**Annex XII**

**RELEVANT EXTRACTS OF ACTS RELATED TO NATIONAL INSTITUTIONS ESTABLISHED THEREUNDER TO AFFORD BETTER PROTECTION OF HUMAN RIGHTS**

1. **PROTECTION OF HUMAN RIGHTS ACT**

Section 3 of the Protection of Human Rights Act provides for, *inter alia*, the establishment of a **National Human Rights Commission** (NHRC) and for a Human Rights Division within the Commission. The National Human Rights Commission (NHRC) of Mauritius is empowered to enquire into the complaints it receives of alleged violations of Human Rights. The NHRC has the power to summon witnesses, including the alleged perpetrators and to call for production of documents. After enquiries into the complaints, the NHRC, thereafter, makes relevant recommendations to the concerned authorities. The NHRC has appointed an officer in Rodrigues to receive complaints on alleged human rights violations and redirect same to the NHRC.

***3A. Functions of the Commission***

*The Commission shall –*

*(a) promote and protect human rights;*

*(b) review the safeguard provided by or under any enactment for the protection of human rights;*

*(c) review the factors or difficulties that inhibit the enjoyment of human rights;*

*(d) submit to the Minister any opinion, recommendation, proposal or report on any matter concerning the promotion and protection of human rights;*

*(e) prepare reports on the national situation with regard to human rights in general, and on more specific matters;*

*(f) inform the Minister of situations of violation of human rights and advise on ways in which such situations can be ended;*

*(g) promote and ensure the harmonisation of national legislation and practices with the international human rights instruments to which Mauritius is a party, and their effective implementation;*

*(h) encourage ratification of or accession to the instruments referred to in paragraph (g), and ensure their implementation;*

*(i) contribute to the reports which Mauritius is required to submit to United Nations bodies and committees, and to regional institutions, pursuant to its treaty obligations and, where necessary, to express an opinion on the subject, with due respect for its independence;*

*(j) cooperate with the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;*

*(k) assist in the formulation of programmes for the teaching of, and research into, human rights and take part in their execution in schools, universities and professional circles;*

*(l) publicise human rights and efforts to combat all forms of discrimination by increasing public awareness, especially through information and education and by making use of all press organs;*

*(m) exercise such other functions as it may consider to be conducive to the promotion and protection of human rights*

***3B. Human Rights Division***

*(1) There shall be for the purposes of this Act a Human Rights Division, which shall be a Division of the Commission. (…)*

*4.   Functions of Human Rights Division*

*(1)  Subject to subsection (2), the Human Rights Division**may, without prejudice to the jurisdiction of the Courts or the powers conferred on the Director of Public Prosecutions or the appropriate Service Commission—*

*(a) 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;*

*(b) –*

*(c) where it has reason to believe that an act or omission such as is referred to in paragraph (a) has occurred, is occurring or is likely to occur, of its own motion enquire into the matter.*

*(…)*

*(2)  (a)  The Human Rights Division shall not enquire into any matter after the expiry of 2 years from the date on which the act or omission which is the subject of a complaint is alleged to have occurred.*

*(b)  The Human Rights Division shall not exercise its functions and powers in relation to any of the officers and authorities specified in the proviso to section 97 (2) of the Constitution.*

*(c) In the exercise of its functions under subsection (1)(a) or (c), the Human Rights Division may, where appropriate, refer the matter to the National Preventive Mechanism Division to enquire into the case.*

*(3)  The Human Rights Division shall, in the first place, attempt to resolve any complaint, or any matter which is the subject of an enquiry pursuant to subsection (1) (c), by a conciliatory procedure.*

*(4)  Where the Human Rights Division is not able to resolve a matter through conciliation, it shall, on the completion of its enquiry—*

*(a) where the enquiry discloses a violation of human rights or negligence in the prevention of such violation, refer the matter to—*

*(i) the Director of Public Prosecutions where it appears that an offence may have been committed;*

*(ii) the appropriate Service Commission where it appears that disciplinary procedures may be warranted;*

*(iii) the chief executive officer of the appropriate public body where it appears that disciplinary action is warranted against an employee of a public body who is not within the jurisdiction of a Service Commission;*

*(b) recommend the grant of such relief to the complainant or to such other person as the Human Rights Division may determine;*

*(c) inform the complainant, if any, of any action taken under this subsection.*

*(5)  The Human Rights Division shall, on the completion of its enquiry, send a written communication setting out its conclusion and any recommendation to the Minister who shall as soon as practicable report to the Commission the action taken or proposed to be taken.*

***6.   Powers of Human Rights Division***

*(1)  The Human Rights Division may, for the purposes of this Act—*

*(a) summon witnesses and examine them on oath;*

*(b) call for the production of any Court record or a certified copy thereof, document or other exhibit; and*

*(c) obtain such information, file or other record, if necessary by an order from the Judge in Chambers, as may be required for the exercise of its functions.*

*(2)  An officer of the Human Rights Division specially authorised in that behalf by the Chairperson may, on a warrant issued by the Human Rights Division, enter any building or place where the Human Rights Division has reason to believe that any document or other exhibit relating to the subject matter of an enquiry may be found and may seize any such document or other exhibit or take extracts or copies therefrom.*

*(3)  Every order, authorisation, warrant or decision of the Human Rights Division shall be authenticated by the Secretary of the Human Rights Division or any other officer of the Human Rights Division duly authorised by the Chairperson in that behalf.*

*7.   Investigation*

*(1)  The Human Rights Division may, for the purpose of conducting any investigation pertaining to an enquiry, utilise the services of any police officer or other public officer designated for the purpose by the Commissioner of Police or the Secretary to the Cabinet, as the case may be.*

*(2)  The officer whose services are utilised under subsection (1) shall investigate any matter pertaining to an enquiry held by the Human Rights Division and submit a report thereon to the Human Rights Division within such time as may be specified by the Human Rights Division.*

1. **EQUAL OPPORTUNITIES ACT**

The **Equal Opportunities Act** seek to ensure that every person has an equal opportunity to attain his objectives in various spheres of activities including in the field of employment and that no person is placed, or finds himself, at a disadvantage, by reason of his status, namely, his age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. These prohibitions from discrimination also apply to employment activities and education.

*10.   Employment of persons*

*(1) No employer or prospective employer shall discriminate against another person—*

*(a) in the advertisement of a job;*

*(b) in the arrangements he makes for the purpose of determining who should be offered employment;*

*(c) in determining who should be offered employment;*

*(d) in the terms or conditions on which employment is offered;*

*(e) by refusing or deliberately omitting to offer employment to that person; or*

*(f) where, subject to subsection (2), that person has a criminal record which is irrelevant to the nature of the employment for which that person is being considered.*

*(2) The burden of establishing the relevance of the criminal record to the nature of employment shall rest with the employer or prospective employer.*

*11.   Persons in employment*

*(1) No employer shall discriminate against an employee—*

*(a) in the terms or conditions of employment that the employer affords that employee;*

*(b) in conditions of work or occupational safety and health measures;*

*(c) in the provision of facilities related to or connected with employment;*

*(d) by denying the employee access, or limiting access, to opportunities for advancement, promotion, transfer or training, or to any other benefit, facility or service associated with employment;*

*(e) by terminating the employment of the employee;*

*(ea) where, subject to subsection (2), the employee has a criminal record which is irrelevant to the nature of the promotional post for which the employee is being considered; or*

*(f) by placing the employee at a disadvantage in any other manner.*

*(2) The burden of establishing the relevance of the criminal record to the promotional post shall rest with the employer.*

*12.   Persons undergoing training*

*No employer shall discriminate against another person where that other person is seeking or undergoing training for employment—*

*(a) in the terms or conditions on which the other person is afforded access to a training course or other facility concerned with training; or*

*(b) by terminating the other person’s training or placing him at a disadvantage during the course of training.*

*13.   Exceptions to sections 10 to 12*

*(1)  Notwithstanding sections 10 to 12, an employer or prospective employer may discriminate on the ground of sex where being of a particular sex is a genuine occupational qualification for employment, promotion, transfer or training.*

*[…]*

*(3)  Notwithstanding sections 10 to 12, an employer or prospective employer may discriminate against a person who has an impairment where—*

*(a) taking into account the person’s past training, qualifications and experience relevant to the particular employment, and in case the person is already employed by that employer, that person’s performance as an employee, and all other relevant factors that it is reasonable to take into account, that person because of his impairment—*

*(i) would be unable to carry out the inherent requirements of the particular employment; or*

*(ii) would, in order to carry out those requirements, require services or facilities that are not required by persons without an impairment and the provision of which would impose an unjustifiable hardship on the employer; or*

*(b) because of the nature of the impairment, the work environment or the nature of the work involved, there is or likely to be—*

*(i) a substantial risk that the person will injure himself; or*

*(ii) a risk that the person will injure others, and it is not reasonable in all the circumstances to take that risk.*

*(4)  For the purposes of subsection (3) (a) (ii), in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case shall be taken into account including—*

*(a) the nature of the benefit, facility or service or detriment likely to accrue or be suffered by any person concerned; and*

*(b) the financial circumstances of, and the estimated amount of expenditure required to be made by, the employer.*

*[…]*

With respect to discrimination in employment, the Act provides that every employer shall henceforth have the responsibility to draw up and apply an equal opportunity policy at his place of work, in conformity with such guidelines and codes as are prepared by the Equal Opportunities Commission, in order to minimise the risk of an employee being discriminated against.

Section 27 (3) of the Act provides that:

*The Commission shall—*

*(a) work towards the elimination of discrimination, and the promotion of equality of opportunity and good relations between persons of different status;*

*(b) keep under review the working of this Act and any relevant law and submit to the Attorney-General proposals for amending them, if required;*

*(c) of its own motion or following a complaint, carry out an investigation;*

*(d) attempt to reconcile the parties to whom and against whom a complaint relates;*

*(e) conduct and foster research and educational and other programmes for the purpose of eliminating discrimination and promoting equality of opportunity and good relations between persons of different status; and*

*(f) prepare appropriate guidelines and codes for the avoidance of discrimination and take all necessary measures to ensure that the guidelines and codes are brought to the attention of employers and the public at large.*

*(4)  For the purposes of subsection (3), the Commission may do anything that it considers necessary for, or exercise all powers, conducive or incidental to, the carrying out of its functions, and in particular may—*

*(a) take such measures as it considers necessary to ensure compliance with the duties imposed on any person under this Act;*

*(b) on completion of an investigation which reveals that an offence has been committed under this Act or a relevant law, refer the matter to the Director of Public Prosecutions;*

*(c) refer any matter to the Tribunal for non-compliance with this Act; or*

*(d) apply for an interim order under section 35 (1) (b).*

*28.   Lodging a complaint*

*(1)  Subject to section 29, any person who alleges that any of his rights under this Act has been infringed may lodge a written complaint with the Commission, setting out the details of the alleged act of discrimination.*

*(2)  (a)  Subject to paragraph (b), a complaint under subsection (1) shall be lodged within 12 months of the date of the alleged act of discrimination.*

*(b)  The Commission may, on good cause shown to it by the complainant, extend the delay referred to in paragraph (a).*

*29.   Persons with impairment*

*(1)  Where a person is unable to lodge a complaint because of an impairment, he may authorise another person to act on his behalf in relation to the complaint.*

*(2)  A person authorised under subsection (1) shall have the same powers in relation to the complaint as he would have if he were the person on whose behalf he acts.*

*(3)  An authorisation under subsection (1) may be given—*

*(a) in writing; or*

*(b) in such other manner as the Commission may approve.*

*30.   Investigation*

*(1)  Subject to section 32, the Commission may, where a complaint appears to it to be well-founded, conduct an investigation into the complaint.*

*(2)  For the purposes of subsection (1), the Commission may, by written notice—*

*(a) require any employer to disclose information regarding any equal opportunity policy it has adopted in its place of work;*

*(b) require any person to furnish any information described in the notice;*

*(c) specify the time within which the person shall furnish the information; and*

*(d) require the person to—*

*(i) attend at such time and place as may be specified in the notice;*

*(ii) give such evidence as it considers necessary; and*

*(iii) produce any document or exhibit as is in his possession or control relating to any matter specified in the notice.*

*(3)  A person served with a notice under subsection (2) shall not be compelled to give evidence, or produce any document, which he could not be compelled to give in evidence, or produce, in civil proceedings before a court.*

*(4)  For the purposes of conducting an investigation, the Commission may record statements under warning from any person.*

*(5)  Any person who, without reasonable cause, fails to comply with a notice referred to in subsection (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.*

1. **OFFICE OF THE OMBUDSMAN SET UP UNDER THE CONSTITUTION AND THE OMBUDSMAN ACT**

THE CONSTITUTION

*97.   Investigations by Ombudsman*

*(1)  Subject to this section, the Ombudsman may investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which—*

*(a) a complaint under this section is made;*

*(b) he is invited to do so by any Minister or other member of the Assembly; or*

*(c) he considers it desirable to do so of his own motion.*

*(2)  This section applies to the following officers and authorities—*

*(a) any department of the Government;*

*(b) the Police Force or any member thereof;*

*(c) the Mauritius Prisons Service or any other service maintained and controlled by the Government or any officer or authority of any such service:*

*(d) any authority empowered to determine the person with whom any contract or class of contracts is to be entered into by or on behalf of the Government or any such officer or authority;*

*(e) the Rodrigues Regional Assembly or any officer of the said Assembly;*

*(f) any local authority or any officer of such local authority;*

*(g) such other officers or authorities as may be prescribed by Parliament;*

*Provided that it shall not apply in relation to any of the following officers and authorities—*

*(i) the President or his personal staff;*

*(ii) the Chief Justice;*

*(iii) any Commission established by this Constitution or its staff;*

*(iv) the Director of Public Prosecutions or any person acting in accordance with his instructions;*

*(v) any person exercising powers delegated to him by the Public Service Commission or the Disciplined Forces Service Commission, being powers the exercise of which is subject to review or confirmation by the Commission by which they were delegated.*

*(3)  A complaint under this section may be made by an individual, or by anybody of persons whether incorporated or not, not being—*

*(a) an authority of the Government or a local authority or other authority or body constituted for purposes of the public service or local government; or*

*(b) any other authority or body whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of money provided from public funds.*

*(4)  Where any person by whom a complaint might have been made under subsection (3) has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as specified in this subsection, a complaint shall not be entertained unless made by the person aggrieved himself.*

*(5)  The Ombudsman shall not conduct an investigation in respect of any complaint under this section unless the person aggrieved is resident in Mauritius (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Mauritius or in relation to rights or obligations that accrued or arose in Mauritius.*

*(6)  The Ombudsman shall not conduct an investigation under this section in respect of any complaint under this section in so far as it relates to—*

*(a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any law in force in Mauritius; or*

*(b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any Court of law:*

*Provided that—*

*(i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and*

*(ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.*

*(7)  The Ombudsman shall not conduct an investigation in respect of any complaint made under this section in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgment.*

*(8)  The Ombudsman shall not conduct an investigation in respect of any complaint made under this section where it appears to him—*

*(a) that the complaint is merely frivolous or vexatious;*

*(b) that the subject matter of the complaint is trivial;*

*(c) that the person aggrieved has no sufficient interest in the subject matter of the complaint; or*

*(d) that the making of the complaint has, without reasonable cause, been delayed for more than 12 months.*

*(9)  The Ombudsman shall not conduct an investigation under this section in respect of any matter where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.*

*(10)  In this section, “action” includes failure to act.*

**THE OMBUDSMAN ACT**

*3.   Procedure*

*(1) Every complaint made to the Ombudsman shall be in writing.*

*(2)  Notwithstanding any other enactment, where a letter is written to the Ombudsman by a person who is in legal custody or who is an inmate of a mental health care centre or other similar institution, the person in charge of the place where the writer of the letter is detained or is an inmate shall immediately forward the letter, unopened, by registered post to the Ombudsman.*

*(3) No complaint shall be entertained by the Ombudsman unless the complainant –*

*(a) has, before making the complaint, made a written representation to the relevant department or authority and not received within 5 working days –*

*(i) a written substantive reply; or*

*(ii) a written reply in which the department or authority states the action it is initiating and the date by which a substantive reply shall be made, such date being not more than 45 days of the date of receipt of the written representation by the department or authority;*

*(b) is dissatisfied with any reply given to him by the department or authority;*

*(c) has sufficient interest in the subject matter of the complaint;*

*(d) specifies the nature of the complaint, the reasons for his grievance and the redress being sought; and*

*(e) encloses every document or other information which is relevant to the complaint.*

*(4) Where a department or authority receives a written representation under subsection (3), it shall make a written reply or written substantive reply, as the case may be, within the time limit specified in that subsection.*

*(5) (a) On receipt of a complaint under this section, the Ombudsman shall, within 5 working days of the date of receipt –*

*(i) make a written reply to the complainant, stating the action the Ombudsman is taking; and*

*(ii) where the department or authority has failed to comply with subsection (4), order the department or authority concerned to make, not later than 7 working days from the date of the order, a substantive reply to the complainant.*

*(b) The department or authority shall –*

*(i) comply with an order under paragraph (a)(ii); and*

*(ii) at the same time, forward a copy of its reply to the Ombudsman.*

*(6) In the discharge of his functions relating to an investigation, the Ombudsman may order a department or authority to submit comments and to provide such information and documents relating to the investigation, within such time as may be specified in the order, and the department or authority shall comply with the order.*

*(7) Where a department or authority fails to comply with subsection (4) or an order under subsection (5)(a)(ii) or (6), the Ombudsman shall request the principal officer of that department or authority to take such action as he considers appropriate.*

*(8) In the discharge of his functions relating to the report of his opinion and reasons pursuant to his investigation, the Ombudsman shall endeavour, within 45 days of the date of receipt of a copy of the written reply under subsection (5), to forward the report to the principal officer of the department or authority concerned.*

The Office for Ombudsman is a member of the International Ombudsman Institute, African, the Ombudsman and Mediators Association and the Association des Ombudsmans et Mediateurs de la Francophonie. It continuously extends its support and shares best practices and lessons learned from its daily experience in promoting human rights. It assists through its numerous actions in filling any accountability gaps and contributes to a human rights-based approach to sustainable development.

**(d) OMBUDSPERSON FOR CHILDREN ACT**

The Office of the Ombudsperson for Children (OCO) is the third National Human Rights Institution (NHRI) set up in Mauritius after the setting up of the Office of the Ombudsman in 1968, and that of the National Human Rights Commission in 2001. Inspired by the Norwegian model, the Ombudsperson for Children Act (OCA) was established in 2003.

*5.   Objects of office of Ombudsperson for Children*

*The Ombudsperson for Children shall—*

*(a) ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals;*

*(b) promote the rights and best interests of children;*

*(c) promote compliance with the Convention.*

*6.   Functions of Ombudsperson for Children*

*In carrying out the duties of his office, the Ombudsperson for Children shall—*

*(a) make proposals to the Minister on legislation, policies and practices regarding services to, or the rights of, children;*

*(b) advise the Minister on public and private residential placement facilities and shelters established for the benefit of children;*

*(c) advise public bodies and other institutions responsible for providing care and other services to children on the protection of the rights of children;*

*(d) take such steps as he may deem necessary to ensure that children under the care of, or supervision of, a public body are treated fairly, properly and adequately;*

*(e) propose measures to ensure that the legal rights of children in care are protected and that the placement facilities promote the safety of children and conform with such norms as the Ombudsperson for Children may, from time to time, recommend;*

*(f) initiate an investigation whenever the Ombudsperson for Children considers that there is, has been or is likely to be a violation of the rights of a child;*

*(g) investigate cases relating to the situation of children in the family, in schools and in all other institutions, including private or public bodies, as well as cases of abandoned children or street children;*

*(h) investigate any suspected or reported case of child labour;*

*(i) investigate any case concerning a child who is a citizen of Mauritius and who may be abroad at the time of the investigation, or a child who is not a citizen of Mauritius but who is residing in Mauritius;*

*(j) investigate complaints made by a child, or any other person, in relation to the rights of any child;*

*(k) advise the Minister on the establishment of mechanisms to afford children the ability to express themselves freely, according to their age and maturity, especially on all matters concerning their individual or collective rights;*

*(l) advise the Minister on the creation of partnerships with parents, teachers, non-governmental as well as governmental organisations, local authorities and any other stakeholders committed to the promotion of children’s rights.*

*7.   Investigation*

*(1)  Where the Ombudsperson for Children considers, either upon complaint made to him or on his own motion, that it is necessary to investigate a matter relating to the rights of a child, the Ombudsperson for Children shall investigate the complaint in such manner as he considers appropriate.*

*(2)  For the purposes of an investigation under this Act, the Ombudsperson for Children may—*

*(a) request any person, including any public officer, to provide information concerning a child whose rights have been, are being or are likely to be violated;*

*(b) enter premises where—*

*(i) a child is present, either temporarily or permanently, including an educational or health institution and a place of detention, in order to study the environment of such a place and asses its suitability;*

*(ii) a child may be in employment;*

*(iii) there is reasonable ground to believe that the moral and physical safety of a child may be in danger;*

*(c) request the Commissioner of Police to enquire and report to the Ombudsperson for Children on any allegation relating to the breach of the rights of a child;*

*(d) enter any licensed premises where the Ombudsperson for Children suspects that alcohol and tobacco may be handled, consumed or purchased by children;*

*(e) record the statement of any person in connection with an investigation;*

*(f) request the assistance of the Commissioner of Police and the officer-in-charge of any public body or institution, as the case may be, to facilitate any entry and effect, where appropriate, any seizure pursuant to paragraphs (b) and (d);*

*(g) summon witnesses and examine them on oath;*

*(h) call for the production of any document or other exhibit; and*

*(i) obtain such information, file or other record, upon application to the Judge in Chambers whenever necessary under any law, as may be required for the investigation.*

*(3)  Following an investigation under subsection (1), the Ombudsperson for Children shall—*

*(a) act as a mediator to resolve any dispute relating to the rights of the child;*

*(b) make a report to such person or authority as the Ombudsperson for Children considers appropriate;*

*(c) make proposals of a general nature to the Minister on any matter which may have arisen in the course of the investigation.*

*(4)  The Ombudsperson for Children shall not investigate any case which is pending before any Court but may refer any child involved in such a case to the Ministry for advice, assistance or counselling.*

The Ombudsperson for Children’s Office (OCO) is guided by the Paris Principles. It does not receive any directive from any public or private authority which would compromise the OCO’s independence. The OCO performs its functions independently from any public authority. The Ombudsperson for Children (OC) is empowered by the law conferred to her in the OCA to assist authorities in the promotion and protection of human rights

The Ombudsperson for Children represents and defends the rights of children in Mauritius, Rodrigues and Agalega, children of Mauritian origin who live abroad and children of any other nationalities who reside in the Republic of Mauritius.

The Ombudsperson for Children receives adequate funding from the National Budget to carry out activities, awareness raising campaign and workshops on the rights of the child and related issues.

The OCO has been granted affiliation from the AOMF, AOMA and the IOI, three international organizations that have greatly contributed to the efficiency and improvement of the office’s work. The Office has benefitted international training on child rights and has represented the office on international fora.

The OCO has also recently signed an agreement with the European Union regarding the funding of MUR 8 Million for the project entitled “Protecting and Promoting the Rights of Children in the Republic of Mauritius”. The specific objectives of the project are to empower children through a better knowledge of their rights and responsibilities, reduce the prevalence of violence against children, specially the girl child and bring awareness amongst stakeholders working with children and the public at large on the UNCRC and issues affecting the rights of children.

**(e) INDEPENDENT POLICE COMPLAINTS COMMISSION ACT**

The **Independent Police Complaints Commission** set up under the Independent Police Complaints Commission Act has been granted powers to investigate inter alia 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 or into the cause of death of a person who died whist the person was in police custody or as a result of police action. Subject certain provisions, any evidence obtained in the course of this investigation may give rise to, or be used in, civil or criminal proceedings.

Following completion of the inquiry, the IPCC makes an opinion on the subject matter of the complaint and may refer as appropriate the matter to:

1. the Director of Public Prosecutions recommending criminal prosecution, with a recommendation that the police officer be prosecuted for a criminal offence; or
2. Disciplined Forces Service Commission, with a recommendation that disciplinary proceedings; or
3. 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 Independent Police Complaints 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.

The IPCC was accordingly set up on 09 April 2018. Prior to the establishment of the IPCC on 09 April 2018, complaints against police were handled at the level of the Police Complaints Division of the National Human Rights Commission.

***4. Functions of Commission***

*Without prejudice to the jurisdiction of the Courts or the powers conferred on the Director of Public Prosecutions, the Ombudsman or the Disciplined Forces Service Commission, the Commission shall –*

1. *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;*
2. *investigate into the cause of death of a person who died whist the person was in police custody or as a result of police action;*
3. *advise on ways in which any police misconduct may be addressed and eliminated;*
4. *promote better relations between the public and the Police; and*

*(e) perform such other functions as may be conferred to it by any other enactment.*

***5. Powers of Commission***

1. *Subject to subsection (2), the Commission may, in the discharge of its functions under this Act –*
2. *summon any person to appear before it on such date and at such time as may be specified in the summons, or require any person in writing –*
3. *to answer any question or provide any information which the Commission considers necessary in connection with any investigation;*
4. *to produce any article, or any book, record, accounts, report, data, stored electronically or otherwise, or any other document;*
5. *to verify, or otherwise ascertain by oral examination of the person making the complaint, any fact, matter or document relating to a complaint;*
6. *visit any police station, prison or other place of detention for the purpose of an investigation under this Act;*
7. *where it considers appropriate, work in cooperation or consultation with any person or body, whether public or private.*
8. *A person may refuse to answer any question, to provide any information, or to produce any article or document, which would incriminate him.*

**(f) OMBUDSPERSON FOR FINANCIAL SERVICES ACT**

The *Ombudsperson for Financial Services Act* provides for the setting up of an office of the Ombudsperson for Financial Services Act with a view to giving better protection to consumers of financial services including notably to inform and educate the general public on investments in financial services offered by financial institutions and assist the Ombudsperson in dealing with complaints made by consumers of financial services against financial institutions.

The Office of Ombudsperson for Financial Services is also in the process of establishing a website following which complainants will be able to make their complaints directly on the online complaint form that will be available on the website.

***4. Functions and powers of Office***

*(1) The Office shall, in particular, with a view to giving better protection to consumers of financial services –*

*(a) inform and educate the general public on investments in financial services offered by financial institutions;*

*(b) assist the Ombudsperson in dealing with complaints made by consumers of financial services against financial institutions.*

*(2) The Office shall, in the exercise of its functions, act without fear or favour and shall not be subject to the directions or control of any other person or authority.*