



**CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT**

**FIFTH PERIODIC REPORT OF
THE REPUBLIC OF MAURITIUS ON THE IMPLEMENTATION OF
THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT
(JAN 2017 TO NOV 2021)**

**Republic of Mauritius
2021**

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Abbreviation

ADSU - Anti-Drugs and Smuggling Unit

CAT - Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

CCID - Central Criminal Investigation Department

CCTV - Closed Circuit Television

COTS - Crime Occurrence Tracking System

CP - Commissioner of Police

DIRS - Digital Interview Recording System

DPP -Director of Public Prosecution

FSL - Forensic Science Laboratory

FWPU - Family Welfare Protection Unit

GBV - Gender-Based Violence

IJLS - Institute for Judicial and Legal Studies

IPCC - Independent Police Complaints Commission

MPF - Mauritius Police Force

NHRC - National Human Rights Commission

NHRIs - National Human Rights Institutions

NPMA - National Preventive Mechanism Act 2012

NPMD - National Preventive Mechanism Division

OPCAT - Option Protocol to the Convention Against Torture

PACE - Police and Criminal Evidence

PCD - Police Complain Division

PDVA - Protection from Domestic Violence Act

PFPU - Police Family Protection Unit

PHRA - Protection of Human Rights Act 1998

PIAC - Police Internal Assessment Cell

PIOR - Police Information and Operations Room

PMCCC - Police Main Command and Control Centre

POTA - Prevention of Terrorism Act

PTS - Police Training School

RYC - Rehabilitation Youth Centre

SIDS - Small Island Developing State

SPU - Special Protection Unit

UNHCR - United Nations High Commissioner for Refugees

LIST OF ISSUES

1. Reply to paragraph 1 of the list of issues

1.1. CCTV and Audio Recordings

A breakdown of the number of CCTV cameras with audio recording which have been installed per Police Divisions around the island of Mauritius and at the Central Criminal Investigation Department (CCID), as at 30.06.2021, is as follows:

SN	Divisions	No. of Police Stations/CCID	No. of Cameras
1	Northern	13	152
2	Metropolitan North	6	52
3	Metropolitan South	6	52
4	Eastern	12	112
5	Central	6	100
6	Southern	14	140
7	Western	14	158
8	CCID	1	18
9	Port	1	5
10	Airport	1	14
	Total	74	803

Table 1: (Source : Mauritius Police Force)

Complainants' declarations are digitally recorded at all Police Stations and their statements are taken in writing, scanned and uploaded on the Crime Occurrence Tracking System (COTS).

It is to be noted that CCTV footages are stored for up to 30 days for investigation purposes.

At the Central CID, investigations pertaining to serious cases are videotaped. A soft copy is kept as exhibit for eventual production in Court in case the admissibility of the statements is challenged by defence.

In Rodrigues, CCTV and audio recording are not currently resorted to by the Police.

The breakdown of the number of CCTV Cameras with audio recording in the four Detention Centres in Mauritius is as follows:

Detention Centre	No. of CCTV cameras covering cell	No. of CCTV cameras covering the buildings/ surroundings	Total
Line Barracks	30	29	59
Moka	36	45	81
Vacoas	44	53	97
Petite Rivière	6	2	8

Table 2: (Source : Prisons Department)

As at date, there are no CCTV Cameras installed in the Rodrigues Prison, be it female or male wing. It is expected that same will be installed by 2022.

1.2. Methods of investigation based on scientifically-based evidence, including training of police officers

The Police Training School (PTS) is responsible for the training and development of both new recruits and Police Officers in service. Training aims at:

- (a) providing adequate and specialised training to the staff of the Mauritius Prison Service with a view to achieve the aims and objectives of the service;
- (b) providing Police Officers with the knowledge, skills, attitude, techniques and principles required for the successful performance of their functions and responsibilities;
- (c) sharpening the supervisory ability of Police Officers;
- (d) enhancing their interpersonal and communication skills;
- (e) rendering Police Officers conversant with Human Rights;
- (f) equipping Police Officers with the necessary reporting skills in order to communicate more effectively; and
- (g) providing training to, and monitoring the activities of, the Police Marching Band.

It is to be noted that since 2010, a module on interviewing skills based on the P.E.A.C.E. Model used in the United Kingdom, is incorporated in the training programme of Police Officers.

The number of persons trained at the Police Training School during the period 2017 to September 2021 is as follows:

Year	No. of persons trained by PTS
2017	4083
2018	1677
2019	607
2020	302
2021	759
Total	7428

Table 3: (Source : Mauritius Police Force)

For the period 2017 to date, 7428 Police Officers have been trained at the Police Training School on methods of investigation in relation to scientifically-based evidence. More details on relevant training sessions/workshops dispensed at the PTS is at *Annex A*.

It is to be noted that the Commissioner of Police also provides, through standing orders, directives as to how a police officer should conduct interrogation. Furthermore, the police manual provides guidelines for manning The Digital Interview Recording System (DIRS) which is used for interviews carried out in the Digital Interview Room. See *Annex B*.

The procedures put in place by the Police for interrogation of persons suspected of having committed a criminal offence/accused persons are as follows:

- (a) As soon as suspects are arrested by Police, they are informed of the reason for the arrest in a simple language that they understand;
- (b) They are informed of their Constitutional rights, that is, right to be represented by a counsel of their own choice and right to remain silent;
- (c) They are cautioned in accordance with the Judges Rules;
- (d) They are informed by the police officer in charge of the police station that they may make an application for legal assistance during police enquiry and for bail application;
- (e) They are provided with facilities for defence, such as communication facilities, writing materials, and facilities to apply for legal assistance, etc;
- (f) Children are assisted by their responsible party or an adult person of the same sex; and

- (g) Interviews are conducted under CCTV cameras and in serious cases, in the Digital Interview Room. The recordings are kept as exhibits for production in Court.

The recordings of Safe City cameras, DNA evidence and fingerprints are widely used by the Police Force for investigation purposes as well as for the detection of offences and crime prevention.

1.3. Safe City Project

The implementation of the Safe City project started in January 2018 in Mauritius. It includes ICT systems which aim at making the country safer for its citizens by acting as a deterrent and provides the means to detect and assist in the investigation of criminal activities. It comprises a CCTV Smart Camera Surveillance System with more than 4000 cameras across the island, a Multimedia Radio Trunking System, a Central Watch and Management System, an Integrated Emergency Response Management System and an Intelligent Command System, to enable the Police Department to obtain better intelligence with a view to optimising response.

1.4. DNA and Finger Print Evidence

The Forensic Science Laboratory (FSL) is the custodian of the DNA Population Statistical Database. As at June 2019, it had in its custody DNA profiles of 7000 convicted persons and 11000 DNA profiles from arrested persons.

The total number of DNA profiles in the Database as at December 2020 amounts to 40653.

It is to be noted that from January 2015 to December 2020, 833 cases have been detected from fingerprint collected at scenes of crime as depicted in the table hereunder:

Year	Cases detected from fingerprints at scenes of crime
2015	194
2016	139
2017	163
2018	135
2019	99
2020	103
Total	833

Table 4: (Source : Prime Minister's Office)

The number of drug cases detected at the Anti-Drugs and Smuggling Unit (ADSU) and the number of samples collected and sent to the Forensic Science Laboratory (FSL) for DNA analysis for the period 2018 to May 2021, on a yearly basis, are tabled below:

	Year 2018	Year 2019	Year 2020	Year 2021 (As at 31/05/2021)
No. of Drug Cases	3,065	3,307	3,737	1,627
No. of samples sent for DNA Analysis (ADSU Only)	401	293	126	Not available

Table 5: (Source : Mauritius Police Force)

1.5. Reviewing, on appeal, the admissibility of evidence

The judgment handed down by the Supreme Court in the case of **Jean Jacques vs State 2012 SCJ 181**, confirmed the power of the court, on appeal, to review the findings of fact of the trial court. It that case the court was concerned with the admissibility of a confession obtained following an alleged promise made to the accused. In its judgment the Supreme Court relied on previous case law (*Mootaloo v The Queen* [1958 MR 333] and *Francin v The Queen* [1989 SCJ 225]) as regards the instances where the appellate court would disturb a finding of fact by the trial Judge namely, “there are sufficient indications that on trial the facts have not been well appreciated”.

Appeal Courts are therefore already permitted to review the trial court’s decision on the admissibility of evidence.

1.6. Inadmissibility of statement made as a result of torture

Should it be confirmed that evidence has been obtained through torture, such evidence would be declared inadmissible. As per the law of evidence and based on precedents in Mauritius, where an accused is threatened or induced or oppressed into making a confession, that confession will be excluded if it is shown that at the time of making it his free will had been nullified. In the case of **R v Boyjoo and anor, 1991 MR 284** the defence objected to the admissibility of the statements of an accused party on the grounds of inducement, threats and oppression, and a ‘voir dire’ hearing was conducted. The Court noted that the overriding principle on the voluntariness of a confession is to be found at paragraph 3(e) of the Introductory notes to the Judges’ Rules which read as follows:

“It is a fundamental condition of the admissibility in evidence against any person equally of any oral answer given by that person to a question put by a police officer and of any statement made by that person, that it shall have been voluntary, in the sense that it has not been obtained from him by fear or prejudice or hope of advantage, exercised or held out by a person in authority or by oppression.”

In light of the evidence adduced, the Court held that the statements taken were inadmissible as the accused had waived her constitutional right against self-incrimination, not willingly, but through unfair means used by the police. The Court stressed on the importance that an accused be told of his right of silence and of his right of access to a legal adviser, as provided for in the Constitution, and the caution that should be given to a person suspected of having committed an offence or charged with having committed an offence.

There are also instances where the defence chooses challenge the weight to be attached to the statement of an accused party instead of its admissibility

During the period 2017 to July 2021, 47 “voir dire” were conducted in criminal prosecutions. The details are hereunder:

Year	No. of voir dire cases	No. of cases disposed
2017	11	6
2018	18	4
2019	11	1
2020	7	Ongoing
2021	Nil	

Table 6: (Source : Police Prosecution Unit)

However, no data on the number of confessions ruled inadmissible is currently available.

1.7. Prosecution of alleged perpetrators of duress and punishment

An enquiry on alleged cases of extraction of confession obtained under duress is systematically instituted. Such enquiry is either conducted by the Independent Police Complaints Commission (IPCC) or the Police.

After completion of same, either departmental or criminal action is contemplated against the Officers concerned.

During the period under review, a few prosecutions for commission of acts of torture were heard in various courts and are as follows:

1. In the case of **Police v/s Persand & Ors 2020 INT 113**, as per the Information, police officers were prosecuted for the offence of Torture by Public Official in breach of section 18 (1) (a) of the Criminal Code, for having, on 2 March 2015, intentionally and unlawfully inflicted severe pain upon one Mr M.J. Toofany so as to obtain a confession or other information from him. The trial court held that the fact that Mr. Toofany, the deceased, sustained severe blows and pain at some point in time between 24-48 hrs before the day of his demise on 2 March 2015 is undisputable. However, the issue for the Court was whether it was satisfied beyond all reasonable doubt that Accused CID team did so between 5.30 hrs - 8.15 hrs on 2 March 2020 with a view to extract information/confession from him.

The Court gave the benefit of doubt to the Accused Parties and the matter is on appeal before the Supreme Court.

2. In the Case of **Kaurooa vs. The Commissioner of Police & Anor 2019 SCJ 99**, damages of Rs 300,000 were awarded to the plaintiff, who alleged that he was illegally detained, beaten up and coerced to admit having murdered one Mrs. Mattapallut.

It may be noted that 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.”

The Court observed that section 5 (1), (2), (3), (5) of the Constitution sets the parameters within which police officers are empowered to lawfully arrest a person in a manner which does not contravene the person’s constitutional right to the protection of his personal liberty enshrined in Section 5(1) of the Constitution and that “Subsections 5(1) and (3) and Subsection 10(2)(a) of the Constitution have a very close resemblance to Articles 5 (1) and (3) and 6(2) of the European Convention on Human Rights”.

The Court further observed that even if the police had the power to arrest the plaintiff in the murder of Mrs Mattapallut, they did not adduce any evidence to substantiate that on 03 October 2002, they had reasonable suspicion to rearrest the plaintiff and that they had properly exercised their power under the Police Act.

The Court was satisfied that the plaintiff had proved “faute lourde” against the “préposés” of the second defendant on a balance of probabilities. The second defendant was consequently ordered to pay to the plaintiff the sum of Rs 300,000.

The Court further invited the police to “revisit their methods of investigation and adopt new scientific techniques”

3. **Luchmun Y. v The State 2019 SCJ 242 [Court of Criminal Appeal]**

The appellant was prosecuted before the Supreme Court, composed of a Judge and a Jury, for the offence of manslaughter under sections 215 and 223 (3) of the Criminal Code Act. He was found guilty by the jury and sentenced by the Judge to undergo 35 years penal servitude.

On appeal, the Appellant contended that the Learned Judge was wrong to allow the admissibility of the confession.

It was further submitted by the Appellant that the objection to the admissibility of the accused's impugned statement was based on the following grounds:

- (a) the accused was deprived of sleep for two days;
- (b) the accused was not offered food for 12 hours;
- (c) the accused suffered from impaired concentration;
- (d) the accused was not explained his right to counsel; and
- (e) the accused's confession was induced and/or fabricated by the Police.

The Appellate Court referred to the ruling of the Trial Judge, consisting of 13 pages, whereby the learned trial Judge analysed all the evidence adduced at the voir dire and concluded that although it had not been disproved that the accused had not been without sleep and food at the time of recording the impugned statement, there was no evidence on record that the accused had suffered from any mental impairment due to lack of sleep to nullify his free will at the material time.

After perusing the evidence on record, the Appellate Court concurred with the findings of the learned trial Judge that there was nothing on record that could justify the inference that the police officers unfairly took advantage of the fact that the accused was tired due to lack of sleep or that he was unfairly deprived of food.

The Appellate Court held that the appellant had not demonstrated in what manner, if any, the learned Presiding Judge had wrongly exercised his discretion in admitting the impugned statement.

The Appeal was dismissed

4. In the case **Guttoo C. v The State of Mauritius 2017 SCJ 57**, the plaintiff, a Superintendent of Prisons, claimed damages for the prejudice suffered by him as a result of the "faute" committed by the "préposés" of the defendant.

His contentions were that he had been wrongly interdicted by the Commissioner of Prisons and had been subjected to an illegal or wrongful arrest and detention by the Commissioner of Police.

The defendant contended that the Commissioner of Prisons did not act merely on the allegations made by the detainees of Phoenix Prison in order to interdict the plaintiff but that:

- (1) The matter was under police enquiry and the decision of the Director of Public Prosecutions was being awaited; and
- (2) The plaintiff was interdicted on the basis of a police report following investigation into the acts of torture reported by the U.N Sub-Committee on the Prevention of Torture.

Defendant also denied that the plaintiff's arrest and detention was illegal and arbitrary inasmuch as plaintiff was lawfully arrested in the course of a police investigation on reasonable suspicion of having committed offences which were arrestable offences.

The Court found that certain facts were consistent with the direct implication of the plaintiff as a suspect in the infliction of acts of torture and brutality and that the defendant had been able to establish not only the existence of reasonable suspicion from the subjective standpoint of the police but also that there were facts which provided a concrete basis to give rise to reasonable suspicion from the objective standard of a dispassionate bystander.

Upon the completion of the enquiry the provisional charge was struck out and the plaintiff was reinstated in his post. The Court however stressed, in that connection, that the reasonable suspicion to be gauged in the light of the facts as they existed at the material time of the arrest i.e on 26 October 2007.

The Court found that the police had in fact been able to discharge the burden of proving that at the material time of the arrest and detention, the police had reasonable suspicion that plaintiff may have committed an arrestable offence which would warrant his arrest and detention.

The Court concluded that the plaintiff had been unable to prove on a balance of probabilities that there had been any illegal or wrongful interdiction, arrest or detention by the préposés of the defendant which amount to any faute for which defendant would be liable. The plaint was dismissed.

1.8. Conditions of detainees in Prisons

The conditions of detainees are in line with the standard minimum rules pertaining to prisoners as well as other related human rights guidelines, for instance, the UN Basic Principles for the Treatment of Prisoners, the Beijing Rules (1985), and the Mandela Rules (2015), amongst others.

A Capital Project Committee monitors the implementation of all projects in all Prisons in line with Budget proposals. It is chaired by either the Commissioner of Prisons or Deputy Commissioner of Prisons and meets on a monthly basis.

In respect of physical conditions of detention, such as residential blocks, toilets and bathrooms, recreational yards and other physical infrastructure, regular cleaning is done, and maintenance is carried out inhouse during normal wear and tear refurbishment or following recommendations of the National Preventive Mechanism Division (NPMD), or complaints from prisoners.

It is to be noted that the NPMD conducts visits in the absence of any specific complaint in order to determine whether conditions of detention are compliant with human rights norms and standards. Its observations are normally in terms of the prison's administrative framework, the detainees' population, their amenities and conditions of detention. Due consideration is given to lighting, ventilation and physical condition of the buildings, water, sanitation and hygiene, as well as the healthcare services provided.

During the year 2020/2021 several improvements were brought to the 12 prisons located in Mauritius. (Vide *Annex C*)

1.9. Report of the Subcommittee on Prevention of Torture following visit in 2007

The report was not made public for security reasons and also in view of the sensitive nature of the observations made. Nevertheless, most of the recommendations have been considered and a summary of the actions taken is at *Annex D*.

1.10. Complaint mechanisms

On admission, all prisoners appear before a Reception Board where they are informed of their rights and privileges, as well as the rules and regulations of Prisons. They are also informed that they can complain to National Human Rights Institutions (NHRIs), should they feel aggrieved. It is to be noted that Prisoners are allowed to write to NHRIs under confidential cover and all replies from the said Institutions are sent directly to them, without interception by the Prison Officers.

Suggestion boxes are also available in Association Yards of all prisons and detainees may use same in the event that they wish to make known any violation of their rights. In this respect, anonymous complaints are entertained.

Relatives of detainees can also submit complaints/suggestions in boxes available at the Visiting Room of all prisons.

A “Council of Detainees” is entrusted the responsibility to look at the complaints or suggestions and ensure that the conditions of detention and the overall wellbeing of detainees are looked after.

Complaint boxes are available in all institutions for detainees to submit their complaints confidentially. These boxes are collected every Thursday and are opened at the Confidential Registry, the Prison Headquarters, Beau Bassin. The keys are kept with the Confidential Secretary and all the letters are brought to the attention of the Commissioner of Prisons for remedial action. The main areas of complaints are as follows:

	Areas of complaints
<u>Foreign Detainees</u>	(a) legal advisers not visiting them; (b) long delay for their case to be heard; and (c) inadequate food portion and selection of food.
<u>Local detainees</u>	(a) lack of recreational activities; and (b) provision of social aid for relatives.

1.11. Independent Police Complaints Commission (IPCC)

The IPCC established under the Independent Police Complaints Commission Act (‘IPCC Act’), has as main mandate 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; and

(d) promote better relations between the public and the Police.

Furthermore, section 16 (1) of the IPCC Act states that:

“ (1) *On the completion of an investigation, the Commission –*

(a) shall make an assessment and form an opinion as to whether or not the subject matter of a complaint has or may have occurred; and

(b) may, where appropriate, refer the matter to –

(i) the Director of Public Prosecutions, with a recommendation that the police officer be prosecuted for a criminal offence;

(ii) the Disciplined Forces Service Commission, with a recommendation that disciplinary proceedings, or such other action as the Commission considers desirable, be taken against the police officer;

(iii) the Attorney-General, with a recommendation that the complainant or his representative be paid such compensation or granted such relief as the Attorney-General may deem appropriate;”

The IPCC became operational in April 2018.

Article 2

2. Reply to paragraph 2 of the list of issues

2.1. Domestic legislations

The provisions of the CAT are not incorporated in a single piece of legislation but in different pieces of legislations. A non-exhaustive list of the implementing legislations is at *Annex E*.

3. Reply to paragraph 3 of the list of issues

3.1. Statutory provision on the absolute prohibition of torture

Section 7 of the Constitution clearly specifies that “*No person shall be subjected to torture or to inhuman or degrading treatment or other such treatment*”. However, no amendment has been brought to the existing laws to provide for an absolute prohibition of torture.

3.2. Absolute ban on torture

Amendments are yet to be brought to existing laws, such as to Section 245 of Criminal Code, to provide for an absolute ban on torture.

4. Reply to paragraph 4 of the list of issues

4.1. Penalties for offence of torture

Any person who is convicted for the offence of torture, under section 78 of the Criminal Code, is liable to a fine not exceeding 150,000 rupees and to imprisonment for a term not exceeding 10 years.

Although section 78 of the Criminal Code does provide for higher penalties where aggravating circumstances are found to exist, these are nonetheless considered by the trial Court at sentencing stage.

5. Reply to paragraph 5 of the list of issues

5.1. Accountability for acts of torture

Over and above an investigation being carried out by the Police in connection with cases of death of detainees while in custody, there are currently five possible legal avenues to ensure accountability where such death may have resulted from acts of torture. Two of these are under the District and Intermediate Courts (Criminal Jurisdiction) Act, namely, (i) an enquiry under section 64 is conducted by a Magistrate upon a requisition of the Director for Public Prosecutions and (ii) an investigation by a Magistrate with the assistance of a medical practitioner where he is informed that a person has died in prisons or while in custody of the police, under section 110(d) of the District and Intermediate Courts (Criminal Jurisdiction) Act.

The third avenue is under section 4(b) of the Independent Police Complaints Commission Act which empowers the Commission to “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”. The fourth and fifth avenues are through an investigation by either the divisions of the National Human Rights Commission, that is the National Preventive Mechanism Division set up under the National Preventive Mechanism Act and the Human Rights Division set up under the Protection of Human Rights Act. Section 4(a) of the National Preventive Mechanism Act empowers the Division to *inter alia* examine the treatment of persons deprived of their liberty with a view to ensuring their protection against torture and inhuman or degrading treatment or punishment and to namely make recommendations regarding the improvement of these conditions.

It is to be noted that in May 2018, there was an amendment to the Reform Institutions Act. One of the purposes of the amendment was to toughen the law against officers of the Mauritius

Prisons Service, detainees and persons working in reform institutions who are convicted under the Act.

5.2. Case of Ramdoolar Ramlogun

In respect of the case of Ramdoolar Ramlogun, the judgment in the appealed case of **DPP vs Jagdawoo V. & Ors** is at *Annex F*. The case of the 4 accused police officers was dismissed on 16 March 2016 before the Supreme Court of Mauritius. One Police Officer has since passed away while the remaining 3 were reinstated in the Mauritius Police Force and are presently posted to the Special Support Unit.

It is worth noting that since the death of Ramdoolar Ramlogun, the Mauritius Police Force has in a bid to mitigating the risks of further cases of Police brutality, taken the following measures:

- (a) The implementation of a Digital Interview Recording System (DIRS);
- (b) A CP's order aimed at safeguarding the rights of persons arrested in connection with criminal offences issued to all Officers; and
- (c) The installation of Closed-Circuit Television (CCTV) Surveillance Cameras equipped with audio and video recording devices in all Police Stations and in the Interview Rooms at CCID and ADSU.

Moreover, a modern legal framework modelled on the UK Police and Criminal Evidence Act is being envisaged.

6. Reply to paragraph 6 of the list of issues

6.1. Case of detainee Jean Cael Permes

As regards the case of inmate Jean Cael Permes who was found dead at the High Security Prison in Phoenix on 05 May 2020, 11 Prison Officers were arrested and interrogated. Out of which, 4 were provisionally charged with 'murder', 5 with 'conspiracy' and 2 with 'unauthorised modification of computer material'. 9 of these Prisons Officers have been interdicted with pay as from 11 June 2020 whereas 2 have retired on ground of age on 14 May 2020. It is worth noting that out of the 9 Prison Officers, 4 Prison Officers were posted at the Correctional Emergency Response Team. The enquiry is still ongoing.

The salient facts of the case are as follows:

- (a) On 16.03.2020, Mr. Jean Cael Permes was arrested by Police in connection with a case of damaging government property;
- (b) On the same day, he was provisionally charged with the above offence before the District Court of Riviere du Rempart;
- (c) The Police objected to his release on bail, he was remanded to New Wing Beau Bassin Prison;
- (d) On 27.03.2020, he was transferred to Central Prison, Beau Bassin;
- (e) On 05.05.2020 he was subsequently transferred to High Security Prison, Phoenix;
- (f) On the same day, whilst a Principal Prisons Officer was checking him, he found him inert in his cell;
- (g) The Prison Medical Officer was informed and he examined detainee Jean Cael Permes and certified his death;
- (h) On 06.05.2020, the Chief Police Medical Officer carried out an autopsy and certified that the cause of death was due to ‘Hemorrhagic Shock following multiple injuries’; and
- (i) Body of the deceased was handed over to his spouse.

6.2. Installation of closed-circuit television equipment in all police stations

As highlighted previously, since 2018, all Police Stations have been equipped with CCTV and audio recording systems. Investigations are hence being conducted in a more professional manner with focus on scientific-led evidence rather than confession.

7. Reply to paragraph 7 of the list of issues

7.1. Police standing orders relating to visits of doctors

The rights and welfare of detainees including rights to be medically examined are laid down in the Police Standing Orders No. 137. Such examination is carried out in a confidential manner within the sight of the Police Officers escorting detainees but out of their hearing. Communication between medical practitioners and detainees are privileged and this principle is strictly complied by Police Officers. No amendment has been made to the Police Standing Order to that effect but appropriate training is provided to Police Officers (Recruits Foundation Course

& Refresher Course) with a view to upholding the appropriate parameters for medical examination by a detainee.

7.2. **Fundamental legal safeguards**

The Police Standing Orders, Police Instruction Manual and Judges Rules are documents which contain adequate instructions/guidelines concerning access to lawyers by detainees. These instructions are supposed to be adhered to on 24/7 basis by Police Officers in the exercise of their functions.

A CP's Order No. 1/2015 dated 09 March 2015 on the Rights of Persons arrested and/or detained, was disseminated to all Police Stations/Units/Branches requesting the Officer in Charge from that date to systematically inform the Police Information Room about persons arrested in connection with an offence so that necessary actions are taken to inform their Counsel and relatives. The instructions laid down therein are to be complied with and the Police Information and Operations Room (PIOR) is responsible to closely monitor the implementations.

It is to be noted that when detainees are admitted to a Prison, they undergo an Induction Process during which they are visited by a Welfare Officer who informs them of their rights and privileges within the Prison premises. Moreover, they are also allowed to contact their legal advisers by phone.

An online application form for visits by Legal Advisers is available on the website of the Prisons Department since August 2017. The Legal Advisers are required to submit their Application Forms duly filled and signed by them at least two days prior to their visit.

The records of visits by Legal Advisers are kept at the Records Office whereas medical records of detainees are kept at the Prison Medical Unit/Prison Hospital.

At the level of the Bail and Remand Court, it is to be noted that detainees are allowed to make requests for the services of a lawyer with the sitting Magistrate. Notwithstanding, they are also allowed to address correspondences to seek legal assistance.

The procedure put in place for availing of legal aid assistance:

- (a) Detainee informs Court he does not have means to retain services of a lawyer;
- (b) Detainee is brought to Court for legal aid application and Affidavit is sworn;
- (c) On same day, Court appoints a lawyer *in Forma Pauperis* to represent the detainee;
- (d) If lawyer is present in court, he takes cognizance of his appointment; and

(e) If lawyer is not present in Court, he is informed of his appointment.

If detainee complains that the lawyer appearing *in forma pauperis* is not meeting him and is not assisting him, the Court asks for the lawyer to appear to give explanations and his appointment can be revoked and a new lawyer is then appointed. The Magistrate also instructs the prison officers to assist the detainee through the welfare officer to contact his lawyer, if need be.

Hearings are sometimes postponed when Enquiring officers are not in attendance or at the request of detainee's lawyer. If enquiring officers are absent too often or for no reason, they are fined.

Foreign detainees are provided with a lawyer appointed *in forma pauperis* whenever a request for same is made. The same procedure as above applies in their case.

If the foreign detainees have any request or complaint, Court takes note of same and intervenes within its powers and jurisdiction.

8. Reply to paragraph 8 of the list of issues

8.1. Denial of bail for detainees suspected of offence of terrorism

Section 3 of the Prevention of Terrorism (Denial of Bail) Act prescribes the offences for the purposes of section 5 (3A) of the Constitution. However, the Judicial Committee of the Privy Council has, in the case of **State v. Khoyratty [2006 MR 210]**, declared section 5 (3A) of the Constitution and section 32 of the Dangerous Drugs Act, void. Consequently, section 3 of the Prevention of Terrorism (Denial of Bail) Act, would also be void. The Act is however still on the statute books with an editorial note.

Under section 27 of the Prevention of Terrorism Act ("POTA"), a person who is arrested under reasonable suspicion of having committed certain offences under the provisions of the POTA, may be detained in police custody, for not more than 36 hours from her/his arrest, without having access to any person other than a police officer not below the rank of Inspector, or a Government Medical Officer.

9. Reply to paragraph 9 of the list of issues

9.1. Adoption of the Police and Criminal Evidence Bill

The Police and Criminal Evidence Bill is yet to be introduced in the National Assembly. It has encountered delay due to COVID-19 pandemic and lockdown. There is presently no indication of a timing for its introduction.

Section 5 of the Constitution provides for protection of the right to personal liberty, and subsection (1) provides as follows:

“5. Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorised by law—

(a) in consequence of his unfitness to plead to a criminal charge or in execution of the sentence or order of a Court, whether in Mauritius or elsewhere, in respect of a criminal offence of which he has been convicted;

(b) in execution of the order of a Court punishing him for contempt of that Court or of another Court;

(c) in execution of the order of a Court made to secure the fulfilment of any obligation imposed on him by law;

(d) for the purpose of bringing him before a Court in execution of the order of a Court;

(e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence;

(f) in the case of a person who has not attained the age of 18 years, for the purpose of his education or welfare;

(g) for the purpose of preventing the spread of an infectious or contagious disease;

(h) in the case of a person who is, or is reasonably suspected to be, of unsound mind or addicted to drugs or alcohol, for the purpose of his care or treatment or the protection of the community;

(i) for the purpose of preventing the unlawful entry of that person into Mauritius, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Mauritius or the taking of proceedings relating thereto;

(j) upon reasonable suspicion of his being likely to commit breaches of the peace; or

(k) in execution of the order of the Commissioner of Police, upon reasonable suspicion of his having engaged in, or being about to engage in, activities likely to cause a serious threat to public safety or public order.”

Under subsection (5), “*Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person.*”

Moreover, under section 13F of the Police Act, a police officer must have reason to suspect that a person has committed or is about to commit an offence which will endanger public safety or public order before arresting such person.

In the case of **Dahoo vs State of Mauritius &anor [2007 SCJ 156]**, the Supreme Court held that this power is intended to be exercised only in relation to offences involving a danger to public safety or public order, as opposed to offences primarily causing prejudice to individuals.

The Court also observed that whenever there is a power to arrest, it must not be exercised as a matter of course: the discretion to arrest must be exercised in a reasonable manner. The Court recognised the right to personal liberty as guaranteed by section 5 of the Constitution, and to arrest someone is to deprive him of his liberty, by virtue of one of the exceptions provided thereunder. The burden of showing the applicability of one of the derogations to that fundamental right thus falls on the person invoking that derogation. To satisfy that burden, the person responsible for the arrest must invoke the precise law, falling under the derogation, under which the power to arrest was exercised, and must show that there was a proper exercise of that power.

Under section 4 of the District and Intermediate Courts (Criminal Jurisdiction) Act, where a charge or complaint is made on oath before a Magistrate, that a person has committed or is suspected of having committed an offence punishable otherwise than by a fine, the Magistrate may issue a warrant to apprehend the person and to cause such person to be brought before the Court to answer such charge or complaint and to be further dealt with according to law.

Under section 23, “*any police officer, not below the rank of Assistant Superintendent, who has reasonable ground to suspect that any person—*

- (a) has the intention of committing a breach of the peace against any particular person or against any person unknown;*
- (b) is likely to commit any act which may lead to a breach of the peace or threaten public safety or public order,*
may cause that person to be arrested and brought before a Magistrate.”

The Bail Act also recognises the right of every defendant or detainee to be released on bail and prescribes the instances where release on bail may be refused by the Court.

The legal safeguards to ensure that arrests and detention take place when fully justified are therefore inbuilt in the laws relating to arrest and detention.

A complaint of illegal detention may also be made to a Judge under section 188 of the Criminal Procedure Act, and the Judge or the Court may release, bail out or remand that person.

9.2. Persons to be placed in pretrial detention only after arrest based on reasonable suspicion

There is currently a status quo as regards what was mentioned in our last report. This issue is likely to be addressed in a holistic manner in the proposed draft Bill on Police and Criminal Evidence (PACE).

9.3. Status of the new Police and Criminal Evidence Bill and any amendments made to legislation

We have yet to legislate the Police and Criminal Evidence Bill. Moreover, no amendments have been effected to existing legislations during the period under review to remove the system of provisional charges.

The purpose of a provisional charge, as has been explained by the Supreme Court in the case of **DPP v IOIB and Ajay Shanto [1989 MR 110]**, is to place the individual under judicial supervision:

“a provisional information is entered when a suspect is arrested or is brought into custody. Its purpose is to bring the detention of the individual under judicial supervision and control so as to prevent an administrative detention and to enable a judicial authority to decide whether the detainee should be released on bail or not and, if not, for how long he should be detained. No detainee pleads to a provisional information and no trial takes place. Consequently, no question arises as to whether evidence is required to be given in those proceedings. When the need arises for evidence to be given, the provisional information is simply struck out and an information is lodged to which the accused pleads and in respect of which a trial takes place”.

(emphasis added)

Any person, against whom a provisional charge has been lodged, may apply to the District Magistrate for the provisional information to be struck out.

9.4. Pretrial detention

The judiciary has increased the number of posts for magistrates and judges in numerous courts. It has also created additional division of the Intermediate and Supreme Court. This is likely ensure a speedier disposal of cases and thereby reducing the length of pretrial detention in cases where a person has been denied bail.

Moreover, the right to a fair hearing within a reasonable time by an independent and impartial Court established by the law is guaranteed by section 10(1) of the Constitution and under

section 5(3) of the Constitution, where a person who is arrested or detained upon reasonable suspicion of him having committed or being about to commit a criminal offence, is not released and is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including, in particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

9.5. 10-year strategic plan

The Strategic Plan 2013-2023 of the Mauritius Prison Service was released on 25 September 2014. Its development was proposed during a workshop on “Incarceration and Recidivism in Mauritius Challenges, Perspective and the Way Forward” in June 2011.

The Plan comprises of 6 pillars namely:

- (a) Setting up of a strategic Planning unit
- (b) Improving Security of Prison
- (c) Capacity Building
- (d) Integrated detainee Management
- (e) Rehabilitation and resettlement
- (f) Operation of Eastern High Security Prison

A status report on the 6 pillars mentioned above is provided hereunder:

➤ **Pillar 1 - Setting up of a Strategic Planning and Research Unit** (achieved in 2013):

A Strategic Planning and Research Unit was set up since 2013 and has contributed to the implementation of a number of projects such as:

- (a) The implementation of Phase one of the E-Prison System;
- (b) Planning of phase two of the E-Prison Project;
- (c) Legislative reform (The Reform Institutions Amendment Act 2018);
- (d) Drafting of the Reform Institutions (Prison Prohibited Articles Regulation);
- (e) in collaboration with the University of Mauritius and NGOs’ facilitated the implementation of a compost making project at the Petit Verger Prison;
- (f) Rain water harvesting;

- (g) Setting up of a Poultry Farm at the Richelieu Open Prison;
- (h) ISO9001:2008, ISO9001:2015;
- (i) use of Bio Gas in lieu of LPG's (Pilot project at Richelieu Open Prison, planning the setting up of a Bio Gas Plant at New Wing Prison.;
- (j) Two Way Radio Communication;
- (k) the procurement of Full Body X-ray Scanner;
- (l) follow up of Public Sector Business Transformation Strategy; and
- (m) fighting Diabetes at work place.

➤ **Pillar 2 - Integrated Detainee Management**(ongoing):

An integrated Detainee Management comprising of the revamping of the induction of detainees, the classification of detainees, the setting up of e-Prison System for proper documentation of admission and record of detainees has been initiated.

➤ **Pillar 3 - Rehabilitation and Re-Settlement**(ongoing):

The Mauritius Prisons Service has committed itself to reduce the high rate of re-imprisonment in Mauritius through the implementation of various programmes, namely:

- (a) the “Pay Back Mauritius” is a scheme whereby detainees are engaged in meaningful and worthwhile projects that help to maintain community assets and services, thus contributing to enhance community life (uplifting of La Prairie Public Beach, National Tree plantation campaign); and
- (b) the rehabilitation of detainees with a view to enhancing the detainees’ skills so that they can find employment on their return to the society, as well as reducing dependency of drug offenders.

➤ **Pillar 4 - Improved Security of Prisons** (ongoing):

Under this pillar, Security has been classified into three categories, namely physical security, procedural security and dynamic security.

- (i) In terms of **Physical security**, the following major achievements have been made:

- (a) Operationalisation of Eastern High Security Prison, Melrose on 27 March 2014;
 - (b) A New Pirate Wing was set up at Central Prison Beau Bassin in October 2014 after agreement with the European Union to cater for the detention of Pirates Detainees under the Counter-Piracy Programme;
 - (c) An Open Prison for Women became operational in December 2015;
 - (d) A Correctional Youth Centre for Girls became operational in May 2016;
 - (e) The Phoenix High Security Prison was closed in May 2014 for renovation in view of National Security issues raised by the Commission of Inquiry on Drugs Trafficking in Mauritius and re-opened in March 2018;
 - (f) A 50M wide plot of land around at Eastern High Security Prison, Melrose was vested in October 2019 for the creation of a Buffer Zone;
 - (g) New CCTV System was installed in all institutions;
 - (h) New Digital Two-Way Radios and other security equipments were procured; and
 - (i) An Emergency Management Planning Team (EMPT) was set up in 2014. Emergency Preparedness is a comprehensive system that requires a continuous commitment to personnel and resources to ensure a systematic approach to responding to emergencies.
- (ii) In terms of **Procedural security**, the among the major achievements are as follows:
- (a) The Reform Institutions Act 1988 was amended, a new Prison Regulations will be promulgated shortly;
 - (b) The Judicial and Legal Provisions Act was passed in 2018 to cater for Time Spent on Remand; and
 - (c) New Standing Orders and Office Instructions were issued by the Commissioner of Prisons for the implementation of new policies.
- (iii) In terms of **Dynamic security**, the major achievements are as follows:
- (a) The implementation of well-structured programme of activities for an improved working relationship between staff and detainees.

- (b) The introduction of purposeful activities, Day-Care Centres, Training of Staff and detainees (Peer Support Programme).
- (c) The setting up of a Detainee's Council which is a form of committee engaging detainees and staff of the Mauritius Prison Service to discuss the needs and requirements of their fellow detainees.

➤ **Pillar 5 - Operation of Eastern High Security Prison** (Achieved in 2014):

In March 2014, the Eastern High Security Prison at Melrose became operational. It caters for a maximum of 922 detainees.

This new prison has reduced the risk of overcrowding situation in other Prisons. It has also enabled the adoption of new methods of rehabilitation such as the Unit Management System, setting up of a drug-free unit and tobacco cessation unit, partnership with private sector and empowering of detainees to develop their own business plans. The rehabilitation and resettlement of detainees have been addressed by these initiatives mentioned above.

More such programs are being implemented in other prisons including the Women Prison and the Rodrigues Prison. The setting up of a poultry farm at the Richelieu Open Prison and a slaughtering house at the Eastern High Security Prison is helping the Prisons' Department to achieve self-sufficiency and help detainees gain skill in poultry farming and chicken rearing.

➤ **Pillar 6 - Capacity Building** (ongoing):

With respect to capacity building, the Prison Training School was ISO Certified in 2016 by maintaining documented quality standards. Staff is recruited annually and training is dispensed by qualified trainers. On-Line Courses are organised by the Civil Service College and Prison Officers of all grades have the opportunity to enroll for those courses. Refresher and Promotional Courses are organised to familiarise officers on new issues related to their duties and to prepare them for higher responsibilities. Officers are also nominated to attend virtual regional workshop and training related to Correctional issues and Human Rights issues.

10. Reply to paragraph 10 of the list of issues

10.1. Specific training programmes provided to police officers on non-coercive interrogation techniques during the period under review;

A total of 6658 Police Officers have followed training on non-coercive interrogation techniques from 2017 to date. The training focused *inter-alia* on the following:

- (a) Peace Model of interviewing (Victims & Suspects) based on the UK model;

- (b) Fundamental Human Rights Principles concerning investigation, arrest, detention, use of force, rights of detainees, The Istanbul Protocol & The Convention against Torture;
- (c) Code of conduct for Law Enforcement Officials;
- (d) Police Ethics, Integrity and Organisational values;
- (e) Proposed draft PACE Bill;
- (f) Evidence gathering on scenes of crime, collection of physical and DNA & Digital evidence;
- (g) Customer Care and Victim support;
- (h) Judges Rules; and,
- (i) Sound & video recording of interviews.

10.2. Improvement of methods of investigation

With the introduction of DNA- based evidence and the use of digital evidence, police investigations are more scientifically led and reliance on confessions have consequently been reduced.

10.3. Video recording and statements

The current situation regarding video recording of all statements have been extensively elaborated upon in paragraph 1.2 above.

It is reiterated that an accused party may challenge the admissibility of a confession on the ground that it was not voluntary. The prosecution bears the burden of satisfying the Court that the statements had been given voluntarily. (See case of **Boyjoo** (above) and **Aubeeluck G v The State 2007 MR 6** and **2009 SCJ 55**) If the court finds in favour of the accused party, the statement will be ruled to be inadmissible. Therefore statements obtained through torture or cruel, inhuman or degrading treatment are not admissible as evidence against the accused in judicial proceedings,

10.4. Building on the case of Rudolph Jean Jacques v. the State

The review the admissibility of evidence, and the decision of the Supreme Court in the case of Rudolph Jean Jacques v. the State, have been addressed in paragraph 1.5 above.

No information is available as to the cases where the appellate courts have quashed a conviction based on a statement that a trial court has deemed inadmissible.

10.5. Prosecution for extracting confessions under duress

In the case of **Police v/s Persand & Ors 2020 INT 113**, the five Accused parties who were public officials, were prosecuted for having on 2 March 2015, intentionally and unlawfully inflicted severe pain upon one Mohamed Iqbal Toofanny so as to obtain a confession or other information from him. The Court gave the three remaining accused parties at the time of the judgment (two having passed away), the benefit of doubt. Further details are provided at paragraph 1.7 above. The decision is subject to appeal which is due to be heard on 14.02.22.

11. Reply to paragraph 11 of the list of issues

11.1. Current status of the Children’s Bill

The Children’s Act 2020 was passed on 15 December 2020, but is yet to be promulgated. Section 49 of the Children’s Act 2020 fixes the age of criminal responsibility at 14 years, and provides that “*No child under the age of 14 shall be prosecuted for any criminal offence.*”

11.2. Juvenile justice system

The Children’s Court Act 2020 was passed in the National Assembly in December 2020 and has yet to be proclaimed.

With reference to the Children’s Court Act 2020, a ‘*juvenile*’ means a person aged 14 or above but below the age of 18.’

The Children’s Court Act 2020 provides for the establishment of a specialised Children’s Court, which shall consist of a Protection Division and a Criminal Division.

The Protection Division will primarily deal with matters pertaining to children in need of assistance, and care and protection, as provided under Part IV of the Children’s Act 2020.

The Criminal Division will be responsible for dealing with criminal offences, in cases where a child victim, a child witness or a juvenile offender are involved, in accordance with the provisions of the Children’s Court Act 2020.

Under section 10(2)(d) of the Constitution, “*Every person who is charged with a criminal offence 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*”.

The Legal Aid and Legal Assistance Act provides for the grant of legal aid to minors without the need to satisfy eligibility criteria laid down in the law and section 7A thereof provides that where an application for legal aid is made to the Authority in respect of a minor charged with a crime or misdemeanour, the Authority shall approve the grant of legal aid.

It is to be noted that the Guardian *Ad Litem* Programme, as per section 66 of the Children’s Act 2020, is being envisaged. It will ensure advocacy for the best interest of children throughout the judicial proceeding. Where children are involved in court cases, the judge may choose someone to look out for the child’s welfare. These people are called Guardian *Ad Litem*. They act for the child in the courtroom, deal with social service and help in cases of family crisis.

11.3. Pretrial detention of children as a measure of last resort

Under section 51 of the Children’s Act 2020, which is yet to be proclaimed, every child who is alleged to have committed an offence shall be assessed by a probation officer. The purpose of such assessment is set out under subsection (4), and consists *inter alia* of formulating recommendations regarding the release or detention and placement of the child, where appropriate and establishing the prospects of the child to be enrolled into a diversion programme.

Moreover, under section 55 of the same Act, where the Director of Public Prosecutions (DPP) considers that in lieu of prosecuting a juvenile for an offence, or that criminal proceedings instituted against a juvenile shall be discontinued, he shall request a probation officer to assess whether it would be in the best interests of the juvenile to be enrolled in a diversion programme rather than being prosecuted or criminal proceedings being continued against him. The DPP may then offer the juvenile to enroll in such programme.

Section 56 of the Act makes provision for a ‘diversion programme’ for the purpose of rehabilitating the juvenile without resorting to formal criminal proceedings. A diversion programme will be an individualised programme to meet the specific needs of the juvenile and will be conducted based on an individual diversion plan. A diversion programme will be for a defined period of time and will not exceed 3 years in duration.

Section 57(1) of the Act also provides that “*Subject to any other enactment, the detention of a juvenile who has been arrested upon reasonable suspicion of having committed a criminal offence shall, as far as possible, be imposed only as a measure of last resort.*”

Pending the promulgation of the Children’s Act 2020, the Police department has been instructed along this line, as regards pretrial detention of children.

12. Reply to paragraph 12 of the list of issues

12.1. Time served in pretrial detention should be deducted from the sentence imposed

Following the decision of the Supreme Court in **Kamasho J.N. v State of Mauritius & Anor 2016 SCJ 21**, amendments have been brought to Section 16(3) of the Criminal Appeal Act, Section 135 of the Criminal Procedure Act and Section 96(6) of the District and Intermediate Courts (Criminal Jurisdiction) Act in May 2018.

The law now provides that the Court shall, in determining the term of imprisonment or penal servitude to be served by an accused, 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 term “time spent in custody” includes the time during which an accused has been:

- (a) in police detention;
- (b) on remand;
- (c) detained pursuant to the Juvenile Offenders Act, the Mental Health Care Act or the Reform Institutions Act.

Where an accused has not been given full credit for the time he spent in custody, he may petition the President with a view to obtaining full credit (section 135A (1) of the Criminal Procedure Act).

It is to be noted that in May 2018, there was an amendment to the Reform Institutions Act. The purpose of the amendment was to –

- (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.

13. Reply to paragraph 13 of the list of issues

13.1. Domestic violence and trafficking

Amendments were brought to the Protection from Domestic Violence Act (PDVA) in June 2016. The definition of ‘domestic violence’ under section 2 of the Protection from Domestic Violence Act was broadened and now includes “*any of the following acts committed by a person against his spouse, a child of his spouse or another person living under the same roof –*

- (a) willfully inflicting, or attempting to inflict, a wound or blow, or threatening to inflict a wound or blow;*
- (b) willfully or knowingly placing or attempting to place, or threatening to place, the spouse or the other person in fear of physical injury to himself or to one of his children;*
- (c) intimidating, harassing, stalking, ill-treating, insulting, brutality or cruelty;*
- (d) compelling the spouse or the other person by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse or the other person has the right to abstain;*
- (e) confining or detaining the spouse or the other person, against his will;*
- (f) harming, or threatening to harm, a child of the spouse;*
- (g) causing or attempting to cause, or threatening to cause, damage to the spouse’s or the other person’s property;*
- (h) depriving, without any reasonable excuse, the spouse of resources which the spouse is entitled to, or of payment for rent in respect of shared residence”.*

Moreover, under section 13(2) of the same Act, “*Any person who does an act of domestic violence shall commit an offence and shall, on conviction, be liable –*

- (a) on a first conviction, to a fine not exceeding 50,000 rupees;*
- (b) on a second conviction, to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years;*
- (c) on a third or subsequent conviction, to imprisonment for a term not exceeding 5 years.”*

Against the backdrop of the PDVA, the Commissioner of Police issued guidelines, circulars and administrative orders to the Police Force to enable them to tackle more effectively and

efficiently cases of Domestic violence at the level of Police Stations and Police Family Protection Units.

In Nov 2020, the Government has come up with a National Strategy and Action Plan for the Elimination of Gender Based Violence, which also caters for domestic violence cases. A Technical Committee is currently working on the implementation of the recommendations for better strengthening the PDVA as well as the Combating Trafficking in Persons Act.

Moreover, in November 2020, a new mobile application known as ‘Lespwar’ (Hope) was launched to respond to cases of GBV including domestic violence cases in an effective and coordinated manner. In this respect, two Police Family Protection Unit (PFPU) Officers are performing duty at the Police Main Command and Control Centre (PMCCC) to respond to GBV cases. It is worth noting that as from the date of launch to August 2021, 1945 cases have been registered through this application and three arrests have been effected.

13.2. Marital rape as a specific criminal offence

There is no specific legislation on marital rape. The text of the offence does not exclude prosecution of a person for rape upon his spouse. However, marital rape may be prosecuted as a form of domestic violence as defined under section 2 of the PDVA, as amended in June 2016. Moreover, the applicable penalties are stipulated under section 13(2), as highlighted above.

It is to be noted that in November 2020, Government has agreed to the implementation of the National Strategy and Action Plan on the Elimination of Gender Based Violence.

In this respect, a three-tiered mechanism has been set up to ensure the effective implementation of the National Strategy and Action Plan, namely (i) the High-Level Committee on Gender Based Violence, (ii) the National Steering Committee on Gender Based Violence and (iii) four Technical Working Groups aligned with the four Sub-strategies mentioned in the National Strategy and Action Plan.

One of the outputs under sub-strategy 3 requires the adoption of survivor-focused interventions, including the "amendment to the existing law to account for “marital rape” as a sexual assault."

In this context, consultations and proposals has been carried out by the relevant Ministry. Marital rape will be taken on board as a consequential amendment to the Criminal Code while amending the Protection from Domestic Violence Act.

13.3. Criminal Code

Section 242 of the Criminal Code which renders excusable the manslaughter committed against a spouse or his accomplice, caught in the act of adultery, has to date not been repealed.

However, it is to be noted that according to section 244 of the Criminal Code, where the fact of excuse is proved, and/or if it relates to an offence deemed to be a crime, the punishment shall be reduced to imprisonment. Under section 12 of the Criminal Code, where imprisonment is provided for an offence without a term being specified, the term for which imprisonment may be imposed may exceed 10 days may not exceed 10 years.

Presently, the offence of manslaughter is a crime punishable by penal servitude for a term not exceeding 45 years.

13.4. Enforcement of the Combating of Trafficking in Persons Act

Police Officers are systematically provided with tailor-made training on the effective enforcement of the provisions of the Combating in Trafficking Persons Act (2009).

Moreover, a module has also been included in the training package of new recruits. They are lectured on this global phenomenon and actions that they should initiate with a view to establishing prima facie cases against the perpetrators. Capacity building is an ongoing process in the Police Force.

13.5. Steps taken to encourage women to report cases of domestic violence and measures to facilitate the submission of complaints to the police;

The Ministry of Gender Equality and Family Welfare has adopted a concerted, coordinated and integrated approach with all relevant stakeholders to ensure that expeditious support is provided to victims of domestic violence. In this respect, the FWPU adopts well-defined strategies to address violence, and these include:

- (a) Intervention;
- (b) Prevention;
- (c) Rehabilitation; and
- (d) Harmonisation and Data Collection.

Aggressive awareness campaigns are continuously organised to sensitise the community on domestic violence including its root causes and effects as well as provisions made in the legislation to safeguard the interest of victims and the services they can avail of.

The most recent Outreach Program in view of encouraging early reporting of Domestic Violence cases was carried out from October to December 2020 across the island through the

Police Divisions including the Rodrigues Division. The programme included, *inter alia*, a march, live sketches, slams, poems, talks and videos.

The Mauritius Police Force is fully involved in assisting victims. To encourage reporting of cases of violence, a mobile application known as “LESPWAR” (HOPE) loaded with panic button system was launched on the occasion of the celebration of the International Day for the Elimination of Violence against Women in November 2020.

As highlighted previously, the Hon. Prime Minister personally chaired a High-Level Committee on Gender-based violence. Under his chairmanship, a National Strategy and Action Plan 2020-2024 geared towards the elimination of Gender Based Violence was launched and is being implemented.

13.6. Training dispensed to police officers, judges and prosecutors

Training is a continuous process in the MPF and due consideration is devoted to issues pertaining to Domestic Violence. Please see table hereunder:

Training Course /seminar(s) /workshop conducted for Police Officers	2018	2019	2020	2021 (Jan-31 Mar)
Trainee Police Officers (TPCs & TWPCs)	226	454	-	-
Station Managers	-	59	-	-
In-house Training for PFPU Officers	12	70	-	-
Police Cadet Inspectors	11	21	-	-
Police officer at Operational Level (CPL, PC, WPC)	206	399	247	-
Other Agencies	98	173	-	-
Gender Based Violence (Mobile App)	-	-	-	64
Grand Total	553	1176	247	64

Table 7: (Source: Prime Minister’s Office)

Special modules have been developed for frontline officers in order to ensure effective and efficient police actions. Moreover, the enforcement and implementation of the PDVA as well as the coordination of actions required by the Police Force are stipulated in CP’s circular 12/2016. Furthermore, the Civil Service College is also entrusted the responsibility to organise tailor-made courses for the benefit of Police Officers on various current policing issues including domestic violence issues. The PFPU Officers have also the opportunity to participate in regional virtual seminars and workshops on GBV with SADC/SARPCCO member countries and share best practices.

Since 2016 to date, 3254 Police Officers (new recruits) have undergone foundation/continuation courses (see *Annex A*)

The Institute for Judicial and Legal Studies (IJLS) last provided training course for law practitioners on International Good Practices in combating Gender based Violence and Sexual Violence in February 2019. (Please see *Annex G*)

14. Reply to paragraph 14 of the list of issues

14.1. Independence of the National Human Rights Commission and its National Preventive Mechanism Division

The National Human Rights Commission (the “NHRC”) is an independent statutory body, established by the Protection of Human Rights Act 1998 (the “PHRA”). The NHRC is not subject to the direction or control of any other person or authority, in accordance with section 2 of the PHRA and as such, the independence of the NHRC and that of its two divisions, namely the Human Rights Division (the “HRD”) and the National Preventive Mechanism Division (the “NPMD”) is guaranteed by the provisions of the PHRA. The terms of office of members of the NHRC (the “Members”) are for a duration of 4 years, which may be renewable, as laid down in section 3(9) of the PHRA.

Section 4 of the PHRA defines the functions of the HRD while the functions of the NPMD are defined by section 4 of the National Preventive Mechanism Act of 2012 (the “NPMA”), thereby ensuring that the functions of each division of the NHRC do not overlap.

Funds are allocated to the NHRC in the National Budget by the National Assembly. The NHRC utilises the funds to meet the salaries of its staff, meet the rental costs of its premises and finance its different planned activities and operations.

14.2. NPMD

In compliance with the National Preventive Mechanism Act (NPMA) and relevant norms of the United Nations, the National Preventive Mechanism Division (NPMD) conducts regular visits to places of detention and make recommendations to improve the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Visits are conducted twice/thrice per week and/or as often required to different places of detention either to attend to complaints and/or to conduct unannounced thematic visits.

Visits may also be conducted in the absence of any specific complaint, in order to determine whether conditions of detention are compliant with human rights norms and standards, in

accordance with the provisions of the OPCAT. Detailed observations are made by the NPMD of the places of detention, in terms of their administrative framework, the number of detainees, the amenities and conditions of detention such as the accommodation (light, ventilation and physical condition of the building), water, sanitation and hygiene as well as the healthcare services provided, activities carried out and the provision of basic necessities.

The NPMD also investigates conditions of detention in all places of detention (police cells, police detention centres, prisons, Correctional Youth Centre, Rehabilitation Youth Centre and mental health care centre) in Mauritius and Rodrigues. Thereafter, the NPMD sends letters indicating its findings and recommendations to the authorities responsible for reform institutions and follows up on these recommendations through queries and monitoring visits.

The recommendations are monitored by the NPMD/NHRC through follow-up visits and regular consultations with different authorities.

Details about the visits conducted and complaints dealt with at the level of the NPMD are as follows:

Year	No. of Visits conducted	No. of Complaints	No. of complaints Disposed of	Ongoing cases
2016	170	576	475	101
2017	150	235	193	42
2018	140	85	76	9
2019	127	75	65	10
2020	116	94	65	29

Table 8: (Source: NPMD)

The NPMD has made a positive contribution in combatting torture. Its frequent visits as well as its recommendations/suggestions have had a positive impact in combatting torture and inhumane treatment in detention centres.

Among the main recommendations implemented by the Police and the Prisons authorities during the period under review are the following:

- (a) the installation of properly fitted air extractor, lighting and adequate ventilation;
- (b) the installation of European style toilets and closets for minimal privacy;
- (c) maintenance works in juvenile cells;

- (d) the identification of two exclusive and high security wards at the Mental Health Care Centre for aggressive and violent patients;
- (e) the installations of iron bars on the hand rail of the staircase at the Mental Health Care Centre to reduce the risk of potential fall;
- (f) the review of the segregation period considered too lengthy for certain detainees;
- (g) improvement in the rehabilitation process of the inmates working in the kitchen;
- (h) Health and Safety measures are adhered to;
- (i) the provision of adequate nappies to babies who are in custody of their mother in prison;
- (j) in collaboration with relevant NGOs, the reinforcement of rehabilitation and reinsertion of ex detainees within the society;
- (k) strict compliance to food and kitchen hygiene, balanced diet and dietary restrictions in all prisons;
- (l) proper installation and operationalisation of all CCTV cameras in all prisons;
- (m) continuous pest control in prisons;
- (n) the water taps in the shower units have been fixed in lower positions to prevent any detainee from using this as a ligature point;
- (o) the provision of adequate mattresses and blankets and its renewal periodically;
- (p) the United Nations Standard Minimum Rules of the Treatment of Prisoners are fully adhered to;
- (q) the masking exercise for the cameras in the ablution room;
- (r) the introduction of several courses for inmates of the RYC, for instance in mechanics, pastry making, gardening, sewing, IT and handicraft amongst others as well as talks on Sexuality and Sexual Reproductive Health, Drugs, Positive Thinking, Respect and Conflict Management and Moral Values;
- (s) the provision of secondary school education facilities at RYC; and
- (t) provision of specific cell doors in police cells to eliminate all potential ligature points, whilst ensuring that the cell is secure and properly ventilated.

15. Reply to paragraph 15 of the list of issues

15.1. Strengthening the provisions relating to the functional independence of members of the National Preventive Mechanism (NPM) in the NPM Act

The State of Mauritius does not presently envisage to strengthen the provisions relating to the functional independence of the national preventive mechanism.

15.2. Termination of Mrs Anishta Babooram-Seeruttun's appointment without appropriate compensation and reasons

Mrs Anishta Babooram-Seeruttun was appointed as Member of the National Human Rights Commission (NHRC) on 17 June 2014 by the President of the Republic, for a period of 4 years, pursuant to section 3 of the Protection of Human Rights Act.

Section 3(8) of the Protection of Human Rights Act provides that the Chairperson, the Deputy Chairperson and the members of every Division of the National Preventive Mechanism Division (the National Preventive Mechanism Division is a Division of the NHRC) shall be appointed by the President, acting on the advice of the Prime Minister, tendered after the Prime Minister has consulted the Leader of the Opposition.

Section 113(4) of the Constitution provides that “where under any law other than this Constitution, an appointment is made to an office by the Prime Minister.....or on his advice.....the holder of the office may, notwithstanding any provision to the contrary in this Constitution, be required to vacate the office at any time after a general election held after the appointment”.

The appointment of Mrs Babooram-Seeruttun was terminated as Member of the National Prevention Mechanism Division under section 113, of the Constitution with immediate effect on 05 June 2017 and not under the Protection of Human Rights Act.

She was paid compensation in accordance with the relevant legislation.

The legitimacy of section 113(4) of the Constitution has on numerous occasions been approved by the Supreme Court. In Sumputh v Honourable Minister of Tourism [2011 SCJ 298], the Supreme Court held that “the ‘raison d’être’ and rationale of the above provision are obvious and it is not necessary to expatiate on them.”

Article 3

16. Reply to paragraph 16 of the list of issues

16.1. Establishment of a national asylum legislation and a functioning national asylum framework

The Republic of Mauritius being a Small Island Developing State (SIDS) and densely populated with stretched limited resources, has yet to adopt laws or a policy to grant refugee status to foreigners. Moreover, the State does not have a functioning national asylum framework, including procedures and mechanisms for refugee status determination and the regulation of expulsions and refoulement, in order to safeguard the rights of persons in need of international protection and ensure respect for the principle of non-refoulement in accordance with article 3 of the Convention.

The State, however, adheres to the principle of non-refoulement and collaborates fully with the United Nations High Commissioner for Refugees (UNHCR) by authorising non-citizens, who have applied to the UNHCR for Refugee Determination Status, to stay in the country on humanitarian grounds, pending their resettlement to another country willing to grant them refugee status.

Following a workshop held on 30 and 31 May 2019, a draft protocol was submitted in August 2019 by the UNHCR for consideration. After review of the draft document by different stakeholders, the proposals made therein have been found not to be feasible. In this regard, a new guideline is currently being worked out in collaboration with stakeholders.

16.2. Prevention of statelessness

For the same reason as indicated above, the State of Mauritius does not propose to accede to the Conventions relating to the Status of Stateless Persons and the Reduction of Statelessness.

It is to be noted that existing legislations contain adequate provisions to prevent statelessness and guarantee Mauritian citizenship to all persons born in Mauritius from Mauritian parents. For instance, Section 22 of the Constitution of the Republic of Mauritius provides that all persons born in Mauritius from Mauritian parents acquire Mauritian Nationality at birth. Further, although section 11 of the Mauritius Citizenship Act allows the Minister dealing with internal affairs to deprive of his citizenship, a citizen of Mauritius who has acquired citizenship by registration or naturalisation, in certain circumstances, it also provides that no citizen shall be deprived of his citizenship where it appears that the person would become stateless by so doing.

In addition, section 5(3) of the Mauritius Citizenship Act provides that “the Minister may cause any Commonwealth citizen to be registered as a citizen of Mauritius if he is satisfied that it is in the public interest so to do.”

Furthermore, as at date, there is no recorded or reported case of stateless person in the State of Mauritius.

16.3. Accession to Conventions relating to the Status of Refugees and Aspects of Refugee Problems in Africa

The State of Mauritius does not propose for the time being to accede to the 1951 Convention relating to the Status of Refugees, in view of the fact that, the Republic of Mauritius is a densely populated island. However, we fully adhere to the principle of non-refoulement and treat requests for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their re-settlement in a friendly country willing to grant them refugee status.

The ratification of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa is also not being envisaged for the time being for the same reason provided above.

Article 10

17. Reply to paragraph 17 of the list of issues

17.1. Training programmes on the Convention and its Optional Protocol

Apart from training courses run by the PTS and Prisons Training School where module on human rights are incorporated in their training courses, the NHRC also, from time to time, conducts refresher talks to Prison and Police Officers on the CAT and the OPCAT, including the rights of suspects and victims and the primary duty of being of service to the public.

During the period 2017-2019, some 600 Police Officers have been sensitised by the NHRC. In 2020, 61 out of 1347 Prison Officers attended such training which is mandatory.

As at date, no specific methodology has been developed to assess the effectiveness and impact of its training programmes. However, the PTS and the NHRC are being encouraged to henceforth ascertain written feedback on any courses dispensed by them. Moreover, the NHRC and the PTS would also be requested to monitor statistics to assess the effectiveness and impact of their training programmes in terms of preventing and reducing the number of cases of torture and ill-treatment.

It is to be noted that the fundamental principles pertaining to the Istanbul Protocol are duly covered during trainings dispensed by the PTS. The participants are briefed on the Constitutional Rights of accused parties, modern techniques of investigation which focus on cognitive/ enhance cognitive interview (PEACE Model interviewing techniques).

In addition, to the NHRC regularly conducting talks, workshops and seminars to provide training to police officers and prison officers on human rights and humane treatment during detention, it is worth noting that in March 2019, Mr. John Wadham, Chair of the UK's National Preventive Mechanism and Member of the UK Independent Advisory Panel, came to Mauritius to deliver a series of lectures and seminars on international human rights law, equality principles with key stakeholders, notably legal practitioners, human rights institutions, law enforcement officers, public officials, civil society and students.

The table below depicts various training sessions dispensed by NHRC on inter-alia (a) Human Rights in the Constitution of Mauritius; (b) Rights of suspects; (c) Rights of accused parties; (d) Right to a fair trial; (e) Dealing with members of the public; (f) CAT; (g) OPCAT; and (h) International Treaties on Human Rights.

Courses 2018		
Date	Venue	No of Police Officer Sensitized
8 Mar 2018	Beau-Bassin Police Training School	21
21 Nov 2018	City Hall Port Louis	70
28 Nov 2018	Workshop- Elimination of violence against women	4
13 Dec 2018	Workshop on "Protecting and promoting Human Rights for LGBTI Persons"	5
Total		100
Courses 2019		
14 Feb 2019	PTS Beau Bassin	94
19 Feb 2019	SSU Training School Line Barracks	95
20 Feb 2019	Coast Guard Police Training School Le Chaland	99
22 Feb 2019	PTS Les Casernes, Curepipe	120
11 Mar 2019	Workshop on Human Rights in Places of Detention	6
14 Mar 2019	Workshop with Law enforcement officers	68
Total		482
Courses 2020		
28 Jan 2020	Seminar for Law Enforcement Officers at Rajsoomer Lallah Lecture Hall, ODPP	85
29 Jul 2020	Half day Workshop - Human Rights and Law Enforcement	25
Total		110

Courses 2021		
21 Jan 2021	Domaine la Détente - Rodrigues - Law Enforcement Officers	52
16 Aug 2021	Police Training School Beau Bassin	50
17 Aug 2021	Coast Guard Police Training School Le Chaland	43
18 Aug 2021	Police Training School Beau Bassin	47
19 Aug 2021	Coast Guard Police Training School Le Chaland	40
23 Aug 2021	SSU	43
24 Aug 2021	Les Casernes Curepipe	47
26 Aug 2021	Les Casernes Curepipe	46
1 Sep 2021	PTS Beau Bassin	48
2 Sep 2021	Coast Guard Police Training School Le Chaland	40
6 Sep 2021	PTS Beau Bassin Dis Moi	46
7 Sep 2021	Coast Guard Police Training School Le Chaland	42
10 Sep 2021	Les Casernes Curepipe-	47
17 Sep 2021	SSU	43
23 Sep 2021	SSU	48
	Total	682

Table 9: (Source: NHRC)

Article 11

18. Reply to paragraph 18 of the list of issues

18.1. Committee on Capital Projects

As highlighted above, the Committee on Capital Projects meets regularly under the Chairpersonship of the Commissioner of Prisons/Officer in Charge or his Deputy Commissioner.

Significant improvements in the material conditions in prisons, including in respect of the basic rights of all detainees to water, sanitation and adequate food are regularly being observed.

It is worth noting that the water supply is adequate in all prison institutions. The food provided to detainees are according to the recommendation of a dietician from the Ministry of Health and Wellness. The dietary requirements of sick detainees are also catered for. Veg and non-veg menus are provided and halal meat is served.

A typical non-vegetarian meal consisted of bread/rice, pulses, poultry/fish/egg/liver and vegetables. It is worth noting that the Mauritius Prisons Service is self- sufficient in eggs, chicken and bread. Moreover, it produces 40% of its annual vegetable requirements.

18.2. Medical facilities for detainees

Detainees who were following treatment, before being incarcerated, are allowed to continue same on condition that they produce their appointment cards. A round the clock service is available in all prisons.

The Central Prison, Eastern High Security Prison and the Women Prison are equipped with Hospital/Ward and Dental clinics. The Health Care Team of each prison comprises of 36 Hospital Officers (nurses), 4 doctors, 1 psychologist and 1 dental surgeon.

The services of a mobile dental clinic are being made available by the Ministry of Health and Wellness for other prisons. Medicines prescribed are the same as those dispensed at public hospitals.

Detainees with HIV are not discriminated against in prisons. 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.

Medical examinations are systematically conducted upon detainees admitted to prisons. Upon admission to a penal institution, several blood investigations including tuberculosis, hepatitis and HIV/AIDS are carried out on each individual detainee.

The Prisons Department in close collaboration with the Ministry of Health and Wellness, operates a Medical Unit which provides all the necessary treatment and facilities including anti-retroviral drugs to prisoners living with HIV/AIDS.

HIV doctors who are the HIV treatment prescribers attend the prisons on a roster basis. They conduct 4 sessions per week and the prisons are considered as HIV care delivery points.

Methadone Induction and Methadone Substitution Therapy are accessible and available to detainees who inject drugs. HIV positive detainees have access to all facilities provided to the people living with HIV outside the prisons.

The HIV preventive package of measures in prison settings include HIV Testing and Counselling (pre-test and post-test) at entry point, information, education and communication, initiation and patients' education on Antiretroviral treatment according to the established national treatment protocol, HIV disease management and follow-up to prevent resistance to HIV treatment (viral load testing).

There is a good referral system to ensure a multi-disciplinary approach to prevent AIDS related complications in prisons. HIV positive detainees who need admission are referred to the hospitals whenever required.

The services of one Prison Psychologist have been enlisted to cater for needy detainees for all prisons in Mauritius

18.3. Procedure by which medical personnel can document and report signs of ill-treatment without risk of reprisals

Detainee's medical examinations are conducted in a confidential manner at the Prison's Dispensary. Under paragraph 8 sub paragraph 7 (a) and (b) of the Prison Regulations the Officer in Charge of an institution and the Commissioner of Prison are under a legal obligation to give due consideration to the advice of a medical officer and where appropriate to take immediate steps to give effect to any recommendation made.

The procedure by which the medical personnel can document and report signs of ill-treatment without risk of reprisals, are through a 'Detainee Complaint Sick Form' where the nature of complaint is duly registered and referred to the Commissioner of Prisons or Officer-in-Charge of the Prison for necessary actions.

It is worth noting that, as at date, there are no such case.

18.4. Investigation of suicide by detainees

The NPMD investigates expediently all reported cases of suicide by detainees and visits the locus. They subsequently prepare their reports and communicate their findings, observations and recommendations to the Commissioner of Prisons.

In April 2019, the NPMD visited the Phoenix High Security prison following the death in custody of a detainee who committed suicide by hanging in order to conduct a comprehensive investigation with respect to the surrounding circumstances of the incident. According to the NPMD's findings, there was no indication of foul play and it concluded that the detainee had committed suicide by hanging, while there may have been some factors which may have adversely impacted the mental and emotional wellbeing of that detainee.

18.5. Prevention of suicide by detainees

Suicide prevention is high on the agenda of the Prisons Department. Special provisions are made at the Prison Hospital Ward for detainees with suicidal tendencies for preliminary treatment and care. The Prison Psychologist visits all prisons including Phoenix Prison.

Sensitisation programs are also carried out in all 12 Prison institutions in collaboration with relevant stakeholders including NGOs. In this respect, Psycho Social Supports are provided to detainees/ prisoners having suicidal tendencies and prevention of self-harm as well as to their families. Prisons staff are empowered to identify suicidal tendencies of detainees/prisoners.

Harm reduction programme, pastoral care, spiritual care with moral and spiritual welfare, yoga, meditation, relaxation, art therapy and Tai chi are also offered to detainees/prisoners.

Please find hereunder the number of suicide cases registered in prisons from the year 2017 to date.

Year	No. of suicide cases	Details
2017	0	
2018	2	Male: on Remand
2019	1	Male: Convicted
2020	2	Male: 1 on Remand and 1 Convicted
2021	1	Male: on Remand
Total	6	4 on Remand and 2 Convicted

Table 10: (Source: Prisons Dept.)

18.6. Separation of Remand and convicted detainees

Remand and convicted detainees are accommodated in different prisons as far as possible. In case they are in the same institution, they are separated in different yards.

The Phoenix Prison, also known as La Bastille, is a High Security Prison which caters for a maximum of 26 detainees, both remand and convicted detainees. It is a one storey building comprising of two residential blocks of cellular types and three association yards

By nature of the offence committed by them (e.g. High-Profile Cases, National security issue), the security risk involved for themselves (e.g. Gang Rivalry), for the security and smooth running of the Prisons, certain detainees are accommodated at Phoenix Prison upon the recommendations of a Risk Assessment Committee.

Remand and convicted detainees may occasionally occupy the same block but are not kept in common cells. Moreover, it is worth noting that, at Phoenix Prison there are three association yards which can cater for the different categories of detainees.

18.7. Alternatives to detention

Alternatives to pretrial detention, include the following-

- (a) release on parole where a detainee who has been arrested in respect of an offence cannot practicably be brought before a Magistrate; (Section 12 Bail Act) and

- (b) release on bail on own recognisance to appear before a Court for as he may be required and may in certain circumstances subject to the provision of a such number of sureties as the Court deems necessary to guarantee his appearance and his compliance with any other condition imposed for his release on bail.(Section 5 Bail Act)

Other conditions which may be imposed include-

- (a) requirement to reside at a specified address and notifies the Court immediately of any change of address;
- (b) the reporting in person at a specified time and place or to a specified person or authority;
- (c) restriction of the places he may go;
- (d) restriction of the movement after 6 p.m.;
- (e) the prohibition of, or control over, communication with witnesses for the prosecution or potential witnesses for the prosecution; and
- (f) the supervision by a probation officer.

Under section 3 of the Criminal Procedure Act, the Director of Public Prosecutions may in prescribed circumstances order that a warning be administered in lieu of prosecution.

Alternatives to a custodial sentence include, a Community Service Order, a Probation Order, a conditional or unconditional discharge or payment of fines. These have been elaborated upon in the previous report. (Paragraph 92)

Specifically regarding to conviction for offences of or related to consumption of dangerous drugs under section 34 of the Dangerous Drugs Act, the law provides that before passing a sentence of imprisonment upon a person, the Court *“may order him to undergo, at such institution as may be prescribed and for such period not exceeding 3 years as the Court may determine, such treatment, education, aftercare, rehabilitation or social reintegration as the Court thinks appropriate”* and if that person undertakes to co-operate in order to be cured of his addiction.

As explained in paragraph 11.3 above, provision has been made in the Children’s Act 2020 for diversionary measures which will be implemented when proclaimed.

Detainees admitted at Phoenix Prison are high profile detainees and they are kept on a temporary basis. However, when they are transferred to another institution they are automatically enrolled in an approved rehabilitation program and they are also visited by NGO’s.

19. Reply to paragraph 19 of the list of issues

19.1. Closure of Phoenix Prison in 2007

Further to the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pertaining to the Phoenix Prison, the institution was temporarily closed for renovation on 19.10.2007 and reopened on 16.05.2008.

19.2. Report on the 2007 visit of the Subcommittee on Prevention of Torture

The report on the 2007 visit of the Subcommittee on Prevention of Torture to Phoenix Prison is still confidential. However, most of the recommendations have been attended to as highlighted at *Annex D*.

20. Reply to paragraph 20 of the list of issues

20.1. Plight of detainees incarcerated in Phoenix Prison

The State of Mauritius denies the information relating to reports that detainees in Prison are hand- and foot-cuffed for 24 hours each day; are beaten and water boarded by prison staff; are subjected to sleep deprivation; are allowed to leave unventilated cells for only half an hour each day; do not have sufficient clothing or hot water for bathing; are forced to drink water from toilet bowls; and are denied adequate food and family visits incarcerated in Phoenix. The detainees at Phoenix Prison are not subject to such inhumane treatment.

It is to be noted that there are two Special Protection Unit (SPU) cells in Phoenix Prison and each cell is 8 feet by 8 feet and is equipped with bedding suitable for use. Near the ceiling of the SPU cell corridor, there are two air ventilation grills, thereby providing adequate air ventilation and lighting.

Detainees shower in an area located next to the SPU cell corridor. In addition, SPU cells are equipped with a regular size toilet and a tap located next to the toilet.

Moreover, the remaining cells of the Prisons are found in the main residential block. Detainees accommodated there, have an individual cell which provide them with adequate light and ventilation. The cell is furnished with a concrete bed with a mattress and blanket. The detainees are provided with suitable toilet and shower facilities and have access to clean drinking water in their cells. Moreover, they are allowed to keep some of their personal belongings in the cells such as basic clothing items, pen, notepads and books.

In addition, detainees have access to an association yard which caters for a TV set, a place to exercise, toilet and bathroom facilities. Detainees are allowed to stay in the association yard for

three and half hours as per established operating procedures, which are primarily governed by security measures.

It is to be noted that detainees are, generally, neither hand- nor foot-cuffed, in all Prisons. However, they are hand-cuffed and in some circumstances only foot- cuffed, for security reasons, when they are being taken to Court, public hospital or any other institution. Moreover, they can be foot-cuffed when they show signs of mental disturbance and/or are of unpredictable behaviour or are violent.

It is worth noting that, internal and external mechanisms are in place to ensure that torture, cruel, inhuman or degrading treatment or punishment do not take place. A Prison Inspectorate Mechanism was set up in 2014. It is a system of inspections of all prisons, administered under the command of the Commissioner of Prisons, in the Republic of Mauritius. The inspections are carried out by experienced officers who have wide experience in prison duties and prison administration. As at date, prisons are inspected as per established guidelines. The areas of inspections include custody, care and wellbeing, rehabilitation and reparation, resources and system management.

21. Reply to paragraph 21 of the list of issues

21.1. Placement of persons with mental or psychosocial disabilities in residential care homes and mechanism for overseeing residential care homes

The Ministry of Health and Wellness has an established protocol for the treatment of any individual in public hospitals. Any individual who refuses treatment advised by a medical practitioner, has a right to do so by signing a form stating that he/she is refusing to undergo any treatment at his/her own risks and perils.

The Mental Health Care Act provides for the setting up of the Mental Health Board, which is responsible for the protection of patients' rights.

The Mental Health Commission, which is also established under the Act, carries out investigations into any breach or suspected breach of discipline, professional misconduct and violation of human rights or patients' rights.

The Mental Health Care Act was amended in 2019 to enhance the legal framework for the proper functioning of mental health care centres to prevent prolonged hospitalisation and institutionalisation of persons with mental disorders.

The Mental Health Commission and the Managerial Committee, which are set up under the amendment Act, are responsible to ensure that no patient is admitted against his/her will. In this regard, the Commission conducts inquiries into cases where patients have been admitted or are being kept into a centre against his/her will. The Managerial Committee is also responsible for

reviewing matters relating to the involuntary admissions, treatment, leave, discharge and continued treatment of patients.

The Mental Health Commission oversees the Managerial Committee; it receives quarterly reports from the Committee and ensures that there is no abuse of the person's rights. When the Commission and the Managerial Committee are satisfied that the condition of the patient is such that his/her continued stay for treatment in the centre is no longer warranted, the patient shall be discharged as soon as reasonably practicable.

The Residential Care Homes Act of 2003 and the Residential Care Homes Regulations 2005 make provisions for the conditions for operating Residential Care Homes.

There are 27 Charitable Institutions and 47 Licensed Private Homes. Officers carry out regular inspections in Charitable Institutions for the purpose of paying Capitation Grants.

They also effect visits to Licensed Private Homes to ensure compliance with the Act and Regulations.

The services of a Psychiatric Nurse have been enlisted since January 2019, by the Ministry of Gender Equality and Family Welfare, especially to assist the residents with specific mental health issues placed in Shelters and Residential Care Institutions. The officer forms part of a multi-disciplinary team attending to emergency cases and monitoring residents, especially those suffering from psychiatric problems.

The Inspectorate Team of the Welfare and Elderly Persons' Protection Unit of the Ministry of Social Integration, Social Security and National Solidarity effects regular inspection at the registered residential care homes (22 Charitable Institutions and 48 Private Residential Care Homes) to ensure that the welfare and well-being of inmates residing therein are being catered for. Cases of abuse, neglect, ill-treatment or violence against inmates are promptly attended to.

21.2. Measures adopted to prohibit forced treatment and forced sterilization of women and girls with disabilities in hospitals and institutions

The State of Mauritius does not perform any forced treatment or forced sterilisation on any person with or without disabilities.

Articles 12 and 13

22. Reply to paragraph 22 of the list of issues

22.1. Investigations into complaints of torture and ill-treatment by law enforcement officials since the establishment of the Independent Police Complaints Commission

The IPCC was set up in April 2018.

For the period 10 April 2018 to 30 September 2021, 2184 complaints were received against Police officers at the IPCC. These exclude pending cases from the Police Complaints Division. A breakdown is as follows:

	Mauritius	Rodrigues
Nature of complaints	No. of complaints received	No. of complaints received
Assault	641	31
Verbal Abuse	232	15
Other complaints*	1229	36
Total	2102	82

Table 11: (Source: IPCC)

* *Other complaints include:*

- *Refusal to record declaration;*
- *Delay in enquiry;*
- *Failing to attend request made by public;*
- *Failing to attend request made by public;*
- *Search warrant not shown before carrying a search;*
- *Damaging private property during an operation*
- *Do not agree with contravention/ or other offences; and*
- *Alleged larceny by police during search carried out by them*

Out of these 2184 cases, 541 were female complainants and 33 minors.

The nature of complaints received for both Mauritius and Rodrigues (excluding PCD files) at the Commission for period 09 April to 30 September 2021 are as follows:

Classification of Complaints			
	No. of Complaints	Disposed of	Pending
Assault	672	175	497
Verbal Abuse	247	135	112
Other complaints*	1265	498	767
Total	2184	808	1376

Table 12:(Source IPCC)

It is worth noting that the IPCC received 277 old cases from the Police Complaints Division of the National Human Rights Commission, since its inception. 181 of these cases have been disposed of after investigation. Out of which 37 cases have been withdrawn, one was referred to the DPP and 6 case were settled by conciliation.

The outcome of the cases handled by the Independent Police Complaints Commission for period 09 April 2018 to 30 September 2021 are as follows:

No. of complaints received	No. of complaints disposed of after investigation	No. of complaints still under investigation
2461	1033	1428

Table 13: (Source IPCC)

Since the setting up of the IPCC, 19 cases were referred to the DPP office for advice, 5 cases have already been lodged in Court. Moreover, 5 cases were referred to the DFSC for disciplinary action to be initiated against certain Police Officers.

During the same period, 226 complaints were withdrawn by complainants and 62 complaints were settled through conciliation meetings.

As at 30 September 2021, 1428 out of 2461 complaints were still under investigation.

Following the inception of the IPCC, there has been a remarkable increase in the number of complaints against police officers. The complaints were in relations to their acts, conduct and omission in the discharge of their duties. A considerable number of complaints also related to their behaviour, language and tone while addressing the public.

However, it is also established, that certain complaints made against police officers are of a frivolous nature. They are made with a view to frustrate police operation investigation in crimes, mostly in drugs related matters.

22.2. Provision of necessary capacities, including human and financial resources

With the creation of the IPCC, the PCD has been dismantled. The IPCC has put in place a methodized system to handle complaints and investigations.

The IPCC has limited resources for the investigative work, namely two investigative officers and two enquiry officers on a contractual basis. The Commission has stressed on the fact that the recruitment of additional professionals would be highly beneficial for it to carry out its mandate and that additional budget to achieve this end would have to be made available.

When the IPCC took over the 277 pending files of the PCD in April 2018, it was noticed that the procedures adopted previously by the PCD for investigation were not in line with the IPCC Act. Consequently, the IPCC devised a set of procedures for investigation so as to comply with the IPCC Act, other laws including the Criminal Code and the Mauritian Constitution.

The IPCC is now in urgent need of additional investigating officers to handle the high number of cases and complete the enquiries within a reasonable delay.

22.3. Powers of the IPCC

Under section 4(c) of the Independent Police Complaints Commission Act, one of the Commission's functions is to advise on ways in which any police misconduct may be addressed and eliminated.

Section 10(1) of the Act empowers the Commission to conduct investigations on the basis of complaints, while section 13 gives it power to hold hearings for the purpose of such investigations.

Furthermore, under section 16 (1) (b) (i) of the Act, on the completion of an investigation, the Commission may refer the matter to the Director of Public Prosecutions, with a recommendation that the police officer be prosecuted for a criminal offence. Under section 17 of the Act, the Commission may designate an officer to swear an information and that officer may, with the consent of the Director of Public Prosecutions, conduct the prosecution of an offence committed by a police officer.

22.4. Independence of the Independent Police Complaints Commission

The independence of the Commission from the Executive is already assured by section 3(2) of the Independent Police Complaints Commission Act, which provides that "The Commission shall not, in the discharge of its functions and exercise of its powers, be subject to the direction or control of any person or authority."

22.5. State guarantee for the confidentiality and independence of the system for receiving complaints of torture and ill-treatment

(i) IPCC

Under section 19 of the Independent Police Complaints Commission Act, it is an offence for a member or officer to disclose to any unauthorised person any matter which comes to his knowledge in the performance of his functions. Such offence is punishable by a fine not exceeding 50,000 rupees and imprisonment for a term not exceeding one year.

Under section 24(d) of the Independent Police Complaints Commission Act, any person who procures the false testimony of a witness, or interferes with a witness on account of his testimony, before the Commission, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(ii) **NHRC**

The Protection of Human Rights Act provides (section 3) for the establishment of the National Human Rights Commission, consisting of a Human Rights Division and a National Preventive Mechanism Division. The Human Rights Division is empowered to enquire into any written complaint from any person alleging that any of his human rights has been, is being or is likely to be violated by the act or omission of any other 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 body. The Commission is also empowered to carry out an enquiry on its own motion, where it has reason to believe that such an act or omission has occurred, is occurring or is likely to occur (section 4).

Section 8 of the Protection of Human Rights Act provides for the protection of witnesses and states that no statement made by any person in the course of giving evidence before the Human Rights Division or made by or to any person whose services are utilised under the Act shall, where it is—

- (a) made in reply to a question which he is required by the Human Rights Division to answer; or
- (b) relevant to the subject matter of the inquiry,
-subject the maker of the statement to, or be used against him in, any civil or criminal proceedings, unless he has given false evidence in the statement.

Under section 13(e) of the Protection of Human Rights Act, any person who procures the false testimony of a witness, or interferes with a witness on account of his testimony, before the Human Rights Division shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

As for the National Preventive Mechanism Division, its functions and powers are set out under section 4 and section 5 of the National Preventive Mechanism Act. According to section 8 of the National Preventive Mechanism Act, any person who is in possession, or is otherwise aware, of any information relating to the detention of a person in a place of detention shall disclose that information to the Division or the Subcommittee (the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture, established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) on being required to do so by the Division or the Subcommittee. Any confidential information obtained by the Division shall be privileged, and the Division shall not publish personal data relating to any person without that person's express consent.

Moreover, there is an established complaint mechanism in prisons including requests and complaints procedures whereby detainees are allowed to make complaints:

- (a) to an officer not below the rank of Assistant Superintendent of Prisons who listen to the complaints and take appropriate actions by documenting the complaint in the detainee's penal file;
- (b) to Prison Welfare Officers;
- (c) to the Commissioner of Prisons directly through sealed Complaint Boxes placed in Association Yard; and
- (d) to Organisations such as the National Human Rights Commission, Ombudsman, etc

23. Reply to paragraph 23 of the list of issues

23.1. Steps taken during the period under review to ensure that complaints mechanisms designed to address violence against women police officers are effective, gender-sensitive and gender-responsive

Complaints of violence against Police Officers are normally reported to the Commissioner of Police and the Independent Police Complaints Commission.

The Police Internal Assessment Cell (PIAC) was set up by the Commissioner of Police in 2017 to address complaints against police, including violence against Women Police Officers. One of the primary roles of PIAC is to support, advise and guide Police Officers in achieving quality performance by adopting the desired attitude, behavior and conduct. Additionally, PIAC, inter alia, is responsible to study complaints for underlying causes of misconduct, unethical behaviours and abuse of authority by Police Officers and monitors the progress in every case of breach of Discipline Code.

As of date, PIAC has dealt with six (6) cases of violence against Women Police Officers. Officers conducting the enquiries are trained to be effective, gender-sensitive and gender-responsive.

Out of the six (6) cases of harassment involving Woman Police Officers reported to Police, three (3) are still under enquiry, one (1) is awaiting advice from the Director of Public Prosecutions (DPP), and in two (2) cases, the DPP had advised that disciplinary actions be taken against the accused and same has been complied with. A breakdown of these cases is put up at **Annex H**.

23.2. Steps taken to further investigate the slowness of proceedings in cases of violence against women police officers

Investigation into cases of Domestic Violence including violence against Woman Police Officers is carried out in a fair and impartial manner. Such cases are treated on a fast track basis and a CP's Circular 12/2016 has been issued to that effect.

23.3. Gender-sensitive training

A module on gender-based violence has been inserted in the training of Police Officers so as to enhance effective response towards victims. Gender issues are an integral part of the training. It is conducted in collaboration with the Police Training School, Police Family Protection Unit and the Ministry of Gender Equality and Family Welfare.

Regular training is being provided by the PTS to empower them to attend to such type of cases with due diligence.

Article 14

24. Reply to paragraph 24 of the list of issues

24.1. Legal provisions and procedures for victims of torture

Although section 7 of the Constitution of Mauritius does not contain any provision for redress and adequate compensation or means for full rehabilitation, any person whose rights under Chapter II of the Constitution (including Section 7) has been, is being or is likely to be contravened, may apply to the Supreme Court for redress. An aggrieved party may also enter a civil action against the perpetrators for damages.

Furthermore, 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”. Therefore, a person unlawfully arrested or detained by other any person, including a Public Official, if also tortured by that other person or Public Official, can be entitled to compensation, not on account of the torture, but on account of the unlawful arrest.

Moreover, section 4(4)(b) of the Protection of the Human Rights Act makes provision for the Human Rights Division, on completion of its enquiry in relation to a complaint, to recommend the grant of such relief to the complainant or to such other person as the Division thinks fit.

According to Police record, two cases of Torture by Public Official have been reported against Police Officers. So far, no civil cases have been lodged against the Police in relation to the above two cases.

Article 16

25. Reply to paragraph 25 of the list of issues

25.1. Prohibition of corporal punishment in all settings

Prohibition of corporal punishment in all settings will become a reality once the Children's Act 2020 is promulgated.

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 makes it an offence to illtreat a child, section 230(3) (a) of the Criminal Code makes it an aggravating circumstance where an assault is directed against a minor under the age of 14 or a physically or mentally handicapped person and section 260(3) of the Criminal Code makes it an offence for a parent to seriously endanger the health, security or morality of any of his minor children.

Under section 14 of the Children's Act 2020, a person who inflicts corporal or humiliating punishment on a child as a measure to correct or discipline the child will be committing an offence and will, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

With regards to penal institutions, while section 36 of the Reform Institutions Act provides that except as is provided for in the Act, no detainee shall be subjected to punishment or privation of any kind, the Act does not provide for corporal punishment as a form of punishment.

Other issues

26. Reply to paragraph 26 of the list of issues

26.1. Measures taken by the State of Mauritius during COVID-19 pandemic to comply with the CAT Convention

(i) Release of detainees by the Commission of the Prerogative of Mercy

During the lockdown of March 2020, the Commission of the Prerogative of Mercy approved a compassionate release of a total of 454 convicted detainees with a view of preventing the spread of COVID 19 in the different Prisons. The following categories were released:

- (a) All persons who were serving imprisonment exclusively in default payment of fine;
- (b) All persons who had already served their term of penal servitude/ imprisonment and were in prison serving imprisonment in default of payment of fine; and

- (c) All detainees, who were due for release on or before 31 December 2020, except drug cases excluding section 34 of the Dangerous Drugs Act, sexual offence (rape, sodomy, attempt upon chastity), murder (including manslaughter, wounds and blows causing death with or without intention to kill and any such offence where death has ensued except involuntary homicide) and money laundering.

The decision to grant the release was in line with the Advice of the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment relating to the Coronavirus Pandemic adopted on 25 March 2020 to reduce prison population given the “heightened risk of contagion between those in custodial and other detention settings”.

26.2. Other measures undertaken by the State of Mauritius during the COVID-19 pandemic

- (a) 37 Social Security Offices across the island were opened during the period 29 March 2020 to 21 April 2020, including weekends for the distribution of food packs to beneficiaries of Carer’s Allowance. The distribution was made in alphabetical order and beneficiaries were informed by phone of the date and time to collect their food packs. Overall, some 19,531 food packs were distributed.
- (b) Arrangement with the Mauritius Post Ltd to effect payment of pension at the residence of the beneficiaries during confinement.
- (c) Processed payment of Transitional Unemployment Benefits.
- (d) Processed payment of Social Aid to beneficiaries. Payment to beneficiaries receiving Social Aid in cash was effected through Pay Clerks at the latter’s residence.
- (e) Continuous services of doctors and nurses were maintained in Charitable Institutions.
- (f) A kit (containing, inter-alia, soap, eau de cologne and towel) and a Covid-19 educational brochure was distributed to all inmates of Charitable Institutions and Private Homes.
- (g) Food packs comprising rice, flour, vegetables and eggs provided by the Ministry of Agro Industry, were delivered to all the registered Charitable Institutions and Private Homes.
- (h) An official correspondence was issued to all Charitable Institutions and Private Homes requesting them to ensure continuity in the level and quality of care given to inmates during the confinement period.

- (i) Section 34 of the National Pensions Act was amended to cater for future emergency situations like curfew or other pandemic so as not to penalise the beneficiaries of Invalid's Basic Pension and Carer's Allowance until their medical boarding.
- (j) Six hotlines were made operational to deal with complaints in respect of all services being provided by the Ministry including elder abuse cases.
- (k) All policies and enactment of law such as the Quarantine Act and its accompanying regulations were made in a human rights lens.
- (l) HIV and AIDS treatments were operational during confinement. Moreover, home delivery of medicines was made to disabled and bed-ridden patients. A hotline (fixed and cellular) phone service was accessible.
- (m) The State of Mauritius allowed autistic children to go for a walk with their guardians within 500m radius round their residences for 1 hour.

27. Reply to paragraph 27 of the list of issues

27.1. Other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention or the Committee's recommendations

- (i) The Judicial and Legal Provisions Act was passed in 2018 to make provision for the reduction of time spent on remand from the sentence to be served by a prisoner.
- (ii) The Reform Institutions (Amendment) Act (Act No. 4 of 2018)

The act was amended so as to –

- (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.

- (iii) All complaints against Police including alleged cases of abuse of authority/ torture/ ill-treatment are investigated by the Independent Police Complaint Commission.
- (iv) In 2017, the Police Internal Assessment Cell was set up to ensure that each and every member of the Force behave in a manner that is consistent with the organisation's professional and ethical standards.
- (v) The Police are using the Safe City Cameras for the preservation of law and order.