



STATEMENT

BY

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HUMAN RIGHTS AND INSTITUTIONAL

REFORMS

3rd UNIVERSAL PERIODIC REVIEW

REPUBLIC OF MAURITIUS

07 NOVEMBER 2018

PALAIS DES NATIONS, GENEVA

Mr. President,
Distinguished Members of the Council,
Ladies and Gentlemen,

It is a great privilege and honour for me to present the third Universal Periodic Report of Mauritius on behalf of the Government of the Republic of Mauritius to this august assembly.

Mr. President,

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

Mr. Rajkumar Sookun, Acting Permanent Representative of Mauritius in Geneva;

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

Mrs. Prameeta–Goordyal Chittoo, Assistant Solicitor General, Attorney General’s Office;

Mr. Avinash Rughoobur, Financial and Governance Analyst, Ministry of Justice, Human Rights and Institutional Reforms;

Mrs. Asha Pillay Nababsing, State Counsel, Attorney General’s Office;

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

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

Mr. President,

At the very outset, let me express the deepest appreciation of the Republic of Mauritius for the work being effected by the Council for the universal respect

of human rights. Mauritius wishes to reaffirm its commitment and continued support to the work of the Human Rights Council and the UPR mechanism. We believe that the UPR mechanism is an important pillar of the Human Rights Council and its process provides a unique opportunity to reflect on our human rights achievements and challenges.

It is to be recalled that Mauritius was a founding member of the Human Rights Council and it has had the opportunity to serve for two consecutive terms up to 2012.

Mr President

Following the General elections of 2014, there was a change of Government. The new Government Programme 2015-2019 is very citizen focused.

Indeed, the universal values of democracy, good governance, the rule of law, promotion and protection of human rights and fundamental freedom are the bedrock of our development, and continue to shape our policies to build a nation where the spirit of unity prevails and our citizens remain at the very core of our development.

Mauritius aspires to rise above the “middle-income trap” and become a high income country and thereby enhance our inclusive and caring society. Much has been done to lift the standard of living and quality of life of our population and more is being done to consolidate our welfare State.

Government is investing heavily on modern and strategic infrastructure to transform the country. The light rail transit system is currently under construction in Mauritius and the first phase is expected to be operational

by September 2019. The public road transport infrastructure is also being modernized in parallel.

In Rodrigues island, the construction of a new runway to accommodate bigger planes is in the pipeline and is expected to start in mid-2019. This project will no doubt further improve air connectivity, tourism development and the socio economic conditions on the island. It is to be noted that in the budget 2018/19, an amount of Rs 5 billion has been provided for the socio-economic development of Rodrigues. A technology park is also being envisaged to promote entrepreneurship and employment in the field of ICT.

Mr President,

For the first time ever, inhabitants of Agalega island (about 1000 km to the north of Mauritius) have been connected to the internet and this by way of satellite bandwidth. This happened in September 2018.

The welfare state of the country is continuously being consolidated. Several new measures have been implemented to improve the standard of living and the purchasing power of our citizens.

Government has further improved its proximity with its citizens. A Citizen Support Portal, an initiative of the Prime Minister's Office, was setup, in January 2017. The Portal was developed to better address the complaints of citizens who can track their query or complaint on the database at any point in time. The idea is to bring the Government closer to the people using technology. As a necessary corollary to the Citizen Support Portal, Government has also installed 350 Free Wi-Fi hotspots around Mauritius so as to enhance connectivity. More Free Wi Fi hotspots are in the process of

being installed in every corner of Mauritius. There has been some 59 600 queries to-date on the Citizen Support Portal, out of which 45 600 have been resolved.

Mr President

I am pleased to report that since the last review in 2013, there has been some fundamental changes in the overall human rights framework that has taken place in the country, namely –

- (i) a new Ministry dedicated to Human Rights was set up in September 2017 and consequently all issues pertaining to Human Rights are now being attended to in a more systematic and comprehensive manner;
- (ii) in December 2017, a National Mechanism for Reporting and Follow-Up (NMRF) was set up under the Ministry as per the recommendations of the Office of the High Commissioner for Human Rights (Pretoria Office). It has taken over the functions of the Human Rights Monitoring Committee. The NMRF has become, inter-alia, the platform for consultations with NGOs and civil society on a regular basis under my Chair. The NMRF aims to ensure that Human Rights obligations be it at the UN or AU level are kept under review for proper follow up. Periodic reports and mid-term Review/Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned. Furthermore, the NMRF ensures a better coordination among Ministries in respect of the implementation of recommendations and

decisions and enables a thorough monitoring of Human Rights obligations. The OHCHR has agreed to provide the Ministry of Justice, Human Rights and IR with technical assistance to support the establishment of a National Reporting and Tracking Database (NRTD). This will be implemented in a very near future, and will facilitate the recording, tracking, and reporting on implementation of human rights recommendations;

- (iii) the Human Rights Portal has been set up and is also under my Ministry. It is currently being redesigned with additional features to include a virtual library. A fully manned Human Rights secretariat has been put in place;
- (iv) the Independent Police Complaints Commission is fully operational since April 2018. The IPCC investigates into complaints, other than acts of corruption or money laundering offences, made against police officers in the discharge of their functions. The IPCC has taken over the functions of the now defunct Police Complaints Division of the National Human Rights Commission. The IPCC is headed by Mrs D. Beesoondoyal former Judge of the Supreme Court;
- (v) police officers who were not authorised by law to associate and form trade unions have now been authorised to do so by way of a new legislation which the Government passed in the National Assembly. Government indeed passed Police (Membership of Trade Union) Act 2016 to bring this fundamental change in the conditions of employment of police officers.

Mr President

I would like to highlight that our Action Plan 2012-2020 on Human Rights was adopted in October 2012 and we have been able to implement at least 90% of the measures, be it at different stages.

Mauritius submitted its mid-term UPR report to the Human Right Council in 2016 and all the state reports that were due under each convention have been submitted in the last two years; (ICESR, CERD, CAT). Consequently, we are up to-date as far as reporting is concerned.

I am also pleased to report that 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, to the extent possible.

Mauritius ratified the protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa (Maputo Protocol) in June 2017, with reservations. The convention 108 (Convention for the Protection of individual with regard to the Automatic Processing of Personal Data) was ratified in June 2016.

We have also acceded to the Arms Trade Treaty in July 2015 and we have recently deposited the instrument for ratification of the Convention on Certain Conventional Weapons amended protocol II and Protocol V.

Discussions on the ratification of the Genocide Convention have reached an advanced stage and the convention is expected to be ratified in 2019. The

third Optional Protocol to the Convention on the Rights of the Child will be ratified once the Children's Bill is enacted.

Mr President

Mauritius is however not able to implement some recommendations made. We cannot ratify some conventions given our own specificities. As you are aware, we are a multi-cultural society and we pay particular attention to preserve our fragile social fabric. Also, we are indeed a vulnerable island with limited resources.

It is against this backdrop, that I say that we are not in a position to accept migrant workers with their family members and we are furthermore not in a position to grant status of refugees to foreigners, although we do provide assistance for their settlement in other countries. This has consistently been the position of Mauritius throughout the years.

Mr President,

I now propose to briefly apprise the Council of measures taken to further enhance the enjoyment and protection of human rights, in the Republic of Mauritius, since our last review.

POVERTY ELIMINATION

Our effort to combat poverty has been relentless in these last few years. The Social Integration and Empowerment Act, which was enacted in December 2016, is a landmark measure in the history of poverty alleviation in Mauritius. It makes provision for the setting up of Empowerment Schemes to combat absolute poverty and to provide financial support to families, who are eligible under the Social Register of Mauritius (SRM) and have signed the

social contract. Since December 2016 to date, an amount of around Rs 652 Million has been disbursed by Government for the benefit of around 11,000 families, including those on Rodrigues island. Every household on the Social Register of Mauritius (SRM) is entitled to a monthly subsistence allowance based on a minimum threshold of Rs 2,720 with a maximum threshold of Rs 9,520 for a family of two adults and three children. It is to be noted that 38% of the families are female headed.

The Government also strongly supports very low to low income families, who already own a plot of land and who are willing to construct a house. 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 benefited from that scheme and Government has spent some Rs 2.41 Billion.

A sum of Rs 1.8 billion was allocated last year for the construction of social and low income housing units. Some 6,800 new social housing units are expected to be constructed over the next 2 years in Mauritius.

As at September 2017, there were 132 houses that were built by the Government for vulnerable citizens of Rodrigues island. Government is planning to increase the number of houses built in Rodrigues in the next few years too. Moreover, in this year's budget, provision has also been made for housing units to be built in Agalega island.

NATIONAL MINIMUM WAGE

With a view to enhancing and improving the standard of living and conditions of the lowest paid workers of our Republic (that is some 120,000 workers living below the poverty line) Government introduced a historic measure in December 2017 and enacted The National Minimum Wage Regulations 2017 which sets a national minimum wage of 8,140 rupees per month payable with effect from 01 January 2018 to every full time worker. The relief provided to workers by way of this historic measure is further enhanced by the Negative Income Tax scheme which is implemented by the Mauritius Revenue Authority the combined effect of which makes the wages of the worker rise to Rs9,500 per month.

These measures ensure that all workers are currently being paid above the poverty line. The Ministry of Labour is closely monitoring the situation and has initiated action against defaulting employers. As at 22 June 2018, there were 92 companies which had not complied with the minimum wage and these employers are facing enforcement actions by the said Ministry.

SOCIAL PROTECTION

The Government provides for a universal non-contributory Basic Retirement Pension for any citizen of Mauritius aged 60 and above. Between December 2014 and December 2017, it has increased from Rs 3,500 to Rs 5,450. In January 2018, it was further increased to Rs 5,810, representing an increase of 65% since December 2014.

YOUTH EMPOWERMENT

Some 20,600 youth have been placed in employment from 2013 to June 2018 through the Youth Employment Programme. The monthly stipend paid to

trainees vary from Rs 8000 to Rs 15000, depending upon their qualifications. Moreover, a SME Employment Scheme for unemployed graduates was introduced this year and it targets some 1000 graduates.

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 this year.

Mr President

The Police and Criminal Justice Bill will be introduced in the National Assembly shortly i.e in this term.

It seeks inter alia to bring together, in one enactment, provisions which relate to the exercise by police officers of the power to stop, enter, search, seize, arrest, and detain; to set a time limit for the detention of persons on remand/ awaiting trial, so as to better guarantee the citizen's human rights and fundamental freedoms provided for in the Constitution of Mauritius.

It further provides for the enforcement of the rights of victims and witnesses.

Our Extradition Act which dated back to 1970 was repealed and replaced by a new legislation in 2017 to make better provision for the extradition of persons from and to Mauritius. It simplifies extradition procedures and makes no distinction between Commonwealth and non-Commonwealth countries and promotes cooperation without 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 successfully processed.

ELECTORAL REFORMS

You may recall Mr President, that a political party in Mauritius namely *Resistance ek Alternative*, made a complaint to the UN Human Rights Committee.

Government is fully committed to reforming the electoral system so as to ensure a fairer representation in the National Assembly, guarantee better women's representation and address the issue of mandatory declaration of community. A Ministerial Committee was set up in January 2016 to come up with proposals and the Prime Minister presented the proposed electoral reforms to the nation on 21 September 2018.

The objectives of the proposed electoral reforms are to introduce a dose of proportional representations, to provide for fairness, inclusion and a more equitable representation of parties in the National Assembly and to do away with the mandatory declaration of community by candidates. It also aims to ensure a better gender representation so as to guarantee an enhanced representation of women in the National Assembly.

The proposed mechanism is aimed at ensuring that at all times, the majority ensuing from the First Past The Post (FPTP) results remains exactly the same after allocation of Proportional Representation (PR) and the Best Loser seats.

The proposed reforms aim at ensuring that all minorities are adequately represented in the National Assembly. Party leaders will be entrusted with the responsibility of ensuring that the PR lists provide for broad-based and inclusive representation.

Debates on the Proposed Electoral Reforms have not yet taken place in the National Assembly. The Prime Minister has invited other political parties to make counter proposals. The proposed electoral reforms have also been circulated to one and all for broad based consultations. Proposals received will be examined in due course.

So as to preserve national unity while fostering nation building, Government has indicated that it will not agree to a new population census being conducted on the basis of communal or racial appurtenance given that it considers social stability as being the essential pillar of its socio economic progress.

ELECTORAL BOUNDARIES

It is to be noted that Section 39 of the Constitution provides that the Island of Mauritius shall be divided into 20 Constituencies and Rodrigues shall form one constituency. The Electoral Boundaries Commission is required by section 39 (2) of the Constitution to review the boundaries of the constituencies at 10 years interval.

The Commission submitted its last report in 2009 to the Speaker of the National Assembly and the next report is therefore due in 2019.

In this respect, the Electoral Boundaries Commission has embarked on the exercise for the review of electoral boundaries. The Commission has effected numerous site visits and is having wide consultations with interested parties, including political parties.

INTERNATIONAL HUMANITARIAN LAW

Mauritius has acceded to and participated in the universalization of the various conventions and treaties related to the International Humanitarian Law.

We have also in this respect enacted the following legislations –

- (i) The Firearms Act was amended in 2016 to implement the provisions of the Arms Trade Treaty to which Mauritius is a signatory. It enables police officers to exert a better control on the movement of firearms in the country and those in transit;
- (ii) The Anti-Personnel Mines and Cluster Munitions (Prohibition) Act was passed in 2016. It domesticates the Convention on Cluster Munitions and provides a single legislation to incorporate both the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and the Convention on Cluster Munitions;
- (iii) The Convention on Prohibitions or Restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have Indiscriminate Effects was enacted in 2018.

WOMEN EMPOWERMENT

There has been a marked increase in the number of women participating in the last general elections. Out of 726 candidates who stood for election, there were 127 women, as compared to 58 only in 2010.

Moreover, as regards municipal elections, the Local Government Act was amended in 2015 to provide for every group representing more than 2 candidates at an election of a Municipal City or Town Council, to ensure that not more than two thirds of the group's candidates for election to that council are of the same sex.

Amendments were also brought to the Rodrigues Regional Assembly Act, through the Rodrigues Regional Assembly (Amendment) Act 2016. Concurrently, an amendment was brought to the Constitution to make provision for a minimum number of candidates for election to the Rodrigues Regional Assembly to be of a particular sex, with a view to ensuring adequate representation of each sex in the Rodrigues Regional Assembly.

In the National Assembly in Mauritius, we have presently 7 elected women members (out of a total of 69 seats) and in the Rodrigues Regional Assembly, 3 elected members (out of a total of 17 seats). It is to be noted that in both Assemblies, lady-Speakers preside.

The proportion of women in the most senior positions in decision making in the Public Service has increased from 20% in 1997 to 37% in 2017 in Mauritius.

As regards the private sector, the National Code of Corporate Governance highlights that all organizations should have directors from both genders as members of the board. All boards are encouraged to have a non-discriminatory policy that covers its senior governance positions, including

disability, gender, sexual orientation, gender alignment, race, religion and belief and age.

The Gender Equality Bill is deemed instrumental in addressing gender based discriminations and promote increased opportunities for both men and women. The Gender Equality Bill is being finalised, based on local prevailing circumstances, and will provide further protection against gender-based discriminatory practices in various areas such as employment, education, health, family and marriage.

EMPLOYEES' RIGHTS.

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

Similarly, with a view to combat, prohibit or else curb all forms of discriminatory practices at the workplace as well as to ensure the application of the principle of equality between men and women in respect of equal opportunities and access to the labour market, the Employment Rights Act 2008, in line with the articles of ILO Convention No. 111 provides at section 4 that:

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

“discrimination”, under the Act, includes affording different treatment to different workers attributable wholly or mainly to their respective descriptions by age, race, colour, caste, creed, sex, sexual orientation, HIV status, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

The National Remuneration Board while reviewing wages and terms and conditions of employment as prescribed under Remuneration Regulations ensures that wage determination, job appellations and classifications are based on the principle outlined in ILO Convention No. 100. They have regard to non-discriminatory factors/criteria including among others nature of work to be performed, degree of skill required, capacity and qualification.

Differential rates in Remuneration Regulations applicable in agricultural sectors, notably in the Sugar (Agricultural Workers) (field worker - male and female) and Tea Industry (field labourer - male and female) are based on the inherent requirements of the jobs and as such should not be viewed as being discriminatory. They actually correspond to differences in the work performed in terms of tasks allocated.

The Employment Rights Act was amended in 2015 to increase maternity leave from 12 weeks to 14 weeks. A male worker is also entitled to 5 continuous working days’ paternity leave.

The Employment Rights Act has again been amended in August 2018 so that the eligibility of maternity leave with pay is now extended to workers reckoning less than 12 months continuous service.–Government by the same

Act amended the Employment Rights Act 2008, to introduce the notion of “work from home”. These measures are in line with Government’s commitment to better support working mothers in fulfilling their family obligations and to further facilitate their integration in the labour market.

RIGHT TO WORK

The National Employment Act 2017 provides for the setting up of a National Employment Department to promote employment, placement and training of job seekers including young persons and persons with disabilities through approved programmes.

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

DATA PROTECTION

To promote the rights to privacy, 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 National Identity Card (Miscellaneous Provisions) Act 2013 provided for the storage and retention of biometric information (including fingerprints) on a centralised database. However, the Supreme Court of Mauritius, has in the case of Madhewoo M. v The State (2015 SCJ 177) held that:

“it is inconceivable that there can be such uncontrolled access to personal data in the absence of the vital safeguards afforded by judicial control. The potential for misuse or abuse of the exercise of the powers granted under the law would be significantly disproportionate to the legitimate aim which the defendants have claimed in order to justify the retention and storage of personal data under the Data Protection Act. For all the reasons given above, we conclude that the plaintiff has been able to establish that the retention and storage of personal data under the Data Protection Act is not reasonably justifiable in a democratic society”

and held further that “the provisions in the National Identity Card Act and the Data Protection Act for the storage and retention of fingerprints and other personal biometric data collected for the purpose of the biometric identity card of a citizen of Mauritius are unconstitutional.”

Following the Court judgment, the biometric information stored was destroyed by decision of Government.

Mr President

I will now give you a brief overview on the various challenges we face in our society.

1. DOMESTIC VIOLENCE

Domestic violence is still an area of concern in Mauritius. The number of new cases of domestic violence against women has however decreased from 1852 in 2016 to 1483 in 2017. In 2016, the number of new cases reported was 2,077 out of which 225 concerned men and 1,852 concerned women.

The Protection from Domestic Violence Act was amended in 2016 to enhance the protection of victims of domestic violence by widening the definition of

the term 'domestic violence'. Withholding of resources was captured in the definition. Domestic Violence include inter-alia, the wilful infliction or attempted infliction of injury, intimidation, forcible engagement in an act from which the spouse had a right to refrain.

A National Protocol on Domestic Violence for the Republic of Mauritius is being prepared with a view to:

- a) create awareness amongst stakeholders on the importance of adopting a more integrated and systematic response to domestic violence;
- b) serve as a guide for stakeholders in the reporting, protection, care/support services, prevention, and management of domestic violence cases;
- c) support a co-ordinated response to domestic violence that would better facilitate data collection on the nature and extent of domestic violence;
- d) enhance the systemic responses to domestic violence so that there is streamlining of procedures and adoption of a fast track system to attend to victims.

Government is, at present, aligning its modus operandi to address gender-based violence with the SADC Regional Gender-Based Violence Strategy and Framework for Action which calls upon member states to inter alia promote prevention and early identification of gender-based violence through its increased understanding and to strengthen delivery of effective, accessible and responsive protection, care and support services to those affected by

gender-based violence. An Action Plan on Intimate Partner Violence has been worked out based on that framework.

2. CHILDREN'S RIGHTS

Mauritius ratified the Convention on the Rights of the Child (CRC) in 1990. Since then, a number of measures have been undertaken to implement the Convention. Child violence, Sexual Abuse and Child Marriage are also issues which are of great concern to us.

The Child Development Unit (CDU) was created in 1995 under the aegis of Ministry of Gender Equality, Child Development and Family Welfare to implement the Child Protection Act (CPA). It ensures the protection, development and participation of the Mauritian child as per the Convention on the Rights of the Child. The services were decentralized to six regions all over Mauritius, and one in Rodrigues island. To enhance the legal framework, the Ombudsperson of Children's Act (2003) provides for the establishment of the Office of the Ombudsperson for Children.

3. CHILD MARRIAGE

Child Marriage is prohibited in Mauritius as the Code Civil Mauricien provides that a person in Mauritius may get married at the age of 18. However, a female aged 16 but under the age of 18 can get married with the consent of her parents or with the consent of one of the parents exercising '*l'autorité parentale*' or in the absence of the consent of parents through the Judge in Chambers if the latter considers that it would be in the interests of the minor to get married.

Mauritius is fully aware of the fact that its laws on this subject matter seem out of step compared to other countries. Mauritius has acceded to the Protocol on the Rights of Women in Africa and the African Children's Charter both of which have strong provisions against child marriage. Mauritius has, however, placed a reservation to article 6(b) of the Maputo Protocol which prohibits the marriage of a girl under 18 years of age. I believe that there has been much progress in the collective thinking of our society for a change in the age of marriage. I look forward to reporting positively at our next meeting.

4. CHILD VIOLENCE, CHILD TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)

Our policy is one of "Zero tolerance to Sexual Exploitation of Children".

The issue of child violence, child trafficking and Commercial Sexual Exploitation of Children including child prostitution is addressed through the following measures:

- (1) All cases of alleged child trafficking and child prostitution are made known to the Ministry of Gender Equality, Child Development and Family Welfare and are recorded at the level of the CDU for social enquiry.
- (2) The reported cases, if not reported to the police are simultaneously reported to the Police for Criminal Enquiry;
- (3) Child victims are also provided with immediate and long term protective and support services at the level of six CDU outstations across the island, as well as a Residential Care drop-in Centre for victims of Commercial Sexual Exploitation of Children and Child Trafficking.

(4) Victims of child trafficking, child labour and commercial sexual exploitation, who are unable to return to their families or do not have a place of abode are taken under the responsibility of the Ministry of Gender Equality, Child Development and Family Welfare, and are placed, through a Court Order, in shelters or in Residential Care Institutions owned by Non-Governmental Organisations.

A Children's Bill is one of the legislations which is expected to be introduced in the National Assembly next year. Consultations have been completed thereon.

5. TRAFFICKING IN PERSONS

In line with our commitments to fight modern slavery and human trafficking, Mauritius has recently joined the Call To Action to end forced labour, modern slavery and human trafficking.

A draft National Action Plan to combat Trafficking in Persons is currently under preparation.

An inter-Ministerial Committee has been set up for a concerted response to ensure a proper coordination in respect of trafficking in persons including child trafficking and forced labour.

A "Know Your Rights Pamphlet" has been prepared by my Ministry in collaboration with various stakeholders and the financial assistance of the British High Commission, for current and prospective migrant workers in

secondary economic activities including the construction and manufacturing industry.

The Pamphlet aims to inform migrant workers of their rights and the possible remedial actions in case of violations. It will also help them to be aware of the dangers of human trafficking. It is due to be launched in the context of the Human Rights day in Mauritius.

A shelter for adult victims of human trafficking has been identified.

Mr President

6. DRUG TRAFFICKING

Drug trafficking and addiction pose indeed serious challenges in the Republic of Mauritius and Government is leaving no stone unturned to address the problem.

A Commission of Inquiry on Drug Trafficking, chaired by a former Judge was set up in 2015 and submitted its report in July 2018. The report contains some 460 recommendations. Some 80 recommendations have already been implemented, 120 recommendations are being implemented and 95 recommendations warrant new or changes in legislations. A Ministerial Committee and a task force have been set up to coordinate the implementation.

To address drug control comprehensively, a National Drug Control Masterplan 2018-2022 has been worked out.

In view of the fact that new drugs including synthetic Drugs have taken worrying proportions, the Mauritius import of precursor items (chemicals that are primarily legitimate, but can be misused to form drugs) is now being controlled through the establishment of a quota system. Both direct and indirect precursors are listed in the Dangerous Drugs Act. Moreover, the Government is currently working on the scheduling of a further new list of synthetic drugs to exercise better control.

7. LGBT RIGHTS

The judgment of 5-judge Bench of the Supreme Court of India comes at an opportune time and will go a long way to inspire countries such as Mauritius to have a fresh assessment of their laws on this subject matter. On the criminalisation of the consensual homosexual activity in Mauritius, we have yet to embark on consultations. My Ministry is planning to do so early next year. In this respect, my Ministry is discussing with the Human Dignity Trust and Justice Alliance in the UK, to determine how best to proceed. Suffice it to say at this stage that my Ministry, and my personal Office for that matter, are in consultations with NGOs championing a change in the law.

There is however need, in view of the social fabric of the country, for wide sensitization and acceptance among the population at large in the first instance before consideration can be given in due course for the current legislation to be amended.

Moreover, Mr President, there are other issues which remain high on our agenda. I will now list a few such issues.

(a) CHAGOS ARCHIPELAGO

Mr President

As you may be aware, Mauritius is sparing no efforts for the completion of its decolonization process so that it can fully exercise its sovereignty over the entirety of its territory.

In this respect, the Government of Mauritius is fully sensitive to the plight of the Chagossians. Chagossians, being 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. Much effort is done to improve the living conditions of the Chagossians. In this respect, the Chagossian Welfare Fund was set up and Government donated land to Chagossians for the construction of houses. However the earnest wish of Chagossians remain their legitimate aspiration, as Mauritian citizens, to be able to touch and feel the land on which they were born and in which their ancestors are buried namely the land of the Chagos Archipelago.

Following the adoption in June 2017 of a resolution by the UN General Assembly to request an advisory opinion of the International Court of Justice (ICJ) on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, the ICJ held public hearings from 3 to 6 September 2018. The oral submissions of Mauritius at the hearings included a video statement by a lady representative of the Chagossian community who formed part of the Mauritius delegation. In her statement, Mrs. Elysé, inter alia, recalled how she and other Chagossians had been forcibly evicted by the

United Kingdom from the Chagos Archipelago, and expressed the wish to return to the Chagos Archipelago.

The Government of Mauritius hopes that the ICJ will give an opinion which will contribute to complete the decolonization process of Mauritius and in so doing, allow Mauritian citizens, especially those of Chagossian origin, who wish to do so to return to the Chagos Archipelago.

Mr President,

(b) HEALTH

Medical treatment is free in Public Medical Institutions throughout the Republic of Mauritius. The concerns in this sector are upsurging number of patients diagnosed with diabetes, cancer and cardiovascular problems.

The construction of a new Cancer Hospital as well as a new National Health Laboratory Service will start in Mauritius next year. The construction of the new Ear-Nose-Throat hospital is already well under way.

(c) CREOLE LANGUAGE

Presently the Equal Opportunities Act does not include language as a ground of discrimination.

The Creole language is spoken by one and all and is a uniting factor among all citizens. It is admittedly not yet used as official language in the National Assembly but widely used in other institutions such as Courts of law where parties or witnesses may address the Court in creole language.

Moreover, creole is also used as a medium of teaching in schools, both primary and secondary levels. Educational materials are produced in creole and this facilitates the teaching of complex concepts in Mathematics, Science, geography and Technical subjects.

Moreover, the Kreol Morisien is taught as an optional subject at primary level since 2012 and now it is taught at all grades at primary level. It has now been introduced as a subject at secondary level (Grade 7) as from 2018 and Curriculum materials and textbooks, for both Educators and students have been prepared.

Furthermore, a first batch of students have completed a degree course in French and Kreol Studies at the University of Mauritius. They will soon join the workforce and start teaching Kreol Morisien at secondary level.

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 Kreol language.

(d) FREEDOM OF INFORMATION

Mr President

In house consultations on the first working draft of the Freedom of Information Bill are ongoing. Numerous, administrative, financial, legal, and institutional implications of the draft piece of legislation are being examined and scrutinized in depth as there is need to strike a right balance between

delivery of effective and efficient Government and the right to know. Other relevant stakeholders will also be consulted thereafter.

(e) DEATH PENALTY

Mr President

The death penalty was abolished in Mauritius by way of the enactment of the Abolition of Death Penalty Act 1995. All death sentences imposed prior to the said enactment have been commuted to sentences of penal servitude for life. The Supreme Court may now inflict sentences of penal servitude for life or sentences for terms not exceeding 60 years where the law so provides. The concern actually is an upsurge of opinion publicly expressed in favour of the death penalty.

Mr President,

The Republic of Mauritius has some challenges ahead regarding the advancement of the rights of the LGBT community, the minimum age for marriage and some other challenges I have highlighted above. Sustained efforts are being made to foster inherent respect for pluralism and tolerance in the minds of our population through education and media. We shall address those challenges in a holistic approach and with participation and support of stakeholders.

Mr President, before I conclude, allow me, on behalf of the Government and the people of Mauritius, to extend our appreciation to the Human Rights Council for all the good work it is doing and to reassure you that, Mauritius, shall continue to work towards the upholding of human rights of our citizens and meet our obligations under the different human rights instruments to

which we are party. The Government of Mauritius will continue its pursuit in reinforcing Human Rights education to ensure respect for Human Rights.

I thank you for your attention. I look forward to responding to questions or clarifications that you or the members of the Council may have.

Thank you