally and abroad, purchase of assistive devices, medical treatment and upgrading of living conditions.

124. Free parking coupons are provided to people with severe mobility problems and people who suffer from blindness. Graduates with disabilities are also enrolled under the Youth Employment Programme (YEP) and Service to Mauritius (STM) schemes whereby they are enlisted for training and are paid an appropriate stipend.

125. Persons with disabilities benefiting from BIP are eligible to a free travel bus pass. 20% rebate on air tickets from Air Mauritius are provided to persons with disabilities and who are eligible for BIP. Passport are issued at a concessionary fee of Rs 400 for persons with disabilities eligible for BIP.

126. The Welfare of the Elderly Protection Unit admits persons with disabilities who have no one to care for them in Charitable Institutions and their wellbeing is monitored.

127. Government strongly encourages and supports children with disabilities to pursue their education. In this respect, various facilities are provided namely parents of disabled children to school (mainstream, specialized, integrated or day-care centres) are refunded the bus fare. The bus fare of one accompanying parent is refunded. Around 2000 children with disabilities are benefitting from the refund of bus fare as per the school attendance of the disabled child.

128. Since 2010, taxi fare is refunded for university students with severe disabilities who cannot travel by ordinary means of transport. This facility has been extended to those students with special needs confined to wheelchair and who are blind who are attending secondary schools as well as primary school as from June 2018. Payment is made on the basis of attendance submitted by the institutions.

129. The Francois Sockalingum Award is a scholarship scheme for students with disabilities with the objective of encouraging disabled students to follow secondary studies as well as promote the concept of self-reliance and independent living among them. Through this award, students with disabilities who pass the Primary School Achievement Certificate (PSAC) and pursue their secondary studies are eligible to a monthly stipend of Rs.750. Around 80 students with disabilities are currently benefitting from this Scheme.

130. As from the financial year 2016 /17, five scholarships are offered annually to student with special education needs to pursue post-secondary/ tertiary courses. A stipend of Rs 5000 is also provided.

131. Further to the promulgation of the Special Needs Education Authority Act, the Special Needs Education Authority which is in the process of being set up, will ensure children with disabilities have the best education opportunities suitable for their needs and their integration in the mainstream education. The Authority shall be responsible for (a) monitoring and facilitating the implementation of special education needs policies of the Government; (b) providing guidelines for the design and development of curriculum for special education needs; (c) the harmonization and promotion of programmes and policies for the education and holistic development of persons with special education needs, in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities and advise on the

formulation of policies and on the criteria for the registration of (i) special education needs institutions; (ii) the teaching and non-teaching staff, and any other resource person, of special education needs institutions.

132. In the budget 2019/2020, a provision of total amount of Rs 138 million is being earmarked for NGOs running Special Education Needs Schools. Moreover, Government will provide funds for the construction of ramps, handrails and adapted toilets for disabled students of 20 State Secondary Schools.

### **PROTECTION OF ELDERLY PERSONS**

133. Government has increased the monthly grant to employees of residential care homes and institutions that are caring mostly for our elders with disabilities, from Rs 6,071 to Rs 8,500, that is by 40 percent.

134. All citizens of Mauritius are entitled to the Universal Basic Retirement Pension on reaching the age of 60 years. However, they have to satisfy the residency requirements. Though Government increased the official retirement age to 65 years, all citizens are benefiting the BRP as from the age of 60 even though they are still in employment. Between December 2014 and January 2019, the monthly Basic Retirement Pension has increased by 70 % from Rs 3,623 to Rs 6,210. As from January 2020, the old age pension will be Rs 6,710 per month, an increase of Rs 500.

135. Following the promotional visit of the Commissioner from the African Union Commission in December 2018, Government is looking into the possibility of acceding to the Protocol to The African Charter on Human and Peoples' Rights on The Rights of Older Persons in Africa. A technical committee is looking at all the implications for an eventual signature / ratification of the Charter.

136. An Anti-Influenza Vaccination programme targeting elderly persons from the age of 60 years is carried out every year. A sum of Rs 15,825,000 has been disbursed in 2018/2019 accordingly as opposed to Rs 8,491,952 in 2017/2018, in view of the fact that the quadrivalent vaccines have been provided.

137. When the policy of domiciliary visits was introduced, only persons aged 90 and above benefitted from the scheme on a monthly basis. In 2017, this scheme was extended to persons aged 75 and if they were bedridden or severely disabled. This service has been extended to bedridden persons of 60 years and as from July 2019. 77,683 visits were made for period July 2018 to June 2019. In addition, inmates of Charitable Institutions are also entitled to such a service.

138. Elderly persons also benefit from assistance in-kind such as hearing aids, wheelchairs, and spectacles. These are mean tested. Moreover, allowances for dentures; incontinence allowance

(Diapers) and Carer's allowance are being paid to eligible elderly. It is to be noted that incontinence allowance has been doubled from Rs 400 to Rs 800 since 01 July 2019. They also benefit from free Public Transport.

139. As at end of June 2019, there were 146 Centenarians who are each eligible to a monthly Basic Retirement Pension of Rs 21,210 and Rs 1,180 benefit for the grant for the purchase of medicine. – (An annual Budget of Rs 30 M under the Ministry of Social Security, National Solidarity and Environment and Sustainable Development).

140. In view of the ageing population, Government is making necessary provision to meet the increasing demand for the services of carers. A training programme in collaboration with MITD regarding Training of Carers has been initiated where a first batch of 35 Carers would be completed by Mid-March and for the second batch would be completed by May 2019. This training has been carried out on a pilot basis. The purpose is to provide elderlies who are in need thereof with quality care.

141. 20 Elderly Day Care Centres and 24 Health Clubs have been set up where adult literacy, IT Literacy, Handicrafts and Embroidery classes, proper cooking methods and health programmes are organized. The setting up of 2 additional elderly day care centres at Bambous and Chemin Grenier are in the pipeline.

142. The Protection of the Elderly Persons Act was amended in 2016 to enhance the level of protection and security of the elderly. 26 Elderly Watch Management Committees have been set up all throughout the Republic of Mauritius and comprise elderly volunteers. Each Committee in Mauritius consists of 10 volunteers while Rodrigues has 6 volunteers. They operate at grass root level to promote the welfare of the elderly persons in their respective regions and identify and report cases of elder abuse to the Welfare and Elderly Persons Protection Unit. The purpose of these committees is to promote the welfare of elderly persons in the region under their jurisdiction and endeavor to prevent acts of abuse on elderly persons and provide support where necessary.

143. Cases of Elder Abuse are reported to the Welfare and Elderly Persons Protection Unit (WEPPU) of the Ministry of Social Security, National Solidarity and Environment and Sustainable Development. From January 2018 to December 2018 around 1000 cases of Elder Abuse have been reported. All the cases are being settled through mediation and family conferencing. Where it is necessary, the elderly person is removed from the abusive home and placed in Homes registered with the Residential Care Home, with his /her consent. If the elderly person does not wish to reside in a Home, then action is taken to ensure that he/she can stay in his home without any future abuse.

144. It is to be noted that under the Code Civil Mauricien, any elderly who wishes to reclaim his properties and wealth which he has already bequeathed to his heirs and is subject to abuse, can

reclaim same through Court actions before the Supreme Court. The elderly person is provided with free legal assistance in such cases.

145. The Senior Citizens Council organizes a host of activities during the year for all the elderly of the Republic of Mauritius and also provides a grant to Senior Citizens Associations in Mauritius and Rodrigues. There are 3 recreational centres and a 4<sup>th</sup> one is under construction at Riambel.

146. The National Disaster Risk Reduction and Management Act was proclaimed in July 2016, and provision was made therein for the evacuation of persons at risk. Priority for evacuation is usually given to elderly persons and persons with disabilities.

147. All charitable institutions and Homes have to submit mandatorily. their disaster management plan to the National Disaster Risk Reduction and Management Committee.

## **PROTECTION OF VULNERABLE GROUPS**

148. The Social Integration and Empowerment Act was passed in 2016 to promote social integration and empowerment of persons living in absolute poverty within the philosophy of enhancing social justice and national unity. The Social Integration and Empowerment Act 2016 was to substantiate implementation of the measures of the MP. The Act enabled the setting up of empowerment programmes to combat poverty, providing pecuniary and non-pecuniary support to families eligible under the SRM to move out of poverty and to facilitate them to integrate mainstream society.

149. The policies and strategies of the Ministry of Social Integration and Economic Empowerment (MSIEE) towards poverty alleviation are primarily derived from the Marshall Plan against Poverty Report which has been developed with the assistance of UNDP. The Marshall Plan against Poverty was announced in the Budget Speech 2015-16 and the Marshall Plan Report (MP) was officially launched in the Budget Speech 2016-17.

150. MP adopts a holistic and integrated approach to end social exclusion, promote inclusion and provide opportunities to vulnerable people for their socio-economic development in an equitable and sustainable manner. The Marshall Plan has been designed with short, medium and long term measures to address the root causes of poverty, social exclusion and inequality in the Republic of Mauritius. It is articulated around 39 actionable proposals covering areas of social protection, employment, social housing, education, health, environment and equity in service delivery. MSIEE has the leading role in the implementation of the measures proposed in the MP in collaboration with Ministries concerned and other stakeholders from the public and private sectors.

151. The objectives of MSIEE are to -

- (i) formulate policies and strategies to combat poverty and social exclusion; to drive and coordinate initiatives for the social integration and sustainable development of vulnerable families;
- (ii) encourage and assist vulnerable families to undertake income earning activities to become economically independent;
- (iii) widen the circle of opportunities for the empowerment of the vulnerable families;
- (iv) eradicate absolute poverty and improve the living conditions of the poor; and
- (v) lay the foundation for sustainable human development and improve the life chances of children of poor families by providing a package of support programmes and opportunities for learning and development from a very early stage.

### **SOCIAL REGISTER OF MAURITIUS**

152. The Social Register of Mauritius (SRM) has been developed since June 2015 and constitutes a national database of vulnerable households in Mauritius. The Ministry of Social Security, National Solidarity and Environment and Sustainable Development is the legal custodian of the SRM database and is responsible as from 15 November 2018 for the registration of potential households.

153. Intensive sensitisation campaigns have been carried out with the help of the Citizen Advice Bureau (CAB) of the Prime Minister's Office (PMO) to reach and register those who may fall in the category of poor to apply for the assistance on the Social Register of Mauritius. The Proxy Means Test (PMT) is then carried out to determine the eligibility of the households to the various schemes.

154. Among the main MP proposals which are being implemented are the Social Contract and the Conditional Cash Transfers (CCTs) that are offered to families who are eligible under the SRM upon signing the social contract. The social contract essentially defines the responsibilities and undertakings between MSIEE/NEF and the beneficiaries. Its ultimate goal is to promote economic empowerment through employability, training and entrepreneurship of people living in absolute poverty. By signing the social contract, beneficiaries agree to comply with the conditions of the MP and are provided with regular visits by Case Management Officers of NEF to monitor their progress and offer them appropriate counselling and guidance. The purpose of putting in place CCTs is fundamentally to assist the poor people to empower themselves since empowerment is an essential concept of human rights. Currently, there are around 8,190 SRM eligible households in Mauritius and 2,087 in Rodrigues in the SRM.

155. The conditions stipulated in the social contract in respect of the cash transfers pertain to education, training and employment, health, family welfare and development. The social contract

essentially represents a formal pledge between MSIEE and SRM beneficiaries whereby both parties acknowledge their rights and duties in the endeavor to fight poverty. The crux of the social contract lies in the transition from the mere act of distributing social assistance, to cash transfers which are subject to compliance with specified requirements in order to achieve the objective of concretely and sustainably empowering the poor people.

156. According to the Budget plan of 2019-2020, 11,000 families, who are on the Social Register of Mauritius (SRM), will be given totally free access to Broadband Internet. This will be a giant step in bridging the digital divide and will be funded jointly by Government and Mauritius Telecom.

157. The poverty alleviation and economic empowerment schemes that have been put in place includes the Subsistence Allowance, Child Allowance, School Materials, School Premium, Free Examinations Fees, Crèche Scheme. They have been elaborated under the Right to Economic, Social, Cultural rights.

## **RIGHT TO HOUSING**

158. The 2015-2019 Government Programme emphasized on increasing housing supply and home ownership for the economically and socially disadvantaged. Various schemes have, subsequently, been devised with a view to meeting the abovementioned requirements. The social housing programme addresses the issue of social cohesion by reserving some housing units for hardship cases, which comprise disadvantaged and marginalized families such as single mothers with children, subject to their meeting the eligibility criteria and to confirmation from relevant institutions as to their disadvantaged socio-economic status.

159. Households, who have been found eligible under the Social Register of Mauritius and have signed a Marshall Plan Social Contract, are entitled to Social Housing Schemes, where Government provide 75% of subsidy of the cost of construction or housing unit. Fully Concrete Housing units of 50 m<sup>2</sup> each are built for families living in absolute poverty and who are owners of a plot of land or lessees of state land but do not have the means to build a housing unit. Moreover, with a view to facilitate the integration of the low income group to the mainstream society, 10% of all new housing units constructed by the National Housing Development Corporation is being reserved for eligible SRM beneficiaries who have signed a Marshall Plan Social Contract and are not land owners.

Table 15: Social Housing Schemes

Social Housing Schemes	Income eligibility criteria and subsidy level
<p><b>Scheme I: Implementing Body: NEF</b> For eligible SRM beneficiaries who are owners of land/or lessee of state land</p>	<ul style="list-style-type: none"> <li>• Eligible SRM Beneficiaries who have signed the Marshall Plan Social Contract</li> <li>Government contribution: 75 %</li> <li>• Beneficiary's contribution: 25 %</li> </ul>
<p><b>Scheme II: Implementing Body: NHDC Ltd</b> 10 % of the NHDC integrated houses earmarked for eligible SRM beneficiaries who are not land owners.</p>	<ul style="list-style-type: none"> <li>• Eligible SRM Beneficiaries who have signed the Marshall Plan Social Contract</li> <li>Government contribution: 75 %</li> <li>• Beneficiary's contribution: 25 %</li> </ul>

Source: Ministry of Housing and Lands

160. Social housing developments are planned in such a manner to encourage better social integration by strengthening social and cultural integration via the provision of adequate space/plots of land for the implementation of appropriate social and recreational facilities in social housing estates through relevant stakeholders.

161. The housing units are sold to beneficiaries of different income thresholds by the NHDC with varying subsidy from the Government. As from the financial year 2015/2016, provisions have been made to increase the size of housing units to be constructed to 50 m<sup>2</sup> to accommodate at least two bedrooms compared to previous schemes wherein the size of the housing unit varied from 36m<sup>2</sup> to 39m<sup>2</sup>.

162. Affordability is a key factor in determining ownership of a dwelling as well as its quality Government has reviewed its policy regarding the subsidy being provided for the purchase of NHDC houses to make them more affordable to a larger number of families. To that end Households earning monthly income between Rs 10,000 and Rs 15,000 will benefit from a subsidy of 60 percent instead of 50 percent on the cost of a housing unit and Households earning monthly income above Rs 15,000 and not exceeding Rs 20,000 will benefit from a subsidy of 30 percent instead of 20 percent.

163. Additionally, two new thresholds have been added to reach out to more families. Households earning monthly income above Rs 20,000 and not exceeding Rs 25,000 will now benefit from a subsidy of 25 percent and Households earning monthly income above Rs 25,000 and up to Rs 30,000 will now benefit from a subsidy of 15 percent.

164. The housing units are meant for beneficiaries of the National Housing Development Corporation, with subsidy from Government as follows -

Table 16: National Housing Development Corporation and Government Subsidy

<b>Family Income (Rs)</b>	<b>Government subsidy -2015</b>	<b>Government subsidy -2019</b>
6 200-10 000	66.6% of the construction cost	66.6% of housing unit
10 001-15 000	50% of the construction cost	60% of housing Unit
15 001-20 000	20% of the construction cost	30% of housing unit
20 001-25 000	Nil	25% of housing unit
25 001-30,000	Nil	15% of housing unit

Source: Ministry of Housing and Lands

165. The eligibility criteria for the applicants to be allocated a housing unit are as follows: -

- (i) not be owner of a house (including NHDC or CHA house);
- (ii) not own a residential plot of land;
- (iii) not hold a residential plot of State Land by lease;
- (iv) not have been granted any Government sponsored loan by MHC Ltd;
- (v) not have benefited from any Government grant for the casting of a roof slab; and
- (vi) not have received any financial assistance from Government for the purchase of construction materials.

### **REHABILITATION SCHEMES**

166. With the aim of improving the living conditions of the inhabitants of high rise apartments in NHDC housing estates, the Government has come forward with a rehabilitation programme relating to waterproofing, water reticulation wastewater disposal, and repairs to cracks and structural remedial works. Most of these works are major rehabilitation works which cannot be undertaken by the residents or the syndic alone. In 2019/2020 Budget, Government has also earmarked Rs 131 million for rehabilitation of 41 NHDC housing estates which are more than 20 years old to improve the living conditions of some 6,200 families. Moreover, these families have been encouraged to set up syndics for the upkeep and maintenance of their common areas. The Government contributes a monthly amount of Rs 200 per family in respect of 41 syndics.

## **THE GRANT FOR THE CASTING OF ROOF SLAB**

167. It is worth mentioning that in Mauritius almost 89% of the population is an owner of a residential property, be it a housing unit or a residential plot of land. Low income families who already own a plot of land and are having difficulties to construct concrete housing unit are financially assisted through a grant scheme either for the casting of roof slabs to complete their construction or for the purchase of building materials to start their construction. As end of April 2019, there are 57,603 beneficiaries of the roof slab grant and purchase of building materials scheme.

168. The Casting of Roof Slab scheme has been reviewed in the Budget 2018/19 to improve the support to families in their efforts to invest in a house. The Roof Slab cash grant has been increased by Rs 30,000 to reach Rs 100,000 and the eligibility has been extended to families earning between Rs15,001 and Rs 20,000 where they will benefit from a maximum grant of Rs 50,000.

## **PURCHASE OF BUILDING MATERIALS SCHEME**

169. The Purchase of Building Materials Scheme has been reviewed in the Budget 2019/2020 as follows:

- for a family with monthly income of up to Rs 10,000 the maximum grant has been increased from Rs 65,000 to Rs 100,000.
- the Purchase of Building Materials Scheme has been extended to families with monthly income above Rs 10,000 and not exceeding Rs 15,000 where such families will benefit from a maximum grant of Rs 70,000.
- for families with monthly income above Rs 15,000 and not exceeding Rs 20,000, the grant will be up to Rs 50,000.

Table 17: Grants under schemes

Existing Housing Schemes	Household Income Eligibility	Amount	Details of Scheme
Roof Slab Grant	≤Rs10,000	Maximum one-off cash grant of Rs 100,000	Households who own a plot of land but cannot afford to complete construction of their house which has reached up to the beam level. The grant is for the casting of roof slab for an area up to 100m <sup>2</sup> . Allowable building plan area may reach up to 150 m <sup>2</sup> .
	>Rs 10,000-≤Rs 15,000	Maximum one-off cash grant of Rs 70,000	
	>Rs 15,000-≤Rs 20,000	Maximum one-off cash grant of Rs 50,000	
Purchase of Building Materials	≤Rs10,000	Maximum one-off cash grant of Rs 100,000	Households who own a plot of land but cannot afford to start construction of a housing unit of up to 100m <sup>2</sup> . The grant is for purchase of building materials to start construction.
	>Rs 10,000-≤Rs 15,000	Maximum one-off cash grant of Rs 70,000	
	>Rs 15,000-≤Rs 20,000	Maximum one-off cash grant of Rs 50,000	

Source: Ministry of Housing and Lands

170. A first time buyer of a plot of land to build a house is eligible for registration duty exemption on a land value of up to Rs 2.5 M. A first time buyer of a house or apartment of up to Rs 5 million is eligible for full exemption from registration duty as announced in the budget 2019/2020.

171. Citizens can also benefit from the VAT Refund Scheme on the construction of their residence or the purchase of an apartment. The upper limit for the cost of construction of a residence or the purchase price of an apartment has been increased from Rs 4 million to Rs 5

million and the eligible household income threshold was increased from Rs 2 million to Rs 3.5 million.

172. Deprived family (including squatters) from different regions in Mauritius have been relocated and provided land and/or housing support at:

- i. La Valette Integrated Housing Project -198 housing units in April 2009
- ii. Sottise Integrated Housing Project -19 housing units in December 2010
- iii. Dubreuil Integrated Housing Project - 22 housing units in January 2014
- iv. Gros Cailloux Integrated Housing Project - 59 housing units in May 2013
- v. Karo Kalyptus Integrated Housing Project - 115 plots of land granted on lease out of which 109 also benefitted from housing support from NEF
- vi. Pointe aux Sables - 72 housing units and 66 plots of land granted on lease to vulnerable families.

#### **RIGHTS OF MIGRANT WORKERS**

173. As at December 2018, there are 42,818 valid work permits for 34,265 Male and 8,553 Female Migrant workers working in in the secondary economic activities including construction and manufacturing of food products, beverages, textile and garments, paper products, chemical products, plastic products, fabricated metal products, furniture and machinery and equipment. 24,308 come from Bangladesh, 9,752 from India, 1,972 from China, 4452 from Madagascar, 1153 from Sri Lanka and a few from Nepal, Philippines, Nigeria, South Africa, Ghana, Kenya, France Italy and other countries.

174. Government has launched a “Know Your Rights Pamphlet” in March 2019, to inform current and prospective migrant workers (in secondary economic activities including the construction and manufacturing industry) of their rights and the possible remedial actions in case of violations. The pamphlet is available in 6 languages namely English, French, Hindi, Tamil, Bangla and Mandarin. The pamphlets are being distributed to Migrant Workers already in Mauritius and new migrants will be provided with this pamphlet while he is finalizing his contract of employment. Copies will also be distributed at the immigration counter at the Airport. It is hoped that with the publication of this pamphlet and wider publicity in respect of the rights of migrant workers, abuses and ill treatment will be prevented. There is also an info graphic clip has been prepared for the benefit of migrant workers and it will be displayed today.

175. 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, Employment and Training to ensure that it contains no abusive clauses and that it is in full conformity with the prevailing labor law. Regular inspection visits are

carried out by officers of the Special Migrant Workers' Unit 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 labor legislation. Measures that have been taken as from 2016 to reinforce the technical labor of the Ministry of Labour, Industrial Relations, Employment and Training. It has had a huge impact both in terms of quality and effectiveness of the service provided to the public at large, on the number of cases dealt with disposed of as well as with the number of inspections/enquiries carried out to ensure compliance of the various labor legislations.

176. The number of inspections carried out from 2016 to 2018 has almost increase fivefold (local workers) and the amount of money recovered on behalf of workers, for breach of or non-compliance with legislation or other regulations during the said inspections have increased one and a half time from Rs 2,147,252 in 2016 to Rs 3,511,658 in 2017. In 2018, 2,317 inspection visits were carried out and Rs 2,800,740 recovered. From January 2019 to May 2019, 626 inspections were effected and Rs 18,029 was recovered.

177. The national minimum wage is effective since 01 January 2018. Migrant workers are also entitled to the national minimum wage.

178. All foreign workers, except those employed in export manufacturing enterprises, to be insured under the NPA as from their first day of employment. Migrant workers employed in Export Manufacturing Enterprises are as date still being required to contribute to the NPS only upon completion of their two years of employment.

179. Mauritius is a party to ILO Convention No 100 on "equal remuneration for work of equal value". The philosophy and principles of the aforesaid convention has been domesticated in section 20 of the Employment Rights Act which provides that both men and women, including migrant workers, should be treated equally at the workplace with regards to the payment of remuneration.

180. Our labour legislation applies indiscriminately to migrant workers and migrant workers are not excluded in any manner whatsoever from the application of the Act and similarly of the different Remuneration Regulations. No worker shall be treated in a discriminatory manner by his employer in his employment or occupation and no person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation. "discrimination", under the Employment Rights Act, includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

181. Article 13 of the Code Civil Mauricien provides as follows - "*L'étranger jouira à Maurice des mêmes droits civils que ceux qui sont ou seront accordés aux Mauriciens par les traités de la nation à laquelle cet étranger appartiendra.*". However, section 16 (4)(b) of the Constitution allows for the passing of laws which may afford a different treatment to persons who are not citizens of Mauritius.

182. The Immigration Act provides that persons afflicted with an infectious or contagious disease may not be admitted to Mauritius. The Republic of Mauritius still applies HIV -related restrictions on the entry, stay and residence of non-nationals. Migrant workers must provide evidence of their negative HIV status to qualify for work and residence permits.

183. Mauritius is not in a position to ratify the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The main reason is that Mauritius is geographically small and we are among the most densely-populated island state. In addition, the country has limited resources and we will be unable to provide the core basic services that would be required. Migrant workers coming to Mauritius are allowed to come with their families, except for low skilled workers. Mauritius, as far as possible, applies the essence of the Convention in cases of disputes between migrant workers and their employer.

184. Women migrant workers are protected from domestic violence and from being victims of trafficking in persons, through The Protection from Domestic Violence Act and the Combating of Trafficking in Persons Act respectively.

185. Children of Migrant Workers who hold a valid work and residence permit have access to primary, secondary and tertiary education under the same conditions as Mauritian citizens. Access to the labour market is unrestricted for permanent residents and their spouses provided that they hold an occupation or work permit. Migrant Workers in the Republic of Mauritius may access most health-care services for free, including treatment for chronic conditions.

186. Migrant workers are also eligible to participate in the National Social Insurance scheme, which entitles them to a disability, retirement or survivor pension. Under the National Pensions Act, both local and foreign workers are eligible to contribute to the national pensions scheme from the first day of employment, with the exception of non-citizens employed in export-oriented companies, who are eligible only after two years of residence in the country.

187. They are also required to contribute to the National Savings Fund, which entitles them to the payment of a lump sum on retirement or when they leave the country. The Permanent Residence Permit allows non-citizens to work and live in the Republic of Mauritius for a period of ten years, at which point it may be renewed. Non-citizens holding an Occupation Permit (OP)<sup>2</sup> are eligible to apply for a Permanent Residence Permit if they have held an OP for three years

immediately preceding the date of application for permanent residence if they meet certain criteria. Permanent residents are eligible to apply for Mauritian citizenship following a period of five years of residence, according to sections 5 and 9 of the Mauritius Citizenship Act.

188. Government has in May 2019 set up a Shelter for adult victims of Human Trafficking with the appropriate amenities, facilities and support the victims.

## **PART II**

### **MEASURES TAKEN AND DEVELOPMENTS IN RELATION TO THE AFRICAN CHARTER RIGHTS**

#### **1. 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. The Constitution of Mauritius is the supreme law of Mauritius and several pieces of legislation have been enacted to grant and protect the rights of citizens such that these enactments recognize in effect the rights, duties and freedom enshrined in Chapter 1 of the African Charter on Human and Peoples' Rights.

2. Chapter II of the Constitution guarantees the enjoyment of fundamental rights and freedoms in Mauritius which are 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. It is to be noted that the Constitution of Mauritius, however, does not provide for economic, social and cultural rights. These are nevertheless catered for in various legislations. Moreover, the mandate of the National Human Rights Commission does not allow it to probe into issues pertaining to economic, social and cultural rights. In view of the fact that an amendment to Chapter II of the Constitution is only possible if supported at the final voting in the Assembly by the votes of not less than three quarters of all the members of the Assembly, this constitutional amendment is not presently being considered. However, an amendment to the Protection of Human Rights Act to explicitly provide for the protection of economic, social and cultural rights is under consideration.

3. Where any person alleges that any of sections 3 to 16 has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress under section 17 of the Constitution.

4. 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 subject to strict controls. There should first be proclamation by the President and such Proclamation needs to be supported by the votes of at least two thirds of all members of the Assembly.

5. Article 75 of the Constitution confers upon the President of Mauritius the prerogative for mercy which may be exercised in various cases such as granting to any person convicted of any offence a pardon, either free or subject to lawful conditions; granting to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence; substituting a less severe form of punishment for any punishment imposed on any person for any offence; or remitting the whole or part of any punishment imposed on any person for an offence or of any penalty or forfeiture otherwise due to the State on account of any offence.

6. Mauritius has not yet made a declaration, under Article 34 (6) of the Protocol to the African Charter On Human and People's Rights on the Establishment of the African Court, to accept the competence of the African Court to receive cases instituted by individuals and Non- Governmental Organisation as it is believed that there are sufficient avenues of redress already available to citizens of Mauritius.

## **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**

- 1. Every individual shall be equal before the law*
- 2. Every individual shall be entitled to equal protection of the law*

**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.*

### **CRIMES AGAINST HUMANITY**

7. Mauritius strongly supports the efforts of the international community to put an end to impunity for serious crimes against humanity.

8. 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 was passed in 2011 to provide for the effective implementation of the Rome Statute of the International Criminal Court in the laws of Mauritius.

### **DEATH PENALTY**

9. The National Assembly enacted the Abolition of Death Penalty Act in 1995, thereby abolishing death penalty. Following the enactment of the Abolition of Death Penalty Act 1995, all death sentences imposed have been commuted to sentences of penal servitude for life. The Supreme Court may now inflict sentences of penal servitude for life or sentences for terms not exceeding 60 years where the law so provides. However, 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. An amendment to section 4(1) of the Constitution would need to be supported at the final voting in the Assembly by the votes of not less than three quarters of all the members of the Assembly. It is to be noted that the last execution of death penalty was on 10 October 1987.

### **UNWANTED PREGNANCY**

10. 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 with a specified person which has been reported to the police.

11. Section 235A (1) of the Criminal Code provides that no person shall provide treatment to terminate a pregnancy unless he, *inter alia* – (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.

12. The Medical Council Act further provides that such termination can only take place in institutions prescribed by the Permanent Secretary of the Ministry of Health and Quality of Life. A prescribed institution meaning any institution, hospital, clinic or other place for providing treatment as may be prescribed under the said act, 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.

#### **FERTILITY CENTRES**

13. Private Clinics in Mauritius provides the necessary facilities to assist families willing to have a child. The Mauritius Family Planning and Welfare Association Act was repealed in 2018 and replaced by a more appropriate and modern legislative framework that makes provision for sexual and reproductive health and rights in accordance with international standards.

14. Hospitals in Mauritius provide appropriate free medical care and follow up at all stages, from the pregnancy is noted till the confinement. Maternal Child Health (MCH) services, including ante-natal care and postnatal care have been strengthened through the inclusion of Gynecologist sessions in Area Health Centres for ante-natal care with echography facilities.

15. Mauritius has made significant progress in enhancing child health. Since 1990, infant mortality rate per thousand live births and under-five mortality rate declined by almost by 30%. Immunization coverage rate is above 95% through the public Expanded Programme of Immunization (EPI) and the private sector. The State of Mauritius has acceded to the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) on 8 July 2019 regard to the right to live.

## **INTEGRITY OF THE PERSON**

16. Section 10 of the Constitution lays down provisions to secure the protection of the law where any person is charged with a criminal offence, amongst which are that he: shall be presumed to be innocent until he is proved or has pleaded guilty; shall be informed as soon as reasonably practicable, in a language that he understands and, in detail, of the nature of the offence; shall be given adequate time and facilities for the preparation of his defence; shall be permitted to defend himself in person or, at his own expense, by a legal representative of his own choice or, where so prescribed, by a legal representative provided at the public expense; shall be afforded facilities to examine, in person or by his legal representative, the witnesses called by the prosecution before any Court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that Court on the same conditions as those applying to witnesses called by the prosecution; and shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence. He shall further be afforded a fair hearing within a reasonable time by an independent and impartial Court established by law.

## **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.*

### **TORTURE OR CRUEL, INHUMAN AND DEGRADING TREATMENT**

17. Section 7 of the Constitution, provides that no person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.

18. Mauritius is party to Optional Protocol to the Convention against Torture (OPCAT) and has fulfilled its obligation to establish National Preventive Mechanisms, which are independent national bodies for the prevention of torture and ill-treatment at domestic level. The National Preventive Mechanism Division was set up under the National Human Rights Commission in 2014.

19. Since June 2015, its National Preventive Mechanism (NPM) Division investigates complaints which are made by a detainee and, where the detainee so requests, investigate the complaint privately.

Table 18: Complaints from detainees from January to December 2018

	<b>No. of Visits</b>	<b>No. of complaints</b>	<b>Complaints disposed of</b>	<b>Ongoing complaints</b>
Prisons	68	85	76	9
Police Cells	48			
Detention Centres	8			
RYC/CYC	12			
Hospitals	4			
<b>TOTAL</b>	<b>140</b>	<b>85</b>	<b>76</b>	<b>9</b>

Source: National Human Rights Commission

Table 19: Nature of complaints January to December 2018

<b>Nature of complaints</b>	<b>Number</b>
Conditions of detention	30
Legal Issues	39
Petitions: 4 applications for reduction of sentence and 1 application for respite	5
Miscellaneous	11

Source: National Human Rights Commission

20. Section 4 of the Independent Police Complaints Commission Act provides that without prejudice to the jurisdiction of the Courts or the powers conferred on the Director of Public Prosecutions, the Ombudsman or the Disciplined Forces Service Commission, the Commission shall – (a) investigate into any complaint made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions, other than a complaint of an act of corruption or a money laundering offence; (b) investigate into the cause of death of a person who died whilst the person was in police custody or as a result of police action; (c) advise on ways in which any police misconduct may be addressed and eliminated; (d) promote better relations between the public and the Police and (e) perform such other functions as may be conferred to it by any other enactment.

21. The Police and Criminal Evidence Bill is in the stage of finalisation. The Bill aims at striking a full balance between the rights of the individual and the practice of their powers by the Police and those in authority. It will, *inter alia*, bring together, in one enactment, provisions which relate to the exercise by police officers of the power to stop, enter, search, seize, arrest, and detain; to set a time limit for the detention of persons on remand/ awaiting trial, so as to better guarantee the

citizen's human rights and fundamental freedoms provided for in the Constitution of Mauritius. It is intended to further provide for the enforcement of the rights of victims and witnesses.

22. The Reform Institutions Act was amended in April 2018 and makes provision to toughen the law against officers of the Mauritius Prisons Service, detainees and persons working in reform institutions who are convicted under the Act. It also encourages prisoners to participate in an approved rehabilitation program in order to enjoy the earned remission system.

23. Statements obtained through torture are not invoked as evidence in any legal / court proceedings.

### **TREATMENT OF PRISONERS**

24. Prison Officers are trained to treat detainees in a manner which is decent, humane and just, ensure safety of detainees, ensure good order and control is maintained; to provide detainees with the opportunity to use their time in prison positively so that they will be able to rehabilitate into society when they are released. Human Rights in Prison is a core module of the Training Curriculum for Prison Officers. Training is conducted at the Prison Training School which is ISO Certified. Prison Officers also have the opportunity to enhance their knowledge and skills through workshops and seminars organised at local, regional and international level. Exchange programs are regularly organised for the benefit of Prison Officers to so as to benchmark with best practices. Mauritius Prison Service is also a member of the African Correctional Services Association which is an opportunity to establish fruitful collaboration among member countries.

25. Other conditions related to the treatment of prisoners are -

- a) Unconvicted detainees are allowed to wear their civilian clothing and are as far as possible kept separate from convicted detainees.
- b) Food and Hygiene: Toilet and shower facilities are available. All detainees, including unconvicted detainees, receive three meals a day as well as tea. All detainees receive a balanced diet approved by a Nutritionist of the Ministry of Health and Quality of Life. Food is prepared on weekly menu sheet worked out by the catering officer and approved by the Officer in Charge, New Wing Prison. Medical diets are also prepared on the recommendation of the Medical Officers or Dieticians of the Ministry of Health and Quality of Life for sick detainees. Detainees living with HIV/AIDS receive antiretroviral drugs and an enhanced diet equivalent to a surplus of 20%;
- c) Medical care: All detainees receive free medical care on admission and throughout their sentence. Detainees are also referred to specialist care to public hospitals. Moreover, visiting Specialists such as dermatologists, psychiatrists, orthopedic surgeons, dental surgeons and medical specialists, amongst others, regularly visit sick detainees at the Prison. The Prison also has a Hospital Ward where detainees are admitted under

observation or on aftercare after hospitalisation. Two Medical Officers and Hospital Officers provide health care to the detainees on a twenty-four hour basis and through an on-call system;

- d) Religion: Detainees are allowed to observe their respective religion. As such, they are allowed to observe fasts on religious observance days and religious festivities. Ministers of religion regularly officiate prayers in respect of their respective religious group;
- e) Segregation and Protection Unit: Detainees fearing for their security are located in Segregation and Protection Units but are allowed to enjoy all their rights in prison;
- f) Rehabilitation and Reintegration: Detainees are provided with vocational training in trades like shoemaker, tailor, cabinet making, masonry, housekeeping, cleaning and food production, amongst others;
- g) Literacy: Numeracy and Literacy Programmes are also organised to those who are illiterate in order to teach them to read and write. Detainees can also attend courses offered by the Mauritius Institute of Training and Development (MITD) in welding and metal fabrication, vegetable production, food production and animal husbandry;
- h) Earnings: All convicted detainees are paid weekly earnings which allow them to buy additional food stuff, soft drinks, toilet requisites, pay fines and costs or even send their earnings to their relatives;
- i) Contact with the outside world: Detainees are allowed to receive visits of 30 minutes, once fortnightly, from their relatives. They are also permitted to phone their relatives once weekly. All detainees are allowed to write letters to their relatives and friends and calls via skype are also available;
- j) Recreational activities: All detainees have access to television and radio which are fitted in all Association Yards. In the evening, they are also allowed to listen to the radio up to 20:00 hours daily. They are also issued with newspapers in their Association Yards. In addition, they have access to the Prison Library; they can also purchase their own books, magazines, newspapers or receive them on visit from their relatives and friends. All detainees are allowed to participate in indoor and outdoor game activities.

## **FORCED LABOUR AND WORKING CONDITIONS**

26. Section 6 of the Constitution provides protection from slavery and forced labour. It stipulates that no person shall be held in slavery or servitude, and no person shall be required to perform forced labour.

27. Mauritius had ratified the Forced Labour Convention, 1930 (No 29) of the ILO on 02.12.69. Its principles and articles have since long been incorporated in our legislation and that of Abolition of Forced Labour Convention (No. 105) also. The relevant provisions of the Forced Labour Convention are enshrined in Section 6 of the Constitution of Mauritius; Section 35 of the Reform Institutions Act 1988; Section 16 of the Prisons Regulations 1989 (Government Notice No. 19 of

1989) made under the Reform Institutions Act 1988; and Standing Order No. 16 of the Prisons Service.

28. The National Remuneration Board (NRB), set up under section 90 of the Employment Relations Act 2008 (EReA), is responsible for making recommendations on minimum remuneration and other terms and conditions of employment for workers in the private sector. The NRB remains guided by the principles outlined at Section 97 of the EReA (Annex I) and ensures that wage determination, job appellations and classifications are based on the principle of “equal remuneration for work of equal value”, as outlined in ILO Convention No. 100. Sections 4 and 20 of the Employment Rights Act (ERiA) ensures the application of the principle of equality between men and women, including persons with disabilities regarding the issue of remuneration and provides necessary safeguards and protection respectively regarding labour rights, indistinctively and indiscriminately to all workers. Under section 20, 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.

29. The differential rates between male and female workers in the salt-manufacturing Industry no longer exist. With effect from 01 December 2016, the basic wages of female workers were realigned at par with that of male workers.

30. The National Minimum Wage was set at Rs 8,140 per month as from 01 January 2018 and it applies indiscriminately to all workers, including workers employed in Export Oriented Enterprises sector. Part-time workers are entitled to same on a pro-rata basis. Migrant workers are also entitled to the minimum wage. Every employer shall pay remuneration to a worker at monthly intervals, unless the parties agree to payment at shorter intervals.

31. 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.

32. 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.

33. A new Workers' Rights Act 2019 repealing the Employment Rights Act 2008 has been passed in the National Assembly, but has yet to be proclaimed by the President. Subsequently, Section 20 of the Workers' Rights Act, once promulgated, will provide for 9 hours of work per day.

#### **MIGRANT WORKERS- 'KNOW YOUR RIGHTS' PAMPHLET**

34. Government has launched a Know Your Rights pamphlet on 23 March 2019 intended for (35000) migrant workers working in the secondary economic activities including construction and manufacturing of food products, beverages, textile and garments, paper products, chemical products, plastic products, fabricated metal products, furniture and machinery and equipment. The pamphlet aims at informing prospective and current migrant workers of their rights and possible remedial actions in case of violations. The pamphlet is available in 6 languages namely English, French, Hindi, Tamil, Bangla and Mandarin. With the publication of this pamphlet and wider publicity in respect of the rights of migrant workers, abuses and ill treatment are expected to become inexistent. The pamphlets have been distributed to migrant workers and employers and will also be distributed to new migrant workers at the Immigration Counter at the Airport.

35. Regarding migrant workers, sensitisation campaigns on the rights of migrant workers are held at the work place and also they are fully supported by the respective Trade Unions to which they are a member. The personnel of the Flying Squad of the Ministry of Labour, Industrial Relations, Employment and Training which ensures compliance with the labour legislations, in particular the terms and conditions of employment of migrant workers, has been reinforced in 2018 from 5 to 16 Officers. Statistics on number of inspection visits carried out by Flying squad is at paragraph 177 of Part I.

#### **COMBATING TRAFFICKING AND ALL FORMS OF SERVITUDE**

36. The US Trafficking In Person Report of the US Department of State, has rated Mauritius in Tier 2, for the last 3 years (2016-2018). The US Report on Trafficking in Persons for the year 2019 was released in June 2019. Though the report recognizes the overall increasing efforts of Government compared to the previous reporting, the rating has nevertheless remained at Tier 2.

37. The Combating of Trafficking in Persons Act is the main legislation that gives 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.

38. The Act provides that any person who trafficks another person or allows another person to be trafficked shall commit an offence. It shall not be a defence to a charge of trafficking that a

person who is a victim of trafficking or a person having control or authority over a minor who is a victim of trafficking, has consented to the act which was intended to constitute trafficking. Furthermore, any person who knowingly (a) 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 (b) 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 commit an offence.

39. The National Action Plan Against Trafficking in Persons 2019-2024 is being finalized. A National Steering Committee has been set up to enable a better coordinated approach and concerted response with all the relevant stakeholders to detect, track, and prevent TIP related offences. A regional Trafficking in Persons Data Collection System, designed and administered by the UNODC and SADC Secretariat is being implemented since 2018.

40. In terms of victim support, there are Government funded NGO shelters and victim drop-in centre. A residential drop-in centre is operational since May 2016, to cater for the rehabilitative needs of children victims of sexual abuse and commercial sexual exploitation including child trafficking. The Government has in May 2019 set up a Shelter for adult victims of Human Trafficking with the appropriate amenities, facilities and support the victims.

41. The first conviction case of TIP under the Combating of Trafficking in Persons Act occurred in 2018. It is to be noted that the Courts Act provides for camera testimonies under specific circumstances.

42. The Child Protection Act prohibits all forms of Child Trafficking and prescribes up to 15 years' imprisonment for Child Trafficking Offences. The Ministry of Tourism had produced a brochure on 'Zero Tolerance' in 2010 which were distributed to all tourist establishments and enterprises to sensitize operators on child sex trafficking, about the consequences of sexual exploitation of children. Moreover, during police security campaigns, conducted at regional level, pamphlets were distributed to the public and at the airport. Mauritius enjoys a very good reputation as a high end tourist destination and as such child sex tourism is not identified as a problem in the country. As per Guidelines of the Tourism Authority for Pub, Private Club and Night Club, minors are not authorized to access these premises.

## **CORPORAL PUNISHMENT**

43. Corporal punishment is prohibited in schools by virtue of Regulation 13 (4) of the Education Regulations 1957. Furthermore, section 13 (1) of the Child Protection Act and sections 230(3)(a) and 260(3) of the Criminal Code further makes it an offence to ill-treat or assault a child. The forthcoming Children's Bill is considering the prohibition of Corporal Punishment in all settings.

44. The table hereunder shows the number of cases reported, prosecuted and convicted under these laws (Child Protection Act 1994, Criminal Code, Criminal Code Supplementary, Human Tissue (Removal, Preservation and Transplantation) Act, The Combating of Trafficking in Persons Act 2009).

45. From 2015 to 2019, 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 20: Cases of trafficking in persons or having bearing on human trafficking

<b>Trafficking in persons</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Under the Combating of Trafficking in Persons Act	Nil	Nil	2 illegal stay	1	1
Child Trafficking under the Child Protection Act	5	4	2	2	
Cases having a bearing on human trafficking	9	8	3	4	1
<b>Total</b>	14	12	5	6	2

Source: Ministry of Defence and Rodrigues

#### **SENSITIZATION AND AWARENESS RAISING ON TIPS**

46. Several sensitization campaigns on TIPS and Commercial Sexual Exploitation of Children (CSEC) are carried out by different institutions namely: Ministry of Gender Equality, Family Welfare and Child Development, National Human Rights Commission, Police Department, Child Development Unit. Campaigns are being carried out in schools, colleges, universities and social welfare centres and community centres.

Table 21: Sensitisation Campaign on CSEC

<b>Year</b>	<b>Number of campaigns</b>	<b>Number of children reached</b>
<b>2018</b>	18	770
<b>2019(as at April 2019)</b>	3	113

Source: Ministry of Defence and Rodrigues

47. The Brigade des Mineurs (Police Department) in collaboration with NGOs, Ministry of Gender Equality, Child Development and Family Welfare and the National Children’s Council, conduct crackdown operations island wise at regular intervals to ensure that young persons and students are attending schools during normal school hours and to prevent young persons from engaging in truancy and loitering and getting involved in illicit activities.

48. Awareness campaigns carried out with the youth on teenage pregnancy, violence, teen dating and other related subjects amounted to 5192 from July 2018 to May 2019.

- Sensitization campaigns as at May 2019 for primary students was 3628 and the total for secondary school students were 3763.
- Regarding the Atelier Partage parents, 205 parents were reached from July 2018 to March 2019.
- In our children’s club, some 25,000 children benefitted from our creative programmes and activities from July 2018 to May 2019.

49. Brigade pour la Protection des Mineurs conducted crackdown operations as shown below to prevent young persons from engaging in truancy or loitering and getting involved in illicit activities -

Table 22: Crackdown operations carried out throughout Police Divisions by the BDM

2015	2016	2017	2018	2019 (Jan- Jun)
603	801	874	914	407

Source: Mauritius Police Department

50. The above unit also conducted sensitization campaigns which include a component on TIP as hereunder -

Table 23: Sensitisation Campaigns carried out throughout Police Divisions by the BDM in Primary schools, Secondary schools, Youth Centres, Community Centres

2016		2017		2018		2019 (Jan- Jun)	
No of sessions	No of Attendees	No of sessions	No of Attendees	No of sessions	No of Attendees	No of sessions	No of Attendees
440	33,452	516	46,137	657	63,698	451	44,743

Source: Mauritius Police Department

51. The Council, each year, organises a platform for children by children to express themselves on pertinent issues affecting the society. The platform laid much emphasis on illicit drugs and substance abuse. This year some 500 youth were reached out on 13th June 2019 to express themselves on how to better protect themselves against the ill effects of drugs and related substances.

52. The Mauritius Police Force has put in place a specialized section at the level of the Central Investigation Division. The Police Training School (PTS) incorporates a module on TIPs for new trainee police officers and provides refresher courses for other police officers. 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. Vigilance has been enhanced at entry and exit points to identify suspected potential victims of trafficking.

53. Law enforcement officials have attended seminars and capacity building sessions organized by the US Embassy and conducted by Australian Experts in November 2017.

54. 49 Officers from the police Department, NHRC, Ombudsperson for Children's Office, Ministry on Gender Equality, Child Development and Family Welfare, Ministry of Labour, Industrial Relations, Employment and Training were trained in November 2017 on TIPs.

55. In 2018, to mark the World Day Against Trafficking in Persons and the Human Rights Day, a number of sensitization campaigns through several modes of communication, including media, meeting, workshops, posters and brochures were carried out to raise public awareness and a way to build the national capacity to counter TIPs.

## **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**

*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.*

*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.*

56. 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. Moreover, if 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. Section 10 of the Constitution lays down provisions to secure the protection of the law. Every person charged with a criminal offence shall be presumed to be innocent until he is proved guilty. He shall be informed as soon as reasonably practicable of the nature of the offence in a language that he understands. He shall be given adequate time and facilities for the preparation of his defence. He shall be permitted to defend himself in person or by a legal representative of one's own choice or by a legal representative provided at the public expense (under the Legal Aid and Legal Assistance Act, subject to eligibility conditions being satisfied). Where he cannot understand the language used at the trial, he shall be permitted, without payment, the assistance of an interpreter.

57. The Criminal Appeal Act was amended in 2013 to provide, *inter alia*, that a convicted person may apply to the Court of Criminal Appeal for a review of the proceedings relating to conviction before the Supreme Court. The Court of Criminal Appeal may, in the course of the review proceedings, quash the acquittal or conviction and order a retrial. The Act further provides where a person has been acquitted following a trial before the Supreme Court or appellate proceedings before the Court, the Director of Public Prosecutions may, apply to the Court for a review of the proceedings relating to the acquittal.

58. 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.

59. A person who is arrested may claim the right to remain silent under Section 15 of the District and Intermediate Courts (Criminal Jurisdiction) Act. No inducement to be offered to prisoner:

(1) *An officer after the arrest of a person shall not offer him any inducement by threat, promise or otherwise to make any disclosure, but shall inform him of the cause of his arrest and leave him free to speak or keep silent.*

(2) *Where the prisoner is brought before the Magistrate, he shall be deemed to be in the custody of the officer until he is discharged, bailed or committed to prison.*

60. Statements obtained through torture are not invoked as evidence in any proceedings. (The case of Rudolph Jean Jacques v State 2012 SCJ 181 is one of the instances where the Supreme Court exercising appellate jurisdiction quashed a conviction on the ground that the trial Court should have held that the statement of the accused was inadmissible).

61. Questioning of detainees has to be in line with Judges' Rules and the 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). The Mauritius Police Force has also issued its Code of Ethics / Practice in 2018.

62. 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. Section 5(5) of the Constitution provides that "any person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person".

### **JUVENILE OFFENDERS**

63. The existing statutory framework with regard to juvenile offenders is currently being reviewed. There is no minimum age of criminal responsibility and this is at the discretion of the Director of Public Prosecution to decide as to whether or not to prosecute. However, section 44 of the Criminal Code provides that an accused person under the age of 14 who has acted without discernment will be acquitted but shall according to the circumstances of his case, be handed over to his relations or be placed in a reformatory to be brought up and detained during such number of years as the sentence may determine, but 'which period shall not exceed the period at which the minor will have reached the age of 18. It is proposed to address the question of minimum age of criminal responsibility in the Children's Bill.

64. Furthermore, under section 45 of the Criminal Code where the minor has acted with discernment, he shall be condemned to imprisonment in a reformatory for such time as shall be determined in the judgment.

### **ADMINISTRATION OF JUSTICE**

65. The Bail and Remand Court (BRC) is operational even during weekends and public holidays. Any person, who is arrested, is brought before Court within 24 hours and no person is detained unnecessarily as in the past during weekends. Police Standing Order No. 137 provides for the "Rights and Welfare of Detainees" which stipulates that detainees are allowed to contact their legal representative for bail formalities and communicate with family members or friends to inform of their place of detention. Moreover, they are allowed interviews with their legal representative. In order to have proper monitoring and recording of such visits an on-line application to visit detainees by barristers has been introduced since August 2017.

66. Bail motions are made through video conferencing facilities available in six prisons.

67. Remand and convicted detainees are located in different association yards and residential blocks/dormitories. In view of an increase in remand population, the Beau-Bassin Prison is in the process of being converted into a remand detention centre.

68. In 2018, the Judicial and Legal Provisions Act was amended. It provides that that a person sentenced to a term of imprisonment or penal servitude shall, subject to certain conditions, be given full credit for the time he has spent in custody by deducting that time from the term of imprisonment or penal servitude imposed.

69. In order to reduce the pre-trial detention period, a template has been designed since December 2016, enabling remand detainees who wish voluntarily to plead guilty, to directly inform the concerned authorities (Office to the Director of Public Prosecutions and the Police, amongst others) by filling the form. Some 695 applications from detainees have been processed up to October 2018, out of which 406 have been disposed.

70. The Police and Criminal Evidence Bill addresses inter-alia the abusiveness and arbitrariness of the present system of “provisional charges” is yet to be introduced in the National Assembly. It will further provide for the enforcement of the rights of victims and witnesses. It seeks to bring together, in one enactment, provisions which relate to the exercise by police officers of the power to stop, enter, search, seize, arrest, and detain; to set a time limit for the detention of persons on remand/ awaiting trial, so as to better guarantee the citizen’s human rights and fundamental freedoms provided for in the Constitution of Mauritius.

71. A total of 744 cameras have been installed in seventy-eight (78) Police Stations/Posts and the CCID in Mauritius. They are all fully operational since May 2018. The police have sensitized 153,758 persons for crime prevention, road safety, drug-related offenses, domestic violence, juvenile crimes, child protection, proximity police during the period. The ‘148’ hotline has been reorganized and a Facebook account has been created to encourage the public to inform the police of any doubtful activities.

72. Security has been reinforced at the harbour and airport. The high seas patrol has been reinforced with the procurement of 3 Patrol ships with the latest technology (CGS Baracuda on 2 August 2013, CGS Victory on 10 December 2016 and CGS Valiant on 16 August 2017).

73. With the coming into force of the DNA Identification Act and in a bid to reducing over reliance on confession, the MPF is harnessing on scientific evidence for the detection of crimes. The examination of the crime scene for the collection of scientific evidence and DNA Evidence is of a great importance for efficient and effective investigation. The Forensic Science Laboratory (FSL), custodian of the Mauritian DNA Data Records (as per section 10 of the DNA Identification

Act) currently holds 7000 DNA profiles of convicted persons and 8700 DNA profiles from suspects as at 31 December 2017. From January 2015 to 31 August 2018, five hundred and seventy-one (571) cases have been detected from prints collected at crime scenes.

74. All detainees are unlocked as from 06:30 hours up to 17:30 hours in the Association Yards. Labour for detainees is between 07:30 hours and 10:30 hours and between 11:30 hours and 15:30 hours. Detainees have access to potable water round the clock in their respective Association Yard.

## **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.*

75. Section 11 of the Constitution provides that except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section, that freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

76. Mauritius is a cultural melting pot of Africans, Chinese, French, Hindus and Muslims. In order to enable the citizens to practice their religion indiscriminately, the Government provides religious subsidies to religious bodies, and infrastructural facilities during all religious festivals celebrated in Mauritius.

77. Since all cultures and religions live together, the government adapts the calendar each year in order to share equitably the public holidays. Public holidays are also proclaimed every year based the religion and culture of our citizens. In the Public Sector, Male officers, who profess the Muslim faith, are granted permission to attend prayers on Fridays between 12.30 and 14.00 hours, subject to the exigencies of the service and the work of the Ministry/Department not being disrupted. Officers of all faith are granted two hours time-off (except those of the Disciplined Forces) in respect of two religious festivals of their choice during the year.

78. 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). The Kreol Morisien is also taught in primary schools since 2012.

79. There exist in Mauritius, several Trust Funds, Cultural Centres, Speaking Unions and Heritage Funds for the preservation of our rich and diverse cultural heritage and for the promotion of languages. Consequently, Mauritians of all cultural backgrounds have the opportunity to participate in religious and cultural activities of their choice and to foster harmony and mutual respect.

80. Every year the National Assembly votes budgetary provision for “Subsidy to Religious Bodies” Religious bodies affiliated to Federations, which receive an amount of subsidy based on the number of adherents. Those not affiliated but which operate as branches of international religious organizations are paid a fixed grant. Bodies which have been set up to promote languages and cultures in Mauritius, obtain grants from Government to meet expenses regarding their activities and administrative expenses. A list of such bodies were listed at paragraph 41.0 of the last ACHPR Report.

#### **PROHIBITION ON THE WEAR OF “TIKKA”- (CASE OF MRS S.D V/S THE RESIDENCE MAURITIUS HOTEL)**

81. On 15 March 2018 one female worker of Hindu faith, employed as Sales Assistant in a resort hotel for over 13 years, made a representation that as from February 2018, the Management was discriminatorily and unconstitutionally prohibiting her during working hours from applying a “Tikka”, which she was doing according to her faith and belief. She was even issued with 3 warnings by management for having failed to comply with the latter’s instructions. On 17 April 2018 she reported a dispute thereon at the Commission for Conciliation and Mediation. As the dispute had still remained unresolved, the Commission had on 12 June 2018 referred it to the Employment Relations Tribunal for arbitration.

82. On 18 February 2019 the Employment Relations Tribunal gave its award and ruled in favour of the employee by allowing her to continue wearing her “tikka” during working hours directed Management to remove the three warnings leveled against the worker.

83. The Tribunal reflected that “Every country’s system of employment – industrial relations is in certain ways unique because it is shaped by a distinctive national history, culture, economy and set of political and social institutions. In Mauritius, we all come from somewhere with a tradition and culture that we cherish. To ban any of it, be it at work, leads to a sensitive area that needs to be addressed with care”.

#### **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.*

84. Journalists and the local media at large enjoy a long tradition of freedom and pluralism. Freedom of the press is guaranteed by the Mauritian Constitution and is an essential component of the right to freedom of expression.

85. The Mauritian Constitution, which is the supreme law of the land, provides, *inter-alia*, in its Chapter II, entitled “Protection of fundamental rights and freedoms of the individual”, for the following right under section 12 -

- (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.
- (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—
  - a) in the interests of defence, public safety, public order, public morality or public health;
  - b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainments; or
  - c) for the imposition of restrictions upon public officers,
  - d) except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

86. Mauritius ranked 58th in the World Press Freedom Index.

87. There is at present more than 35 dailies/weeklies/fortnightlies/ monthlies, whilst the audio visual landscape consists of the national radio and television (the Mauritius Broadcasting Corporation) as well as private radio stations and web TV run by media houses. It is also important to point out that the press operates in an environment free from violence or coercion, as the profession is supported through a constitutional and legal framework of protection in Mauritius.

88. As mentioned in the Government Programme 2015-2019, the State of Mauritius is determined to protect the fundamental rights guaranteed by the Constitution, including freedom of expression. The programme, which is being implemented, also pledges that journalists and media reporters in the exercise of their functions will no longer be arrested or jailed unless there is strong prima facie evidence of the commission of a criminal offence. In addition, there is no censorship of the press in Mauritius. Citizens of the Republic have very wide exposure to different viewpoints and indeed very wide access to high-speed internet. A new cable now connects Rodrigues to the rest of the world and this will enable Rodriguans to enjoy the same level of internet connectivity as mainland Mauritians. Agalega is also connected since 2018.

89. Government has had recently to strengthen legislation to offer additional protection to citizens, from the dangers of new means of communications through the internet, electronic devices and on social media.

90. A working draft of the Freedom of Information Bill is currently under examination.

91. The courts in Mauritius as well as the Judicial Committee of the Privy Council have also balanced the freedom of the press with other freedoms provided in the Constitution. Of particular relevance are the cases of *Soornack Nandane v Le Mauricien Ltd & Ors* (2013) SCJ 5 and *Gilbert Ahnee & Ors v The Director of Public Prosecutions (Privy Council)* (1999) MR 2008.

92. The Independent Broadcasting Authority Act establishes the Independent Broadcasting Authority which, *inter alia*, promotes the provision of a diverse range of radio and television broadcasting services throughout Mauritius. It also deals with the licensing of new radio and TV channels and the devising parameters and criteria for the authorisation of new channels, including guidelines to programmes, safeguards against indecency and sanctioning non-conformity with established standards.

93. The Independent Broadcasting Authority has granted a license to operate to two new private radios in 2019.

94. The Criminal Code makes provision for offences pertaining to racial discrimination on grounds of race or creed. The law has been amended in 2018 to prohibit hate speech by electronic means and to increase the penalties applicable thereto. Racial discrimination and hate speech are not tolerated in Mauritius. Government is committed to ensuring that no one threatens the racial harmony prevailing in Mauritius. The Constitution, which is the supreme law of the country, prohibits discrimination and advocates equality for all. It also provides that no law shall be discriminatory either in itself or in its effect.

95. A Citizen Support Portal was set up, in January 2017 to better address the complaints of citizens who can track their query or complaint on the database at any point in time. The idea is to bring the Government closer to the people using technology. Since April 2019, a harmonised and transparent complaints Management System is operational on a 24/7 basis where citizens can register complaints online through a unique reference number. Citizens can register, transmit, monitor and track the complaint. As a necessary corollary to the Citizen Support Portal, Government has also installed 350 Free Wi-Fi hotspots across Mauritius so as to enhance connectivity. More Free Wi Fi hotspots are in the process of being installed throughout the island.

96. The proceedings of the National Assembly are broadcasted live since 2017.

## **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.*

97. Section 13(1) of the Constitution 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.

98. 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.

99. Section 29 of the Employment Relations Act (EReA) guarantee the “freedom of association” of every worker, including Export Processing Zone (EPZ) workers and migrant workers to establish or join as a member, a trade union for the protection of their interests. Section 31 of the EReA afford additional protection of the above rights, against any form of discrimination and victimisation. Moreover, section 46(5B) of the Employment Rights Act (ERiA) provides that where a worker’s employment has been terminated on ground of discriminatory practices or union activities, the Industrial Court shall order that that worker (a) be reinstated in his former employment with payment of remuneration from the date of the termination of his employment to the date of his reinstatement; or (b) be paid severance allowance in accordance with provisions of the ERiA.

100. The introduction of the Police (membership of Trade Union) Act 2016 has moreover enabled officers of the Police Force for the first time ever to unionise.

101. 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.

102. It is worthwhile noting that on 15 June 2019, the Pride March on Equality of Rights organised by the LGBTI Community has been held successfully with the assistance of the Police Department.

## **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.*

103. 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.

104. 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 residence permit. A non-citizen should hold a valid residence permit, unless they 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.

105. With the amendments to The Immigration (Amendment) Bill in April 2019, the provisions regarding prohibited immigrants have been revisited and is as follows:

- a) a non-citizen, who is the spouse of a citizen, shall not have the status of a resident where he was a prohibited immigrant at the time of becoming such a spouse;
- b) persons who suffer from any physical or mental infirmity or persons who are dumb, blind or otherwise physically defective or physically handicapped and who are likely to be a burden on the State shall no longer be treated as a distinct category of prohibited immigrants;
- c) persons who, from information or advice which in the opinion of the Minister is reliable information or advice, are likely to be undesirable inhabitants of, or visitors to, Mauritius, shall be deemed to be prohibited immigrants;
- d) persons or class of persons whose presence in Mauritius, from information or advice which in the opinion of the Minister is reliable information or advice, is likely to be prejudicial to the interests of defence, public safety, public order, public morality or public health, shall be deemed to be prohibited immigrants.

106. Those persons who are lawfully within the territory have the freedom of movement and to choose their residence. There is no requirement for the registration of persons as a resident in a particular area. No control or restriction of access is imposed on travelling persons to certain areas or limiting the movements of persons within the community, except in respect of areas declared as security zones. However, the Constitution was amended in November 2016 to provide for the imposition of restrictions on:

- (a) the movement within Mauritius;
- (b) the right of any person to leave Mauritius,

pursuant to an order of a Court or a Judge of the Supreme Court under the Prevention of Terrorism Act, being a law relating to offences or acts of terrorism.

107. Other restriction on the right to leave Mauritius may be imposed in the following instances-

- a) by a Court of Law where the person is subject of a Court case;
- b) the Mauritius Revenue Authority may also raise an objection to departure against a person who is indebted to the Authority;
- c) a Police Officer, not below the rank of Assistant Superintendent of Police, may require the Passport and Immigration Officer to prohibit the departure of a detainee. Such prohibition against departure will lapse after 72 hours (section 13 of Bail Act); and
- d) under section 53(1)(a) of the Prevention of Corruption Act 2002, the Independent Commission against Corruption may cause the police to arrest any person who may assist in its investigation and who is about to leave Mauritius.

108. 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.

109. 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.

110. A person travelling to Mauritius without the required travel documents may be returned back to his country of origin or residence.

#### **ASYLUM SEEKERS**

111. 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. Mauritius signed the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa on September 1969, but until now has not ratified or acceded to this Convention. However, Mauritius attempts 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, in collaboration with the Office of the High Commissioner for Refugees in Pretoria, the State of Mauritius is coming up with a guideline for all stakeholders to adhere to in the eventuality of refugees seeking asylum. This one of its kind document is expected to be presented at the high level meeting on Global Compact of Refugees organised by UNHCR in Geneva. It aims at demonstrating how Mauritius is committed to the plight of refugees though it has not signed the relevant Convention. Furthermore, it is hoped that the guideline prepared by Mauritius could be used as a reference and be adopted in other African countries.

#### **DEPORTATION**

112. 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 as defined under the Immigration Act.

113. 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**

114. The new Extradition Act simplifies extradition procedures of persons from and to Mauritius and makes no distinction between Commonwealth and non-Commonwealth countries as used to be the case under the previous act and it seeks to promote cooperation between authorities whilst ensuring that the rights of the person whose extradition or arrest is sought is respected.

## **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.*

## **RIGHT TO VOTE**

115. 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 voting by any law in force in Mauritius.

116. Section 42 sets out the criteria for electors to qualify to vote. Section 43 of the Constitution sets out situations where a person shall not be entitled to vote, which includes, *inter alia*, a person adjudged to be of unsound mind and a person serving a sentence of imprisonment.

117. Measures have been taken to facilitate the participation of persons with disabilities during elections as follows:

- (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 a voter 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.

## WOMEN PARTICIPATION IN POLITICS

118. Mauritius is committed to the decision taken by the Southern African Development Community to increase women's participation in politics and decision-making by 30%. In both the National Assembly and the Rodrigues Regional Assembly, Lady-Speakers preside the sessions.

119. Concerning Rodrigues Island, amendments were brought to the Rodrigues Regional Assembly Act, through the Rodrigues Regional Assembly (Amendment) Act 2016. Concurrently, an amendment was brought to the Constitution to make provision for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly. In the Rodrigues Regional Assembly, there are 3 elected woman members (out of a total of 17 seats).

120. In Mauritius, as regards municipal elections, the Local Government Act was amended in 2015 to provide for every group representing more than 2 candidates at an election of a Municipal City or Town Council, to ensure that not more than two thirds of the group's candidates for election to that council are of the same sex, without necessarily each group forming part of the alliance necessarily complying with that paragraph. Out of 726 candidates who stood for election, there were 127 women, as compared to 58 only in 2010. 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.

121. In 2015, in addition to the amendments to increase the participation of women in local elections, the First Schedule to the Local Government Act was amended to provide for the number of Councillors for the Municipal City Council of Port-Louis. This was 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. The figures are 24 for the towns of Beau-Bassin-Rose Hill and Vacoas-Phoenix and 20 for the Town Councils of Curepipe and Quatre-Bornes.

Table 24: Representation of women in Decision-Making Instances as at April 2019

Grade	Number
Ministers	2 out of 22 (9.1%)
Members of Parliament	8 out of 69 (11.6%)
Senior Chief Executive	2 out of 8 (25.0 %)
Permanent Secretary	12 out of 35 (34.3%)
Deputy Permanent Secretary	43 out of 79 (54.4%)
Assistant Permanent Secretary	78 out of 129 (60.5%)

Source: PMO Website

<b>Grade</b>	<b>Number</b>
Judges	11 out of 19 (57.9%)
Magistrate	30 out of 45 (66.7%)

Source: Judiciary

<b>Grade</b>	<b>Number</b>
Ambassadors	1 out of 16 (6.3%)

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

**ELECTORAL REFORM**

122. The new Government which was elected in December 2014, stands committed to reform the electoral system so as, inter-alia, to introduce a dose of proportional representation in the National Assembly, guarantee better women representation and address the issue regarding the mandatory requirement of a prospective candidate to a general election to declare the community to which he belongs. In this context, a Ministerial Committee was set up since in January 2016 to make appropriate recommendations on electoral reform.

123. The Ministerial Committee has already submitted its proposals on the review of the electoral system in Rodrigues, on electoral reform in general and on the Financing of Political Parties.

124. The recommendations made by the Committee with respect to Rodrigues provide, inter-alia, for a fairer representation of women and a more equitable representation of parties in the Rodrigues Regional Assembly. These recommendations have already been implemented.

125. In regard to the electoral reform in general, the Government introduced the Constitution (Amendment) Bill into the National Assembly on 04 December 2018 after wide consultations. The objects of the Bill are, inter-alia, to –

- a) introduce a dose of Proportional Representation;
- b) do away with the requirement for the mandatory declaration as to the community to which a constituency candidate belongs to;
- c) seek better gender representation in the National Assembly; and
- d) provide for anti-defection measures to enhance stability.

126. The Government electoral reform proposals that are embodied in the Bill, aim at consolidating and advancing constitutional democracy and republican values in Mauritius. The proposed measures address, to a significant extent, the major imperfections and deficiencies of our current electoral system. They will also preserve and promote inclusiveness and foster nationhood

while at the same time maintain social and political stability and governability, which have been the bedrock of our socio-economic developments since independence.

127. The Bill is still alive and with a view to securing the required majority and getting the Bill through, the Prime Minister has announced that, Government is willing to consider, and has invited Members from the Opposition to make, constructive counter-proposals on the Bill.

128. In so far as the financing of political parties is concerned, the Government released its proposals on 30 November 2018 and as part of a consultation process all political parties and the public at large were invited to submit their views and suggestions thereon.

129. Thereafter, Government introduced the Political Financing Bill into the National Assembly on 2 July 2019 with a view to instilling a greater degree of transparency and accountability in political financing in Mauritius.

130. However, the Bill has not been able to secure the required majority vote for it to be passed.

#### **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.*

131. Section 8 of the Constitution provides, *inter alia*, 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.

132. The object of the Acquisitive Prescription Bill is to repeal the Affidavits of Prescription Act and the Affidavits of Prescription Act (Suspension of Certain Provisions) Act. It would provide for a new and more appropriate legislative framework with better safeguards regarding acquisitive prescriptions. The Acquisitive Prescription Act is not yet in force.

133. To implement the recommendations of the Truth and Justice Commission regarding cases of dispossession of land Government has agreed to bringing a new legislation to set up a separate Land Division of the Supreme Court to look into cases of land dispossession and ownership claims. A Land Research and Monitoring Unit and a Special Fund will be set up under the Ministry of Housing and Lands.

## **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*

#### **THE NATIONAL MINIMUM WAGE**

134. The National Minimum wage (NMW) was introduced in Mauritius on 27 December 2017 by way of the National Minimum Wage Regulations 2017 (GN No. 1 of 2018), itself made under of the National Wage Consultative Council Act 2016. The said Regulations provide that the national minimum wage of every full-time worker shall be Rs 8,140 per month with effect from 01 January 2018. Part time-workers are entitled to same on a pro-rate basis. The objectives of the national minimum wage are, among others, to enhance and improve the standard of living and conditions of the lowest paid workers of this country. According to statistics, there were some 120,000 workers living below the poverty line prior to the introduction of the national minimum wage.

135. Additionally, with a view to enhancing the monthly income of those minimum-wage workers, Government has decided to further top up the National Minimum Wage with the introduction of a Special Allowance. Hence full-time employees who have joined employment after January 2019 deriving a monthly basic pay of less than Rs 9,000 are entitled to a Special Allowance to top-up their wage so that they can get at least Rs 9,000 monthly. Those who were in employment prior to January 2019 would be entitled to at least Rs 9,400 monthly.

136. Government makes it a point to ensure that Employers are complying with the National Minimum Wage Regulations 2017. For period February 2018 to end of March 2019, some 7,071 inspections were carried out to ensure compliance with provisions of the national minimum wage. It was observed that 6,749 undertakings inspected (95.45%) were complying with the provisions of the National Minimum Wage Regulations 2017. Non-compliant employers were requested to take remedial actions regarding the payment of the national minimum wage. However, it was also observed that during the same period 4 cases were lodged at the Industrial Court for criminal action against those employers who have repeatedly failed to address the issue as required. 3 of them have been fined with cost to a total of Rs 8,800. One of the cases is coming for trial in January 2020.

Table 25: Financial support from Government

<b>Individual deriving the following earnings in a month</b>	<b>Allowance</b>
Less or equal to Rs 5000	Rs 1000
Between Rs 5001 and Rs 7000	Rs 800
Between Rs 7001 and Rs 9000	Rs 500
Between Rs 9001 and Rs 9750	Rs 250
Between Rs 9751 and Rs 9900	Rs 100

Source: Mauritius Revenue Authority

137. It is to be noted that National Wage Consultative Council carried out an impact assessment on the introduction of the national minimum wage in 2018. The assessment revealed that the introduction of the NMW has moved a number of households out of relative poverty. According to the survey, for period July 2017 to August 2018, some 81,000 workers have benefitted from the NMW, the Special Allowance and the NIT. Moreover, the measure has had a positive impact on female employment which has increased from 165,144 to 174,851 (that is an increase of 9,707). The analysis of data shows an improvement of adherence to the National Pension Fund Act as indicated by the increase in the number of contributors to the National Pension Fund from 290,368 in December 2017 to 313,778 in June 2018. Thus, the introduction of the national minimum wage may have led to movement from informal employment to formal employment.

### **EQUAL PAY EQUAL SALARY**

138. Section 4 of the Employment Rights Act 2008, (ERiA) provides necessary safeguards and protection regarding labour rights, indistinctively and indiscriminately to all workers as well as to ensure the application of the principle of equality between men and women including persons with disabilities.

139. Section 4 of the ERiA reads as follows –

*No worker shall be treated in a discriminatory manner by his employer in his employment or occupation.*

*No person shall be treated in a discriminatory manner by a prospective employer in respect of access to employment or occupation.*

140. The new Section 5 of the Workers' Rights Act 2019 once promulgated will provide for same.

141. Differential rates between male and female workers in the Salt-Manufacturing Industry, with effect from 01 December 2016, the basic wages of female workers have been realigned at par with that of male workers (Government Notice No. 273 of 2016).

142. Differential rates in Remuneration Regulations applicable in agricultural sectors, notably in the Sugar (Agricultural Workers) and Tea Industry are rather based on the inherent requirements of the jobs and as such should not be viewed as being discriminatory. They actually correspond to differences in the work performed in terms of tasks allocated, which is generally much lesser for female workers as compared to their male counterparts. Such differences in the work performed are further reinforced by statutory limitations on assignment of tasks to women in those sectors.

### **CONDITIONS OF WORK**

143. The National Remuneration Board (NRB), reconstituted under section 90 of the Employment Relations Act (EReA), is responsible for making recommendations on minimum remuneration and other terms and conditions of employment for workers in the private sector. While reviewing Remuneration Regulations, it remains guided by the principles outlined at section 97 of the EReA.

144. In so far as is consistent with the contextual evolution of the sectors of activity, ensures that wage determination, job appellations and classifications are based on the principle of “equal remuneration for work of equal value”, as outlined in ILO Convention No. 100. In that respect wages of workers employed in different sectors of economic activities and presently covered under a specific Remuneration Regulations have generally been determined having regards to non-discriminatory factors/criteria including among others nature of work to be performed, degree of skill required, capacity and qualification.

145. The normal working hours in the security sector is currently 12 hours daily over a period of 6 days which makes a total of 72 normal working hours per week. The NRB has made recommendations in April 2019 on the Security Guards remuneration orders and has inter-alia proposed to reduce the normal working hours to 48. Some 5000 persons are employed in the security sector. Same is being reviewed.

146. The Finance (Miscellaneous Provisions) Act, No. 11 of 2018, has amended the ERiA and has introduced the notion of “work from home”. A “homeworker” is one who is aged 18 years or more and carries out work at his residential premises or at such other place, not being business premises, as may be agreed upon with his employer but does not include a person who owns or operates his own business and an entrepreneur or a self-employed person. The Employment Rights (Working from Home) Regulations 2019 prescribing terms and conditions of work from home workers is effective as from March 2019. As it is recent measure, no statistics have yet been compiled to quantify its impact.

147. It is to be noted though, under section 76(2) of the EReA, that a worker shall also have the right to strike where –

- (a) the strike relates to a major health and safety issue that may jeopardise the life and security of any worker, unless the worker has been transferred forthwith to another workplace which is safe and without risks to health; or
- (b) more than 50 per cent of the workers of an enterprise have not been paid remuneration within the prescribed period, and the Minister has been notified and remedial action has not been taken by the employer within a reasonable delay fixed by the Minister.

148. Generally, strike is initiated whenever disputes referred to the Commission for Conciliation and Mediation (CCM) has remained unresolved and the trade unions, a party to the dispute, have declined the recommendation of the CCM to have the disputes referred to the Employment Relations Tribunal.

Table 26: Disputes/Cases dealt with at the level of the Employment Relations Tribunal

	2016	2017
No. of Disputes Lodged	143	174
Including disputes referred by CCM	52	96
Disputes disposed (through conciliation and agreements between parties)	104	129
No. of Awards	20	18
No. of Order	6	8
No. of Rulings	4	7
No. of cases/disputes disposed	201	164
No. of cases still pending	53	63

Source: Ministry of Labour, Industrial Relations, Employment and Training

149. Under Section 46 (5) of the Public Procurement Act, any procurement contract must include a clause to guarantee same remuneration rates and conditions of work of the workers engaged in the execution of the contract as those established for work of the same character in the trade concerned by collective agreement applying to a substantial proportion of the workers and employers in the trade concerned; by arbitration awards; or by Remuneration Regulations made under the Employment Relations Act.

150. Government proposed, in the Budget 2019/2020 to increase the Margin of Preference for contracts under public procurement for locally manufactured products by SMEs, from 20% to

30%, if they have the ‘Made in Moris’ label. This would further boost the business of local entrepreneurs and motivate them to move towards the label.

151. The Equal Opportunities Act was amended in 2017 to provide for the prohibition of discrimination in employment on the grounds of a person’s criminal record, both at recruitment and promotion level.

152. Mauritius ratified the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organisation in June 2019. The Convention applies to all employed women, including those in atypical forms of dependent work and makes provision for the women, including those in atypical forms of dependent work and makes provision for the following -

- a) extension of protection to all employed women;
- b) at least 14 weeks of maternity leave, including six weeks of compulsory postnatal leave;
- c) additional leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth;
- d) cash benefits during leave of at least two-thirds of previous or insured earnings (or at an equivalent level where benefits are not calculated on the basis of previous earnings);
- e) access to medical care, including prenatal, childbirth and postnatal care, as well as hospitalisation when necessary;
- f) health protection, that is the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child;
- g) minimum of one daily break with pay for breastfeeding; and
- h) employment protection and non-discrimination.

153. The Employment Rights Act was already amended in 2015 to increase maternity leave from 12 weeks to 14 weeks.

154. 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.

155. 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.

156. In August 2018, the eligibility to maternity leave with pay was extended to female workers employed in both the Public and Private Sector who reckoning less than 12 months of continuous service. The restriction of 3 confinements which is applicable in the Public Sector has been removed in July 2019.

157. Government has come forth with the notion of “work from home” in our work culture with a view to better supporting young working mothers, particularly, to fulfil their family obligations and to further facilitating their integration in the labour market; and pening up new avenues and opportunities for work among young persons, other than at the traditional workplace, especially with the increasing advent of technological innovations.

158. Section 76 of the Employment Relations Act provides that every worker has the right to strike and every employer may have recourse to a lock-out, where:

- (a) a labour dispute has been reported to the Commission for Conciliation and Mediation and no agreement has been reached;
- (b) the parties to the labour dispute have not elected to refer the dispute for voluntary arbitration to the Employment Relations Tribunal or to an arbitrator appointed by them;
- (c) a strike ballot has been successfully taken after due notice has been given to the Supervising Officer of the Ministry of Labour, Industrial Relations, Employment and Training; and
- (d) a notice of the strike or lock-out has been given to the Minister of Labour.

## **WORKERS’ RIGHTS BILL**

159. In the Budget 2019-20, Government has announced that a new Workers’ Rights Bill would be introduced to recognise the full length of service of a worker, irrespective of the number of employers he has worked for, in the new mechanism for computation of gratuity. Broad consensus has been reached, among representatives of employers, trade unions and Government for the introduction of the new mechanism. A Portable Retirement Gratuity Fund will be set up for that purpose. The Bill was passed in the National Assembly in August 2019 but has not yet been promulgated.

160. The Workers’ Rights Act also provides for a Wage Guarantee Fund which will guarantee remuneration up to Rs 50,000 to workers who lose their jobs in case of insolvency.

161. In collaboration with the Skills Working Group (SWG), which is a joint public–private initiative and the Human Resource Development Council (HRDC), three training programmes are

currently in place: (1) the Youth Employment Programme (YEP), (2) the Back to Work Programme (BTW) and (3) the Dual Training Programme (DTP). These 3 programmes have been developed to address the issue of shortage of skills in the local labour market and is believed to help in addressing the unemployment rate in Mauritius. Information of the programmes are hereunder.

### **YOUTH EMPLOYMENT PROGRAMME (YEP)**

162. The YEP was initiated by the Ministry of Finance and Economic Development in 2013. This programme has been transferred to the MLIRET in February 2015. The budget speech 2015-2016 also announced the extension of the YEP to Rodriguans. The programme provides a maximum 2 years' placement and it is available for those who are aged between 16 and 35 years and are also registered on the YEP database. The monthly stipend paid to trainees vary from Rs 8000 to Rs 15000, depending upon their qualifications.

Table 27: Progress Report of YEP as at 31 July 2019

Total since launch of programme		Male	Female	TOTAL
1.1	Number of youths registered	13789	17696	31485
1.2	Number of youths placed in companies	10,265	12,217	22,482
1.3	Number of females placed			12,217
1.4	Number of employers registered			5467
1.5	Number of employers who have recruited			2496
1.6	Number of Agreements signed			8874
1.7	Number of youths placed with: -			
	1.7.1 Degree	1982	2823	4805
	1.7.2 Diploma	647	669	1316
	1.7.3 Certificate	422	219	641
	1.7.4 HSC	2534	4199	6733
	1.7.5 SC	2116	2360	4,476
	1.7.6 Below SC	2564	1947	4,511

Source: Training Unit, Ministry of Labour, Industrial Relations, Employment and Training

## **BACK TO WORK (BTW) PROGRAMME**

163. Back to work Programme (BTW) was introduced in 2015. The objectives of the BTW Programme are to –

- a) ensure that Mauritian women above 35 years of age can have employment in private enterprises or with individual employers;
- b) help women gain back their self-confidence and learn to integrate or re-integrate the labour market by undergoing a training programme designed to build or re-build self-awareness, self-esteem, social responsibility and entrepreneurial skills and to strengthen interpersonal and communication skills; and
- c) to arrange for the employment of unemployed Mauritian women in private enterprises or with individual employers.

Table 28: BTW statistics as at 31 July 2019

Women Registered	4322
Employers Registered	689
Employers Participated	261
Women placed	1143
No of Agreements signed	588

Source: Training Unit, Ministry of Labour, Industrial Relations, Employment and Training

## **DUAL TRAINING PROGRAMME (DTP)**

164. The Dual Training Programme (DTP) was introduced in 2015 and is a joint Public/Private sector partnership programme. It provides opportunity for a direct match between demand and supply of companies' requirements and lessens the consequences of misdirected planning in terms of addressing labour mismatch.

165. According to latest statistics, as at 31 July 2019, 39 companies are participating in this programme and 192 trainees have been placed, out of which 85 have obtained permanent employment.

## **TRAINEE ENGINEER SCHEME**

166. A Trainee Engineer Scheme was announced in the Budget Programme 2016-2017 for the placement of 200 trainee engineers in public sector bodies. Its objective was to enable Graduates in engineering to qualify for registration with the Council of Registered Professional Engineers of Mauritius and to operate as full-fledged engineers. It was launched on September 2016 and received more than 700 applications in different fields of engineering. In view of the significant

interest shown in this regard, financial clearance from the Ministry of Finance and Economic Development (MOFED) was approved for the training of 400 trainees instead of 200. This Scheme was extended in March 2017 to the private sector to enable all registrants to secure an appropriate placement opportunity.

Table 29: Statistics for Trainee Engineer Scheme as at 31 July 2019

<b>As at 31 July 2019</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Applications received	780	278	1058
<b>Placement</b>			
Number of trainees placed in the Public Sector	253	65	318
Number of trainees placed in the Private sector	116	37	153
<b>Total</b>	<b>369</b>	<b>102</b>	<b>471</b>

Source: Training Unit- Ministry of Labour, Industrial Relations, Employment and Training (Employment Division)

## SERVICE TO MAURITIUS

167. The Government has also put in place the Service to Mauritius (STM) Programme. Applications are invited from University graduates, postgraduates and PhD holders from outside of the public service and below the age of 45 years, (including candidates with disabilities) who wish to be enlisted as Intern under this programme for a period of one year, which may be renewed for two additional years, subject to satisfactory performance.

168. Interns enlisted under the Service to Mauritius Programme will be paid fixed all-inclusive monthly allowance subject to satisfactory performance as follows: -

Table 30: Monthly Allowance under the Service to Mauritius Programme

	<b>Year 1 (Rs)</b>	<b>Year 2 (Rs)</b>	<b>Year 3 (Rs)</b>
<b>Undergraduates</b>	20,000	22,000	24,200
<b>Postgraduates</b>	25,000	27,500	30,250
<b>PhD holders</b>	35,000	38,500	42,350

Source: Ministry of Finance and Economic Development

169. The objective of the programme is to –

- a) attract the best and brightest young minds to spend some time in the Public Service;
- b) enable young people to contribute their knowledge;
- c) attract resources for a well- defined task to deal with shortage of skills;
- d) provide an opportunity to graduates to get work experience

## HEALTH AND SAFETY

170. All legal and administrative provisions regarding health and safety at the work place are governed by the Occupational Safety and Health Act 2005, 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.

171. The “Special Migrant Workers Unit” (SMWU) established in November 1999, looks into the conditions of employment of migrant workers employed in Mauritius and ensures that their fundamental rights are not infringed.

172. Dormitories of migrant workers are regularly inspected to ensure that their living conditions are appropriate.

Table 31: Number of lodging accommodations holding a valid lodging accommodation permits (LAP) throughout the island

	2016	2017	2018	As at June 2019
No. of LAP	629	522	845	380
No. of new applications for LAP	Not available	Not available	435	240
No. of renewal of LAP	Not available	Not available	357	110
No. of lodging accommodations holding a valid LAP as at June 2019	Not available	Not available	Not available	1,541
No. of Visits	932	1008	1251	638
No. of complaints investigation carried out	27	50	73	34
No. of cases lodged in Court	10	24	61	26

Source: Ministry of Labour, Industrial Relations, Employment and Training

173. All legal and administrative provisions regarding health and safety at the work place 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.

## **RIGHTS TO WORK FOR PERSON WITH DISABILITIES**

174. Section 13 of the Training and Employment of Disabled Persons Act, makes provision for any enterprise, public or private having 35 or major employees to employ disabled persons up to at least 3% of its workforce and for hearings before a Hearing Committee whereby non-compliant employers are directed to pay a contribution to the Training and Employment of Disabled Persons Board.

175. The Building Control Act has been amended in November 2017 with a view to providing accessible features for persons with disabilities. Regarding accessibility, in addition to physical aspects, additional features such as voice systems in lifts, braille inspiration relating to visually impaired and hearing impaired persons have also been taken into consideration.

## **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.*

176. Mauritius being a welfare State, medical care is free for everyone and the right to health care is guaranteed for everybody without any discrimination. The National Health Accounts 2017 provide insights into the policymaking process on resource mobilisation and allocation. The Per Capita Total Health Expenditure in mainland Mauritius was Rs20,327 while in Rodrigues Rs11,277. Investment in public health has increased from Rs 9.69 billion in financial year 2015/16 to Rs 12.6 billion in financial year 2018/19, representing an increase of 25 per cent.

177. In the last thirty years, life expectancy at birth has increased from 65 years to 75 years. Mauritius is positioning itself as a medical hub. A visitor medical visa was introduced in 2018.

178. As at end 2018, there were 5 regional hospitals and two district hospitals. There is also a psychiatric hospital and 3 other specialized hospitals for chest/respiratory treatment, ENT diseases, Eye diseases and 2 well furnished Cardiac Centres. The total number of beds in government health institutions was 3,864 at the end of 2018. In the private sector, there were at the end of 2018, 19 private health institutions which were providing in-patient care with a total of 724 beds. There is a tendency for the majority of the population to turn up to Government Hospital facility where medical service is extended. The private health institutions charge fees for the health care provided.

179. The Government is investing heavily in the health care sector. In this respect, a New ENT Hospital costing some Rs 884.9 M is due to be completed by the end of July 2019, whereas a New

State of the Art Cancer Centre at an estimated cost of Rs 1.5 billion including equipment will be completed in May 2020. Moreover, a New Eye Hospital, a New Flacq Teaching Hospital, a New Renal Transplant Unit at J. Nehru Hospital unit are in the pipeline. Currently, land has already been earmarked for the projects and the designs/tender documents are being finalised.

180. Mauritius provides universal access to Primary Health Care (PHC) services to all its citizens free of user cost. As the frontline entry point to the national health system, PHC Institutions act as “gatekeepers” for patients’ access to hospitals. The PHC system comprises of a network of 21 Area Health Centres (AHCs), 130 Community Health Centres (CHCs), 5 Medi-Clinics (MC), 2 Community Hospitals (CH) and other satellite PHC institutions to provide health promotion, health education, family planning, immunisation, diagnostic, treatment and referral services. 5.4 million attendances were recorded at the 151 primary health care institutions for the treatment of common diseases and minor injuries in 2018. Some 293,600 attendances were recorded at dental clinics.

181. Government introduced the Use of Pesticides Act in 2018. The Act provides for the proper and safe use of pesticides and the setting up of a Pesticides Regulatory Office which regulates, control and monitor the use of pesticides in or on any agricultural produce, develops strategies for the sound use and management of pesticides and for risk reduction associated with the use and disposal of empty pesticide containers, keeps relevant information on pesticides, devises a Pesticides Code of Practice and advises the Minister on any matter related to the use of pesticides. An island-wide sensitisation campaign to create awareness on the sound and prudent use of pesticides in agriculture has also been organised in 2018.

182. The Human Tissue (Removal, Preservation And Transplant) Act was enacted in 2018 and published in the Gazette on 2 June 2018, and save for section 16 regarding the Board, the other provisions have yet to come into force. The new and revised legislation provides a better legal framework for the removal, preservation and transplant of human tissue, other than blood, under appropriate medical supervision. The new legislation, *inter alia*,

- a) provides that–
  - i. no person shall donate any tissue, whether belonging to himself or to any other person, unless he obtains the approval of the Tissue Donation, Removal and Transplant Board;
  - ii. no person, other than an authorised specialist, shall remove any tissue, or cause or permit any tissue to be removed from, the body of a person unless conditions are satisfied;
  - iii. no person, other than an authorised specialist, shall perform a transplant;
- b) removes the current restriction applicable in the case of donation of tissue by living or deceased persons for the purpose of a transplant to the body of any other person; and

- c) provides that no removal of tissue, for the purpose of a transplant to an intended recipient, shall be allowed from the body of a person who is incapable, by reason of mental impairment, of agreeing to make a donation.

### **Permitted donations by living persons**

Subject to section 6, any person may make a donation, to take effect forthwith, for the purpose of a transplant to the body of his relative of—

- (a) any regenerative tissue from his body;
- (b) any non-regenerative tissue from his body,

where it is certified by 2 medical practitioners that the removal of the tissue is not likely to endanger his health.

### **Permitted donations by deceased persons**

(1) (a) Any person may make a donation, effective after his death, of any tissue from his body for therapeutic purposes to an approved health institution, or for research purposes to a prescribed institution.

(b) Where a person dies without having made a donation pursuant to paragraph (a) and without having expressed in writing a contrary intention to the Board during his lifetime—

- (i) his spouse; or
- (ii) if he leaves no spouse or his spouse is unable to do so because of mental impairment or because he is abroad, his child, or if he has more than one child, all his children jointly, acting through the legal administrator or guardian in the case of a minor child,

may, subject to subsection (3), make a donation of any tissue from his body for therapeutic purposes to an approved health institution.

(c) Where a minor dies, the person who lawfully exercises parental authority over him or, if there is more than one such person, those persons, if they so agree, may, subject to subsection (3), make a donation of any tissue from the body of the minor to an approved health institution for therapeutic purposes.

(2) Where a person referred to in subsection (1) (a), (b) or (c) has not, in the donation, specified—

- (a) the purpose for which it was made; or
- (b) the institution for which it was intended,

the Board shall determine the purpose for which or the institution to which the donation will be deemed to have been made or intended.

### **Essential requirements for transplants**

(1) Every person who is in any manner concerned with the removal of any tissue from the body for the purpose of a transplant shall take all reasonable steps to ensure—

- (a) where the person from whose body the tissue is to be removed is a minor, that the consent to the donation was given in accordance with this Act;
- (b) where the person from whose body the tissue is to be removed is an adult, that the adult has consented to the donation and has not subsequently signified his opposition to the removal, or that consent to the donation was given in accordance with this Act; and
- (c) that the donation has not been revoked.

(2) Every person who is in any manner concerned with the removal of any tissue for the purpose of a transplant shall take all reasonable steps—

- (a) to ensure that in the case of a cadaveric donor, no relative of the donor shall know the identity of the person who receives the transplant; and
- (b) to comply with such health safety measures as may be prescribed.

(3) No tissue shall be used in a transplant if it is infected with any known virus or bacteria or with incompetent vascular system or presenting visible anomalies, except in cases where the donor and recipient share the same viruses.

183. The Tissue Donation, Removal and Transplant Board will be constituted shortly.

### **MEDICAL INSURANCE SCHEME**

184. Government is also implementing a Medical Insurance Scheme for public sector employees in 2019. For those earning less than Rs 10,000, Government will pay fully the insurance premium and will pay 50% of the insurance premium for other public sector employees. The Government will provide Rs 200 million for implementing a Medical Insurance Scheme for public sector employees.

## **SEXUAL AND REPRODUCTIVE HEALTH**

185. In Mauritius, all women of reproductive age, including adolescent girls have universal access to sexual and reproductive health services through family planning clinics in all of the 140 health service delivery points. Counselling services and different modes of contraception are provided free of cost. The island of Mauritius had a lower fertility rate at 1.4 in 2018 as compared to Rodrigues, which registered a 2.4 rate.

186. Government introduced a new Mauritius Family Planning and Welfare Association Bill into the National Assembly in 2018 to provide for a more appropriate and modern legislative framework that makes provision for sexual and reproductive health and rights in accordance with international standards. It makes provision for the establishment of a new Mauritius Family Planning and Welfare Association which shall, *inter alia* –

- a) promote awareness on planned parenthood with a view to maintaining the fertility rate at a reasonable level;
- b) promote family welfare, healthy ageing, good health and social integration through effective family planning services by addressing the need for sexual and reproductive health and rights in the community through information, education and advocacy; and
- c) work for the advancement of the rights of women, men and young persons with a view to enabling them to make free and informed choices regarding their sexual and reproductive health and rights.

187. There are also specialized Fertility Clinics in Mauritius which offer treatments which include Induction of Ovulation, Ultrasound follicle monitoring, Intra-Uterine Insemination (IUI), In Vitro Fertilization (IVF), Intra-Cytoplasmic Sperm injection (ICSI), Laser Assisted Hatching, Freezing of Embryos, Testicular biopsy and Freezing of testicular tissue, Pre-implantation genetic testing of embryos. Public Hospitals do not offer such advanced facility. The Mauritius Family Planning Association do offer treatments regarding infertility, and refer more complex cases to the Prashant Hospital, Fertility Treatment Center in Chennai in India.

## **SEASONAL INFLUENZA VACCINATION**

188. The Ministry of Health and Quality of Life hold annual vaccination campaign against seasonal influenza at the level of the Regional and district Hospitals, Mediclinic, Area Health Centres and thereafter in Rodrigues and Agalega. In 2017/2018- a total of 50, 616 vaccinations were used, out of which 3000 for Rodrigues.

189. The vaccination campaign targets the vulnerable section of the population including people of the age of 60 years, pregnant women, children aged between 6 months to 5 years, patients below

60 years suffering from health complications, healthcare personnel exposed to patients suffering from influenza and also the general public. Hadj pilgrims who proceed to Saudi Arabia are also vaccinated against meningitis with vaccine ACYW 135 free of charge in all regional hospitals and they also be vaccinated against seasonal influenza.

## **HIV**

190. HIV services are provided to People Living with HIV (PLHIV) and those affected by HIV at the eight Day Care centers for the Immuno-suppressed (N/DCCI) and in prison settings. As at March 2019, there were total of 5,009 PLHIV (3,677 Male and 1,332 Female) registered at the Ministry of Health and Quality of Life including those in prisons. Out of these, there were 3,832 on Antiretroviral Therapy (ART).

191. Most HIV services available for the PLHIV at the N/DCCI are also accessible in prisons for the HIV positive detainees. As at March 2019 itself, there were 399 HIV positive detainees which represents 14% of the prison population. 64% of the HIV positive detainees are on ART.

192. Mauritius prisons do not have separate cells and dormitories for HIV prisoners. They share the same cell and dormitory and participate equally in any rehabilitation program in any prison. Detainees with HIV are not discriminated in prisons.

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## **DRUGS**

194. A Commission of Inquiry on Drug Trafficking, chaired by a former Judge was set up in 2015 and it submitted its report in July 2018. The report contains some 460 recommendations. Some 80 recommendations have already been implemented. While 120 recommendations are being implemented, 95 recommendations warrant new or amendments to legislations. A Ministerial Committee and a task force have been set up to coordinate the implementation. A High Level Drugs and HIV Council has been set up in 2019, under the chair of the Prime Minister. The Council has a key role to, *inter alia*, oversee the implementation of the National Drug Control Master Plan 2018-2020 commissioned by the Ministry of Defence and Rodrigues and the National Action Plan for HIV and AIDS 2017-2021 of the Ministry of Health and Quality of Life. The main objects of the Council are as follows -

- i. foster a multi-sectoral approach with a view to providing a stronger response to Drugs and HIV; and

- ii. organise concrete measures to minimize the personal, social and economic impact of Drugs and HIV.
- iii. A National Drug Secretariat, operating under the Ministry of Defence and Rodrigues will follow up on proposals made by the Council.

195. The import of precursor items (chemicals that are primarily legitimate, but can be misused to form drugs) is now being controlled through the establishment of a quota system. Both direct and indirect precursors are listed in the Dangerous Drugs Act. There is a total control on the nature, range and quantities of Dangerous Drugs being imported in the country. The Pharmacy Board exercises this function through the issue of permits for importation of pharmaceutical products by the private and public sectors. At a national level, all imports are subjected to an import permit. On or before the 31st December of each year, the maximum quantities of Dangerous Drugs that an importer may bring into the country during the next calendar year are determined by the Ministry of Health and Quality of Life.

196. Clearance of drugs is submitted on the production of an export permit from the producing country and on the vetting of the invoice. Importing is strictly limited to wholesale pharmacies, government health and agricultural services and forensic laboratories.

197. Synthetic Cannabinoids are already listed in Schedule I Part II of the Dangerous Drugs Act, as prohibited substances. These Regulations came into force on 10 October 2013. In September 2015 and in 2019, other New Psychoactive Substances (Recreational Drugs) of high potential of abuse have also been classified under the respective schedules of the Dangerous Drugs Act. Moreover, the Government is currently working on the scheduling of a further new list of synthetic drugs to exercise better control.

198. As at date around 8000 injecting drug users have been induced on methadone and around 5000 beneficiaries are on the maintenance programme and accessing their daily doses at 44 dispensing points throughout the country including in the Prisons. Initiation on methadone is being carried out on a day care basis at two methadone centres namely at Ste.Croix and Mahebourg for male injecting drug users and at Bouloux AHC, Cassis for female injecting drug users. Methadone treatment is provided to prison inmates who have already been induced on methadone in the community. Methadone induction is also carried out in the prison.

199. The Needle Exchange Programme is a Government led outreach programme targeting people Who Inject Drugs (PWID) in view to curb the trend of HIV infection among injecting drug users. As at date 47 sites are operational throughout the island in areas where there is concentration of Injecting Drug Users. 36 sites are run by the Ministry of Health and Quality of Life through 2 mobile caravans on weekdays. 11 sites are run by NGO CUT. (7 fixed street based Needle Exchange Programme + 4 sites through mobile caravan).

Table 32: Needles distribution from 2016 to 2018

Year	Needles
2016	697,861
2017	755,781
2018	784,000

Source: Ministry of Health and Quality of Life

200. It is worth noting that thanks to the different harm reduction measures being implemented, the prevalence of HIV among PWIDS has gone down from 45% to 32%. Moreover, the country is aiming towards elimination of Mother to child transmission of HIV.

201. In view of the increasing trend of synthetic drug use among youth, a dedicated centre in Long Mountain Hospital for adolescent and youth was set up in August 2018 to provide detoxification and rehabilitation.

202. An evidence based prevention programme has also been initiated for the intention of students in secondary schools. The Government will extend the Drug Use Prevention Programme to all secondary schools. A dedicated centre set up at Cassis, Bouloux in 2017, has greatly facilitated the induction of female injecting drug users onto Methadone.

203. A detoxification programme based on Suboxone followed by Naltrexone has been introduced in Mauritius since January 2016. Same is being conducted on a residential care basis at Mahebourg Hospital. The programme also includes psychological support services which is being implemented in close collaboration with referral NGOs and staff of the Ministry of Health and Quality of Life. As at date around 646 injecting drug users have undergone the detoxification programme.

204. A Drug Addiction Unit has been set up in each health regional since September 2016 and is operational under the direct supervision of psychiatrists of the regions for treatment counselling and referral services.

205. It is estimated that around 9,000 people are living with Hepatitis C at present. Out of which, approximately 90% are from people who inject drugs. Among a total of 7,520 HIV positive persons detected from 1987 to March 2019, 3,000 have been found to be co-infected with Hepatitis C.

206. The HIV and AIDS Act enacted in 2006 and proclaimed in 2007, provides for a rights-based approach to HIV and AIDS-related issues. This Act aims to protect the rights of those people

infected with and affected by HIV and AIDS. It safeguards their rights while also ensuring that there is no stigma and discrimination against PLHIV.

207. The Civil Status Act, the HIV and AIDS Act 2006 and the Immigration Act were amended in order to allow marriages between a Mauritian citizen and a non-citizen who is HIV infected.

208. The Immigration (Amendment) Act of 2019, now provides that persons who suffer from any physical or mental infirmity or persons who are dumb, blind or otherwise physically defective or physically handicapped and who are likely to be a burden on the State shall no longer be treated as a distinct category of prohibited immigrants.

### **NON-COMMUNICABLE DISEASES**

209. As regard, alcohol consumption, unfortunately a slight increase thereof has been noted, that is, from 48.5% in 2009 to 52.8% in 2015. It is to be highlighted that the death rate for 100,000 people which is mainly due to NCDs like cardiovascular disease, diabetes and cancer has decreased from 547 in 2016 to 534 in 2017. In 2018, 2,861 new cancer cases were registered, representing an increase of approximately 86 per cent from 2009. In 2017, 647 surgical interventions were done at the Cardiac Centre.

210. Mauritius increased its spending on early disease detection programmes from Rs 2.80 million in 2014 to Rs 47.84 million in 2016. In 2016, we spent around Rs 16.5 billion, which is around 66.5 per cent, on NCDs, the largest share of health expenditure on diseases. We have increased taxes on alcohol and tobacco. We also introduced a sugar tax since 2013 on the amount of sugar in soft drinks and banned soft drinks from school canteens. In 2016 the sugar tax was extended to all non-alcoholic sugar sweetened beverages. These intensive screening and sensitization programmes have, in 2017, reversed the trend in mortality due to NCDs which we registered between 2011 and 2016.

211. Blood Glucose Strips has been placed on the list of controlled commodities and has resulted in a decrease in price Rs 40 to Rs 114 for a box of 50 strips according to brands.

212. From 2018 to April 2019, 54,670 persons were reached though the NCD programme and persons found with abnormal results were referred to the nearest hospital or community health centre for follow up and further investigations. Moreover, through the School Health Programme for secondary schools, some 180 schools were visited and 50,335 students were screened. About 6,924 women were screened for breast and cervical cancer from 2018 to April 2019.

213. The Food Act regulates, *inter alia*, the determination of fitness of food, its preparation, packaging, storing, conveyancing, distribution as well as sale. Food safety ranks high on our agenda and as such the need for closer food monitoring is being emphasized. Water quality is also

being monitored regularly to detect contamination. In the Budget Plan 2019/2020, it was announced that a Food Standards Agency will be established to set standards on fast food and soft drinks and also for the certification of vegetarian and halal foods, among others.

### **HPV VACCINE**

214. We also introduced the Human Papilloma Virus (HPV) vaccination, which protects girls against the four strands of HPV most associated with cervical cancer. Some 24,396 doses were administered to girls in 2018. Around 6,122 women were screened under the various programmes in 2018.

### **CHILD HEALTH**

215. Mauritius enjoys favourable child health indicators. This achievement is attributed to the successful implementation of an integrated package of primary health care services, including amongst others, the expanded programme of immunization, maternal and child care services, preventive medicine and health promotion activities which are provided free to every citizen of the country.

216. In Mauritius, Infant Mortality Rate per 1,000 live births was 14.0 in 2018 compared to 14.3 in 2001. Under Five Mortality Rate per 1,000 live births was 14.3 in 2017 compared to 15.9 in 2000. In 2017, Stillbirth Rate was 9.9 per 1,000 total births compared to 13.0 in 2000. Consequently, it is worth noting that the country has already achieved the SDG targets related to child mortality.

### **MENTAL HEALTH CARE**

217. The Brown Sequard Mental Health Care Centre was established under the Mental Health Care Act to provide mental health care to all those who seek help without discrimination. There exists a system of self-referral whereby the patient only presents himself at the hospital for consultations. Illnesses treated cover all types of mental disorders as defined by the International Classification of diseases (ICD 10).

218. 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.

## **VECTOR CONTROL**

219. Vector control is another important pillar of prevention and control of diseases transmitted by mosquitoes. This is an on-going activity throughout the year. With a view to preventing the introduction of communicable diseases, 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. Strengthening of laboratory capacity has also been a regular feature.

## **SENSITIZATION AND AWARENESS**

220. The Ministry of Health and Quality of Life also places much emphasis on the prevention through mass awareness campaigns, sensitization, screening exercises, talks, exhibitions, continuous medical education for medical and para-medical staff, on cardiovascular diseases obesity, keep fit, prevention of tobacco use, healthy living, NCDs including diabetes and HIV transmission, amongst others, among youngsters, inmates, general population, drug users, HIV patients and the elderly.

221. The Ministry of Health and Quality of Life has been conducting extensive campaigns on substance abuse in educational institutions. A series of drug prevention activities are also being implemented at the level of workplace the private sector namely, manufacturing, agricultural and tourism sectors among others. In 2018, 995 sessions have been conducted in schools reaching 26,663 students while 306 awareness sessions were conducted in the community targeting 11,983 persons. At the workplace a total of 266 activities were conducted and 7637 people were sensitised on drugs and its harmful consequences. Some 13,528 people were sensitised through other activities such as exhibitions.

## **TERMINATION OF PREGNANCY**

222. Section 235 of the Criminal Code was amended in 2012 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 with a specified person which has been reported to the police or a medical practitioner.

## **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.*

223. 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, Section 37 of the Education Act provides for education to be mandatory for all children up to age of 16. Section 14 of the Constitution guarantees the right of a religious denomination or any other group to establish schools. 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.

224. Mauritius also caters for learners with special education needs. The Special Education Needs (SEN) sector runs on the fact no learner should be left outside the education system on the basis of his/her disability. The SEN Strategy sets the framework to ensure that children requiring special education needs in Mauritius enjoy access to relevant and high quality education.

225. Given that Mauritius is a multicultural society, much emphasis is placed on the promotion of tolerance and understanding of others during dedicated periods in schools. We have a literacy rate of 98.1% among the 15-24 years.

## **PRE-PRIMARY EDUCATION**

226. To ease the financial burden on parents and ensure equitable access to education, Government provides subsidies to private preschools in the form of a per capita (Rs 200 monthly per child). All school going children from low income families are eligible to a monthly cash allowance (Rs 750/-) provided they meet the criterion of 90% school attendance. This allowance is paid to their families.

227. The net enrolment ratio for children aged 3-4yr stood at 91% in 2017, indicating that the majority of children of preschool age have access to pre-primary education.

228. The number of schools providing pre-primary education stood at 911 in March 2016 with 878 in the Island of Mauritius and 33 in Rodrigues. Of these schools, 717 (79%) were privately

run institutions and the remaining 194 (21%), operating on Government primary school premises, were administered by the Early Childhood Care and Education Authority.

229. Pre-primary schools numbered 846 in March 2018 with an enrolment of 26,183 children of whom around 49% were girls.

230. As at March 2019, out of 846 pre-primary schools, there was an enrolment of 26,183 children of which 49% were girls.

### **NINE YEAR SCHOOLING**

231. The CPE system was replaced by the Nine Year Schooling as from academic year starting January 2017 in view of the fact that the CPE led to an elitist system by the nine-year schooling. The Nine Year Schooling emphasizes on the holistic development of the child and it is in line with the SDG 4, i.e, it focusses on the learner's intellectual, socio-emotional, physical, creative and aesthetic potentials and promote their development through a range of activities. Moreover, the Nine Year schooling provides for the availability of alternative routes/pathways offering a wide range of options (academic, technical and vocational, amongst others) to students. The Nine Years of Continuous Basic Education (NYCBE) lays a strong foundation from which to build future learning. The Primary School Achievement Certificate (PSAC) has now replaced the Certificate of Primary Education (CPE). The first cohort of pupils sat for the PSAC in October 2017.

232. This reform is expected to eliminate dropouts in the system as it will keep the children at schools for a much longer time and will simultaneously, address the issue of street children as well. The three additional years (Lower Secondary) following the first six years in the Primary would be decisive for the student to develop his/her personality, critical analysis and skills.

233. One of the key challenges of the Mauritian education system concerns some 20% of children who do not make the grade at the end of their primary education, at the PSAC. Prior to 2018, these students were channeled to the Pre-vocational stream. A four-year Extended Programme has been designed that allows more time for these students to develop the essential competencies of basic education. The Early Support Program (ESP) as an innovative measure, meant to reduce learning deficits right from an early age, has been embedded in all primary schools as from 2017.

234. As at March 2018, there are 318 primary schools in the Republic of Mauritius with 89,642 pupils of whom 50.3% were boys.

235. Some 26 000 tablets have been distributed to students of Grades 1, 2 and 3 in all primary schools in 2018 /2019.

Table 33: The CPE / PSAC pass rates

	CPE				PSAC	
Year	2013	2014	2015	2016	2017	2018
Pass rate %	81.0	80.3	81.2	81.2	81.2	78.8

Source: Ministry of Education, and Human Resources, Tertiary Education and Scientific Research

### **THE “ZONE D’EDUCATION PRIORITAIRE” PROJECT — ZEP Project**

236. The ZEP project started in 2003 with a view to breaking the cycle of poverty through education. Its main objectives are to combat social inequalities and ensure the provision of equal opportunities for learning to all children of the Republic and thus improve achievement of both the pupils and the schools. The two main indicators of the project are the pupil’s attendance rate and the CPE pass rate.

237. Thirty-three primary schools were identified as low performing having a percentage pass rate at CPE consistently below 40 percent for a number of consecutive years. The school population in the ZEP region is on average slightly above 8000. These schools have poverty as a common denominator.

238. Government recognises the nutritional and educational benefits of providing a balanced and nutritious meal to pupils of primary schools, especially those coming from vulnerable areas. The pupils of ZEP schools are provided with a meal comprising of bread with different vegetarian fillings (consisting of green salad, jardinière legumes, vegetable burger, soya and cheese, amongst others), a fruit and water at a rate of Rs 60/per pupil/day. Hot meals to pupils of ZEP schools is envisaged in the future.

### **SECONDARY EDUCATION**

239. As at March 2018, there were 178 schools providing secondary education in the general stream. The secondary school enrolment was 110,715 of whom 48% were girls. Pre-vocational education was dispensed in 111 schools in March 2018 with an enrolment of 6,243 students. Boys pre-dominated in these pre-vocational schools, representing around 66 % of enrolment.

### **TERTIARY EDUCATION**

240. Higher education is heavily subsidised in Mauritius. In January 2019, Government took the decision to make tertiary education free for those students enrolling in public higher educational

institutions. Consequently, diploma and degree programmes are now free in Public Tertiary Education Institutions (TEIs), Polytechnics and MITD Training Centres.

241. This measure completes the cycle of free education and is a means to open access to tertiary education for those eligible students who would otherwise not have benefitted from it for lack of financial means.

242. Mauritius is positioning itself to become a regional education hub and is home to more than 40 private higher education institutions. The Higher Education Act was voted in December 2017 for a better regulation of the sector. The new legislation makes provision for a modern regulatory framework through the overhaul of the Tertiary Education Commission and its replacement by a new structure comprising separate entities, namely a Higher Education Advisory Council for policy direction, a Higher Education Commission registration and accreditation of higher education institutions and a Quality Assurance Authority for quality assurance of higher education in line with international standards.

243. As from January 2013, 24 Additional Scholarships on the basis of Merit and Social Criteria are awarded under the New Government Scholarship Scheme i.e to meritorious students coming from low income groups.

244. Tertiary level enrolment decreased from 48,089 in 2016 to 48,007 students in 2017. In 2019/2020, an amount of Rs 600 million will be spent for financing the Free Tertiary Education Scheme. The Government will also provide Rs 17.1 billion in the budget for the education sector.

245. There are around 2087 foreign students in our Universities and the aim is to double the figure in the near future.

### **SPECIAL EDUCATION NEEDS**

246. Government work closely with NGOs to deliver education to students with special needs. There are currently 41 NGOs run 53 SEN –registered schools.

247. The Special Education Needs Authority Act has been introduced in the National Assembly in 2018 and was proclaimed on 19 December 2018. It will provide for the establishment of a Special Education Needs Authority, that will monitor and facilitate implementation of special education needs policies of the Government. It will also be responsible for the harmonization and promotion of programmes and policies for the education and holistic development of persons with special needs, in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

248. As from the financial year (2016/2017), five scholarships are being offered annually to students with SEN to pursue Post-Secondary/Tertiary courses. These students also benefit from a stipend of Rs 5,000 monthly (Mauritian students) and Rs 8000 (Rodriguan students).

249. The Ministry of Education, and Human Resources, Tertiary Education and Scientific Research 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.

250. These are *inter alia* –

- a) a flexible approach is adopted towards parents who wish to call at school during the day to provide assistance to their physically disabled pupils. Parents are strongly encouraged to register their wards in the nearest primary schools.
- b) schools are being retrofitted with ramps to facilitate access to the classrooms and all new secondary schools constructed have already been provided with adapted toilets for the disabled. Links between building blocks have been made to facilitate access, using wheelchairs to the first floor where specialist rooms are located;
- c) 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
- d) students with disabilities are released earlier than the other students so that they do not face any movement difficulties;
- e) school Attendants usually help students on wheelchair to move around the school compound;
- f) educators are encouraged to provide individual extra assistance to children with disabilities so as to allow them to keep pace with their classmates. children with disabilities benefit from extra time for the CPE examination. Enlarged print school books/manuals and question papers are produced for children suffering from visual impairment;
- g) A Mauritian Sign Language has been developed to ease communication for children with deafness. Children with hearing impairment are provided with the service of sign language interpreters for the purpose of examinations;
- h) The Ministry of Education and Human Resources, Tertiary Education and Scientific Research 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.

251. 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;

252. Provision of a carer is made on a case to case basis to children with special needs requiring extra assistance.

253. Refund of bus fares to accompanying parents of disabled children attending schools / Special Needs Schools.

254. Refund of taxi fares to students with disabilities to university students with severe disabilities who cannot travel by ordinary means of transport. In 2018/19, this facility has been extended to those students with special needs confined to wheelchair who are attending secondary schools as well as primary school;

255. François Sockalingum Award (Scholarship Scheme for Students with disabilities): Through this award, students with disabilities who pass the Primary School Achievement Certificate (PSAC) and pursue their secondary studies are eligible to a monthly stipend of Rs 750.

256. The Special Education Needs Resource and Development Centre (SENRDC) operates as a One-Stop-Shop to provide specialised services, such as those of psychologists, occupational therapists, physiotherapists and parent mediators to learners with special needs. All SENRDCs have at least two classrooms where the educational needs of learners with heavy impairments are catered for. Specialised equipment for use by Psychologists, Occupational Therapists and Physiotherapists and equipment for Multi-Sensory rooms, as well as specialised furniture have been procured for these Centres. 7 SENRDCs are operational around the island and 7 vans are currently servicing the above-mentioned Centres for the conveyance of children attending the Centres.

### **THE KREOL MORISIEN (KM) IN SCHOOLS**

257. The Kreol Morisien (KM) was introduced as an optional subject with the same status as all other Asian Languages in all primary schools (as from 2012). As from January 2018, KM has equally become a subject taught in Grade 7 in 20 secondary schools. Since 2019, Kreol Morisien is being offered at grade 8 level for the first time. Teachers have been trained by the MOE to be able to provide a professional pedagogical approach to the teaching/learning process. Currently, the roll of primary school pupils stands at 18,036 (for 178 primary schools) while the roll at secondary is some 1000. The KM staff reckons a total of 182 Primary School Educators and Secondary School Educators (as at January 2019). In so far the use of KM as a medium of instruction is concerned, it has not been officially proclaimed. But the use of is encouraged to facilitate the teaching learning process as a support language.

258. Textbooks for grades 1 to 6 have been developed by the Kreol Unit at the Mauritius Institute of Education and are distributed freely for pupils who have opted for the language. Textbooks for grade 7 have already been developed and as from January 2019, textbooks for grade 8 will be made available. The Ministry has also initiated actions with respect to reading materials in Kreol which can be sent to school libraries.

### **HUMAN RIGHTS EDUCATION**

259. Young people are exposed as early as possible to the fundamentals of Human Rights. Human Rights Education has been integrated in school curricula. At the primary level components of Human Rights, are infused across the various modules found in History and Geography textbooks. At the lower secondary level, Human Rights Education is taught both in an integrated manner during Social and Modern Studies classes and during stand-alone activities in the Life Skills & Values Education. At tertiary level, Human Rights Education already forms part of the curriculum of LLB courses and other courses at the University of Mauritius.

### **ANTI-DRUG EDUCATION IN CURRICULUM**

260. Materials on the prevention of the use of Drugs have been infused in a few subjects of the new primary and secondary school curriculum and this provide an opportunity to expand the anti-drug education component in a larger number of subjects for Grades 7, 8 and 9. Protocol in place to act as a guideline for management to handle a case whereby a student is caught in possession of a suspected illicit substance. This protocol also advocates close monitoring and follow up at the level of the school including pastoral care and support from Educational Psychologists. Psychological back up services and counselling are provided by the Educational Psychologists.

### **INTER CULTURAL EDUCATION**

261. To preserve the cultural diversity prevailing in Mauritius, the education system through its formal and hidden curriculum makes space for intercultural education. Inter Cultural Education is meant to inculcate among learners a deeper understanding of one another, acceptance of the differences based on ethnicity, religion, race and culture and to realise that the differences are a catalyst towards sustaining the country in its pursuit of peace and harmonious living together.

### **SEXUAL AND REPRODUCTIVE HEALTH**

262. In 2018 a beginning has been spearheaded with sexuality education introduced in Grade 7 at lower secondary level in public and private-aided schools for both the regular stream and the Extended programme.

## 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, WOMEN & CHILDREN

263. The Protection from Domestic Violence Act 1997 provides for legal protection to women and children who are survivors of domestic violence. It provides for various forms of orders namely Protection Orders, Occupation Order, Tenancy Order and Ancillary Order which can be enforced by the relevant courts to enhance protection of women against domestic violence. The said Act was amended in 2016 to widen the definition of the term ‘domestic violence’. ‘Domestic Violence’ includes, *inter-alia*, the infliction or attempted infliction of injury, intimidation, forcible engagement in an act from which the spouse had a right to refrain.

Table 34: Statistics on Court Orders from 2015 to 2018

	2015	2016	2017	2018
Application of protection order	556	879	616	531
Interim Protection Order	525	757	576	506
Protection Order Issued	332	494	361	270
Application of Occupation order	8	20	13	24
Occupation Order issued	5	6	6	7
Application of Tenancy order	2	4	1	1
Tenancy order issued	0	2	0	0

Source: Ministry of Gender Equality, Child Development and Family Welfare

264. Due to a lack of financial autonomy, women are not able to access legal aid in most of the matters pertaining to domestic violence, family law matters - divorce, alimony, rights of visit and custody of children. In this regard, the Legal Aid Act has been amended to make legal aid affordable to women who are victims of domestic violence.

265. The issuance of protection orders, assistance by female police officers and hotline have been the major recourse of protection before the law. The Integrated Support Centre was launched in March 2019 and has the main objective to ensure prompt intervention in cases of domestic violence.

266. Victims are encouraged to report breach of orders at the Police Stations. Hotline 139 (free of charge) is put at the disposal of victims for reporting of cases and seeking any other prompt assistance.

267. At present, 3 shelters owned and managed by NGOs namely Chrysalide, Passerelle and SOS Femmes are accommodating women victims of Domestic Violence (DV). Chrysalide and Passerelle benefit from a daily capitation grant of Rs 400 for women victims of DV and Rs 341 for children of women victims of DV at the shelters. SOS femmes on the other hand benefits from grant in aid.

268. The Ministry of Gender Equality, Child Development and Family Welfare has, since 2016, been conducting training with Police Officers posted at Police Stations for effective response to cases of domestic violence in collaboration with the Police Training School. 421 police officers, 504 Police constables, 144 Police Station Managers and assistant managers were trained in view to improving response towards victims of domestic violence. 92 Domestic Violence Officer have been posted in Police Stations across the island.

269. The Ministry of Gender Equality, Child Development and Family Welfare has reinforced its sensitisation programmes targeting men, women, youth and religious leaders. Over several years, programmes namely Men as Caring Partners, Reso-Impact Programme, Sensitisation on GBV and Victim and Empowerment Abuser Rehabilitation have been introduced to bring a change of mindset through sustained awareness-raising campaign.

270. Article 242 of the Criminal Code has not been amended yet to remove *“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”*.

271. There is no case where article 242 has been applied by the Court in Mauritius in the reporting period.

272. The procedure for divorce, has been simplified since 2011 through amendments brought to the Code Civil Mauricien. The Court may decide on the alimony to be granted.

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

Protection, Tenancy or Occupation 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 may provide.

274. Failure to comply with any Court Orders (Protection Order, Occupation Order or Tenancy Order) is an offence and upon conviction one is liable as follows-

- i. 1st conviction: Fine not exceeding Rs 50,000 and imprisonment for a term not exceeding one year;
- ii. 2nd conviction: Fine not exceeding Rs 100,000 and imprisonment for a term not exceeding 2 years;
- iii. 3rd or subsequent conviction: Imprisonment for a term not exceeding 5 years.

275. Pre-marital Counselling Programmes and Marriage Enrichment Programmes are conducted by the Family Welfare and Protection Unit of the Ministry of Gender Equality, Child Development and Family Welfare.

276. A rehabilitation programme for the perpetrators of domestic violence has been initiated in 2018.

277. Section 54 of the Employment Rights Act caters for violence at workplace. It provides for the protection of workers against various types and forms of violence at workplace which includes sexual harassment. No person shall harass, sexually or otherwise, assault, verbally abuse, swear at or insult a worker in the course of or as a result of his work.

#### **PROTECTION AND ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

278. Government has also been pro-active in fostering gender equality in the workplace. The gender equality mandate is premised on four key international labour organization (ILO) Conventions namely -

- the Equal Remuneration Convention (C 100) advocating for equal remuneration for women and men for work of equal value;
- the Discrimination (Employment and Occupation) Convention (C 111) promoting equality of opportunity and treatment in respect of employment and occupation;
- workers with Family Responsibilities Convention (C 156) aiming at creating effective equality of opportunity and treatment for men and women workers with family responsibilities; and
- the maternity protection convention (C 183) covering maternity leave and benefits as well as employment protection and non-discrimination issues.

279. The philosophy and principles of the aforesaid Conventions (100 and 111) have been domesticated in the Employment Rights Act.

280. Mauritius ratified the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organisation in June 2019. The Convention applies to all employed women, including those in a typical form of dependent work and makes provision for the following -

- (a) extension of protection to all employed women;
- (b) at least 14 weeks of maternity leave, including six weeks of compulsory postnatal leave;
- (c) additional leave in case of illness, complications or risk of complications arising out of pregnancy or childbirth;
- (d) cash benefits during leave of at least two-thirds of previous or insured earnings (or at an equivalent level where benefits are not calculated on the basis of previous earnings);
- (e) access to medical care, including prenatal, childbirth and postnatal care, as well as hospitalisation when necessary;
- (f) health protection, that is the right of pregnant or nursing women not to perform work prejudicial to their health or that of their child;
- (g) minimum of one daily break with pay for breastfeeding; and
- (h) employment protection and non-discrimination.

281. 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.

282. As per the Employment Rights Act, the maternity protection can be summarised as follows-

- 14 weeks of paid maternity leave, to all female workers, irrespective of their length of service, to be taken either before confinement or after confinement, provided that at least 7 weeks' leave is taken immediately after confinement. In August 2018, the eligibility to maternity leave with pay was extended to female workers employed in both the Public and Private Sector who reckoning less than 12 months of continuous service. The restriction of 3 confinements which is applicable in the Public Sector has been removed as from 01 July 2019;

- a maternity allowance which formally varied from Rs 300 to Rs 2000 from sector to sector, has been standardized and increased to Rs 3,000 and is made equally payable in all sectors of employment. Such allowance is calculated on a prorata basis for part time workers;
- still birth is considered as confinement;
- that an employer shall not require a pregnant female worker to perform overtime, two months before her confinement;
- 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;
- 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;
- that an agreement shall not be terminated by an employer by reason of a worker's absence from work during maternity leave;
- 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.

283. The National Women Council Bill was passed by the National Assembly in May 2016, repealing the National Women's Council Act 1985. It came into operation on 08 March 2018. The objects of the Council according to the new Act are to –

- (a) promote women's empowerment and gender equality;
- (b) ensure and promote the active participation of women in the social, economic and political fields in order to further their overall empowerment; and
- (c) provide a platform for women to voice their needs, concerns and aspirations.

284. During the period January to June 2018, the National Women's Council (NWC) has empowered around 28,000 women through trainings and sensitization campaigns on Social, Economic and Political.

#### **PARTICIPATION IN THE POLITICAL AND DECISION MAKING PROCESS**

285. The State of Mauritius has taken the necessary measures and there is in place the appropriate institutional and legal framework to achieve substantive gender equality.

286. The country had its first ever female President who held office from 2015 to March 2018. Moreover, both the National Assembly and the Rodrigues Regional Assembly is presided by a woman. We also have a lady who is a Vice Prime Minister since November 2017. 47 % of the Puisne Judges are women and Mauritius has the highest percentage of female Permanent Secretaries in Africa. Among legislators, senior officials and managers in the public sector, 40% are women.

287. Government Programme 2015-2019 made provision for electoral reform “our electoral system will be reformed to introduce a dose of proportional representation in the National Assembly and guarantee better women representation”. Accordingly, the Constitutional (Electoral Reform) (Amendment) Bill was presented to the National Assembly on 4 December 2018. The object of the Bill is, inter-alia, precisely to seek better gender representation in the National Assembly by providing that –

- (i) every party or party alliance shall present not more than two thirds of constituency candidates of the same sex; and
- (ii) every proportional representation list (PR list) submitted by a party or party alliance shall comprise not more than two thirds of persons of the same sex.

288. The bill has already been debated in parliament. At the end of the second reading on 11 December 2018, the Honourable Prime Minister moved that the Bill be taken at a later sitting.

289. A Parliamentary Gender Caucus (PGC) was set up in March 2017. The PGC provides a platform for members of the National Assembly from all political parties to discuss issues and policies relating to women in the society and to come up with concrete solutions. It helps the promotion of women’s descriptive and substantive representation. Such a Caucus also serves to ensure gender equality issues are mainstreamed into legislative and policy processes and within parliamentary processes, as well as to facilitate dialogue within and across parties.

## **CHILDREN WITH DISABILITIES**

290. The various facilities and measures provided by the State are highlighted at Paragraph 115, 127 to 132.

## C. PEOPLES' RIGHTS

### ARTICLE 19- EQUALITY OF PEOPLES

- (i) *All peoples shall be equal; they shall enjoy the same respect and shall have the same rights.*
- (ii) *Nothing shall justify the domination of a people by another.*

291. 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 and the Constitution of Mauritius confers the same rights to be treated equally and to live a life free from discrimination, to every citizen.

292. 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.*

293. 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 Chapter II of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress.

## **THE EQUAL OPPORTUNITIES ACT**

294. The Equal Opportunities Act provide further safeguards and protection by prohibiting discrimination in employment, education, qualifications for a profession, trade or occupation, the provision of goods, services, facilities or accommodation, the disposal of property, companies, partnerships, “*sociétés*”, registered associations, sports, clubs and access to premises which the public may enter or use. The grounds of discrimination extend beyond those provided in the Constitution, notably age, ethnic origin, sexual orientation, impairment, and marital status.

295. The Equal Opportunities Act was amended in 2017 to provide for the prohibition of discrimination in employment on the grounds of a person’s criminal record, both at recruitment and promotion level, where a person’s criminal record is not relevant to the nature of the employment for which that person is being considered. The burden of proof, that a discrimination on ground of criminal records is relevant, has been put on the employer.

## **LGBT RIGHTS**

296. In November 2018, the Ministry of Justice, Human Rights and Institutional Reforms obtained technical assistance from the Human Dignity Trust, one of the members of the Equality & Justice Alliance, based in UK, to assist in advancing the rights of LGBT people. The assistance provided includes the undertaking of sensitization activities, engaging with international networks of experts and champions, and receiving support to develop resources, knowledge and capacity to draft and amend legislation with a view to enhancing protection of the LGBT people in Mauritius.

297. On 06 August 2018, following the landmark judgment in the case of Navtej Singh Johar & Ors v Union of India & Ors article 377 of the Indian Penal Code was declared unconstitutional by the Supreme Court of India. The judgment of 5-judge Bench of the Supreme Court of India will no doubt inspire countries such as Mauritius to have a fresh assessment of their laws on this subject matter. It is to be noted that the Former Chief Justice of India Judge Dipak Mishra, was invited to Mauritius in March 2019, and had the possibility to interact with the Judiciary, NGOs, Students, public officials during workshops which were organized by the Human Dignity Trust UK and MJHRIR.

298. LGBT community organizes the pride march annually.

299. Government hospital provides hormone treatment for trans people and this is available free of charge. Legal procedures for those willing to change their name is not different from the normal procedure. Medical sex change is not possible in Mauritius. Moreover, the possibility of sex change on ID/ Birth Certificate at the Civil Status Office is not yet authorized by law.

## **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.*

## **THE CHAGOS ARCHIPELAGO**

300. 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. 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.

301. The excision of the Chagos Archipelago from the territory of Mauritius also involved the eviction by the British authorities of the Mauritians, who were residing in the Archipelago (‘Chagossians’), in total disregard of their human rights. Most of the Chagossians were moved to Mauritius. The Government of Mauritius supports the legitimate aspiration of the former inhabitants of the Chagos Archipelago, as Mauritian citizens, to be resettled in the Archipelago.

302. Since this illegal excision, Mauritius has spared no efforts for the completion of its decolonization so that it can effectively and fully exercise its sovereignty over the totality of its territory, including the Chagos Archipelago.

303. A resolution was tabled by African States Members of the United Nations before the UN General Assembly in June 2017 to request an Advisory Opinion of the International Court of Justice (ICJ) on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. This resolution was adopted on 22 June 2017.

304. The ICJ delivered on 25 February 2019 its Advisory Opinion. The Court considered that the Chagos Archipelago had been unlawfully detached from Mauritius by the United Kingdom. In the light of its findings, the ICJ ruled, by thirteen votes to one, that –

- (i) having regard to international law, the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago;
- (ii) the United Kingdom is under an obligation to bring an end to its administration of the Chagos Archipelago as rapidly as possible; and
- (iii) all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius.

305. It is to be noted that although the Advisory Opinion itself cannot impose a new legal obligation, it can and in fact has recognised and confirmed the existing legal obligations that emanate from international law. In this particular case, the ICJ has established that the source of the legal obligations is the right of peoples to self-determination, which the UK violated by excising the Chagos Archipelago from Mauritius without the consent of the Mauritian people. The Opinion has legal consequences for UN Member States as well as for the General Assembly and the United Nations and all its specialised agencies.

306. On behalf of African States Members of the United Nations, a resolution was introduced by Senegal at the meeting of the UN General Assembly held on 22 May 2019. The resolution, which was adopted by 116 votes to 6, with 56 abstentions, *inter alia*, affirms, in accordance with the ICJ's Advisory Opinion of 25 February 2019, that the decolonization of Mauritius has not lawfully been completed and that the Chagos Archipelago forms an integral part of the territory of Mauritius. The resolution also demands that the United Kingdom withdraws its colonial administration from the Chagos Archipelago unconditionally with a period of no more than 6 months, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible. The resolution further calls upon the United Nations and its specialized agencies as well as other international, regional and intergovernmental organisations, including those established by treaty to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measures taken by or on behalf of, the so-called "British Indian Ocean Territory".

307. The Government of Mauritius will continue to press for the rapid completion of the decolonization of Mauritius, whilst firmly supporting the right of return of Chagossians and other Mauritians to the Archipelago.

308. The Government of Mauritius is committed to implementing a resettlement plan in the Chagos Archipelago. In this regard, a special provision of Rs 50 million has been made in the Budget for the financial year 2019-2020 for meeting, *inter alia*, expenses relating to preparations for eventual resettlement in the Chagos Archipelago. Moreover, with a view to enabling Chagossians to continue exercising their rights, including the right to vote, when they would

resettle in the Chagos Archipelago, the National Assembly of Mauritius passed on 12 July 2019 a resolution for the inclusion of the Chagos Archipelago, including Diego Garcia, in one of the constituencies of the Republic of Mauritius, to be determined by the Electoral Boundaries Commission.

309. The Government and the people of Mauritius reiterate their gratitude to the AU Member States and other countries, for their unflinching support to the struggle to complete the decolonization process of Mauritius.

#### **ISLAND OF TROMELIN**

310. 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.

311. 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.*

312. Section 8 (1) of the Constitution provides as follows –

“No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where –

- (a) 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; and
- (b) there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and
- (c) provision is made by a law applicable to that taking of possession or acquisition—
  - (i) for the payment of adequate compensation; and
  - (ii) securing for any person having an interest in or right over the property a right of access to the Supreme Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining payment of that compensation.”

313. The Ombudsperson for Financial Services Act provides, *inter alia*, for the setting up of an Office of the Ombudsperson for Financial Services. The Ombudsperson for Financial Services is in post since March 2019. His office will give better protection to consumers of financial services, receive and deal with complaints from consumers of financial services against financial institutions and may make an award for compensation, where appropriate, and give such directives as he may determine to financial institutions. Accordingly, the Bank of Mauritius will no longer receive complaints from the public.

314. The Good Governance and Integrity Reporting Act (GGIR) came into operation in January 2016 and is a positive step towards strengthening the framework legislation to combat corruption effectively by providing a civil, non-conviction based procedure to recover unexplained wealth, by using Unexplained Wealth Orders. This Act seeks to circumvent the proven difficulties in obtaining a conviction based asset forfeiture following a criminal conviction before a criminal court of law. GGIR allows the State to apply for an Unexplained Wealth Order from the Court. The burden lies on the Respondent (person against whom an application for an Unexplained Wealth Order is made) to account satisfactorily for the unexplained wealth in question on a balance of probabilities.

315. Section 19(1) of GGIR provides that there shall be a National Recovery Fund – into which shall be paid all sums that may lawfully accrue to it, other than as set out in section 18 (General Fund), including any sums derived from the realisation of property under section 17 (Realisation of Property) and which may be used to, *inter alia*, alleviate poverty. This objective is in direct line with Article 2(1) of the International Covenant on Economic, Social, and Cultural Rights as regards taking steps towards progressive realisation of rights in the Covenant such as Right to adequate standard of living under article 11 of the Covenant.

316. The amendments in the ‘Prevention of Corruption Act’ and in the ‘Income Tax Act’ to promote the sharing and exchange of information between Independent Commission Against Corruption Mauritius (ICAC), the Mauritius Revenue Authority (MRA) and the Financial Intelligence Unit (FIU) in 2018.

317. The Declaration of Assets Act was proclaimed in May 2019. It provides for better and more comprehensive provisions for the declaration of assets by holders of senior posts/ offices in the public sector. It provides for the categories of persons that shall make a Declaration of assets and liabilities. and such persons are listed under section 3 (1) of the Act. According to Section 16 of the Act, every person referred in section 3 (1) shall make a declaration of his assets and liabilities, that of his spouse, his minor children, and subject to section 4 (4) thereof, that of his children of age and grand-children.

318. To address issues raised by the Truth and Justice Commission regarding cases of dispossession of land, Government has agreed to the setting up of a Land Research and Monitoring Unit and a Special Fund will be set up under the Ministry of Housing and Lands. In this regard a provision of Rs 50 million has been made in this year’s budget.

319. Mauritius hosted the 15th Meeting of the Mauritius Seychelles Joint Commission of the Extended Continental Shelf in August 2018. At that meeting, it was agreed that the Mauritius-Seychelles Joint Commission issues a Notice in the international press announcing that the exploration blocks in the Mauritius Seychelles Joint Management Area in the Mascarene Plateau Region, are now open for commercial exploration. In January 2019 Mauritius-Seychelles Joint Commission of the Extended Continental Shelf met in Seychelles to review progress in the elaboration of the institutional and regulatory framework for the Mauritius-Seychelles Joint Management of the Extended Continental Shelf in the Mascarene Plateau Region.

320. The Republic of Mauritius has made a submission to the United Nations Commission on the Limits of the Continental Shelf (UNCLCS) on 26 March 2019, for an Extended Continental Shelf (ECS) of an approximate area of 175,000 km<sup>2</sup> in the Southern Chagos Archipelago Region, following the Advisory Opinion delivered by the International Court of Justice on 25 February 2019 whereby the Court made it clear that the Chagos Archipelago is and has always been an

integral part of the territory of the Republic of Mauritius and that the United Kingdom's continued administration of the Chagos Archipelago is an unlawful act of continuing character.

## **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.*

321. Although the Constitution does not expressly provide for economic, social and cultural rights, yet these rights are catered for under other pieces of legislation. Being a Welfare State, the State of Mauritius provides free education from pre-primary to tertiary levels; free transport to students and the elderly, free access to health services; social aid to vulnerable groups; and non-contributory universal pension benefits to the elderly.

322. Mauritius is ranked 20th among 190 economies in the ease of doing business, according to the latest World Bank annual ratings. The State is aspiring to become an inclusive high income country and it is projected to reach a per capita GNI of USD 13,500 by 2023. Government is investing heavily on modern and strategic infrastructure for the transformation of Mauritius, Rodrigues and the outer islands.

## **NEW INFRASTRUCTURE**

### **METRO EXPRESS PROJECT**

323. The Metro Express project was officially launched in March 2017. It is one of the most ambitious infrastructure project ever implemented in Mauritius. It consists of the construction of a 26 km light rail transit system from Curepipe to Port Louis. This project is expected to create approximately 7,000 full-time jobs during the construction phase and will cut the journey time from Curepipe to Port Louis to 41 minutes, making it quicker, and more predictable. The Phase I, Rose Hill to Port Louis, is expected to start operations in September 2019. The estimated cost of the project is Rs 18.8 billion. In line with our commitment for a cleaner environment, the light rail transit system will be fully eco-friendly. Business opportunities will arise around the terminals and will create more jobs around this project.

324. A 100 km road network will be added by 2021, with an investment of Rs 12 billion for new roads, flyovers, bridges and road bypasses. This will facilitate commuting and will have a sizeable and positive economic impact.

325. In 2017, the Mauritius Container Terminal berths to 800 metres has been extended thus strengthening the existing quay. In the Budget Plan 2019/2020, the Government announced that the navigational channel will be dredged further to a depth of 18 metres to make Port Louis the deepest port in the region capable to accommodate very large vessels.

326. Additional equipment, including seven cranes for loading and unloading of vessels, was also procured, thus improving port productivity. Backup facilities have been expanded to increase terminal capacity from 550,000 TEUs to 750,000 TEUs. All these measures will boost the economic activity in Mauritius and propel us closer to the high income status objective. These improvements have allowed Port Louis to handle more transshipment traffic. The number of vessels visiting Port Louis for bunkering purposes increased by almost 36 % from 404,837 tonnes in FY 16/17 to 550,241 tonnes in FY 17/18.

#### **AIRLINE**

327. Currently, there are 20 scheduled airlines that serve more than 30 destinations through our sole national International Airport. The passenger terminal has a capacity of 4 million and it is operating at 92 % of its capacity passengers per year. In 2017, there has been an increase in air freight traffic by 18 % with a freight tonnage of 61,000. A series of measures to increase passenger handling capacity to 4.5 million by 2020 and to expand air freight traffic to 65,000 tonnes in 2020 are being implemented. 8 aircrafts have been purchased by the National Airline from Airbus with the delivery of two brand new A350s in 2017, two A330 neo in 2018, two A350 in 2019 and two more in 2023.

#### **CONSTRUCTION OF A SUPREME COURT**

328. A new building costing Rs 1.1 billion to host the Supreme Court is under construction.

#### **RUNWAY IN RODRIGUES**

329. In Rodrigues island, a new runway with estimated project cost Rs 3.2 billion, to accommodate bigger planes is being constructed. The project will no doubt further improve air connectivity, tourism development and the socio economic development of the island. In order to support the tourism industry of Rodrigues and prevent the airfare increase, Government continues to finance the Special Rodrigues Holiday Package and the Subsidy on Airfare from Rodrigues. Rs 92 million provided for 2019/2020.

#### **CONNECTIVITY**

330. The Mauritius -Rodrigues Submarine (MARS) undersea fibre optic cable system costing Rs 1.6 Billion, which was completed and launched in February 2019, is the first project to focus on developing connectivity in our islands. The MARS cable connects Rodrigues to the rest of the

world and will enable the island to begin its digital transformation and move to a new stage in its economic development. This will contribute towards faster economic development of the island.

331. In terms of infrastructure, Mauritius is already connected to SAFE (South Africa Far East) and LION-1 and LION-2 (Lower Indian Ocean Networks) networks. All households are now connected to the Fibre-to-the-Home (FTTH) network. In addition, 350 WIFI hotspots are available across the island of Mauritius.

332. Since September 2018, inhabitants of Agalega island (about 1000 km to the north of Mauritius) have been connected to the internet by way of 10 Mbps satellite bandwidth. In addition, an IT Corner has been put in place at Le Chartier Government School to provide computers and free internet access. Moreover, the construction of a new airport and a new jetty is under way will substantially improve air and sea connectivity. Works are progressing smoothly and are expected to be completed by February 2021.

333. Following the annual call for proposal by the United Nations Office for Outer Space Affairs and the Japan Aerospace Exploration Agency KiboCUBE Programme 2018, the Mauritius Research Council submitted, in April 2018, a proposal for the first Mauritian Satellite Project known as MIR-SAT1. The proposal was retained and Mauritius has been offered the opportunity for the first time in its history, to build and deploy a Mauritian Nano Satellite from the International Space Station Japanese Experiment Module. The Satellite would have a lifetime of about one and a half years and would capture data such as the satellite health data, payload data i.e., pictures of Mauritius and surrounding regions and experimenting island to island communication. Cabinet has taken note of the implementation of the by the Mauritius Research Council (MRC).

#### **WORK AND EMPLOYMENT**

334. The national minimum wage of Rs. 8,140 is effective since January 2018. The relief provided to workers by way of this historic measure is further enhanced by the Negative Income Tax Scheme which is implemented by the Mauritius Revenue Authority and the payment of the additional remuneration for the years 2018 and 2019, the combined effect of which, made the wages of a worker rise to Rs 9,400 per month as from 01 January 2019.

335. In the Budget 2019-20, mention is made that Government would introduce a new Workers' Rights Bill. The full length of service of a worker, irrespective of the number of employers he has worked for, in the new mechanism would be recognized for computation of gratuity. Broad consensus has been reached, among representatives of employers, trade unions and Government for the introduction of the new mechanism. A Portable Retirement Gratuity Fund would be set up for that purpose.

#### **EDUCATION**

336. In 2019, Government announced free tertiary education will be granted to all students attending public institutions. The aim is to enable more youngsters, especially those who cannot afford, to undertake tertiary education. Please also refer to “Right to Education”. The measure applies for courses leading to the obtention of a first certificate, a first diploma or a first undergraduate degree only. Beneficiaries are newly-enrolled students as well as existing cohorts who are moving on to the next level and are following programmes up to the undergraduate level.

### SOCIAL PROTECTION

337. Following Budget speech 2019/2020, as from January 2020, the new rates will prevail as regards universal non-contributory pensions and mean tested Social Aid.

Table 35: Non-contributory pensions and mean tested Social Aid for period July 2017 to June 2018.

Type of Social Assistance	Number of beneficiaries		Amount in (Rs million )
	June 2017	June 2018	
<b>Basic Pensions</b>			
Basic Retirement Pension	206,799	215,334	16,809.6
Basic Widow's Pension	19,540	19,282	1,525.8
Basic Invalid's Pension	32,300	32,075	2,706.2
Basic Orphan's Pension	365	349	34.8
Social Aid <sup>1/</sup>	18,493	16,975	562.5
<b>Total</b>			
<i><sup>1/</sup>Refers to the number of cases who benefit from Social Aid for themselves and for members of their family</i>			

Source: Statistics Mauritius

338. A tax credit of 5 percent announced in the budget 2019-2020 will allow estimated additional 5,000 employees to benefit from the reduced 10 percent personal income tax rate, if annual net income earned is below Rs 700,000 in that income year.

339. Subsidies on rice, flour and cooking gas are provided by Government at a cost Rs 1.7 billion to maintain the retail prices of rice, flour and LPG. Government has been continuously decreasing the price of cooking gas. The 12 kg cylinder has decrease from Rs 330 in 2015/16 to reach Rs 210 as from 11 June 2019. This will cost Government more than Rs 1billions to support this measure.

340. In 2016, Government has decided to exempt some 64,000 households which consume up to 6m<sup>3</sup> of water from payment of water charges. This scheme is still prevailing. Low income families also receive grants for the purchase of both water tanks and water pumps.

341. A “one-off amnesty” was accorded last year to some 500 households deprived from electricity due to unpaid bills.

342. The Hire Purchase and Credit Sale (Charges) Regulations 2000 was amended in 2018 to remove any surcharge for late payment of an instalment.

343. Flood victims are paid a daily flood allowance of Rs 182 per member of a family per day for a maximum of three days in the event that (i) their premises have been flooded, and (ii) their foodstuffs have been damaged. The payment is released subject to a Police memo certifying that the foodstuff has actually been damaged. In addition, where the Police is satisfied that there is damage to other belongings, an applicant will be eligible for a financial compensation of Rs 6,000 being paid to each adult while every child under 18 years will receive Rs 3,000 in each household.

### **SME**

344. Several schemes/measures/programmes, all in line with the 10-Year Master Plan were formulated and launched in February/December 2018 by SME Mauritius for the betterment and enhancement of our SMEs.

Table 36: Schemes under the 10-Year Master Plan

<b>SN</b>	<b>Schemes</b>	<b>Applications received as at June 2019</b>	<b>Applications approved as at June 2019</b>
1	Access to Market – Barcode Registration	117	117
2	Technology and Skills Transfer – Inclusive Business	31	31
3	Mentoring and Hand-Holding Programme	64	60
4	Green Energy Promotion – Solar Photovoltaic Rebate Scheme	51	51
5	Communication and Visibility – Online Presence	82	82
6	Certification scheme	86	50
7	SME Productivity Improvement Programme	22	22

Source: Ministry of Business, Enterprise and Cooperatives (Business and Enterprise Division)

345. Moreover, SME Mauritius has launched the SME Employment Scheme, whereby a first batch of graduates was placed in different SMEs and some 478 Mauritian graduates have benefited from this programme while 43 graduates have been placed in Rodrigues as at June 2019.

346. With regards to the Foreign Expertise and Technical Assistance Scheme, 30 people have been trained in banana fibre transformation and Madhubani Art. In addition to the above figures, some 150 people have also benefitted from technical training in Aquaponics.

347. A National Entrepreneurship Campaign was undertaken by SME Mauritius entailing 26 campaigns, with a view to bringing a new dynamism to the sector and disseminating information on SME products and services. Over 2,000 potential entrepreneurs were targeted, whereby some 30 sensitization campaigns were conducted over the island with 12 radio programmes slots on topics of interest to SME's, 6 Workshops, 10 Talks, and 30 focused meetings.

348. An SME Portal is one among the high impact initiatives recommended in the 10-Year Master Plan to boost and promote the development of small and medium enterprises by creating an E-Platform for SMEs. Phase I, II, III have already been completed and SME portal will be officially launched shortly after final fine tuning.

349. It is to be noted that around 50% of the 86 recommendations of the Master Plan have been initiated while 23% have been implemented as at June 2019.

350. Regarding the suspension of trade fees up to Rs 5,000, some 85% of entrepreneurs have already benefitted from exemption of trade fees from Local Authorities.

#### **FACILITATING ACCESS TO HOUSING**

351. A first time buyer of a plot of land to build a house is eligible for duty free exemption on a land value of up to Rs 2.5 M. A first time buyer of a house or apartment of up to Rs 5 million is eligible for full exemption from registration duty as announced in the budget 2019/2020.

352. Citizens can also benefit from the VAT Refund Scheme on the construction of their residence or the purchase of an apartment. The upper limit for the cost of construction of a residence or the purchase price of an apartment has been increased from Rs 4 million to Rs 5 million and the eligible household income threshold was increased from Rs 2 million to Rs 3.5 million.

353. Low income families are ensured of a decent social housing at a decent and affordable cost through the construction by Government of housing units. Provision of service plots is made available to lower-middle income group for housing purposes. Moreover, the provision of a grant for casting of roof slab to low income families.

## THE MARSHALL PLAN

354. The Marshall Plan Social Contract (MPSC) was introduced in December 2016 to enable eligible Social Register of Mauritius (SRM) beneficiaries living in absolute poverty to benefit from the *various* empowerment schemes and income support on a conditional basis. This ranges from cash transfers pertaining to education, training and employment, health, family welfare and development.

Table 37: SRM households and beneficiaries as at May 2019

	FEMALE	MALE	TOTAL
Number of SRM Households	4,174	6,103	10,277
Number of Beneficiaries	21,910	18,860	40,770

Source: Ministry of Social Integration and Economic Empowerment

355. The social contract essentially represents a formal pledge between Minister of Social Integration and Economic Empowerment and SRM beneficiaries whereby both parties acknowledge their rights and duties in the endeavour to fight poverty. The crux of the social contract lies in the transition from the mere act of distributing social assistance, to cash transfers which are subject to compliance with specified requirements in order to achieve the objective of concretely and sustainably empowering the poor people.

## SUBSISTENCE ALLOWANCE

356. The monthly subsistence allowance is based on income thresholds ranging between Rs 2,720 and of Rs 9,520 to families composed of up to two adults and three children. The objective of the subsistence allowance is to ensure that the basic needs of people living in absolute poverty are met and ultimately they are enabled to move out of the poverty trap. For the financial year 2017/2018, a total amount of Rs 213,612,857 was disbursed under the Subsistence Allowance Scheme and Rs 238,685,158 for 2018/2019.

357. There are 8,190 SRM eligible households in Mauritius and 2,087 in Rodrigues which are benefitting from the monthly subsistence allowance. These SRM beneficiaries are also offered other conditional cash transfers, based on the needs of the household.

### **CHILD ALLOWANCE**

358. A monthly payment of Rs 929 per child for the Child Allowance scheme is payable as an incentive to eligible SRM Households to send their children to school. For this 2019, there are currently 12,000 beneficiaries. Under this Scheme the allowance is paid per child based on 90% attendance is effected in favour of school-going children aged between 3 and 23 years old.

359. For the financial year 2017/2018, a total amount of Rs100,075,974 was disbursed under the Child Allowance Scheme and Rs 104,047,107 for 2018/2019.

### **SCHOOL MATERIALS**

360. The purpose of the Scheme is to provide school materials such as bags, uniforms, shoes, copybooks and stationery to children of pre-primary, primary, secondary schools and pre-vocational institutions, as an incentive to motivate them to attend school. Allowance for school materials is provided in the range of Rs 1,500 to Rs 2,000. In academic year 2018, some 18,302 students of Mauritius and Rodrigues have benefitted from school materials. There are 18,944 beneficiaries for the Academic Year of 2019.

361. For the financial year 2017/2018, a total amount of Rs 33,688,808 was disbursed under the School Materials Scheme, and Rs 40 M was disbursed in 2018/2019.

### **THE SCHOOL PREMIUM SCHEME**

362. The school premium is a cash award aimed at improving the educational achievements of students from poor families and to encourage them attaining higher level of education. The scheme currently applies to students who have passed the examinations of School Certificate and Higher School Certificate. The amounts of the School Premium awarded are Rs 25000 to students of the School Certificate and Rs 35, 000 to those of the Higher School Certificate. There were some 223 beneficiaries for Academic Year 2018. The school premium is being extended to tertiary level as announced in the Budget 2019/2020 and they will benefit from a one-off grant of Rs 40,000. Since implementation of the Scheme in 2017, nearly 500 School Certificate and Higher School Certificate students from SRM eligible families have received the cash awards. For the financial year 2017/2018, a total amount of MUR 6,790,000 was disbursed under this Scheme and Rs 6,4 M for 2018/2019.

363. Moreover, with the implementation of the nine year schooling programme, the first cohort of students in 2020 who successfully complete grade 9 will be entitled in 2020 to a cash award of Rs 15,000 (approximately US \$ 500).

### **FREE EXAMINATION FEE SCHEME**

364. The Free Examination Fees Scheme is being implemented since 2017. The purpose of the Scheme is to facilitate children of SRM households to have a second attempt through an exemption from payment of fees varying from Rs 10,478 to Rs 13,028, in respect of School Certificate (SC) or its equivalent General Certificate of Education (GCE) Ordinary, or Higher School Certificate (HSC) or its equivalent Advanced Level (A Level) exams. This Scheme caters not only for students who have failed the SC or HSC examinations but also for those who have passed at first attempt but wish to improve their qualifications. For academic years 2017 and 2018, 256 students of Mauritius and Rodrigues have benefitted from the Scheme. There are 276 students of Mauritius and Rodrigues for the Academic year 2019 who are entitled for the scheme. For the financial year 2017/2018, a total amount of Rs 2,070,379.

### **CRÈCHE SCHEME**

365. The Crèche Scheme which is being implemented in Mauritius since February 2017 provides for children aged between 3 months to 3 years to be placed under the care of registered child daycare centres thereby allowing their mothers/parents to take up employment or to follow a training course for the purpose of empowering them. This Scheme pays a maximum of MUR 2,000 monthly to the daycare centres in favour of each child admitted whose mother/parents are referred to training institutions for the possibility of enrolment in different sectors. For the financial year 2017/2018, a total amount of MUR 1,312,700 was disbursed under the Crèche Scheme whereas for 2018/2019, it is Rs 887,800. There are currently some 20 beneficiaries.

### **PUBLIC-PRIVATE PARTNERSHIP TO ELIMINATE POVERTY**

366. Lovebridge is a public-private partnership with an innovative approach in fighting poverty. It is run under the stewardship of Business Mauritius (the representative of more than 1,200 private companies). The Lovebridge method tackles poverty holistically by intervening on six pillars namely Education, Employment-Employability-Training, Housing, Food & Nutrition, Health and MASCO (Motivation, Attitude towards Empowerment & Self-Help, Skills & Know-How and Courage). Lovebridge works constructively on individualised strategies and practical action plans to help families progressively step out of poverty.

### **NEW CORPORATE SOCIAL RESPONSIBILITY FRAMEWORK**

367. A new Framework was announced in the Budget 2016/17 with a view to ensuring greater transparency and better outcomes in the implementation of CSR programmes. The NCSR Foundation was incorporated on 30 December 2016, following the Budget measure for setting up of a NCSR Foundation to be managed jointly by the private and public sector. The National CSR Foundation was established by Government in December 2016 with the aim of generating better social outcomes and ensuring greater accountability and transparency in the use of CSR funds.

368. The Foundation receives, manages and allocates CSR funds collected by the Mauritius Revenue Authority (MRA) in accordance with section 50 L of the Income Tax Act 1995. The Act requires every company to remit to the MRA at least 75% of a CSR fund set up on or after 1 January 2019 for onward remittance to the National CSR Foundation. The Act also provides that the sum to be remitted to the MRA may be reduced by an amount not exceeding 25% of the CSR fund of the company where it is used to finance a CSR programme which has started before 1 January 2019 subject to the approval of the National CSR Foundation.

369. The main mandate of the Foundation is to support programmes and projects of non-governmental / non-profit Organisation (NGOs/NPOs) for the benefit of individuals and families registered under the Social Register of Mauritius (SRM) and of vulnerable groups. With effect from 1 January 2019, the National CSR Foundation is also the central body to receive and allocate public funds to NGOs to ensure a coordinated approach with regard to the funding of NGOs.

370. The funding strategy of the Foundation rests on the core philosophy of promoting social inclusion and equity, adopts a right-based approach and a social investment model to guide its funding decision.

371. For the period February 2017 to June 2019 an amount of Rs 1.1 billion has been remitted to the National CSR Foundation.

Table 38: Approved projects/ programmes approved by the Foundation  
**First Call 2017**

<b>Priority Areas of Intervention</b>	<b>No of projects</b>	<b>Amount</b>	<b>% of total amount</b>
Socio-economic development as a means for poverty alleviation	16	12,694,878	6.26%
Educational support and training	112	88,181,555	43.51%
Social housing	2	1,753,145	0.87%
Supporting people with disabilities	15	14,242,018	7.03%
Dealing with health problems	35	30,740,250	15.17%
Family protection including gender -based violence	27	35,110,554	17.32%
Leisure and sports	10	7,801,531	3.85%
Environment and sustainable development	8	8,043,250	3.97%
Peace and nation-building	5	4,104,500	2.03%
Road Safety and Security	-		
<b>Total</b>	<b>230</b>	<b>202,671,681</b>	<b>100%</b>

Source: National CSR Foundation

Table 39: General Call 2018

<b>Priority Areas of Intervention</b>	<b>No of Projects funded under GC2018</b>	<b>Amount (Rs)</b>	<b>% of Total Amount</b>
Socio-economic development as a means for poverty alleviation	29	29,843,625	10.09%
Educational support and training	115	128,333,151	42.50%
Social housing	1	3,000,000	1.01%
Supporting people with disabilities	23	27,079,820	9.16%
Dealing with health problems	47	51,774,932	16.50%
Family protection including gender-based violence	23	27079820	9.25%
Leisure and sports	18	16,222,653	5.48%
Environment and sustainable development	19	13,829,900	4.67%
Peace and nation-building	4	3,379,000	1.14%
Road Safety and Security	3	605,000	0.20%
<b>Total</b>	<b>282</b>	<b>302,409,966.00</b>	<b>100</b>

Source: National CSR Foundation

### **CULTURAL RIGHTS**

372. The Mauritian Nation is a multicultural community comprising of descendants of migrants hailing from Africa, Asia and Europe. The Ministry of Arts and Culture celebrates several 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 duly approved by Government, to ensure the promotion of all aspects of cultural heritage and to encourage artistic creation. All major cultural celebrations are marked by public holidays to enable the entire population to understand, appreciate and participate therein.

373. The policy of Government is to provide financial and institutional support to ensure that all aspects of arts and culture in Mauritius are preserved and promoted. Financial and other support are provided to artists and groups of artists to encourage artistic creation. The Ministry also has 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 2 theatre halls - Serge Constantin and Pointe Canon - are put at the disposal of Artists community at reduced rates.

374. Three “*Centres de Formation Artistique*” provide training in various art forms. In different regions, the “*Centre de Lecture Publique et d’Animation Culturelle*” have been established to encourage reading, artistic and cultural activities. Assistance is provided to local artists through the Ministry of Arts and Culture. There are currently 5 Centres de Formation Artistique (CFA).

#### **PROMOTION OF ARTS AND CULTURE**

375. To preserve and enhance access to cultural heritage by the Mauritian population, the National Heritage Fund (NHF) has initiated research in view of putting together an inventory and document its Intangible Cultural Heritage in its endeavour to safeguard the Intangible Cultural Heritage (ICH). Sega Tipik was the first cultural asset to have been inscribed on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity November 2014. The artform comes mainly from the Creole community of African descent whose ancestors were slaves on the Island of Mauritius. The NHF has about 200 sites listed as national heritage and many of them are accessible and free of charge to the public. National Museums are also open to the public and free of charge.

376. Bhojpuri Folk Songs of Mauritius – ‘Geet Gawai’ was inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity in December 2016. It is a rich legacy preserved by the Indian immigrants and their descendants not only in Mauritius but in other diasporic countries which have Bhojpuri as a linguistic heritage and culture of origin such as in Fiji, South Africa, Trinidad and Tobago, Suriname, Guyana, in different forms.

377. The NHF has also been working on the nomination dossiers of the Sega Tambour of Rodrigues and in December 2017 the ‘Sega Tambour’ of Rodrigues was inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity in December 2017.

378. ‘Sega Tipik’ was inscribed on the UNESCO Representative List of Intangible Cultural Heritage of Humanity in December 2014.

379. On 12 April 2018, the ICH-nomination form was submitted in view of nominating the Sega Chagos into the list of ICH in need of Urgent Safeguarding. The file will be examined by the Committee at its 14<sup>th</sup> session in November/December 2019.

380. In the Budget 2018/9, the Government of Mauritius allocated a budget of Rs5.3 million for the rehabilitation and restoration of national heritage for Indentured Labourers Barracks at Trianon and Batterie de L’Harmonie at Black River. Measures to provide facilities to the disabled to enjoy our national heritage are being envisaged.

381. Each year in the context of International Day for Monuments and Sites, open days are organised to give the public the opportunity to discover and enjoy our cultural heritage sites that are not usually accessible such as Government House, State House and Chateau Riche en Eau, amongst others.

382. The Aapravasi Ghat was inscribed on the World Heritage List of UNESCO in July 2006. The Aapravasi Ghat Trust Fund is responsible for the preservation, management and promotion of the Aapravasi Ghat World Heritage Site as a national, regional and international memorial site. In June 2011, the Planning Policy Guidance for the Aapravasi Ghat Buffer Zone was issued to protect and sustain the Outstanding Universal Value of the Aapravasi Ghat World Heritage Site. The objective is also to preserve and enhance the inherent qualities, urban character and cultural significance of the Buffer Zone. Exhibitions, publications and educational activities and consultations with the local community take place every year to raise awareness on the Aapravasi Ghat World Heritage Site, providing a platform for the participation of all relevant stakeholders in decision making processes with an impact on cultural rights.

383. The Beekrumsing Ramlallah Interpretation Centre was inaugurated in November 2014, presenting a permanent exhibition designed to promote the Outstanding Universal Value of the Aapravasi Ghat World Heritage Site. The Centre also proposes a dynamic public programme including educational and outreach activities at sites and in schools.

384. The Le Morne Cultural Landscape was inscribed on the UNESCO World Heritage List in July 2008. The Le Morne Heritage Trust Fund is responsible for the preservation and management of the Le Morne Cultural Landscape for its sustainable use that is fully cognizant of its Statement of Universal Value, and without compromising its Authenticity and Integrity. This site was used as a shelter by runaway slaves and maroons through the 18<sup>th</sup> and early years of the 19<sup>th</sup> century, who took their lives in despair and to avoid being captured by their masters. Le Morne World Cultural landscape and Robben Island, are two sites which are recognised as symbols of resistance against slavery and the fight for freedom and sacrifice, and which commemorate the horrors of oppression of humankind. The Twinning Agreement between Le Morne World Cultural Landscape and the Robben Island World Heritage Site was signed on 20 March 2017. In 2017 – 2018, Rs 30 million were allocated for the rehabilitation and restoration of national heritage sites. Thirteen (13) sites were identified for this purpose and seven (7) have been completed namely Grand Port Battle Memorial, Old Fort/Fort Albert (Baie du Tombeau), Donjon St. Louis (GRNW), Batterie Bourgogne (Anse Petit Sable), Old French Battery (Vieux Grand Port), Batterie L'Harmonie (Black River) and Bain des Negresses Bridge (Souillac). Measures are also being taken to provide facilities to the disabled to enjoy our national heritage and cultural rights. Measures are also being taken to provide facilities to the disabled to enjoy our national heritage and cultural rights.

385. Mauritius is working towards the setting up of the Intercontinental Slavery Museum in Port Louis. The Museum would give more visibility and insight into the colonial practice of slavery and the slave trade in the Indian Ocean, promote education on the history of slavery, and emphasize the contribution of the African Diaspora in the world development.

386. Apart from providing subsidies/grants to religious bodies, the Government, 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, has set up Trust Funds, Cultural Centres, Speaking Unions and Heritage Funds. These unions and funds 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. Festivals such as the Spring Festival, Divali, Eid-UI-Fitr and Christmas are celebrated at a national level with government's active participation in the organizational aspects.

### **SUPPORT TO ARTISTS**

387. The Copyright Act was further amended in 2017 to redefine and better safeguard the interest of copyright owners, and to create a new regulatory framework for the MASA for a better representation of rights holders. The Mauritius Society of Authors was established under the Act to replace the Rights Management Society. The Rules and Statutes of the Society have been worked out to consolidate its operations as a Collective Management Organisation (CMO).

388. The Anti-Piracy Unit of the Police Department, the Mauritius Revenue Authority, the Industrial Property Office and the Mauritius Society of Authors are involved in the fight against piracy and responsible for the enforcement of the Copyright Act.

389. Financial assistance is provided by way of grants under the 'Assistance Scheme to Artists', for the local production of cultural goods, and the 'International Development Grant' to encourage the development of Creative Industries in Mauritius.

390. With a view to incentivise artists to share their work and talents on a national scale, the latter are remunerated for their performances on the Mauritius Broadcasting Corporation (MBC) television channels. (Rs 4M provided in FY 2018/2019 under the Lotto Fund).

391. A National Arts Fund (Fund) was set up in July 2018 to contribute to the financing of creative arts projects, schemes and events in relation to arts development such as music recording, concerts, and sales and exhibition of art works. Government has earmarked a sum of Rs 50 million to finance these activities. 4 grant schemes namely - (i) an Emerging Talents Grant Scheme to nurture future generations of talented Mauritians; (ii) a Production Grant Scheme to encourage established artists to incorporate originality and creativity in their works; (iii) a Capacity Building Grant Scheme to support the continuous professional development of Mauritians working in the arts and culture

sector; and (iv) a Research Grant Scheme to spur innovation and generate new forms of artistic expression and cultural experiences - are operational under the National Arts Fund.

392. Mauritius is one of the pioneer African countries to work on the Status of Artist Bill. The Ministry of Arts and Culture with the support of UNESCO launched an initiative to design a new legislation to professionalize the status of artists in Mauritius. A third field visit will be conducted during this year to look into the proposals and amendments proposed by stakeholders and to amend the set of proposals and measures submitted by UNESCO before the drafting of the legislation.

393. The Mauritius Cinema Week was held from 18 to 21 October 2018, in the context of the celebration of the 50 years of Independence of Mauritius. The event was graced by the presence of 20 high-profile guests from Bollywood, Hollywood, Tollywood, France, the United Kingdom and South Africa. It received wide coverage from the international press and was a unique opportunity to further develop the film industry as a pillar of the Mauritian economy.

394. International exposure is given to artists through financing their participation in events of worldwide repute under the 'International Development Grant Scheme'. Cultural entrepreneurs and artists have been empowered through the different forms of assistance and incentives, thereby promoting the cultural industry to ensure sustainable development. The Ministry of Arts and Culture ensures respect for cultural diversity by promoting cultural pluralism through cultural exchanges with foreign countries. The Cultural Exchange Programmes which Mauritius has with friendly countries, such as India, Egypt, Seychelles and China provide for exchanges of artists, groups of artists, exchange of documentation as well as exchange of professionals in various artistic and cultural fields.

395. Artists with disabilities are provided with assistance for their creative works and the Ministry encourages their participation in programmes at national level. Participation is encouraged in activities. It is worthwhile noting that sign language is used for the National Anthem for events such as National Day Celebrations.

#### **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.*

396. The Commissioner of Police is responsible for determining the use and controlling the operations of the Force for the maintenance of public safety and public order as provided for under section 71 of the Constitution.

397. 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, the Indian Ocean Commission, the Indian Ocean Rim Association and Southern Africa.

398. Mauritius supports the promotion of peace and security in Africa. The Arms Trade Treaty was ratified in July 2015. Although Mauritius does not manufacture or possess any cluster munitions, Mauritius deposited the Instrument of Accession to the Convention on Cluster Munitions in October 2015 with a view to promoting the universalisation of the Instrument, and also as a sign of solidarity with other African countries which are affected by this scourge. The Firearms Act was amended in 2016 for better control over firearms in the country in so far as export, import, transit and safekeeping of light firearms are concerned. In 2018, the country acceded to the Amended Protocol II and Protocol V of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious Effects Act was passed in April 2018. The State of Mauritius has also acceded to the Convention on the Prevention and Punishment of the Crime of Genocide in July 2019.

399. The National International Humanitarian Law Committee under the Ministry of Justice, Human Rights & Institutional Reforms coordinates with the assistance of Red Cross and other stakeholders towards sensitization on armed conflicts and IHL instruments and Disaster management.

400. The Extradition Act was repealed and replaced by a new legislation in 2017 to make better provision for the extradition of persons from and to Mauritius. It simplifies extradition procedures and makes no distinction between Commonwealth and non-Commonwealth countries and promotes cooperation without neglecting to make adequate allowance for the rights of persons whose extradition or arrest is sought.

401. Mercer's 21<sup>st</sup> annual Quality of living Survey (Year) positions Mauritius as the safest African city with the best quality of living on the continent. The safe city project was initiated in 2017. It comprises the installation of some 4000 Intelligent Video Surveillance (IVS) Cameras

over 2000 Sites (major public areas, main roads and motorways, pedestrian walkways), 300 Intelligent Traffic Surveillance (ITS) Cameras over 75 Sites and some 2000 handheld radio sets for the police force. The project is being implemented. Moreover, cameras have been installed in 78 police stations.

402. Although Mauritius has not 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. Further it has not ratified the OAU Refugee Convention. Nevertheless, Mauritius, with the assistance, of the Office of the United Nations High Commissioner for Refugees, has facilitated the resettlement of 11 asylum seekers from the Democratic Republic of Congo detained in Mauritius.

403. The Mutual Assistance in Criminal and Related Matters Act provides the framework for international cooperation between Mauritius and foreign states in investigations, prosecutions or proceedings concerning serious offences and related civil matters. Notably, it governs procedures for assistance in evidence-gathering, transfer of detained persons to and from Mauritius, foreign requests for restraining orders, foreign requests for enforcement of foreign restraining order or confiscation and foreign requests for the location of the proceeds of crime.

404. The Prevention of Terrorism Act was amended in 2016 to provide for the reinforcement of the legal framework against terrorism, and for related matters. The Constitution was amended in November 2016 to provide for the imposition of restrictions on (a) the movement within Mauritius and (b) the right of any person to leave Mauritius, pursuant to an order of a Court or a Judge of the Supreme Court under the Prevention of Terrorism Act. Section 15 of the Constitution providing for the freedom of movement, was amended in 2016, to provide for the imposition of restrictions on the movement within Mauritius or on the right of any person to leave Mauritius pursuant to an order of a Court or a Judge of the Supreme Court under such law, being a law relating to offences or acts of terrorism.

405. Section 206 (Outrage against public and religious morality) and section 282 (Stirring up racial discrimination) of the Criminal Code Act were amended in 2018. Radio communication, and technology having electrical, digital, magnetic, wireless, optical and electromagnetic capabilities, and writing in different forms including writing by electronic means, communication in the form of speed or other sound have now been captured.

#### **ARTICLE 24- RIGHT TO SATISFACTORY ENVIRONMENT**

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

406. Mauritius continues to make significant progress in developing and implementing policies, and strategies for the sound management of the environment and the promotion of sustainable development. An Environment Policy, Strategy and Action plan for the coming decade is being formulated. The framework for the Integrated Management which were previously developed are currently being implemented. A Sustainable Integrated Development Plan for Rodrigues is being implemented. Through the Environment Impact Assessment (EIA) Mechanism, proper consideration is given to the potential environmental impacts of development projects.

407. Conscious that development brings along challenges such as air pollution, increasing waste, degradation of the environment, poor sanitation, housing shortages, traffic jams among others, the Government is focusing efforts to address the latter. In this respect, in August 2018, the National Environment Fund has been revamped under the Environment Protection Act (EPA) through the Finance (Miscellaneous Provisions) Act 2018. The Board administering the fund is composed of representatives of various ministries notably a Deputy Financial Secretary, as Chairperson, the Supervising Officer of the Ministry responsible for the subject of environment, the Supervising Officer of the Ministry responsible for the subjects of local government and outer islands, the Supervising Officer of the Ministry responsible for the subjects of public infrastructure and land transport, the Supervising Officer of the Ministry responsible for the subject of tourism, a representative of the Land Drainage Authority established under Land Drainage Authority Act 2017; a representative of the National Development Unit of the Prime Minister's Office; and the Accountant-General. The Fund also draws from a broader source notably contributions from the private sector and international organisations. Moreover, the objects of the Fund have been extended to finance projects, programmes and schemes relating, *inter alia*, to rehabilitation, protection and management of beaches, lagoons and coral reefs; flood management and cleaning, rehabilitation and upgrading of drains, bridges and rivers; solid waste management; landslide management and disaster risk reduction. The Government has made an initial contribution of Rs 2 billion to the National Environment Fund from the Consolidated Fund. The regrouping of environment-related programmes under one roof will facilitate mobilization of funds at the international level, especially from friendly countries with which the state of Mauritius has longstanding and very good relations. Moreover, the Fund is expected to bring visibility to various development partners on the international front.

#### **ACCESS TO WATER**

408. Almost all Mauritians have access to potable water across the island comprising six water supply zones. The water distribution network in Mauritius is relatively old with an estimated 39%, about 1600 km, requiring replacement. The Government has embarked on a massive pipe replacement programme around the island to address this problem. Some 443.25 km pipes in most entail regions have been replaced to date.

409. The construction of the new Bagatelle Dam was completed in 2017 and consequently the total water storage capacity was increased by 14 mm<sup>3</sup> to reach approximately 104 mm<sup>3</sup>. The construction of a new dam with a capacity of 14 mm<sup>3</sup> is being envisaged. It is in the detailed designing phase and expected to be commissioned by 2024.

410. In 2018, Rodrigues pioneered the construction of a solar desalination plant. The plant is producing 80 m<sup>3</sup> of fresh drinking water for 2,400 inhabitants every day. At night, it uses a hybrid solar-grid powered source to produce 300 m<sup>3</sup> of drinking water.

411. To counter water shortages between two periods of supply, grants and facilities are provided by the Rodrigues Regional Assembly (RRA) for households to install and maintain rainwater harvesting system. It is also a requirement for new constructions to include such rainwater harvesting systems.

412. The hotel industry, both in Mauritius and Rodrigues, has taken the lead by investing in desalination plants and addressing potential water shortages. Many luxury hotels, have such plants, using the reverse osmosis water purification technology enabling them to be water independent and meet their daily water demands. It is also mandatory for hotels with at least 50 rooms and located on the seaside to provide for a desalination plant and be equipped with a wastewater treatment plant, if public sewer is not available. Such a requirement for processing sanitation facilities is also applicable to Integrated Resort Scheme project.

## **SANITATION**

413. The island has access to sanitation facilities, either through on-site disposal or the national sewer system. The national sewerage network is also being extended to environmentally sensitive regions and areas near high water table that are prone to wastewater overflows. Over the period 2015-2018, a total of 7,438 households were connected to the national sewer system of which 1,021 are families in poor communities. From 2015 to 2018 the Wastewater Management Authority invested Rs 1.83 billion in wastewater Capital Projects.

## **RENEWABLE ENERGY**

414. 99.6 percent of the population has access to a reliable supply of electricity. Mauritius depends heavily on the import of charcoal, diesel and heavy fuel oil to produce electricity. Fuel oil and Diesel represent 37.4 and coal 41.6 percent of the electricity mix. As part of the Renewable Energy Strategy, the target of achieving 35 percent renewable sources in the electricity mix by 2025 is being envisaged. 97.9 percent of the population already rely primarily on clean fuels and technology. Bagasse, a by-product of sugarcane, was in 2017 the main source of renewable energy of 14.7 percent. Hydro, wind, landfill gas and solar are other sources of electricity on the island.

415. To promote a decrease in energy consumption, a number of measures have been adopted recently notably the efficiency labelling of electrical appliances, energy audits of 88 public and private buildings, Solar Photovoltaic Rebate Scheme for Cooperative Societies and a Home Solar Project targeting 10,000 low-income households. Through the latter scheme, households will benefit from 50 kWh of electricity free of charge on a monthly basis for a period of 20 years, and any surplus electricity produced will be injected into the national grid. The Home Solar Project was ranked first out of 89 projects submitted to the International Renewable Energy Agency (IRENA).

416. To encourage the use of ecofriendly vehicles and reducing consumption of fossil fuels, excise duty on hybrid motor cars, between 1,001 to 1,600 cc, was reduced from 55% to 25% in 2016. Since its introduction, the number of hybrid cars registered has more than doubled. Moreover, excise duty on electric cars of up to 180 kw were removed.

417. Projects such as Small-Scale Distributed Generation (SSDG), for households and the Medium-Scale Distributed Generation (MSDG), for the commercial sector are being implemented. The SSDG project is based on the 'Net Metering Principle' which allows some particular clients (approximately 2000) to produce their own electricity from renewable resources.

418. From 2015 to 2018, a total capacity of 39 MW solar farms have been set up and commissioned. A 9 MW onshore wind farm is in operation since 2016.

419. In the Budget 2018/2019, a waste-to-energy project of total capacity 20 MW, increased battery storage from 4 to 18 MW, a new scheme for small scale distribution generation (SSDG) and the installation of 25,000 smart electricity meters have been announced.

## **CLIMATE CHANGE**

420. As a Small Island Developing State (SIDS), Mauritius is highly vulnerable to the impacts of climate change. The state of Mauritius is exposed to inherent environmental vulnerabilities including natural hazards such as high-intensity cyclones, sea level rise resulting in beach erosion, flash floods which are becoming more frequent causing significant damage to infrastructure, property and loss of human lives. According to the World Risk Report 2018, Mauritius is ranked as the 16<sup>th</sup> country with the highest disaster risk and ranked 10<sup>th</sup> on the list of countries most vulnerable and exposed to natural hazards.

421. Above all, the life of our citizens may be at risks due to the more frequent calamities and their unpredictability. We are bound to build resilience to climate change and facilitate our adaptation. We are exposed to the impacts of climate change in a disproportionate way, which could hamper our progress on poverty alleviation, economic growth and stability and our ability to meet the sustainable development goals.

422. Government has placed climate change high on its agenda and is fully committed to put Mauritius on the track of sustainable development by promoting a low carbon economy pathway as well as building resilience against the growing threats of climate change. The Government Programme 2015-2019 as well as the Vision 2030, which was spelt out by Government, have put much emphasis on building a climate change resilient nation and have left no stone unturned to meet adaptation and mitigation objectives, and to abide to all international obligation requirements.

423. It is noteworthy that to date Mauritius has invested significant amount of its resources in both adaptation and mitigation measures, despite its limited means. According to a recent study published in 2018 by the UNDP and the Ministry of Finance and Economic development, entitled “Tracking Public Sector Environment Expenditure (TPSEE)”, Mauritius has invested up to 2.15% of its GDP annually, that is, roughly MUR 10.3 billion (which include grant funding) representing 77% on adaptation and 23 % on mitigation measures.

424. Mauritius is also party to the United Nations Framework Convention on Climate Change, the Paris Agreement, the Kyoto Protocol, the Sendai Framework as well as the SIDS Accelerated Modalities of Action (S.A.M.O.A) Pathway. Mauritius is doing its fair share to implement recommendations of these international agreements with the development of several national as well as sectoral strategies and action plans.

#### **LEGISLATIVE FRAMEWORK**

425. Government has also come up with strategic legislations to deal with the challenges and impacts of climate change. Legislation has been promulgated while others are being finalised to strengthen the environmental management and sustainable development frameworks of the country. It has mainstreamed a culture of meaningful and constructive stakeholder participation and involvement in the decision-making process with a strong focus on public-private partnership and close collaboration with civil society to embrace good governance and transparency and “leaving no one behind” along the sustainable development pathway.

426. Some of the key legislative and policy measures set in place include the following -

- i. National Disaster Risk Reduction and Management Act was promulgated with the objective to provide for: Prevention and reduction of the risk of disasters; Mitigation of the adverse impacts of disasters; Disaster preparedness; Effective response to disasters; and Management of post-disaster activities, including recovery and rehabilitation. The Act provides for a National Disaster Risk Reduction and Management Council, which oversees the implementation of the National Disaster Risk Reduction and Management Policy, National Disaster Risk Reduction and Management Strategic Framework and National

- Disaster Risk Reduction and Management Plan. It also lays down national guidelines for disaster risk reduction and management at sectoral levels.
- ii. The Land Drainage Authority Act 2017, which provides for the setting up of a Land Drainage Authority whose objects are the development and implementation of a Land Drainage Master Plan. The Act also makes provisions for a complete inventory and mapping of all existing natural and man-made drainage infrastructure with a view to enhance our resilience against flash floods.
  - iii. The Local Government (Amendment) Act 2018, which establishes penalties of up to 500,000 rupees for any person who undertakes development works without being the holder of a Building and Land Use Permit and who undertake development works not in accordance with that permit. The Act also provides for the pulling down of illegal constructions on any canal, river or drain.
  - iv. The Mauritius Renewable Energy Agency Act 2015 was promulgated with the setting up of the Mauritius Renewable Energy Agency (MARENA) in 2016 to oversee the development of renewable energy in Mauritius and to achieve at least 35 % of renewable energy production by 2025 with the formulation of Renewable Energy Management Master Plan.
  - v. A National Climate Change Adaptation Policy Framework was developed in 2012 to integrate climate change and disaster risk reduction into core policies, strategies and plans in key sectors such as water, Agriculture, Fisheries, Tourism and Coastal Zones.
  - vi. A National Disasters Scheme (NDS) was prepared in 2015, to support agencies and stakeholders in understanding and undertaking their roles, responsibilities and actions in emergencies. The document provides for the following: Cyclone Emergency Scheme; Heavy Rainfall, Torrential Rain and Flooding Emergency Scheme; Tsunami Emergency Scheme; High Waves Emergency Scheme; Water Crisis Emergency Scheme; Earthquake Emergency Scheme Landslide Emergency Scheme; and Port Louis Flood Response Plan.

#### **INSTITUTIONAL SET UP**

427. A number of institutions have been set up to implement measures including strategies and action plan:

- i. A dedicated Climate Change Division has been established under the aegis of the Department of Environment since 2010, to develop, coordinate and implement climate change adaptation and mitigation policies, programmes and initiatives. The Division also ensures compliance with international commitments taken at regional and international climate negotiations.
- ii. The National Disaster Risk Reduction and Management Centre (NDRRMC) was set up in 2013 following the fatal flooding event of March 2013 which cause the death of 11 people in Port Louis and was strengthened in 2014. The centre ensure risk reduction and

preparedness planning at all levels and has taken the following measures to strengthen operations in terms preparedness and response:

- iii. The decentralization of the activity of the NDRRMC through the setting up of the National Emergency Operations Command (NEOC) and Local Emergency Operations Command (LEOC), at central and local levels, respectively, to coordinate, monitor and sensitise concerned authorities on the implementation of appropriate risk reduction measures and crisis situation.
- iv. A Disaster Response Unit consisting of a specialised unit of the Special Mobile Force, to assist disaster response operations from the National Emergency Operations Command, the Local Emergency Operations Commands and the Regional Emergency Operations Command.
- v. Community Disaster Response Teams in specific flood prone areas under the Community Disaster Response Programme to assist vulnerable communities during extreme weather events and disasters.
- vi. A Landslide Management Unit has been set up in 2008 at the Ministry of Public Infrastructure and Land Transport to carry out investigations and propose remedial mitigating measures for specific areas prone to landslides.
- vii. The setting up of a Land Drainage Authority (2017) for the development and implementation of a Land Drainage Master Plan to increase our resilience against flash floods through the construction of new drains, upgrading and rehabilitation of existing drain structures, dredging of rivers and construction of retaining walls. (CC Division).

428. Furthermore, Government has placed climate change high on its agenda and is fully committed to put Mauritius on the track of sustainable development by promoting a low carbon economy pathway as well as building resilience against the growing threats of climate change. The Government Programme 2015-2019 as well as the Vision 2030, which was spelt out by Government, have put much emphasis on building a climate change resilient nation and have left no stone unturned to meet adaptation and mitigation objectives, and to abide to all international obligation requirements.

429. It is noteworthy that to date Mauritius has invested significant amount of its resources in both adaptation and mitigation measures, despite its limited means. According to a recent study published in 2018 by the UNDP and the Ministry of Finance and Economic development, entitled “Tracking Public Sector Environment Expenditure (TPSEE)”, Mauritius has invested up to 2.15% of its GDP annually, that is, roughly MUR 10.3 billion (which include grant funding) representing 77% on adaptation and 23 % on mitigation measures.

430. Mauritius is also party to the United Nations Framework Convention on Climate Change, the Paris Agreement, the Kyoto Protocol, the Sendai Framework as well as the SIDS Accelerated Modalities of Action (S.A.M.O.A) Pathway. Mauritius is doing its fair share to implement

recommendations of these international agreements with the development of several national as well as sectoral strategies and action plans.

431. The Republic of Mauritius became the first SIDS to have a fully operational early warning system (EWS) for incoming Storm and Tidal Surge installed at the Mauritius Meteorological Services. The coastal communities of the Republic of Mauritius have at least 6 hours warning of possible incoming storm surges. The Early Warning System for storm and tidal surge is currently being extended to include the wave, swell and inundation component. Three wave rider buoys have also been procured for deployment at sea to enhance the present early warning system as it will provide real time wave data to the present Early Warning System.

432. A National Multi Hazard Emergency Alert System is being developed for Mauritius, Rodrigues, Agalega and St Brandon is meant to alert the public prior to and during a disaster. It will also improve regional infrastructure, policies and protocols to strengthen our capacity to predict and prepare for emergencies and natural hazards, thereby improving resilience and disaster reducing risks and losses.

433. Mauritius Telecom has launched a new application ‘my.t weather app’. It is a common platform which provides information such as weather conditions as well as alerts on impending dangers and calamities in Mauritius. Information disseminated through the application include: Weather Bulletin, Sea Info, Rainfall Weather Forecast, Cyclone Tracks, Cyclone Bulletins, Major Incidents, Traffic Bulletin, Education Bulletin, and Emergency Info.

434. A Common Alerting Protocol (CAP) has also been adopted. The CAP is a standard message format designed for all-media, all-hazard and communications over any and all media. To ensure that all Mauritian citizens and tourists obtain real-time information, alerts, warnings and advisories in times of emergencies and disasters, the government has developed an Emergency Alert App, downloadable on Playstore and App store. The app was also declared 2019 Champion at the World Summit on Information Society.

435. A modern refugee centre with all necessary amenities was completed at Quatre Soeurs which can accommodate a maximum of 1000 evacuees in case of emergency. The Doppler Radar is operational. It provides more precise information on intensity of rainfall and air turbulence.

436. The Government of Japan has been very generous in donating, through a grant aid of Rs 437 million, the “Doppler Weather Radar Observation Station” (DWROS) to Mauritius. The DWROS, a first of its kind in the Indian Ocean region, is a most sophisticated tool that is of utmost necessity for Small Island Developing States such as Mauritius and which became fully operational in March 2019.

437. It is a matter of pride for the country to be among those nations equipped with such state-of-the-art technology for weather observation. The Doppler Weather Radar acts as a weather observation tool to enhance the capability of the Mauritius Meteorological Services (MMS) to track cyclones with greater accuracy as well as to strengthen the capacity of meteorologists in their forecast of torrential rains leading to flash floods. In this context over 60 persons were trained locally to maintain the Radar and interpret Radar products. The Doppler Weather Radar will certainly contribute towards a weather resilient nation.

438. The Land Drainage Authority Act has come into operation in 2018. A Land Drainage Authority (LDA) has been set up in response to the problems encountered due to inadequate and inefficient drainage system. The LDA is tasked to develop and implement a Land Drainage Masterplan to increase our resilience against flash floods. In this respect, a new high resolution Digital Elevation Model (DEM).

439. In August 2018, the National Environment Fund set up under The Environment Protection Act (EPA) was amended by the Finance (Miscellaneous Provisions) Act 2018 to broaden the scope of allow for the implementation of various projects to protect the environment and mitigate risks associated with climate change. Government has made an initial contribution of Rs 2 billion to the National Environment Fund from the Consolidated Fund.

440. Following the recurring episodes of flash floods where marginalized groups had been severely affected, a Ministerial Committee was set up by Government to review the protocol applicable during natural disasters. A revised formal protocol for the Organisation, Coordination and Disaster Management Activities, has been made effective since December 2018. As per the Protocol, during flash floods/torrential rain, three meals per day will be provided to refugees. The Mauritius Prisons Service (MPS) will prepare the quantity of bread as per demand in the refugee centres.

441. To mitigate beach erosion and increase resilience against adverse effects of climate change and sea level rise, the government is implementing conservation plans prepared by the Japan International Cooperation Agency (JICA) along 14 coastal sites.

442. Mauritius has implemented a three-year community based coral culture project (2017 – 2020) which aims at training and providing capacity building of the coastal communities in coral culture and reef rehabilitation techniques at four locations around the island. Approximately 110 coastal community members, comprising 85% male and 15% female, have registered under a “Coral Culture Training Programme”.

443. Following suit to the leadership of Rodrigues Regional Administration (RRA) in 2014, Mauritius also banned the use of plastic bags in 2016. This has opened up windows of

opportunities for our local entrepreneurs to look for eco-friendly and green alternatives. 1,790 200 biodegradable bags were imported in 2017/2018.

444. The Local Government Act was amended in 2018 to provide for penalties of up to 500,000 rupees for any person who undertakes development works without being the holder of a Building and Land Use Permit and who undertakes development works contrary to the conditions of the permit. The act also provides for a pulling down notice for development works in or on any canal, river or drain without having obtained an approval or a permission required under any other enactment.

## **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.*

### **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.*

445. 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. The Constitution provides for the independence of the Judiciary not only vis-à-vis the Legislature and the Executive but also vis-à-vis other political or social forces, as illustrated by the entrenched provisions governing the appointment of Judges, their terms of office and security of tenure, the provisions governing their removal in case of misconduct and the oath which they are required to honour under Chapter VII of the Constitution.

446. The appointment of Magistrates is effected by the Judicial and Legal Service Commission (JLSC) set up under the Constitution. Puisne Judge are appointed by the President acting in accordance with the advice of the JLSC. This process affords an additional guarantee of the independence of judges and magistrates.

447. Sections 77 and 78 of the Constitution provide as follows:

#### ***77. Appointment of Judges of Supreme Court***

- (1) The Chief Justice shall be appointed by the President, acting after consultation with the Prime Minister.*
- (2) The Senior Puisne Judge shall be appointed by the President, acting in accordance with the advice of the Chief Justice.*
- (3) The Puisne Judges shall be appointed by the President, acting in accordance with the advice of the Judicial and Legal Service Commission.*
- (4) (...)*

*(8) Any person appointed under this section to act as a Puisne Judge shall, unless he is removed from office under section 78, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Chief Justice:*

*Provided that a person whose appointment to act as a Puisne Judge has expired or has been revoked may, with the permission of the President, acting in accordance with the advice of the Chief Justice, continue to act as such for such a period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.*

### ***78. Tenure of office of Judges of Supreme Court***

*(1) (...)*

*(2) A Judge of the Supreme Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (3).*

*(3) A Judge of the Supreme Court shall be removed from office by the President where the question of removing him from office has, pursuant to subsection (4), been referred to the Judicial Committee and the Judicial Committee has advised that the Judge ought to be removed from office for inability or misbehaviour.*

*(4) Where the Chief Justice or, in relation to the removal of the person holding the office of Chief Justice, the President considers that the question of removing a Judge of the Supreme Court from office for inability or misbehaviour ought to be investigated—*

*(a) the President shall appoint a tribunal, which shall consist of a Chairperson and not less than 2 other members, selected by the President from among persons who hold or have held office as a Judge of a Court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a Court having jurisdiction in appeals from any such Court;*

*(b) the tribunal shall enquire into the matter and report on the facts to the President and recommend to the President whether the question of removing the Judge from office should be referred to the Judicial Committee; and*

*(c) where the tribunal so recommends, the President shall refer the question accordingly.*

*(5) Where the question of removing a Judge of the Supreme Court from office has been referred to a tribunal under subsection (4), the President may suspend the Judge from performing the functions of his office; and any such suspension may at any time be revoked by the President and shall in any case cease to have effect—*

- (a) where the tribunal recommends to the President that he should not refer the question of removing the Judge from office to the Judicial Committee; or*
- (b) where the Judicial Committee advises that the Judge ought not to be removed from office.*

- (6) The functions of the President under this section shall be exercised by him in his own deliberate judgment.*
- (7) The retiring age for the purposes of subsection (1) shall be the age of 62 years or such other age as may be prescribed by Parliament:*

*Provided that a provision of any Act of Parliament, to the extent that it alters the age at which Judges of the Supreme Court shall vacate their offices, shall not have effect in relation to a Judge after his appointment unless he consents to its having effect.*

448. Government has agreed to bringing new legislation to set up a separate Land Division of the Supreme Court to look into cases of land dispossession and ownership claims.

449. The judicial system in Mauritius was ranked 32nd by the World Economic Forum for judicial independence of the Global Competitiveness Index in 2018 and 25th by the Heritage Foundation's 2019 Index of Economic Freedom for Judicial Effectiveness.

450. The National Human Rights Commission (NHRC) is mandated to deal with complaints relating to civil and political rights as set out in Chapter II of our Constitution. Though it receives funding from government, it enjoys independence in its functions.

451. The Independent Police Complaints Commission has been set up and is fully operational since April 2018. The IPCC investigates into complaints, other than acts of corruption or money laundering offences, made against police officers in the discharge of their functions. The IPCC has taken over the functions of the now defunct Police Complaints Division of the National Human Rights Commission. The IPCC is headed by a former Judge of the Supreme Court.

## **ARTICLE 27- DUTY OF FAMILY**

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

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

452. Under the Code Civil Mauricien, several rights are granted to and obligations imposed upon family members either individually or collectively. *Inter alia*, spouses have a general and mutual

duty of “*fidélité, secours, assistance*”. Article 213 provides that “*Les époux assurent ensemble la direction morale et matérielle de la famille. Ils pourvoient à l’éducation des enfants et préparent leur avenir*”.

453. Parents, by the fact of marriage, have a joint obligation to bring up and attend to all the basic needs of their children (Article 203 of the Code Civil Mauricien). 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 a son or daughter in law towards their father and mother in law, as the case may be, subject to conditions.

454. The Ministry of Gender Equality, Child Development and Family Welfare dispenses the Pre-marital Counselling Programme, the Marriage Enrichment Programme, the Inter-generation Relationship Programme and the Strengthening Values for Family Life, amongst others.

455. The Protection from Domestic Violence Act was amended in 2016 to, *inter alia*, widen the definition of ‘domestic violence’. Domestic violence extends beyond violence directed to a spouse and the child but to any other person living under the same roof. Notably it now includes *inter alia*, the willful infliction or attempted infliction of injury, intimidation, insult, stalking, the deprivation of resources which the spouse is entitled to, or of payment for rent in respect of shared residence. A rehabilitation programme for perpetrators of domestic violence has been initiated in 2018.

456. Section 8 of the Child Protection Act provides that where the Permanent Secretary has reasonable ground to believe that a child is ill-treated, neglected, abandoned, destitute or otherwise exposed to harm, and that it is in his interests to be committed to a place of safety, he may apply in writing to the Court for a committal order.

## **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.*

457. Section 16 of the Constitution provides that no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority. Discriminatory means 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 or are accorded privileges or advantages that are not accorded to persons of another such description.

458. Furthermore, the Equal Opportunities Act provide further safeguards and protection by complementing the provisions in the Constitution. Under the EOA, direct or indirect discrimination is interpreted as a less favourable treatment on the basis of status. "Status" includes age, caste, creed, ethnic origin, sexual orientation, impairment, marital status, colour, place of origin, political opinion, race, sex.

459. The Equal Opportunities Act applies to employment activities, education, provision of goods and services, accommodation, the disposal of immovable property, companies, partnerships, "*sociétés*", and registered associations, clubs and access to premises which the public may enter or use and sports. It also applies to both the public and private sectors and includes within its ambit sexual harassment. Discrimination by victimization is also prohibited.

460. Certain provisions of the Criminal Code achieve in effect the promotion of mutual respect and tolerance. Some of these provisions and their related penalties have been listed below –

1. Section 183 ("Interference with freedom of conscience") provides for a fine not exceeding 100,000 rupees, and by imprisonment for a term not exceeding 2 years;
2. Section 184 ("Disturbing religious ceremony") provides for a fine not exceeding 100,000 rupees and imprisonment for a term not exceeding 2 years;
3. Section 185 ("Outrage on religious worship") provides for a fine not exceeding 100,000 rupees, and imprisonment for a term not exceeding 2 years;
4. Section 206 ("Outrage against public and religious morality") provides for imprisonment for a term not exceeding 2 years and to a fine not exceeding 100,000 rupees;
5. Section 282 ("Stirring up racial hatred") provides under subsection (1) for a fine not exceeding 100,000 rupees and penal servitude for a term not exceeding 20 years
6. Section 283 ("Sedition") is an offence committed by any person who, by any means specified in section 206 — (a) holds or brings into hatred or contempt, or excites disaffection towards, the Government or the administration of justice, (b) raises discontent or disaffection among the citizens of Mauritius or promotes feelings or ill will and hostility between different classes of such citizens. The penalty provided for is imprisonment for a term not exceeding 2 years and a fine not exceeding 100,000 rupees;
7. Section 286 refers to "Importing seditious publication";
8. Section 287 relates to "Suspending publication of newspaper containing seditious publication";
9. Section 287A concerns "Prohibiting circulation of seditious publication";

10. Section 287B lists the penalties for seditious publication under sections 286, 287 and 287A and provides that under these sections, no person shall be prosecuted unless upon an information by the Director of Public Prosecutions and any such person shall on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

461. Section 206 (Outrage against public and religious morality) and Section 282 (Stirring up racial discrimination) of the Criminal Code Act were amended in 2018. Radio communication, and technology having electrical, digital, magnetic, wireless, optical and electromagnetic capabilities, and writing in different forms including writing by electronic means, communication in the form of speed or other sound have now been captured.

462. The Information and Communication Technologies Act was amended in October 2018. The Act makes it an offence to make use of telecommunication equipment to send, deliver or show a message which is obscene, indecent, abusive, threatening, false or misleading, and which is likely to cause or causes annoyance, humiliation, inconvenience, distress or anxiety to any person. Further the use of an information and communication service, including telecommunication service, to impersonate, or by any other means impersonates, another person which is likely to cause or causes annoyance, humiliation, inconvenience, distress or anxiety to that person has also been criminalised.

#### **ARTICLE 29- INDIVIDUAL DUTIES**

*The individual shall also have the duty: -*

*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;*

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

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

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

*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;*

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

*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;*

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

463. In line with its objective to promote racial harmony and unity in diversity for the preservation of our rich cultural heritage and promotion of ancestral languages, Government has set up Trust Funds, Cultural Centres, Speaking Unions and Heritage Funds. Religious bodies have a priceless role of in shaping and preserving the social and moral fabric of our society and they receive the financial support of Government. In the Budget 2019/20, the grant to religious bodies was increased by 10% from Rs 85 M to Rs 93 million.

464. The Nelson Mandela Centre for African Culture 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.

465. In May 2019, Government decided to set up the Akademi Kreol Repiblik Moris (AKRM) to follow up on the development and use of the Kreol language in the Republic of Mauritius. The AKRM would have the following key objectives –

- i. develop further the orthography, grammar, lexicon, usage and norms of Kreol Repiblik Moris (KRM) as the national standard language of the Republic of Mauritius;
- ii. develop and promote KRM as the key medium, component and expression of Mauritian heritage, culture and traditions in its unity and diversity;
- iii. commission and publish linguistic studies and descriptions of KRM and its usage, its varieties and registers, its evolutionary norms and standards, while assuring its development as a living and dynamic medium;
- iv. encourage literary, non-fiction and scientific writing and promote creative productions in audio-visual, electronic and other formats;
- v. promote quality and excellence in the study, description and creative use of KRM and reward talent and achievement in KRM; and
- vi. advise the Ministry of Education and Human Resources, Tertiary Education and Scientific Research on matters related to KRM.

**HUMAN RIGHTS ACTIVITIES AND WORKSHOPS**

**BRILLE VERSION OF THE CONSTITUTION**

The Braille version of the Constitution was launched in April 2018 and is in line with the Government's commitment to empower persons with disabilities. The braille version of the Constitution has been distributed to NGOs, Municipal Councils, District Councils and visually impaired and blind students.

**KNOW YOUR RIGHTS PAMPHLET**

As for the Know Your Rights Pamphlet it was launched on 23 March 2019 and it was funded by the UK Government. It aims to inform prospective and current migrant workers of their rights and the possible remedial actions in case of violations. It also serves to make migrant workers aware of the dangers of human trafficking. The pamphlet was produced in 6 different languages, namely English, French, Hindi, Tamil, Bangladesh and Chinese. A short video clip encompassing the main information in the pamphlet has also been made and is occasionally being broadcasted on launched on different channels of the national television (Mauritius Broadcasting Corporation).

**LAUNCHING OF 8 VIDEO CLIPS**

On 10 December 2018, the Ministry of Justice, Human Rights and Institutional Reforms launched 8 video clips on Human Rights Awareness to mark the Human rights Day. The video clips are entitled as:

1. What are Human Rights?
2. Right to Education
3. No to Sexual Harassment
4. No to Child Marriage
5. Rights of Disabled Persons
6. Yes, to Meritocracy and Equal Opportunity
7. Rights of Detainees
8. Rights of the Elderly

**TALK BY FORMER CHIEF JUSTICE MISRA**

A Talk on "Progressive Realization of Rights through the Courts- the experience of the Supreme Court of India". The Ministry of Justice, Human Rights and Institutional Reforms in collaboration with the Equality & Justice Alliance based in UK, organized a talk on the theme "Progressive Realization of Rights through the Courts: the experience of the Supreme Court of India" by Justice Deepak Misra, Former Chief Justice in India, on 22 March 2019 at Labourdonnais Waterfront

Hotel. The talk was attended by eminent personalities of the Judiciary including the Judges, Magistrates and Bar Council Members. Other sessions were organized with other groups; students, civil society, and NGOs.

#### **AWARENESS SESSION ON HUMAN RIGHTS FOR SENIOR CHIEF EXECUTIVES AND PERMANENT SECRETARIES**

The Ministry of Justice, Human Rights and Institutional Reforms, in collaboration with the National Human Rights Commission, has organised a half day awareness session on Human Rights for Senior Chief Executives and Permanent Secretaries of Ministries on 04 May 2019. The aim of the training was to promote awareness of the State obligations under the various international instruments within the Head of Ministries and Departments and ensure that the best conditions are put in place in Ministries and Departments for compliance therewith. The session which was attended by around 35 Senior Officials was facilitated by the Chairperson of the National Human Rights Commission.

#### **TALK ON “DISABILITY AND HUMAN RIGHTS”**

The talk focusing on “Disability and Human Rights” was delivered by the Minister of Justice and Correctional Services of South Africa, Hon Tshililo Michael Masutha on 18 January 2019 at the Le Labourdonnais Waterfront Hotel in Port-Louis.

He was on a two-day visit in Mauritius to share his own experiences being himself visually impaired. Minister Masutha dwelt on the need for social inclusion and equal opportunities for people with disabilities and also expressed hope for these people to achieve success in various fields.

#### **ADDRESSING HUMANE TREATMENT OF DETAINEES**

A three-day (11-13 December 2017) Peer-to-Peer workshop relative to detention in the Indian Ocean and focusing on the humane treatment and conditions of detention for all prison detainees was organized by the Mauritius Prison Department.

#### **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, from the Law Faculty of Aix-Marseille, France conducted the workshop on International Human Rights Treaties for members of the National Reporting and Follow Up Mechanism.

## **INTERNATIONAL HUMANITARIAN LAW (IHL) AND INTERNATIONAL DISASTER LAW (IDL) - WORKSHOP**

A four-day (19-22 November 2018) workshop, focusing on International Humanitarian Law (IHL) and International Disaster Law (IDL), was organized by the Ministry of Justice Human Rights and Institutional Reforms in collaboration with the Mauritius Red Cross Society and the San Remo University of Italy.

Table 1: Workshops organized in collaboration with the Office of High Commissioner for Human Rights (OHCHR) and in collaboration with Office of High Commissioner for Refugees. (OHCR)

<b>SN</b>	<b>Workshop</b>	<b>Date</b>	<b>Number of Participants</b>	<b>Objectives</b>
1	Consultative Workshop for UPR (OHCHR)	23 January 2019	60 Ministries/ Departments Human Rights Institutions Civil Society	To engage consultative discussions with Ministries, Departments and the Civil Society on the recommendations of the UPR Working Group prior to providing feedback to the Human Rights Council of the Plenary Session scheduled in mid-March 2019
	Workshop on ‘State Party Reporting to Treaty Bodies’ (OHCHR)	24 to 26 April 2019.	50 participants from Ministries/ Departments, National Human Rights Institutions and Non-Governmental Organisations who are members of the National Mechanism for Reporting and Follow-up (NMRF).	To strengthen the national capacity of Mauritius on engagement with human rights mechanisms particularly as it relates to reporting and implementing treaty body recommendations
2	Four Key Capacities of NMRF (OHCHR)	21-22 May 2019	Around 40 Permanent members of NMRF from different Ministries	To build the four key capacities of NMRF members with particular focus on coordination and

				information management capacities and the development of a plan to implement recommendations
3	National Recommendation Tracking Database (OHCHR)	23-24 May 2019	Around 40 Participants to be drawn from those who attended workshops (1) and (2)above	To build capacity of participants on the use of the National Recommendation Tracking Database including data entry.
4	State Obligations on Human Rights Instruments (OHCHR)	04 May 2019 (half day)	Around 50 Supervising Officers of Ministries / Permanent Secretaries	To build capacity of Head of Ministries/ Departments regarding Treaties, Convention. Other Human Rights instruments and the State Obligations
5	Asylum Seekers/Refugees (OHCHR)	30-31 May	Around 20 Ministries/Departments Civil Society	To work out a Protocol on the roles and responsibilities of relevant stakeholders when Mauritius will be faces with foreigners seeking International Protection as asylum seekers or refugees.

Source: Ministry of Justice, Human Rights and Institutional Reforms

Training organized by the Institute of Judicial and Legal Studies (IJLS) for members of the legal profession

Table 2: Courses and workshops carried out in ILJS with respect to UN treaties and Human Rights: From January 2017 to March 2019 [ Judges, Magistrates, Law Practitioners]

SN	Date	Course	Judges	Magistrates	Law Practitioners
<b>2017</b>					
1	8 <sup>th</sup> March	Human Trafficking & Gender-Based Violence			√
2	26 <sup>th</sup> May	Strengthening Judicial Response to Domestic Violence		√	
3	31 <sup>st</sup> July	Judicial Training – Interaction with Supreme Court Judges	√		
4	1 <sup>st</sup> August	Bail Law – Art.5 of the ECHR – The Right To Personal Liberty			√
5	2 <sup>nd</sup> August	Judicial Training Interaction with Magistrates – Functioning of European Court of Human Rights & Art.6 – Right To A Fair Trial		√	
6	9 <sup>th</sup> August	International Humanitarian Law		√	√
7	28 <sup>th</sup> Nov 2017	Panel Discussion on Child Sexual Abuse seen from a psycho-socio-legal perspective		√	√
8	7 <sup>th</sup> Dec	Victim centric approach to Human Trafficking- an analysis of international & national laws relating to TIP			√
<b>2018</b>					
9	30 <sup>th</sup> Jan	State reporting to UN Treaty Bodies			√
10	7 <sup>th</sup> Feb 2018	Convention on the Elimination of All Forms of Discrimination Against Women			√
11	15 <sup>th</sup> Feb	The Human Rights Situation in Eritrea- rule law & crimes against Humanity			√
12	20 <sup>th</sup> March	Human Rights, HIV & the Law: a decade later, where do we stand.			√
13	13 <sup>th</sup> April	Bail through constitutional Provisions: Principles and Challenges			√
14	3 <sup>rd</sup> May	La reparation des violations de droits de l’homme		√	√
15	10 <sup>th</sup> May	The Origins of Criminality – Evil Mind			√
16	16 <sup>th</sup> October	An Overview of the CERD- The Convention on the Elimination of All Forms of Racial Discrimination			√

2019					
	24 <sup>th</sup> Jan	Vulnerabilité et acces a la justice			√
	13 <sup>th</sup> Feb	International Good Practices in Combatting Gender-Based Violence and Sexual Violence		√	√
	13 <sup>th</sup> Mar	Mandate of the UK National Preventive Mechanism- An Overview of the UK PACE 1984			√
	19 <sup>th</sup> Mar	An Overview of the Convention on the Rights of the Child			√
	26 <sup>th</sup> Mar	Public Interest Litigation in India			√
	28 <sup>th</sup> Mar	Interpretation of Fundamental Human Rights in the Indian Constitution			√
	29 <sup>th</sup> Mar	Judicial Activism of Supreme court in respect to the interpretation of basic Human rights & the Challenges faced by the Indian Judiciary		√	

Source: Institute of Judicial and Legal Studies (IJLS)

### AWARENESS CAMPAIGNS CONDUCTED BY THE NHRC

Table 3: Sensitization Campaigns Organized by NHRC (January 2016-December 2016)

<b>Target Group</b>	<b>Number of participants</b>
Citizen Advice Bureau	798
Prison / Police Officers	638
Workshops	82
<b>GRAND TOTAL</b>	<b>1518</b>

Source: National Human Rights Commission

Table 4: Sensitization Campaigns Organized by NHRC (January 2017-December 2017)

<b>Target Group</b>	<b>Number of participants</b>
Citizen Advice Bureau	2073
Prison / Police Officers	91
Private Companies	65
Students / Youth Centers	100
Women	70
Workshop	120
<b>GRAND TOTAL</b>	<b>2519</b>

Source: National Human Rights Commission

Table 5: Sensitization Campaigns Organized by NHRC (January 2018-December 2018)

<b>Sensitization Campaigns Organized by NHRC January 2018-December 2018</b>	
<b>Target Group</b>	<b>Number of participants</b>
Citizen Advice Bureau	1063
Prison / Police Officers	468
Students / Youth Centers	300
Women	126
Senior Citizens	300
Social Welfare and Community Centres	125
Workshop (Human Rights Day 2018)	110
<b>GRAND TOTAL</b>	<b>2492</b>

Source: National Human Rights Commission

Table 6: Sensitization Campaigns Organized by NHRC (January 2019-21 June 2019)

<b>Sensitization Campaigns Organized by NHRC January 2019-21 June 2019</b>	
<b>Target Group</b>	<b>Number of participants</b>
Citizen Advice Bureau	570
Prison / Police Officers	408
Women	105
Senior Citizens	688
Workshops	155
Rodrigues	150
<b>GRAND TOTAL</b>	<b>2076</b>

Source: National Human Rights Commission

**European Union Funded Project on the  
'Promotion of Respect for Human Rights in Mauritius and Rodrigues'**

The EU-Funded Project was launched on 11<sup>th</sup> December 2017 during a Workshop held to commemorate Human Rights Day. 58 law enforcement officers attended the workshop.

Table 7: Sensitisation activities conducted from January 2018 to December 2018

<b>Sensitisation activities conducted from January 2018 to December 2018</b>	<b>Target groups</b>	<b>Number of sessions</b>	<b>Number of participants</b>
Talks in Women Empowerment Centres	Women	30	1100
Talks in Secondary Schools (state and private)	Students	16	1175
Talks in Youth Centres	Young persons	10	423
Talks in Elderly Day Care Centres	Elderly persons	14	520
Talks in Citizens Advice Bureaux	General public	22	563
Private Companies: Esquel Mauritius Ltd	Employees	1	22
Thematic Workshops and Forum Debates	Law enforcement officers, Civil	3	308

	servants, Law practitioners, Civil society, Students		
Lectures and Human Rights Training by External Resource Persons	Law enforcement officers, Civil servants, Law practitioners, Civil society, Students	13	640
<b>Total</b>		<b>110</b>	<b>4751</b>

Source: National Human Rights Commission

Table 8: Sensitisation activities conducted from January 2019 to June 2019

<b>Sensitisation activities conducted from January 2019 to June 2019</b>	<b>Target groups</b>	<b>Number of sessions</b>	<b>Number of participants</b>
Talks in Women Empowerment Centres	Women	12	271
Talks in Secondary Schools (state and private)	Students	10	488
Talks in Youth Centres	Young persons	3	94
Talks in Elderly Day Care Centres	Elderly persons	13	804
Talks in Citizens Advice Bureaux	General public	14	570
Private Companies: Esquel Mauritius Ltd	Employees	1	15
Rodrigues	General Public	6	190
Thematic Workshops and Forum Debates	Law enforcement officers, Civil servants, Law practitioners, Civil society, Students	1	98
Lectures and Human Rights Training by External Resource Persons	Law enforcement officers, Civil servants, Law practitioners, Civil society, Students	7	405
<b>Total</b>		<b>67</b>	<b>2935</b>

Source: National Human Rights Commission

**List of Thematic Workshops held under the EU-funded Project:**

- Workshop on ‘Human Rights and Children’s Rights’ (21<sup>st</sup> June 2018)
- Half-day Workshop in the context of the International Day for the Elimination of Violence Against Women (28<sup>th</sup> November 2018)
- Forum Debate on ‘Protecting and Promoting Human Rights of LGBTI Persons’ (13<sup>th</sup> December 2018)
- Half-day Workshop on ‘Promoting a Violence-Free Society Amongst Students’ (8<sup>th</sup> May 2019)

**External Resource Persons enlisted under the EU-funded Project to provide human rights training and deliver lectures:**

- Professor Ludovic Pierre Hennebel, from Aix-en-Provence, Member of the Advisory Committee of the United Nations Human Rights Council
- Ms Karen Grayson, Principal for Institutional Strategy and Ms Lynn Welsh, Head of Legal, of the Equality and Human Rights Commission, UK
- Mr John Wadham, Chair of the UK National Preventive Mechanism and Member of the UK Independent Advisory Panel on Deaths in Custody

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 interest.”*