



STATEMENT

BY

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**ATTORNEY GENERAL, MINISTER OF JUSTICE,
HUMAN RIGHTS AND INSTITUTIONAL
REFORMS**

ON THE

**20TH TO 23RD PERIODIC REPORTS TO THE
COMMITTEE ON THE ELIMINATION OF RACIAL
DISCRIMINATION,
14 AND 15 AUGUST 2018
UN OFFICE, GENEVA**

**Mr. Chairperson,
Distinguished Members of the Committee,
Ladies and Gentlemen,**

It is an honour and privilege to present, on behalf of the Government of the Republic of Mauritius, the updates following the Combined twentieth to twenty-third periodic reports submitted by us under article 9 of the **International Convention on the Elimination of All Forms of Racial Discrimination** in 2017 covering the period June 2009 to December 2016.

I should, at the very outset, acknowledge the unwavering efforts of the Committee in its mission for the eradication of racial discrimination across the world and convey to you our full support in this endeavour.

Mr. Chairperson,

Before proceeding further, let me introduce the members of my delegation-

- **His Excellency, Mr. Israhyananda Dhalladoo,**

Ambassador and Permanent Representative of the Republic of Mauritius to the UN in Geneva;

- **Mrs. Asha Burrenchobay,** Senior Chief Executive, Ministry of Justice, Human Rights and Institutional Reforms;

- **Mrs. Prameeta Goordyal-Chitto,** Assistant Solicitor General;

- **Mr. Rajkumar Sookun,** Deputy Permanent Representative, Mauritius Mission to the UN, Geneva;

- **Mr. Parasram Gopaul,** Counsellor at the Mauritius Mission in Geneva;

- **Mr. Nikesh Heerowa** and **Mrs. Fee Young Li Pin Yuen,** both Second Secretaries at the Mauritius Mission in Geneva.

Mr. Chairperson,

Since its independence in 1968, the Republic of Mauritius is relentlessly committed to the universal values of democracy, good governance, the rule of law, promotion and protection of human rights and fundamental freedoms.

These are the bedrock of our development, and they continue to shape our policies to build a nation where our citizens remain at the very core of our development.

Against this backdrop, the Government of Mauritius, under the leadership of the Hon. Prime Minister Pravind Kumar Jugnauth, is determined to provide a human rights-based approach to the socio-economic and cultural development of the country so as to enable our citizens to enjoy a good quality of life based on core values such as human dignity, respect, equality of treatment, economic empowerment and social justice. It is apposite to note that under the leadership of the Honourable Prime Minister, a new Ministry dedicated to Human Rights has been set up in September 2017 and issues pertaining to Human Rights are being attended in a more systematic and comprehensive manner. A National Mechanism for Reporting and Follow-Up (NMRF) has been set up under the said Ministry as per the recommendations of the Office of the High Commissioner for Human Rights. NMRF has become, inter-alia, the platform for consultations with NGOs and civil society on a regular basis under my Chair.

This new framework aims to ensure that Human Rights obligations are fully met, periodic reports and mid-term Review /Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned. Furthermore, it ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights issues.

At international and regional levels, Mauritius has acceded to almost all the core UN and African Union Human Rights Conventions and has ensured that their provisions are incorporated in our domestic legislations. Our Constitution, which is the Supreme law of the land, makes provision in its Chapter II, for the protection of the right to life, protection of the right to personal liberty, protection from slavery and forced labour and protection from inhuman treatment, protection from discrimination, just to name a few. In this respect, the Human Rights Institutions operational in Mauritius are as follows: National Human Rights Commission, Ombudsperson for Children, Equal Opportunities Commission and the recently set up Independent Police Complaints Commission.

Mr. Chairperson,

I now propose to briefly apprise the Committee of positive developments in respect of legislation pertaining to the protection of human rights since our last review.

The **Reform Institutions Act** has been amended in April 2018 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.

A new **Data Protection Act** was enacted last year and came into force in January 2018. It provides for the protection of the privacy rights of individuals in view of the developments in the techniques used to capture, transmit, manipulate, record or store data relating to individuals. This new Act aligns the law in Mauritius with the EU General Data Protection Regulation (GDPR). Mauritius is the first country in Africa to have aligned itself with the EU GDPR.

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

Mr. Chairperson,

The **Independent Police Complaints Commission Act** was proclaimed in April 2018 and is already operational. The IPCC investigates into complaints, other than acts of corruption or money laundering offences, made against police officers in the discharge of their functions.

The **Employment Rights Act** was amended in 2015 to increase maternity leave from 12 weeks to 14 weeks. It also provides that every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing work of equal value. Government has also announced in Budget Speech 2018-2019 that paid maternity leave will be extended to employees who are not 'confirmed' in their employment. Section 31 of the **Act** also makes provision for a male worker to 5 continuous days paternity leave since 2009.

The **Judicial and Legal Provisions Act** was passed in 2018 with a view to improving the administration of justice in Mauritius.

The new measures provide, **inter alia** -

- (a) for the review of the offence of outrage against the public and religious morality and the offence of stirring up contempt or racial hatred so as to criminalise such offences committed through electronic means, and to provide for stiffer penalties;
- (b) for an increase in the time limit for payment of a fine from 12 months to 2 years;
- (c) that a person sentenced to a term of imprisonment or penal servitude shall, subject to certain conditions, be given full credit for the time he has spent in custody by deducting that time from the term of imprisonment or penal servitude imposed;
- (d) that a convicted person who has, so far, not benefitted from full credit for the time he has spent in custody, may petition the President under section 75 of

the Constitution with a view to obtaining full credit for the time he has spent in custody.

The **Police and Criminal Justice Bill** is currently under preparation. It aims at striking a balance between the rights of the individual and the powers by the Police and those in authority. In the Draft Bill, provisions have been made for Codes of practice to be observed by police officers, which include inter alia, investigation, powers of arrest and stop and search. The Bill makes provision for a police officer not to arrest a person on the basis of a mere allegation by a third party.

Under sections 8 and 23 of the **National Wage Consultative Council Act 2016**, the National Minimum Wage is now law in Mauritius. The National Minimum Wage Regulations 2017 provides for the payment of a monthly national minimum wage of Rs 8,140 from January 1st, 2018 for all full time employees and a prorated rate for part time workers. Moreover, the enforcement of the Ministry of Labour is closely monitoring the situation and has initiated action against the defaulting companies. As at 22 June 2018, there were 92 companies which have not complied with the minimum wage.

As regards children, the **Children's Bill** is one of the priority legislations which is expected to be introduced in the National Assembly shortly. The question of minimum age of criminal responsibility as well as that of corporal punishment are expected to be dealt with in the bill. More stringent measures are equally being envisaged as regards the question of child marriage. The validation workshop for the bill was held on the 28th May 2018.

The **Protection from Domestic Violence Act** was also amended in 2016 to enhance the protection of victims of domestic violence. Moreover, Government is also setting up an **Integrated Support Services Against Domestic Violence** to provide an effective communication means to respond to victims. It aims at providing timely support and counseling to victims and will be operational end 2018.

The **Prevention of Terrorism Act** was amended in 2016 to strengthen our preventive measures against terrorism.

The **Social Integration and Empowerment Act** was passed in 2016 providing, inter-alia, for empowerment programmes to be set up to combat absolute poverty.

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

There is a new **National Women's Council Act** which came into operation on 8 March 2018.

The new Act provides for the following:

- (a) a more modern and appropriate legislative framework in order to further promote women's empowerment and gender equality, especially through the active participation of women in the social, economic and political fields;
- (b) better provision for the functioning of the National Women's Council so as to provide a platform for women to voice out their needs, concerns and aspirations; and
- (c) improving the regulation of Women Associations and the management of the Regional Committees responsible for the activities of Women Associations.

Mr Chairperson

I shall now embark on a brief overview of measures taken to enhance the protection of Human Rights further.

1. Government stands committed to **reform the electoral system** so as, inter alia, to ensure a fairer representation in the National Assembly, guarantee better women's representation and address the issue of mandatory declaration of community. In this context, a Ministerial Committee was set up in January 2016. It has looked into several issues pertaining to the electoral reform, namely, the financing of political parties, widening of powers of the Electoral Supervisory Commission (ESC), guaranteeing better women's representation in the National Assembly and amendments to the electoral system in Rodrigues has already been catered for. At the beginning of the month of May 2018, the Ministerial Committee on Electoral Reforms has submitted its report and same is currently under

examination at the level of the Prime Minister's Office before submission to Cabinet.

2. Government has come up with a **National Drug Control Masterplan (NDCMP) 2018-2022**, which has been worked out with the collaboration of United Nations Office on Drugs and Crime, to address drug control comprehensively. A Commission of Inquiry on Drugs chaired by a former Judge was set up in 2015 and has recently submitted its report and recommendations.
3. The **National Empowerment Foundation** is providing educational support in the form of school bags, uniforms, shoes, notebooks, socks and stationery to pre-primary, primary, secondary, vocational and tertiary students. About 17,000 eligible students have benefitted in 2018.
4. The **Religious and Social Organizations (RESO)-Impact** was launched in May 2018 to sensitize and motivate more people to address the problem of gender-based violence and promote family well-being through religious bodies and socio-cultural groups.
5. For the first time ever, the **Constitution of Mauritius** has been published in braille in 2018 and is readily available in public libraries and has also been made available to relevant NGOs.
6. Government also encourages self-help construction of **housing units** by very low to low income families who already own a plot of land. These families are financially assisted through a grant scheme either for the casting of roof slabs to complete their construction or for the purchase of building materials to start their construction. As at April 2018, some 56,674 families have benefitted from that scheme and Government has spent some Rs 2.41 Billion. Moreover, it has been recently announced in the budget speech that Government will construct 6,800 new social housing units over the next 2 years.
7. Government is allocating Rs 1.8 billion from the Government of India's financial support to the construction of social and low income housing units. Government is earmarking Rs 5 billion for the next three years to the housing sector from the Budget. These add up to a total of Rs 6.8 billion.

Mr Chairperson,

8. I am pleased to announce that Mauritius has acceded to the **Protocol on Human and People's Rights on the Rights of Women in Africa** on 16 June 2017.

Mr Chairperson,

I now propose to address the issues raised by the Committee.

9. As regards the domestication of the Convention, it is to be noted that most provisions of the Convention are already entrenched in the Constitution and in different pieces of legislation.
10. As regards the implementation of the National Human Rights Action Plan 2012-2020, my Ministry monitors same on a regular basis and I am pleased to state that approximately 90% of the actions have been implemented although in differing stages.
11. Presently the Equal Opportunities Act does not include language as a ground of discrimination.
12. It is apposite to note that the Chairperson, the Vice Chairperson and every member of the National Human Rights Commission are appointed by the President of the Republic acting on the advice of the Prime Minister. The Prime Minister consults the leader of the Opposition before tendering advice to the President. The National Human Rights Commission is independent and reports directly to the Prime Minister's Office.
13. On the independence of the National Preventive Mechanism, I reiterate what I stated during the presentation of our report before the Committee against Torture that Mauritius takes great pride in the independence of its judges, magistrates and civil servants in general. It is to be noted that there is no political interference in the work of the mechanism.
14. In respect of steps taken to introduce special measures aimed at accelerating the achievement of equal enjoyment of human rights by disadvantaged groups protected under the Convention, provision is not made for the application of special measures in our law. The Constitution,

which is the supreme law of the country, prohibits discrimination and advocates equality of all. It also provides that no law shall be discriminatory either in itself or in its effect. However, the State endeavours to take all necessary measures in order to help any group or persons to achieve equal enjoyment of human rights.

Mr Chairperson

15. As regards **complaints pertaining to racial discrimination**, relevant NHRIs conduct awareness campaigns on a regular basis across the island. They avail themselves of Citizens Advice Bureaux to do so. Moreover, the Citizen Support Portal, an initiative of the Prime Minister's Office, was launched in April 2017 with a view to better address the complaints of citizens. In line with government's determination to move to a digital society, citizens can register, through the portal, their query/complaint on a database and track them at any point in time.
16. For the period 2013 to 2017, there were 534 complaints received by the National Human Rights Commission and 435 complaints were disposed of. Regarding the Police Complaints Division, there were 2,611 complaints for the period 2013 to 2017 and there were 2,290 cases filed after investigation. At end 2017, 175 cases were under investigation. There were 1,332 complaints received for the period 2013 to date at the National Preventive Mechanism Division.
17. From May 2012 to 30 April 2018, there were 2,007 complaints lodged at the Equal Opportunities Commission including 87 from Rodrigues. 1,637 complaints have been examined.
18. In 2017, the office of the Ombudsman dealt with 771 cases. At the end of 2017, there were only 155 cases pending.
19. 346 complaints have been received in person at the Ombudsperson for Children's Office from July 2016 to June 2017. 84% of these cases have been resolved.

20. Up to 30 June 2018, the Independent Police Complaints Commission has dealt with 446 cases. Out of these cases, there have been 46 cases which have been set aside after enquiry.
21. With regard to the implementation of the provisions of the Criminal code including Article 282, it is to be noted that when a case is reported to the police, enquiry is carried out following which a report is sent to the DPP for his advice as to whether there is any ground for prosecution. In the affirmative, action is initiated before the appropriate court of law.

Mr Chairperson

22. The Criminal Code already makes provision for offences pertaining to racial discrimination on grounds of race or creed. Government is committed at its highest level to ensuring that no one threatens in no manner whatsoever racial harmony in Mauritius. By way of illustration, one may refer to the recent case of the then Vice Prime Minister who had made certain remarks of such a nature as to incite communal tensions and the political sanction was immediate. The said Vice Prime Minister resigned from his ministerial post. I am further informed that there is an ongoing police enquiry in this matter and after completion of the enquiry, the case file will be sent to the Director of Public Prosecutions for a decision.

23. Rodrigues

As at September 2017, there were 132 houses that have been built by the Government for vulnerable citizens of Rodrigues. Government is planning to increase the number of houses built in Rodrigues in the next few years.

24. Chagos

The Chagos Archipelago, which has always formed an integral part of Mauritius, was illegally excised by the United Kingdom, the colonial power, from the territory of Mauritius prior to its accession to independence. This excision was carried out in breach of international law and UN General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967. The decolonization process of Mauritius therefore remains to date incomplete.

In the wake of the illegal excision of the Chagos Archipelago, all Mauritians who were residing at the time in the Chagos Archipelago and who are commonly referred to as Chagossians, were forcibly evicted by the United Kingdom, in disregard of their basic human rights. Most of them were moved to the main Island of Mauritius.

The Government of Mauritius is fully sensitive to the plight of the Chagossians and to their legitimate aspiration, as Mauritian citizens, to be able to resettle in the Chagos Archipelago at the earliest possible date.

On 22 June 2017, the UN General Assembly adopted a resolution to request an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The Government of Mauritius hopes that the Court will give an opinion which will contribute to complete the decolonization process of Mauritius and in so doing, allow Mauritian citizens of Chagossian origin who wish to do so to return to the Chagos Archipelago.

The Government of Mauritius is sparing no efforts to improve the living conditions of the Chagossians. Chagossians, being fully-fledged citizens of Mauritius, enjoy the same rights as other Mauritian citizens, including access to free health services, free education and free public transport for students, elderly persons and disabled persons. Moreover, the Government of Mauritius has taken, and continues to take, special measures in favour of Chagossians. These measures include the donation of land for the construction of houses and the setting up of the Chagossian Welfare Fund.

The objects of the Chagossian Welfare Fund are to, inter alia, advance and promote the welfare of the members of the Chagossian community and their descendants, and develop programmes and projects for their total integration into Mauritius. Measures taken by the Chagossian Welfare Fund during the last three years include scholarships for primary and secondary school students, ICT courses for youngsters, talks to youngsters on nutrition and drug abuse, distribution of provisions to senior citizens and bedridden persons, and medical check-up.

Mr Chairperson

25. Government launched a pamphlet on the “**Articles of the Convention on the Rights of the Child**” in English and Creole on the Day of the African Child in June 2016. The aim was to raise awareness of children and parents on their rights.
26. Adult Literacy Programmes are carried out by the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) in Women’s Association and Women Centres. Furthermore, the National Women Centre has also included a component on the “**Kreol Morisien**” since January 2015, and aims at empowering women with the basic skills to write and read in Creole language.
27. Furthermore, unemployed workers are encouraged to apply at the Social Security Offices and these provide information to prospective employees.
28. A “**Know Your Rights Pamphlet**” will be launched in November 2018 to make foreign workers aware of their rights in Mauritius. It will be available in different languages.
29. To ensure a proper coordination in respect of trafficking in persons including child trafficking and forced labour, an inter-Ministerial Committee has been set up under my Chairmanship for a concerted response to such issues. A draft National Action Plan to combat Trafficking in Persons is currently under preparation.

Mr Chairperson,

30. Regarding the situation of migrants, a shelter for adult victims of human trafficking has been identified which, amongst others, shall provide temporary accommodation suited to the needs of victims of trafficking. In terms of victim support, there are Government funded NGO shelters and victim drop-in centre. The **Courts Act** provides for camera testimonies under specific circumstances. In addition, Government is also working on a comprehensive policy and strategic plan for children and the Police Department is collaborating with international organisations such as INTERPOL to gather information and intelligence for offences, including those related to human trafficking having an international dimension.

31. In line with our commitments to fight modern slavery and human trafficking,
32. 984 Government has recently joined the Call To Action to end forced labour, modern slavery and human trafficking.
33. Government has agreed to the implementation of the second phase of the e-Prisons project which will comprise of the following four new modules:
- a) Prison staff management system;
 - b) Duty management information system
 - c) Baby management information system and
 - d) Prison training information system.
34. Government has set up a website comprising of text enlargement and colour blind features where necessary information relative to Education, Training and Employment, Legislations & Rights and Services provided by the Disability unit are disseminated.

Mr Chairperson,

Our combined Report seeks to respond to the list of issues set out by the Committee by outlining the legislative, judicial, administrative and other measures which give effect to the provisions of the Convention in Mauritius.

I should like to stress that in compliance with its obligations under the Convention, Mauritius endeavours to fight all forms of prejudice which may be perceived as leading to situations of racial discrimination or communal hatred and all efforts are being put in to consolidate and build upon the strong foundation of cultural pluralism which it regards as being the best guarantor of non-discrimination. Additionally, sustained efforts are being made to foster inherent respect for pluralism and tolerance in the minds of the youth through the education system and the media. School curricula include human rights education to ensure respect for human rights.

Finally, Mr. Chairperson, allow me, on behalf of the Government and the people of Mauritius, to extend our appreciation of the Committee's work and to reassure you that, Mauritius, as a party to the **International Convention on the Elimination of All Forms of Racial Discrimination**, shall continue to work towards the elimination of racial discrimination in whatever

form in order to uphold the equality of each and every one in Mauritius and to ensure that we are in compliance with our obligations under the Convention.

My delegation is now ready to respond to the Committee's questions.

Thank you.