



Republic of Mauritius
Prime Minister's Office

National Human Rights **ACTION PLAN 2012 - 2020**





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(I) INTRODUCTION TO NATIONAL HUMAN RIGHTS ACTION PLAN: AIM AND PURPOSE

1. The Republic of Mauritius National Human Rights Action Plan has been elaborated in accordance with best practices for the preparation of action plans¹ and following extensive consultations with stakeholders: Ministries, Government departments, National Human Rights Institutions and NGOs.²
2. In the Action Plan the achievements of Mauritius on specific human rights issues and the current challenges are, first, examined. This is followed by measures to be taken to address the challenges, the bodies responsible for the implementation and monitoring of measures, and the budget and resources that would be committed in furtherance of these measures.

The Action Plan sets out the following goals and objectives

- (a) Reinforcing International Co-operation on Human Rights through Greater Commitment to Universal and Regional Human Rights Treaties [ratification and domestication of human rights treaties, reporting to Human Rights Treaty Bodies and Follow-Up of their Recommendations] and Greater International Engagement for Promotion and Protection of Human Rights;
- (b) Strengthening the National Human Rights Framework by Better Guaranteeing Constitutional Protection of Fundamental Rights and Freedoms, by Providing for More Effective Enforcement of Protection Provisions, and by Enhancing the Effectiveness of National Human Rights Institutions;
- (c) Protecting and Safeguarding Civil and Political rights by Securing Right to Self-Determination, Strengthening Democratic Rights, Better Protecting the Rights of Victims of Crime, Safeguarding the Rights of Suspects and Detainees, Enhancing the Efficiency of the Administration of Justice and Better Securing Access to Courts, and Enhancing the System of Freedom of Expression and Better Protecting Privacy and Human Dignity;
- (d) Securing Greater Realization of Economic, Social and Cultural Rights so that Basic Necessities of Life are Adequately and Equitably Available to Everyone in Society:

By Providing for Decent Work Conditions in a Safe and Healthy Working Environment & by Guaranteeing Social Security Entitlements; Ensuring Availability, Accessibility and Adequacy of Food; Ensuring Sufficient, Safe, Acceptable, Physically Accessible and Affordable Water Supply for Personal and Domestic Uses; Securing Adequate Housing; Achieving Highest Attainable Standard of Health (through Availability and Accessibility of Health-Care Facilities, Goods and Services of Quality); Developing Access to Education Facilities; Developing Opportunities for Taking Part in Cultural Life and Affording Better Protection to the Moral and Material Interests resulting from any Scientific, Literary or Artistic production of which a Person is the Author;
- (e) Securing Women's Rights in the Context of Gender Equal Opportunities;
- (f) Securing Rights of the Youth;
- (g) Better Protecting and Securing Rights of Vulnerable Persons [Children, Older Persons, Persons with Disabilities and with HIV/AIDS, Migrant Workers];
- (h) Securing Right to Sustainable Development;
- (i) Enhancing Human Rights Education and Awareness; and
- (j) Encouraging and Facilitating Greater Involvement of Civil Society and Business in the Promotion and Protection of Human Rights.

¹ Such as the UN OHCHR 'Handbook on National Human Rights Action Plans' (2002) and the Commonwealth Secretariat 'Commonwealth Model National Plan of Action on Human Rights' (2007) and National human rights action plans prepared by other States [such as Australia, Bolivia, Brazil, Cape Verde, China, Congo, Ecuador, Indonesia, Kazakhstan, Latvia, Lithuania, Mauritania, Mexico, Moldova, Mongolia, Mozambique, Nepal, Nigeria, New Zealand, Norway, Philippines, South Africa and Sweden].

² List of Stakeholders consulted reproduced as Annex 2 to this Action Plan.

3. The Action Plan is
 - (a) A tool for evaluating the country's vision on human rights;
 - (b) A tool for evaluating its performance with regard to our international human rights obligations;
 - (c) A record of government's performance with regard to the promotion and protection of human rights (with an audit of the human rights situation in the Republic of Mauritius, identifying areas where improvement is needed);
 - (d) A framework for sustained and coordinated ways for the Country as a whole to promote and protect human rights in the next nine years;
 - (e) A tool for setting human rights goals and priorities within achievable time frames;
 - (f) A statement of strategies and measurable targets with regard to the protection and promotion of human rights (with a commitment to concrete measures that can be adopted to build and entrench a culture of human rights for the enjoyment of all);
 - (g) A tool for planning the management of resources for the promotion and enhancement of human rights with an indication of which Ministries/bodies are responsible for implementing the various activities provided for.
4. The following outcomes are expected from the Action Plan:
 - (a) Ratification of additional international standards and more effective incorporation of these standards in domestic law and practice, leading to an expansion of the range of human rights protection for individuals;
 - (b) A stronger administration of justice, improved rule of law, strengthened independence of the judiciary and improved practices on the part of law enforcement authorities;
 - (c) Better awareness and implementation of economic, social and cultural rights, leading to an improved quality of life, particularly for vulnerable groups;
 - (d) Improved linkage between human rights and development;
 - (e) Strengthening of national human rights institutions;
 - (f) More effective civil society institutions;
 - (g) Enhanced programmes for vulnerable groups;
 - (h) Greater understanding of human rights standards and their value to individuals and the community;
and
 - (i) Reduced risk of social tensions.
5. A Mechanism is put in place for Follow-Up and Evaluation of the Action Plan.

(II) REINFORCING INTERNATIONAL CO-OPERATION ON HUMAN RIGHTS

(a) Greater Commitment to Universal and Regional Human Rights Treaties

1. Ratification of Human Rights Instruments

Achievements

6. Mauritius is a State party to the principal UN international instruments affording protection to human rights:
 - (a) ICCPR [International Covenant on Civil and Political Rights] and the First Optional Protocol (ICCPR-OP1)³;
 - (b) ICESCR [International Covenant on Economic, Social and Cultural Rights]⁴;
 - (c) ICERD [International Convention on the Elimination of All Forms of Racial Discrimination]⁵;
 - (d) CEDAW [Convention on the Elimination of All Forms of Discrimination against Women] and its Optional Protocol (OP-CEDAW)⁶;
 - (e) CAT [Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment] and its Optional Protocol (OP-CAT)⁷;
 - (f) CRC [Convention on the Rights of the Child] and its Optional Protocols⁸: the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC). On 19 December 2011, the UN General Assembly approved a third optional protocol on a Communications Procedure, which will allow individual children to submit complaints regarding specific violations of their rights under the Convention and its first two optional protocols⁹;
 - (g) CRPD [Convention on the Rights of Persons with Disabilities]¹⁰.

³ Mauritius acceded to the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol on 12 December 1973.

⁴ Mauritius acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 12 December 1973.

⁵ Mauritius acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 30 May 1972.

⁶ Mauritius acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 9 July 1984. On accession, the Government of Mauritius made a reservation to the effect that it did not consider itself bound by Article 11, paragraph 1, subparagraphs (b) and (d), and Article 16, paragraph 1, subparagraph (g) of the Convention. The Government of Mauritius further declared that it did not consider itself bound by Article 29, paragraph 1, of the Convention, in pursuance of Article 29, paragraph 2. *Vide* UN Centre for Human Rights, *Human Rights: Status of International Instruments*, at p. 154 (New York: UN Publications, 1987). The Government of Mauritius has since, however, withdrawn its reservations to articles 11 & 16: *Vide* Annual Report of the UN Committee on the Elimination of Discrimination against Women to the General Assembly (1995).

Mauritius has signed on 11 November 2001 and has ratified on 31 October 2008 the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (OP-CEDAW).

⁷ Mauritius acceded to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on 9 December 1992.

Mauritius has acceded to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) on 21 June 2005.

⁸ Mauritius acceded to the Convention on the Rights of the Child (CRC) on 26 June 1990. Mauritius made, on accession to the above treaty, an express reservation regarding Article 22 of the Convention (children seeking refugee status), which was withdrawn on 4 June 2008.

Mauritius signed on 11 November 2001 and ratified on 6 May 2011 the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC).

Mauritius signed on 11 November 2001 and ratified on 12 February 2009 the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC).

⁹ The new instrument reinforces the international system of accountability for human rights and ensures the full protection of children's rights and the participatory approach of the Convention on the Rights of the Child. On 8 June 2012, Cabinet approved that Mauritius signs the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

¹⁰ Mauritius signed on 25 September 2007 and ratified on 8 January 2010 the Convention on the Rights of Persons with Disabilities (CRPD).

Upon signature, the Government of the Republic of Mauritius made the following reservation in relation to Article 11 of the United Nations Convention on the Rights of Persons with Disabilities which pertains to situations of risk and humanitarian emergencies: the Government of Mauritius signed the Convention subject to the reservation that it does not consider itself bound to take measures specified in article 11 unless permitted by domestic legislation expressly providing for the taking of such measures.

Upon ratification, the Government of Mauritius declared that it shall not for the time being take any of the measures provided for in Articles 9.2 (d) and (e) in view of their heavy financial implication. With regard to Article 24.2 (b), the Government declared that the Republic of Mauritius has a policy of inclusive education which is being implemented incrementally alongside special education.

Mauritius signed on 25 September 2007 the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD).

7. Mauritius is also a party to some of the Human Rights Conventions elaborated under the aegis of the UN and its specialized agencies:
- (a) The Slavery Convention of 1926, as amended by the Protocol of 1953¹¹; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery of 1956¹²; the International Convention against Apartheid in Sports¹³;
 - (b) Rome Statute of the International Criminal Court¹⁴;
 - (c) The United Nations Convention against Transnational Organized Crime¹⁵; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime¹⁶; and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime¹⁷;
 - (d) The Convention on the Political Rights of Women¹⁸; the Convention on the Nationality of Married Women¹⁹;
 - (e) ILO Convention No. 29 concerning Forced Labour²⁰ and ILO Convention No. 105 concerning the Abolition of Forced Labour²¹; ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize²² and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organize and Bargain Collectively²³; ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value²⁴ and ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation²⁵; ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons)²⁶; ILO Convention No. 97 concerning Migration for Employment²⁷; ILO Convention No. 138 on Minimum Age²⁸ and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour²⁹;
 - (f) UNESCO Convention against Discrimination in Education³⁰ as well as UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions³¹.

¹¹ Vide United Nations, *Treaty Series*, vol. 212, p. 17 and vol. 182, p. 51. Mauritius became a state party to the above treaties on 18 July 1969: vide UN Centre for Human Rights, *Human Rights: Status of International Instruments*, at p. 210 (New York: UN Publications, 1987).

¹² Vide United Nations, *Treaty Series*, vol. 266, p. 3. Mauritius became a state party to the above treaty on 18 July 1969: vide UN Centre for Human Rights, *Human Rights: Status of International Instruments*, at p. 215 (New York: UN Publications, 1987).

¹³ Vide United Nations, G.A. Res. 40/64, Doc. A/40/53. Mauritius acceded to the Convention on 26 June 1990.

¹⁴ Mauritius signed the Convention on 11 November 1998 and ratified it on 5 March 2002.

¹⁵ Mauritius signed the Convention on 12 December 2000 and ratified it on 21 April 2003.

¹⁶ Mauritius acceded to this Protocol on 24 September 2003.

¹⁷ Mauritius acceded to this Protocol on 24 September 2003.

¹⁸ Vide United Nations, *Treaty Series*, vol. 193, p. 135. When Mauritius became a state party to this treaty on 18 July 1969, the Government of Mauritius made a reservation to the effect that it did not consider itself bound by Article III of the Convention in so far as that article applies to and conditions of service in the Armed Forces or to jury service: vide UN Centre for Human Rights, *Human Rights: Status of International Instruments*, at p. 322 (New York: UN Publications, 1987).

¹⁹ Vide United Nations, *Treaty Series*, vol. 309, p. 65. Mauritius became a party to the treaty on 18 July 1969: vide UN Centre for Human Rights, *Human Rights: Status of International Instruments*, at p. 238 (New York: UN Publications, 1987).

²⁰ Vide United Nations, *Treaty Series*, vol. 39, p. 55. Mauritius became a State party to the above treaty on 2 December 1969.

²¹ Vide United Nations, *Treaty Series*, vol. 320, p. 291. Mauritius became a State party to the above treaty on 2 December 1969.

²² Vide United Nations, *Treaty Series*, vol. 68, p. 17. Mauritius ratified ILO Convention No. 87 on 1 May 2005.

²³ Vide United Nations, *Treaty Series*, vol. 96, p. 257. Mauritius ratified ILO Convention No. 98 on 2 December 1969.

²⁴ Vide United Nations, *Treaty Series*, vol. 165, p. 303. Mauritius ratified ILO Convention No. 100 on 18 December 2002.

²⁵ Vide United Nations, *Treaty Series*, vol. 362, p. 31. Mauritius ratified ILO Convention No. 111 on 18 December 2002.

²⁶ Mauritius ratified ILO Convention No. 159 on 9 June 2004.

²⁷ Vide United Nations, *Treaty Series*, vol. 120, p. 71. Mauritius became a State party to the treaty on 2 December 1969.

²⁸ Mauritius ratified ILO Convention No. 138 on 30 July 1990.

²⁹ Mauritius ratified ILO Convention No. 182 on 8 June 2000.

³⁰ Vide United Nations, *Treaty Series*, vol. 429, p. 93. Mauritius became a State party to the Convention on 20 August 1970.

³¹ This Convention, which was adopted at the General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris on 20 October 2005 at its 33rd session, was ratified by the Republic of Mauritius on 29 March 2006.

8. Mauritius is a State party to the four Geneva Conventions and the two Additional Protocols relating to international humanitarian law³².
9. Mauritius is a State party to the African Charter on Human and Peoples' Rights (ACHPR)³³, the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights³⁴, the African Charter on the Rights and Welfare of the Child (ACRWC)³⁵, the Cultural Charter for Africa³⁶, the African Youth Charter³⁷.

Challenges

10. Although there is available on Government's website a listing of all the human rights treaties Mauritius has subscribed to, there is not a wide awareness of provisions of all treaties to which the Government is a State party to.
11. Mauritius is not yet a party to some of the core human rights instruments:-
 - The Second Optional Protocol to International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty (ICCPR-OP2)³⁸;
 - The Optional Protocol to International Covenant on Economic, Social and Cultural Rights (ICESCR-OP)³⁹;
 - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)⁴⁰;
 - The Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD)⁴¹;
 - The International Convention for the Protection of All Persons from Enforced Disappearance (CPED)⁴².
12. Mauritius is also not a party to the following instruments:-
 - The Convention on the Prevention and Punishment of the Crime of Genocide⁴³;
 - The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity⁴⁴;
 - The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Protocol thereto⁴⁵;
 - The International Convention on the Suppression and Punishment of the Crime of Apartheid⁴⁶;

³² Mauritius became a State party to the 1949 Geneva Conventions on 18 August 1970: the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; the Convention relative to the Treatment of Prisoners of War; and the Convention relative to the Protection of Civilian Persons in Time of War.

Mauritius ratified on 22 March 1982 the two 1977 Additional Protocols to the Geneva Conventions of 12 August 1949: the Protocol Relating to the Protection of Victims of International Armed Conflicts (Protocol I), and the Protocol Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

³³ Mauritius signed the African Charter on Human and Peoples' Rights on 27 February 1992 and ratified it on 19 June 1992: *vide In Human Rights Law in Africa 1997*, C. Heyns (ed.), at pp. 6-7 Chart of Ratifications: OAU Human Rights Treaties, Situation on 1 January 1997 (The Hague: Kluwer Law International, 1999).

³⁴ Mauritius signed the Protocol on 9 June 1998 and ratified it on 3 March 2003.

³⁵ Mauritius signed the African Charter on the Rights and Welfare of the Child on 7 November 1991 and ratified it on 14 February 1992: *vide In Human Rights Law in Africa 1997*, C. Heyns (ed.), at pp. 6-7 Chart of Ratifications: OAU Human Rights Treaties, Situation on 1 January 1997 (The Hague: Kluwer Law International, 1999).

³⁶ This Convention, which was adopted in Port Louis on 5 July 1976, entered into force on 19 September 1990. Mauritius ratified the Convention on 18 March 1986.

³⁷ This Convention, which was adopted in Banjul, Gambia, on 2 July 2006, came into force on 8 August 2009. Mauritius ratified the Convention on 8 February 2008.

³⁸ United Nations, *Treaty Series*, vol. 1642, p. 414.

³⁹ This Optional Protocol was adopted on 10 December 2008 during the sixty-third session of the General Assembly by resolution A/RES/63/117. In accordance with article 17, the Optional Protocol shall be open for signature by any State that has signed, ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. This Optional Protocol is not yet in force.

⁴⁰ United Nations, *Treaty Series*, vol. 2220, p. 3.

⁴¹ Doc.A/61/611. Mauritius signed the Optional Protocol to CRPD on 25 Sep 2007.

⁴² Doc.A/61/488.

⁴³ United Nations, *Treaty Series*, vol. 78, p. 277.

⁴⁴ United Nations, *Treaty Series*, vol. 754, p. 73.

⁴⁵ United Nations, *Treaty Series*, vol. 96, p. 271 and p. 316.

⁴⁶ United Nations, *Treaty Series*, vol. 1015, p. 243.

- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages⁴⁷;
- The Convention relating to the Status of Refugees⁴⁸; the Protocol relating to the Status of Refugees⁴⁹; the Convention relating to the Status of Stateless Persons⁵⁰; the Convention on the Reduction of Statelessness⁵¹;
- The International Convention against the Recruitment, Use, Financing and Training of Mercenaries⁵²;
- The Convention on the International Right of Correction⁵³;
- The ILO Convention No. 102 concerning Minimum Standards of Social Security⁵⁴; ILO Convention No. 122 on Employment Policy⁵⁵; ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers⁵⁶.

13. Mauritius has signed but not yet ratified the following OAU/AU conventions: OAU Convention Governing the Specific Aspects of Refugee Problems in Africa⁵⁷, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa⁵⁸, the African Charter on Democracy, Elections and Governance⁵⁹.

Mauritius has not yet made a declaration, under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, accepting the competence of the African Court to receive cases instituted by individuals and Non-Governmental Organizations (NGOs) with observer status before the Commission [under Article 5(3) of the Protocol].

Addressing the Challenges

14. Compilation of human rights treaties to which the Republic of Mauritius is a State party shall be made available on Government website.
15. Studies shall be conducted to determine which Human Rights treaties, not yet adhered to, can be ratified or acceded to. Reasons why a particular instrument is not adhered to shall be made public.

Priority would be given to adhering to the major international and regional human rights treaties: the Genocide Convention, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the African Charter on Democracy, Elections and Governance.

⁴⁷ United Nations, *Treaty Series*, vol. 521, p. 231.

⁴⁸ United Nations, *Treaty Series*, vol. 189, p. 137.

⁴⁹ United Nations, *Treaty Series*, vol. 606, p. 267.

⁵⁰ United Nations, *Treaty Series*, vol. 360, p. 131.

⁵¹ United Nations, *Treaty Series*, vol. 989, p. 175.

⁵² United Nations, *Treaty Series*, vol. 2163, p. 75. This Convention was adopted and opened for signature and ratification by General Assembly resolution 44/34 of 4 December 1989 (A/RES/44/34); Entry into Force: 20 October 2001.

⁵³ United Nations, *Treaty Series*, vol. 435, p. 191.

⁵⁴ United Nations, *Treaty Series*, vol. 210, p. 131.

⁵⁵ Adopted at the General Conference of the International Labour Organization at its forty-eighth session on 17 June 1964; Entry into force on 15 July 1966.

⁵⁶ ILO, *Official Bulletin*, vol. LVIII, 1975, Ser. A, No. 1, pp. 36-43.

⁵⁷ Mauritius signed the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa on 10 September 1969: *vide In Human Rights Law in Africa 1997*, C. Heyns (ed.), at pp. 6-7 Chart of Ratifications: OAU Human Rights Treaties, Situation on 1 January 1997 (The Hague: Kluwer Law International, 1999).

⁵⁸ The Protocol was adopted in Maputo, Mozambique, on 11 July 2003, and came into force on 25 November 2005. Mauritius signed the Protocol on 29 January 2005.

⁵⁹ This Convention was adopted in Addis Ababa, Ethiopia, on 30 January 2007, but is not yet in force. Mauritius signed the Convention on 14 December 2007.

Mauritius shall consider making a declaration, under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples Rights, accepting the competence of the African Court to receive cases instituted by individuals and Non-Governmental Organizations (NGOs) with observer status before the Commission [under Article 5(3) of the Protocol].

16. Reservations to human rights treaties shall, as far as practicable, be withdrawn. No reservations shall be made on ratification/accession of human rights instruments unless there are compelling reasons for doing so.

Monitoring and Implementation

17. Prime Minister's Office with collaboration of Ministry of Foreign Affairs, Attorney-General's Office and other relevant Ministries: Ministry of Gender Equality, Child Development and Family Welfare; Ministry of Social Security, National Solidarity and Reform Institutions; Ministry of Labour, Industrial Relations and Employment.

Budget & Resources

18. Prime Minister's Office and relevant Ministries with technical assistance, should the need arise, from international organisations [such as Commonwealth Secretariat Human Rights Unit, the Organisation Internationale de la Francophonie (OIF) and UN Office of High Commissioner for Human Rights] and States under bilateral co-operation.

2. Domestication of Human Rights Treaties

Achievements

19. Every State party to a human right treaty is under an obligation to take the necessary steps, in accordance with its constitutional processes, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the treaty and to ensure that any person whose rights (as guaranteed by the treaty) are violated have an effective remedy.
20. Mauritius, being a dualist State, human rights guaranteed in treaties need to be incorporated in domestic law to be enforceable by the Courts⁶⁰.

It does not mean that in the absence of such integration or internalization, the human rights treaty, though binding on Mauritius at the international level, has no domestic relevance. It is a well-recognized canon of construction that domestic legislation, including the Constitution, should if possible be construed so as to conform to international instruments⁶¹.

21. Legislative measures have been taken to incorporate international human rights and humanitarian norms into our domestic legislation and to give force of law to Conventions: the Geneva Conventions Act No. 59 of 1970, as amended by Act No. 2 of 2003⁶²; the Convention on the Civil Aspects of International Child Abduction Act No. 19 of 2000⁶³; the Criminal Code (Amendment) Act No. 12 of 2003, which gave effect to Article 2(1) of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by introducing into our criminal law the offence of torture as contemplated in Article 1 of the Convention the definition of “torture” contained in the Convention against Torture⁶⁴; the Combating of Trafficking in Persons Act No. 2 of 2009, which gave effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons⁶⁵; the International Criminal Court Act No. 27 of 2011, which implements the Rome Statute of the International Criminal Court⁶⁶.

Challenges

22. Human Rights treaty bodies have shown concern, when examining Periodic Reports from Mauritius, that the rights guaranteed in the Conventions have not always been incorporated into national law and are, therefore, not enforceable by Mauritius Courts.

The Human Rights Committee, at its 83rd session, in its “Concluding Observations” on the 4th periodic Report of Mauritius⁶⁷, reiterated its concern over the failure to integrate all the rights guaranteed under the Covenant into national legislation, more particularly the maintenance of legislative and constitutional provisions at variance with the Covenant. It stressed that the Mauritian legal system does not provide effective remedies in all cases of violations of the rights guaranteed by the Covenant (Covenant, art. 2).

⁶⁰ Vide Rajsoomer Lallah, “The Domestic Application of International Human Rights Norms”, [1988] 1 *Mauritius Law Review* 2nd Ser. 216.

⁶¹ In *Matadeen’s case*, the Judicial Committee of the Privy Council [Privy Council Appeal No. 14 of 1997] considered that it is a well-recognized canon of construction that domestic legislation, including the Constitution, should if possible be construed so as to conform to international instruments. Their Lordships expressed the view that international human rights conventions are a proper part of the background against which section 3 of the Constitution must be construed.

⁶² The Geneva Conventions Act incorporated the four Geneva Conventions adopted in 1949. The Act was amended in 2003 to incorporate the 1977 Protocols Additional to the Geneva Conventions of 12 August 1949 for the Protection of War Victims (ratified by Mauritius on 22 March 1982).

⁶³ Act No. 19 of 2000 incorporates the Convention on the Civil Aspects of International Child Abduction signed at The Hague on 25 October 1980.

⁶⁴ The Criminal Code was amended, by adding a new section 78 on “Torture by public official”.

⁶⁵ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶⁶ The Rome Statute of the International Criminal Court was adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of the International Criminal Court on 17 July 1998 and was ratified by Mauritius on 5 March 2002.

⁶⁷ CCPR/CO/83/MUS (27 April 2005).

The Committee on the Rights of the Child, at its 41st session, in its “Concluding Observations” on the second periodic report of the Republic of Mauritius⁶⁸, expressed concern about the fact that some of the legislation does not conform to the principles and provisions of the Convention. It recommended that Mauritius strengthen its efforts to continue reviewing its legislation with the aim of ensuring full compliance with the principles and provisions of the Convention, and that it considers enacting a comprehensive Children’s Act to consolidate the various pieces of legislation covering all aspects of child rights.

The Committee on the Elimination of Discrimination against Women, at its 36th session, in its “Concluding Comments” on the combined 3rd to 5th periodic report of Mauritius⁶⁹, expressed concern that, although Mauritius acceded to the Convention in 1984, not all provisions of the Convention have been incorporated into national law, and more particularly that, without such incorporation, the Convention’s provisions are not enforceable in Mauritian courts. The Committee urged Mauritius to complete the process of incorporation of the Convention within a fixed period of time so that it becomes fully applicable in the domestic legal system.

The Committee on Economic, Social and Cultural Rights, at its 44th session, when examining the combined second to fourth periodic reports of Mauritius⁷⁰, was concerned that the Covenant provisions have not been incorporated in the domestic law and cannot be directly invoked by individuals before national courts. It recommended that Mauritius accord the Covenant a legal status that would enable its provisions to be invoked directly within the domestic legal system, preferably by incorporating the Covenant provisions into the domestic law.

The Committee against Torture, at its 46th session, in its “Concluding Observations”, viewed with concern that Mauritius had not yet fully incorporated the Convention in its domestic law (art. 2) and that it should consider fully incorporating the provisions of the Convention in its domestic legislation in order to allow the application by domestic courts of obligations set out in the Convention⁷¹.

23. Domestication of a human rights treaty is not a mechanical process. It requires a careful evaluation of the treaty to see how and the extent to which it can be applied domestically. Not every provision of a treaty may be capable of domestic enforcement. This calls for some selection of only those provisions capable of domestic application⁷².

Addressing the Challenges

24. Studies shall be conducted on human rights treaties to which Mauritius is a State party with a view to making proposals on which provisions of those treaties are capable of being domesticated. Legislative measures shall be taken to bring domestic legislation in accord with human rights guaranteed in international instruments to which the Republic of Mauritius is a State party.

Monitoring and Implementation

25. Attorney-General’s Office, with collaboration of Law Reform Commission.

Budget & Resources

26. Attorney-General’s Office and Law Reform Commission (with extra-funding and technical assistance, should the need arise, from international organisations, such as Commonwealth Secretariat Human Rights Unit and UN Office of High Commissioner for Human Rights).

⁶⁸ CRC/C/MUS/CO/2 (17 March 2006).

⁶⁹ CEDAW/C/MAR/CO/5 (25 August 2006).

⁷⁰ E/C.12/MUS/CO/4 (8 June 2010).

⁷¹ CAT/C/MUS/CO/3 (15 June 2011).

⁷² UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 8.

3. Reporting to Human Rights Treaty Bodies and Follow-Up of their Recommendations

Achievements

27. Mauritius as a State party to Human Rights Conventions has undertaken to report periodically to the respective Committees under the various Conventions on the progress and steps taken pertaining to the implementation of each Convention.
28. Although there has been delay in the submission of Reports, much effort has been made during the past five years to submit the Reports on time. The overdue Reports are in the process of being finalized⁷³.

Challenges

29. The Reporting system is time-consuming and requires expertise on the part of those entrusted with the responsibility for writing the reports. It is a heavy burden on officers who have to shoulder many other responsibilities.
30. The Human Rights Treaty Bodies have, time and again, requested that their concluding observations/comments should be widely disseminated⁷⁴, and that there should be adequate follow-up to recommendations by responding to recommendations⁷⁵.

Addressing the Challenges

31. With a view to ensuring timely submission of periodic reports to Human Rights Treaty Bodies, the preparation and drafting of periodic reports to Human Rights Treaty Bodies would be rationalized and systematized by entrusting this task to a Standing Technical Inter-Ministerial Committee under the Prime Minister's Office, who would also have the responsibility for the follow-up of recommendations/observations by those Bodies when they have examined periodic Reports by Mauritius.

Monitoring and Implementation

32. Prime Minister's Office with the collaboration of Attorney-General's Office and other Ministries.

Budget & Resources

33. Prime Minister's Office (with technical assistance in country reporting from the Office of the High Commissioner for Human Rights in Geneva and any other international/regional organization).

⁷³ The only overdue Reports are: (a) the 5th Periodic Report to UN Human Rights Committee under ICCPR (due in 1 April 2010); (b) the combined 15th to 18th periodic Reports to Committee on the Elimination of Racial Discrimination (due in 2007).

⁷⁴ *Vide*, for instance, "Concluding Comments" of the Committee on the Elimination of Discrimination against Women, at its 36th session, on the combined 3rd to 5th periodic report of Mauritius [CRC/C/MUS/CO/2 (17 March 2006)] at para. 38; "Concluding Observations" of the Committee on the Rights of the Child, at its 41st session, on the second periodic report of the Republic of Mauritius [CRC/C/MUS/CO/2 (17 March 2006)], at para. 71. *Vide* also the "Concluding Observations" of Human Rights Committee, at its 83rd session, when it examined the 4th periodic Report of Mauritius [CCPR/CO/83/MUS (27 April 2005)], at para. 20.

⁷⁵ *Vide*, for instance, "Concluding Comments" of the Committee on the Elimination of Discrimination against Women, at its 36th session, on the combined 3rd to 5th periodic report of Mauritius [CRC/C/MUS/CO/2 (17 March 2006)] at para. 39; *vide* also "Concluding Observations" of Human Rights Committee, at its 83rd session, when it examined the 4th periodic Report of Mauritius [CCPR/CO/83/MUS (27 April 2005)], at para. 21.

(b) Greater International Engagement for Promotion and Protection of Human Rights

Achievements

34. Apart from the human rights treaties it has subscribed to, Mauritius has shown its commitment to the Universal Declaration of Human Rights through its participation in UN resolutions dealing with human rights that have time and time again unanimously reaffirmed the Universal Declaration. It has participated in the adoption of declarations/principles/guidelines/standard rules/recommendations, which are non-binding human rights instruments intended to promote human rights norms⁷⁶.
35. The UN General Assembly on 15 March 2006, by resolution 60/251, established the Council and the Universal Periodic Review (UPR) mechanism. This is a unique process which involves a review of the human rights records of all UN Member States once every four years. It provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.

Mauritius is a Member of the UN Human Rights Council since 2006 and has submitted its voluntary pledges and commitments in accordance with resolution A/RES/60/251.

Mauritius submitted its Report under UPR in October 2008. The Report was examined in February 2009. On 11 June 2009, the UN Human Rights Council adopted the outcome of the universal periodic review on Mauritius, constituted of the report of the Working Group on the review of Mauritius (A/HRC/11/28) together with the views of Mauritius concerning the recommendations and/ or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chapter VI and A/HRC/11/28/Add.1). In February 2011, Mauritius submitted its mid-term progress Report on the implementation of the Recommendations of the Human Rights Council following UPR Review in February 2009.

36. The Human Rights Council has established “Special procedures to address either specific country situations or thematic issues in all parts of the world. Currently, there are 33 thematic and 8 country mandates.

The Special Rapporteur on the sale of children, child prostitution and child pornography, Ms Najat Maalla M’jid, visited Mauritius in May 2011.

37. The Subcommittee on Prevention of Torture, established under the the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) with the mandate to effect to visit all places of detention in States parties, and providing assistance and advice to both States parties and National Preventive Mechanisms (“NPM”), visited Mauritius in October 2007. The Government of Mauritius has fully co-operated with the Committee and has responded to its recommendations.
38. In April 2011, a two-day Commonwealth regional seminar on the implementation of the Universal Periodic Review (UPR) was organised jointly by the Prime Minister’s Office and the Commonwealth Secretariat. The participating countries were Botswana, Cameroon, Ghana, Mauritius, Nigeria, South Africa and Zambia.

The objectives of the seminar were to encourage and support Commonwealth States and stakeholders following the Review exercise held in Geneva; support Commonwealth States to implement and act on the accepted UPR recommendations and provide a constructive platform to Commonwealth States and stakeholders to share expertise and discuss challenges and strategies in respect of the implementation of the UPR recommendations.

⁷⁶ Such as the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (Proclaimed by General Assembly resolution 36/55 of 25 November 1981 and the United Nations Principles for Older Persons (adopted by General Assembly resolution 46/91 of 16 December 1991).

Challenges

39. Mauritius has not so far extended a Standing invitation to Special Procedures of the UN Human Rights Council. As of 15 September 2011, 89 States had extended a standing invitation to thematic procedures. By extending a standing invitation States announce that they will always accept requests to visit from all special procedures.
40. The Report of the Subcommittee on Prevention of Torture following its visit in Mauritius in 2007, as Government's response, is still confidential.

Addressing the Challenges

41. The Government of the Republic of Mauritius shall where appropriate invite Special Procedures of the UN Human Rights Council, and the Special Rapporteurs of the African Commission, in order to better contribute to the progressive development of international human rights law by independent experts.
42. The Report of the Subcommittee on Prevention of Torture following its visit in Mauritius in 2007, as well as Government's response will be released at an appropriate time.
43. The Government of the Republic of Mauritius shall explore measures of co-operation which can be taken with international organizations and other countries on human rights matters, such as holding of regional workshops and joint research programs. It shall support international and regional initiatives aimed at better promoting, protecting and implementing human rights norms.

Monitoring and Implementation

44. Prime Minister's Office with collaboration of Ministry of Foreign Affairs.

Budget & Resources

45. Prime Minister's Office and Ministry of Foreign Affairs.

(III) STRENGTHENING THE NATIONAL HUMAN RIGHTS FRAMEWORK

(a) Better Guaranteeing Constitutional Protection of Fundamental Rights and Freedoms and Providing for More Effective Enforcement of Protection Provisions

Achievements

46. Fundamental rights and freedoms are entrenched in Chapter Two of the Constitution. The following fundamental rights and freedoms are afforded protection:
- Right to life⁷⁷;
 - Right to personal liberty⁷⁸;
 - Right to freedom from slavery and forced labour⁷⁹;
 - Right to freedom from torture, inhuman or degrading treatment or punishment⁸⁰;
 - Right to protection against deprivation of property⁸¹;
 - Right to privacy of the home and other property⁸²;
 - Right to protection of the law [due process guarantees]⁸³;
 - Right to freedom of conscience⁸⁴;
 - Right to freedom of expression⁸⁵;
 - Right to freedom of assembly and association⁸⁶;
 - Right to establish and maintain schools at one's own expense⁸⁷;
 - Right to freedom of movement⁸⁸;
 - Right to freedom from discrimination⁸⁹.
47. The entrenchment of fundamental rights and freedoms in the Constitution means that they have priority over the laws enacted by the legislature and administrative action [supremacy of the Constitution as per section 2 thereof] and that special requirements must be observed in order to amend them [section 47 of the Constitution].
48. The Supreme Court, as guardian of the Constitution, has original jurisdiction to provide redress whenever any person alleges that any of his rights guaranteed, by sections 3 to 16, has been, is being or is likely to be contravened in relation to him [section 17 (1) & (2) of the Constitution]⁹⁰.

Section 84 of the Constitution, which is entitled 'Reference of constitutional questions to Supreme Court', is to the effect that, where any question as to the interpretation of this Constitution arises in any court of law established for Mauritius (other than the Court of Appeal, the Supreme Court or a court martial) and the court is of opinion that the question involves a substantial question of law, the court shall refer the question to the Supreme Court. It is further provided that where any question is referred to the Supreme Court in pursuance of this section, the Supreme Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision.

⁷⁷ Section 4.

⁷⁸ Section 5.

⁷⁹ Section 6.

⁸⁰ Section 7.

⁸¹ Sections 3 and 8.

⁸² Section 9.

⁸³ Section 10.

⁸⁴ Section 11.

⁸⁵ Section 12.

⁸⁶ Section 13.

⁸⁷ Section 14.

⁸⁸ Section 15.

⁸⁹ Sections 3 and 16.

⁹⁰ The Supreme Court (Constitutional Relief) Rules 2000 have been made by the Chief Justice under section 17(4) of the Constitution in order to regulate the practice and procedure governing an application for constitutional redress under section 17.

Time and again, the Supreme Court, as well as the Judicial Committee of the Privy Council, has invalidated legislation or administrative action not in conformity with the rights entrenched in the Constitution.

49. A Truth and Justice Commission has been established, under the Truth and Justice Commission Act, to make an assessment of the consequences of slavery and indentured labour during the colonial period up to the present, to examine complaints by any person aggrieved by a dispossession or prescription of any land in which he claims he had an interest, and to make recommendations. A High-Powered Committee, chaired by the Vice-Prime Minister and Minister of Finance and Economic Development, has been set up to look into the implementation of the recommendations of the Truth and Justice Report which was submitted to the President on 25 November 2011.

Challenges

50. The range of rights guaranteed under the Constitution of Mauritius is narrow. It is limited to individual rights and rights that are civil and political in nature. Certain significant civil and political rights are not even mentioned: the right to take part in the conduct of public affairs, the right to access to public service. The Constitution does not guarantee economic, social and cultural rights. It does not guarantee third generation rights, with the notable exception of regional autonomy granted to the Island of Rodrigues under Chapter VIA of the Constitution. Although there is free and compulsory education up to the age of 16, and free secondary and tertiary public education in Mauritius, there is no constitutionally guaranteed right to education as such. There is only the right to freedom to establish schools. Again, although access to medical services and care is free in Mauritius, there is no constitutionally guaranteed right to the enjoyment of the highest attainable standard of physical and mental health⁹¹.
51. Under the Supreme Court (Constitutional Relief) Rules 2000, an aggrieved party is required to act promptly and in compliance with the Rules⁹². A person who does not have sufficient relevant interest would not have *locus standi* under section 17 of the Constitution to challenge the constitutionality of a law or administrative action, which is in breach of the fundamental rights entrenched in the Constitution⁹³. The Supreme Court will not exercise its powers if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law [proviso to section 17(2) of the Constitution]⁹⁴.
52. The National Human Rights Commission has expressed the view that a future new Constitution of Mauritius should provide explicitly for the protection and promotion of economic, social and cultural rights such as the right to education, health, housing, social security, food and water⁹⁵, and that citizens should be empowered to enter class actions to seek relief from the Court for breaches of human rights⁹⁶.

⁹¹ UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 11.

⁹² Under the Supreme Court (Constitutional Relief) Rules 2000, an applicant must state with precision the provision of the Constitution which has been, is or is likely to be, contravened; and the nature of the relief sought. Except with leave of the Supreme Court, on good cause shown, no application shall be lodged more than three months after the right of action arises. A copy of the plaint shall be served, not less than eight clear days before the day on which the summons is returnable before the Court on the defendant and any other party to the suit; and the Attorney-General where he or the Government is not a party to the suit.

The Supreme Court has been of the opinion that it would exceptionally disregard want of compliance with certain procedural requirements when no useful purpose will be gained by an insistence on form which would have for consequence only to postpone a decision on the merits: *vide Vallet v. Ramgoolam* (1973) MR 29; *Noordally v. Attorney General & DPP* (1986) MR 204; *Luk Tung v. Commissioner of Police & Ors* (1996) SCJ 240; *London Satellite Systems Ltd v. State of Mauritius & ors* (1999) SCJ 307; *Talbot Fishing Co. Ltd v. Ministry of Fisheries & Co-operatives* (2002) SCJ 131.

⁹³ *Vide Tengur v. Ministry of Education & Scientific Research & anor* (2002) SCJ 48.

⁹⁴ *Vide Poongavanam v. DPP* (1993) MR 298; *Ramdhony v. Municipal Council of Vacoas Phoenix* (1995) MR 103.

In *Vert v. District Magistrate of Plaines Wilhems* (1993) MR 28, the rationale for the proviso was explained:

"Given the nature and extent of the substantive fundamental rights and freedoms guaranteed under Chapter II both as to person and property, including the procedural measures designed to enforce those rights, the restrictions that govern the grant of a section 17 remedy as enacted in the proviso has for object the prevention of such abuses as may short-circuit the jurisdiction of subordinate courts, stultify other forms of action available in the Supreme Court itself or else gain an unfair priority over cases entered by other litigants who, themselves, might have made use of other forms of action provided by the law to vindicate a Chapter II right."

⁹⁵ 2007 NHRC Annual Report at para. 22 and 2008 NHRC Annual Report at para. 108.

⁹⁶ 2008 NHRC Annual Report at para. 109.

53. The Law Reform Commission has recommended that there is a need to better safeguard existing rights, to afford constitutional protection to economic, social and cultural rights, and also to guarantee the rights of vulnerable persons⁹⁷.
54. Human Rights Treaty Bodies have also expressed the view that some derogations from the rights guaranteed in the Constitution are at variance with our treaty obligations⁹⁸.

Addressing the Challenges

55. Fundamental rights and freedoms shall be further entrenched in the Constitution and the mechanisms for ensuring enforcement of these standards shall be made more effective.
56. Provision shall be made in the Constitution that slavery and other similar practices constitute a crime against humanity, and that victims of slavery and other similar practices are entitled to reparation for the harm suffered.

Monitoring and Implementation

57. Prime Minister's Office.

Budget & Resources

58. Prime Minister's Office.

⁹⁷ In its Issue Paper on "Constitutional Protection of Human Rights" [October 2010], the Law Reform Commission considered there is a need to better guarantee existing rights. The protection afforded to the Right to Equality by sections 3 and 16 of the Constitution are insufficient. Sections 3 and 16 are *self-contained* provisions; they prohibit discrimination on specific grounds and are not in line with best international practices in the field. Our international obligation under articles 2 and 26 CCPR [International Covenant on Civil and Political Rights] requires of us that we enact *open-ended* provisions [whereby discrimination is prohibited on the basis of an indeterminate number of grounds, the grounds mentioned being merely instances of discrimination]. Section 9 of the Constitution affords protection merely to privacy of home and premises. Its ambit should be expanded so as to include respect for private and family life. The system of freedom of expression, as currently guaranteed by section 12, should be strengthened by also recognizing the right of access to information. Protection of the Law (section 10) should be better secured by protecting rights to just administrative action and by prescribing as a constitutional norm that slavery (and other related practices) is a crime against humanity.

The Commission was of the opinion that the following socio-economic rights can be afforded constitutional protection: Right to education; Right to language and culture; Right to housing; Right to basic amenities; Right to a healthy and sustainable environment; and Right to freedom of trade, occupation and profession. And that the rights of the following vulnerable persons should be afforded constitutional protection: the Child; the Elderly Person; the Person with Disabilities; and the Witness in Court Proceedings.

The Commission was also of the view that consideration can be given as to whether the rights of the consumer should be guaranteed in the Constitution.

⁹⁸ *Vide* "Concluding Observations" of the Human Rights Committee, on the 4th periodic Report of Mauritius [CCPR/CO/83/MUS (27 April 2005)], at para. 14; "Concluding Comments" of the Committee on the Elimination of Discrimination against Women, on the combined 3rd to 5th periodic report of Mauritius [CEDAW/C/MAR/CO/5 (25 August 2006)], at para. 13.

(b) Enhancing Effectiveness of National Human Rights Institutions

Achievements

59. The World Conference on Human Rights, which met in Vienna in 1993, encouraged States to establish and strengthen national institutions for the promotion and protection of human rights⁹⁹.
60. The mandate of the Ombudsman, under section 97 of the Constitution, was expanded to review acts of maladministration by the Rodrigues Regional Assembly (or any officer of the Assembly) and any local authority (or any officer of such local authority)¹⁰⁰.
61. The National Human Rights Commission (NHRC) has been established under the Protection of Human Rights Act. Its functions are four-fold: (i) to investigate allegations violations of human rights (guaranteed by Chapter II of the Constitution) and complaints against police officials; (ii) to visit places of detention; (iii) to advise and assist government on the conformity of legislation and policies with human rights norms; (iv) to exercise such other functions as it may consider to be conducive to the promotion and protection of human rights.

By virtue of the Sex Discrimination Act, a Sex Discrimination Division was set-up, attached to the National Human Rights Commission, for the elimination of all forms of gender discrimination and sexual harassment in certain areas of both public and private sector. The functions of the Sex Discrimination Division are (i) to examine written complaints relating to alleged infringements of the Sex Discrimination Act (by enquiring or causing such enquiries to be made into a complaint received) with a view to settle by conciliation the matters to which the alleged infringements relate; (ii) promote understanding and acceptance of, and compliance, with the Act.

NHRC operates in conformity with the "Paris Principles". It was granted accreditation by the International Coordination Committee of National Human Rights Institutions (NHRIs) in Geneva in 2002¹⁰¹.

62. The Office of Ombudsperson for Children was established by the Ombudsperson for Children Act, with a view to better promoting children's interest and better protecting children's rights in line with the Convention on the Rights of the Child and to investigating complaints regarding violation of children's rights.
63. The Equal Opportunities Act prohibits discrimination, in a direct or indirect manner or by way of victimization, in the field of employment (both the public and the private sector) and other spheres of life. The Act was recently amended to provide for the Equal Opportunities Commission to be a fully-fledged independent body, thereby strengthening the mechanism for the effective enforcement of anti-discrimination/equal opportunities provisions. The provisions of the Equal Opportunities Act are now in force. The Equal Opportunities Commission and the Equal Opportunities Tribunal are now operational.

⁹⁹ Vienna Declaration and Program of Action, Part I, paragraph 36. In line with the above, the UN General Assembly adopted Resolution 48/134 of 20 December 1993 concerning "Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights" [The Paris Principles].

¹⁰⁰ Section 2 of Act 19 of 2003, w.e.f 24 April 2006.

¹⁰¹ Vide NHRC 2006 Annual Report at para. 2.

¹⁰² The Act provides that every person shall have an equal opportunity to attain his objectives in various spheres of activities and that no person shall be placed or shall find himself or herself, at a disadvantage, by reason of his or her status, namely, his or her age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.

The Act prohibits any form of discrimination in a direct or indirect manner on the ground of status. Additionally, it prohibits discrimination by victimisation. These prohibitions from discrimination shall apply to employment activities, education, provision of goods, services or facilities, accommodation, disposal of immovable property, companies, partnerships, "société" or registered associations, clubs, access to premises and sports.

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 Division, in order to minimise the risk of an employee being discriminated against. Moreover, it shall be incumbent on every employer to recruit, select and promote a person on the basis of merit.

Nevertheless, a number of exceptions have been provided where in some circumstances, an employer or prospective employer may discriminate –

- (a) in cases where being of a particular sex is a genuine occupational qualification;
- (b) against a person who has an impairment;
- (c) on the ground of age, where the offer of employment is limited to persons of a particular age;
- (d) on the ground of religion where being of a particular religion is a necessary qualification for employment in a religious shop;
- (e) in determining who should be offered employment in relation to the provision of domestic or personal services in, or in relation to, any person's home; or
- (f) on the basis of political belief or activity.

Challenges

64. The mandate of NHRC is somewhat narrow. It cannot inquire 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. Its mandate is confined to investigating complaints in respect of human rights which are entrenched in Chapter II of the Constitution.
65. The Commission does not have the power to recruit staff. For the purposes of conducting any investigation pertaining to an enquiry, it may 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. Complaints against police officers are thus investigated by the Complaints Investigation Bureau [CIB], a unit of the Mauritius Police Force. Although the CIB operates under the supervision and in accordance with the directives of NHRC, it remains under the administrative control of the Commissioner of Police.
66. The Commission does not have the power to intervene before a Court or Tribunal in any proceedings involving any violation of human rights.
67. There is a need to develop an effective relationship between parliamentarians and the National Human Rights Institutions for the promotion and protection of human rights¹⁰³.

Addressing the Challenges

68. The powers of the National Human Rights Commission shall be strengthened and the scope of its activities broadened. Its operational capability shall be enhanced by amending the legislation to allow the Commission to recruit its own staff.
69. The procedure for complaints and investigation against Police shall be simplified and enhanced, and a Police Complaints Division will be set up under the NHRC for the purpose of investigating such complaints. The legal framework, within which the Police Complaints Division will operate, will be established.
70. A National Preventive Mechanism which will ensure that the conditions prevailing in our prisons, police cells and other places of detention comply with human rights obligations and the provisions of the Optional Protocol to the UN Conventions against Torture will be set up.

Monitoring and Implementation

71. Prime Minister's Office with the collaboration of the Attorney-General's Office.

Budget & Resources

72. Prime Minister's Office and Attorney-General's Office, with technical assistance, should the need arise, from international organisations [such as Commonwealth Secretariat Human Rights Unit, the Organisation Internationale de la Francophonie (OIF) and UN Office of High Commissioner for Human Rights] and States under bilateral co-operation.

¹⁰³ In its 2005 Annual Report, NHRC recommended that it would be appropriate for Parliament to set up a standing committee on human rights, and that Members of Parliament should apprise themselves of the Summary of Recommendations in its Annual Report (para. 3). This recommendation was reiterated in the 2006 Annual Report at para. 13.

(IV) BETTER PROTECTING AND SAFEGUARDING CIVIL AND POLITICAL RIGHTS

(a) Securing Right to Self-Determination

Achievements

73. The Chagos Archipelago, including Diego Garcia forms an integral part of the territory of Mauritius.

The Chagos Archipelago was illegally excised by the United Kingdom from the territory of Mauritius prior to its independence, in violation of international law and of United Nations 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.

Mauritius has consistently pressed the United Kingdom in both bilateral and multilateral fora for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius.

Mauritius has continuously received the support of the African Union and the Non-Aligned Movement which have constantly recognized the sovereignty of Mauritius over the Chagos Archipelago.

74. The people of the island of Rodrigues have been granted under the Constitution of the Republic of Mauritius internal self-determination. The people of that Island are now endowed with a regional assembly, a regional executive council and a regional budget. The assembly is empowered to propose and adopt bills which when adopted by Parliament becomes regional assembly laws. Laws relating to the autonomy of Rodrigues "shall not be altered without the concurrence of the Regional Assembly unless such alteration is supported at the final voting in the National Assembly by the votes of not less than two thirds of all the members."

Challenges

75. The excision of the Chagos Archipelago from the territory of Mauritius also involved the shameful eviction by the British authorities of the Mauritians who were residing at the time in the Archipelago ('Chagossians') in total disregard of their human rights in order to pave the way for the establishment of a US military base in Diego Garcia. Most of the Chagossians were removed to Mauritius.

The 'marine protected area' which the United Kingdom has purported to establish around the Chagos Archipelago in 2010 not only infringes upon the sovereignty of Mauritius over the Chagos Archipelago, but also impedes on the right of return of Mauritian citizens who were forcibly removed from the Archipelago by the United Kingdom.

The Government of Mauritius recognizes the legitimate right and claim of the former inhabitants of the Chagos Archipelago, as Mauritian citizens, to be resettled in the Chagos Archipelago.

76. Although no effort has been spared to ensure the full integration of Rodrigues within the Republic of Mauritius, much remains to be done to ensure that the same facilities and opportunities that are available in mainland Mauritius are also available in Rodrigues¹⁰⁴.

¹⁰⁴ In its Concluding Observations, after examining the combined 2nd to 4th periodic reports of Mauritius, the UN Committee on Economic, Social and Cultural Rights expressed concern that 10 per cent of Mauritians are estimated to be living in poverty, and, in particular, that about 40 per cent of the population on Rodrigues Island live below the poverty level. It is further concerned that some regions are deprived of water supply and hygienic living conditions, particularly on Rodrigues Island [E/C.12/MUS/CO/4 at para. 26]. The Committee urged the Republic of Mauritius to take immediate and effective measures to combat poverty and ensure that the population has affordable access to water supply and hygienic living conditions, particularly on Rodrigues Island, in line with its general comment No. 4 (1991) on the right to adequate housing and general comment No. 15 (2002) on the right to water and its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).

Addressing the Challenges

77. The Government of Mauritius is actively defending the right of Mauritius to effectively exercise its sovereignty over the Chagos Archipelago, whilst firmly supporting the right of return of the Chagossians and other Mauritian citizens to the Chagos Archipelago.
78. Strategies shall be evolved to further ensure that the inhabitants of the islands forming part of the Republic of Mauritius are effectively afforded facilities and opportunities, in the pursuit of their economic, social and cultural development, that are, as far as practicable, equivalent to what obtains in mainland Mauritius.

Monitoring and Implementation

79. Prime Minister's Office with the collaboration of other Ministries and public bodies, including Rodrigues Regional Assembly.

Budget & Resources

80. Prime Minister's Office, and other relevant Ministries and public bodies, including Rodrigues Regional Assembly.

(b) Strengthening Democratic Rights

Achievements

81. Mauritius is a multi-party parliamentary democracy based on an amended version of the Westminster model. The legislature is made up of multi-member constituencies [20 three-member constituencies in the island of Mauritius; the island of Rodrigues is a two-member constituency]. Provision is also made for the allocation of up to eight seats to the most successful unreturned candidates belonging to political parties and to the appropriate communities with a view to ensure “fair and adequate representation of each community”. Political representation is achieved through a fully competitive electoral process based on universal adult suffrage. The right to vote at elections for the National Assembly is guaranteed¹⁰⁵.

Mauritius has established itself as an enduring democracy in Africa. Since independence, the country has successfully staged nine elections. These have been held at regular intervals and, in each case, the outcome has been broadly accepted by the general public.

82. Provision is made in our laws for the election of Councillors of local authorities and Members of the Rodrigues Regional Assembly.

The Constitution has been amended so that a law providing for a minimum number of candidates for election to local authorities to be of a particular sex, with a view to ensuring adequate representation of each sex on a local authority, shall not be regarded as discriminatory.

The Local Government Act 2011 provides that not more than two-thirds of candidates of a group at an election to a local authority shall be of the same sex. The Act also lays the foundation for an effective, efficient, inclusive and accountable local government, which would empower local communities so that they can face the challenges of globalization.

83. The conduct and the supervision of elections are entrusted by the Constitution to the Electoral Commissioner and the Electoral Supervisory Commission. A Code of Conduct was issued by the Electoral Supervisory Commission in February 2009 for the By-Election for the election of one member of the National assembly in Constituency No. 8, which was held on 01 March 2009; and for the National Assembly in 2010.

Challenges

84. The electoral system in Mauritius has raised concerns about the propensity to promote democratic participation and inclusion in the context of the diversity and complexity of the ethno-religious and social landscape. Past elections have shown a tendency towards a large imbalance or disparity between the share of votes cast and the number of seats secured by political parties in the National Assembly, leading to disproportionality.

85. Criticisms have been expressed at the system of allocation of additional seats in the National Assembly [more commonly known as the “best loser system”]. A candidate at a general election is under a legal obligation to declare on the nomination paper the community to which he or she belongs, failing which, his or her nomination paper will be held invalid by the Returning Officer¹⁰⁶.

86. There has been growing concern as to the inadequate representation of women in Parliament. So far, there are few women candidates. The view has been expressed that problem of women political representation could be solved by affirmative action¹⁰⁷.

¹⁰⁵ Section 44 of the Constitution.

¹⁰⁶ Paragraph 3(1) of the First Schedule to the Constitution requires of every candidate for election at any general election of members of the Assembly that he declares in such manner as may be prescribed which community he belongs to. According to paragraph 3(4) of the Schedule, the population of Mauritius shall, for the purposes of the schedule, be regarded as including a Hindu community, a Muslim community and a Sino-Mauritian community; and every person who does not appear, from his way of life, to belong to one or other of those 3 communities shall be regarded as belonging to the General Population, which shall itself be regarded as a fourth community.

¹⁰⁷ NHRC 2008 Annual Report at para. 115.

87. The electoral law of Mauritius, while regulating the funds that candidates can spend, does not have verification mechanisms to check excesses in the funds used by political parties. Concerns have also been raised over the use of money and other favours in politics. There has been an on-going debate, both in Parliament and in the media, on the reform of the electoral system and on the introduction of public funding of political parties.

Addressing the Challenges

88. Retooling for the future requires a review of our Constitutional regime. We now have experience of our Constitutional Framework spanning over 44 years. In the light of this, we should, as a nation look at what works and what needs to be improved including reforms of our electoral system and the financing of political parties. Government will ensure that the country has an electoral system which is more equitable and which promotes nation building and provides for better representation of women.
89. Government will introduce new enabling legislation providing for the people to be consulted by way of referendum on major constitutional and other issues.
90. As part of the enlargement of our “espace démocratique” and revitalisation of the role of Parliament, Government will invite the National Assembly to engage in thematic debates. This will enable the National Assembly to have, in addition to its legislative function, a major role as a deliberative organ on policy issues. Government will propose the appointment of an all-party committee to discuss the modalities of such debates. These debates should be nonpartisan and focus on policy issues in the national interest.

Monitoring and Implementation

91. Prime Minister’s Office, Electoral Commissioner’s Office, Electoral Boundaries Commission, and Electoral Supervisory Commission.

Budget & Resources

92. Prime Minister’s Office, Electoral Commissioner’s Office, Electoral Boundaries Commission and Electoral Supervisory Commission, with technical assistance, should the need arise, from international organisations [such as Commonwealth Secretariat Human Rights Unit, the Organisation Internationale de la Francophonie (OIF) and UN Office of High Commissioner for Human Rights] and States under bilateral co-operation.

(c) Better Protecting the Rights of Victims of Crime

Achievements

93. Crime constitutes quite often the denial of some fundamental right, such as the right to life, right to security, right to dignity, right to enjoyment of possessions. The most effective way to assist victims is to prevent criminal activity, so that victimization, and re-victimization, is minimized.

In accordance with the National Policing Strategic Framework, published in February 2010, Annual National and Divisional Policing Plans have been devised to reduce crime occurrence. These include, inter alia: (a) measures aimed at reduction of larceny in dwelling houses or on public roads, such as closer monitoring of habitual offenders, installation of Closed Circuit Television Surveillance Systems, increased Police patrols in vulnerable and crime prone areas, setting-up of Neighbourhood Watch Schemes, sensitization campaigns and enhanced criminal intelligence activities; (b) measures aimed at reducing road accidents, such as intelligence-led crack-down operations against speeding and drunken driving, road safety campaigns and installation of speed cameras; (c) measures aimed at reducing demand and curbing supply of drugs, such as intelligence-led anti-drug crack-down operations, awareness campaigns as to the ill-effects of drugs with the collaboration of NGOs, enhanced regional and international co-operation; (d) measures aimed at reducing anti-social behavior and domestic violence, such as increase in number of operations against licensed premises (liquor shops) which operate in breach of the law and sensitization campaigns; (e) measures aimed at reducing juvenile delinquency and truancy, such as more frequent checks on licenced premises, places of public amusement and entertainment, gaming houses, greater Police presence near traffic centres, guest houses, botanical garden, cybercafé and other public places.

An independent law enforcement agency has been established, under the aegis of the Office of Director of Public Prosecutions, to recover assets which are proceeds or instrumentalities of crime or terrorist property, where a person has been convicted of an offence or where there has been no prosecution but it can be proved on a balance of probabilities that property represents proceeds or instrumentalities of an unlawful activity¹⁰⁸.

94. Victims of crime are entitled to be treated with compassion and with respect for their human dignity. The National Policing Strategic Framework, published in February 2010, lays much emphasis on engagement with the community and support to victims of crime. Inter-agency co-operation already enables victims of domestic violence and sexual offences to have the material, medical, psychological and social assistance needed. The Courts Act has been amended, by the addition of a new section 161B, to enable a complainant in a sexual offence case to appear before the court, and depose through such live video or live television link system. The Office of Director of Public Prosecutions provides an information and support service to victims and witnesses of crime.
95. Victims of crime have a right to have their attackers apprehended. New techniques have been resorted to for identifying perpetrators of crime, such as forensic use of DNA. The DNA Identification Act 2008 empowers the police, in certain specific circumstances in connection with serious offences, to take and make use of DNA samples for the purpose of determining the connection with or involvement of a person in an offence.
96. The Combating of Trafficking in Persons Act 2009, which gives effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, has been adopted to prevent and combat trafficking in persons and to afford protection and assistance to victims of human trafficking.

The Protection from Domestic Violence Act was amended in 2007 to make it more responsive to the needs of victims of domestic violence, by providing that a Court that has made a protection, occupancy or tenancy order, may make an ancillary order as to alimony.

¹⁰⁸ Asset Recovery Act 2011.

Challenges

97. Although there has been a decrease in the past years in the number of offences reported, there is the public perception that there is a rise in crime level¹⁰⁹. Road traffic contraventions, in particular excess speeding, have increased over the years¹¹⁰.
98. Concern has been expressed as to the insufficient attention being paid to the fate of victims¹¹¹, including return of property seized by police to victims at the earliest possible opportunity¹¹². The view has been expressed as to whether the law should not be amended to allow joint civil and criminal actions to be entered in Court, to enable victims “se constituer partie civile” and claim civil damages from the perpetrator¹¹³.
99. In some areas of criminality, such as organized crime, it has been noticed that there is an increasing risk that victims as witnesses will be subjected to intimidation, and that the criminal justice system might fail to bring defendants to trial and obtain a judgment because witnesses are effectively reluctant, discouraged from testifying freely and truthfully¹¹⁴.

Addressing the Challenges

100. Measures shall be taken to further combat crime so that everyone can be safe and secure [such as CCTV Street Surveillance Systems in more regions, computer-assisted identification of suspects, new fingerprint and body-fluid search tools, increased patrols and police presence in crime prone areas, and a Crime Occurrence Tracking System]. The overall objective shall be to reduce crime rate yearly by at least 10 % [in particular larceny in dwelling houses and on public roads, drug offences, juvenile delinquency and truancy] and to improve crime detection rate.

Local Community Policing Committees shall be set up for the elaboration of local crime reduction strategies. The purpose of each Committee will be to work towards a healthy and safe community environment for all who live and work within a given area.

A National Crime Control Commission shall be established, with the special mandate of reviewing measures for the protection of vulnerable persons, including elderly persons, women, children and persons with disabilities.

With a view to significantly reduce road accidents casualties and fatalities, the effectiveness of the traffic monitoring system shall be enhanced and the “penalty point system” for driving licences shall be made operational.

101. A Victims Rights Act and a Victims Charter shall be adopted so as to better safeguard the rights of victims of crime and set out the standards of service to which a victim of crime is entitled. Judicial and administrative processes shall be made responsive to the needs and expectations of victims: informing victims of their role in proceedings, of the scope, timing and progress of the proceedings, and of the disposition of their cases; allowing the views and concerns of victims to be presented and

¹⁰⁹ Vide CSO, *Crime, Justice and Security Statistics* 2010.

According to police statistics, during the period 2009 to 2010, the number of reported offences (excluding contraventions) went down from 50,250 to 46,750. But there is the public perception that crime level [all offences as stated in the Continuous Multipurpose Household Survey (CMPHS) 2010] was increasing in the country over the period 2009 to 2010. Out of every 100 heads of household interviewed some 80 felt that way. This is, however, in contrast with public's feeling on crime evolution in their neighborhood where only 30 out of every 100 heads of household perceived that crime was on the increase in their neighborhood.

¹¹⁰ Road traffic contraventions increased from 142,540 in 2009 to 163,480 in 2010 with contraventions due to speeding, accounting for the majority of this increase [CSO, *Crime, Justice and Security Statistics* 2010]. Actually, since the introduction of speed camera in the Island of Mauritius in December 2008, exceeding speed limit offences shot from 17,700 in 2008 to 40,000 in 2009 and reached 58,000 in 2010.

Despite awareness campaigns, around 1,300 offences of driving under the influence of liquor were registered in 2010, representing a rise of 7% from 1,210 in 2009.

¹¹¹ Vide NHRC 2005 Report, at para. 44 where emphasis is put on the need for Police to reassure victims of crimes and give psychological support to the families of victims Vide also UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 33.

¹¹² Vide, for instance, 2009 Report of Ombudsman, at p. 83.

¹¹³ NHRC Annual Report 2006, at para. 92. Vide also UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 35.

¹¹⁴ Vide, for instance, *Police v Curpen* (2010) Intermediate Court Judgment No. 19.

In its Issue Paper on “Evidence of Reluctant/Intimidated Witness in Criminal Proceedings: Proposal for Reform of the Law” [May 2010], the Law Reform Commission considered there is no constitutional impediment to the previous statement of a witness, given on oath or affirmation, being used in certain circumstances and with the leave of the court as evidence of any fact mentioned in it.

considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused; providing proper assistance to victims throughout the legal process; minimizing inconvenience to victims, protecting their privacy, and ensuring their safety as well as that of their families; avoiding unnecessary delay in the disposition of cases and the execution of orders.

102. In order to ensure that victims of crime obtain prompt redress for the harm they have suffered, a study shall be conducted as to the desirability of incorporating in our law a variant of the French system of 'constitution de partie civile', which would enable victims of crimes to obtain compensation for loss or injury suffered as a result of the crime when the accused is found guilty.
103. In order to prevent intimidation of witnesses in drug-related cases and other serious cases, special measures shall be taken for the protection of witnesses and vulnerable persons, including the elaboration of a Witness Protection Program and circumstances where the out-of-court statements of such witnesses, video-recorded under oath, would be admissible as evidence in Court.

Monitoring and Implementation

104. Prime Minister's Office, Mauritius Police Force, Mauritius Prisons Office, Attorney-General's Office and the Office of the Director of Public Prosecutions.

Budget & Resources

105. Prime Minister's Office; Mauritius Police Force, Mauritius Prisons Office, Attorney-General's Office and the Office of the Director of Public Prosecutions.
106. Technical assistance from international agencies, such as Office of High Commissioner for Human Rights, United Nations Office on Drugs and Crime (UNODC), and Commonwealth Secretariat.

(d) Safeguarding the Rights of Suspects and Detainees

Achievements

107. The Constitution lays down standards as to the circumstances when a person may be deprived of his liberty, the rights of an arrested person or detainee (and the treatment to be afforded to a detainee), and the permissible restrictions on rights in the course of a criminal investigation. The legal norms have been supplemented by administrative guidelines, and instructions and advice issued to officials¹¹⁵.

Following the recommendations of the Committee against Torture, the Criminal Code was amended to provide for the Offence of “torture by public official” (section 78) in order to incorporate into Mauritian law the definition of torture as set out in Article 1 of the Convention.

108. With a view to better securing the rights of suspects and detainees, the National Human Rights Commission was established with the mandate of examining, inter alia, alleged violations of rights guaranteed by the Constitution and complaints against the Police; functions also include visiting police stations, prisons and other places of detention to study detainees’ living conditions¹¹⁶. Pending the enactment of legislation to establish a National Preventive Mechanism, as required under the Optional Protocol to the Convention against Torture, the National Human Rights Commission has been entrusted the task to act as National Preventive Mechanism.

Police officers have had the opportunity, whilst reading the BSc (Hons) Police Studies Program, to familiarize themselves with the human rights implications of policing. Human Rights module is a component of police training course for recruits, and for refresher courses.

Since 2005, a review of police cells and detention centres has been carried out with a view to providing a humane and secure environment to detainees [adequate lighting (natural light as far as practicable), sufficient aeration, enough space for detainees to move inside, and preventing access to bars by detainees to avoid suicide by hanging]. Furthermore, Detention Centres are equipped with closed-circuit television (CCTV) cameras.

New tools have been put at the disposal of enquiring officers to enable them gather incriminating evidence independently of a suspect’s statement.

109. Legislation has been adopted to make use of alternate non-custodial measures¹¹⁷ to enable foreigners to serve sentence in their countries¹¹⁸, to abolish mandatory sentences in relation to offences under the Criminal Code and the Dangerous Drugs Act and to restore the sentencing discretion of the Court¹¹⁹, and to prohibit imprisonment for failure to pay a civil debt¹²⁰.

110. The Bail Act was amended in 2011 to make further and better provision in relation, inter alia, to (a) the prompt hearing and determination of bail applications; (b) the factors to be taken into account by a Court when assessing the risks involved in deciding whether or not to release a defendant or detainee on bail; (c) the conditions that may be imposed by a Court for release on bail, including subjecting the defendant or detainee to an electronic monitoring mechanism; and (d) the liability

¹¹⁵ Standing Orders of the Mauritius Police Force and the Code of Ethics of the Mauritius Police Force; Standing Orders of the Mauritius Prison Service. The Police Standing Order No. 120 and CP’s Circular No. 22 of 2005 deal with “Prisoners and Accused Parties” and “Security over Police Cell” respectively.

¹¹⁶ In its 2008 Annual Report, the National Human Rights Commission recommended that:

- The Commissioner of Police should give instructions to officers to inform the relatives of arrested persons about their arrest and their whereabouts;
- Detainees in the custody of the Police should be allowed to receive the visits of relatives;
- Detainees in police custody should be granted the right to receive food from outside sources after thorough checking;
- Police authorities should ensure that police cells are kept clean and hygienic;
- Minors should not be detained in police cells. Their relatives should be contacted, whatever be the time.

¹¹⁷ Community Service Order Act.

¹¹⁸ Transfer of Prisoners Act.

¹¹⁹ Criminal Procedure (Amendment) Act 2007.

¹²⁰ Imprisonment for Civil Debt (Abolition) Act.

of a person released on bail to be arrested for breach of a bail condition. It has also been expressly laid down that where a Magistrate or Judge is satisfied that a defendant or detainee is unable to provide surety, he shall impose other conditions of a non-financial nature [so as to avoid paupers remaining in jail for inability to provide surety].

111. The prison service has been re-organized to better fulfil its rehabilitation role and the problem of overcrowding in prisons is being addressed by construction of a new prison for 750 detainees at Melrose.

Challenges

112. The view has been expressed that the powers to detain provided for by section 5, paragraphs 1 (k) and 4, of the Constitution are incompatible with article 9, paragraphs 3 and 4, of the International Covenant on Civil and Political Rights and that the provisions of the Dangerous Drugs Act 2000 and the Prevention of Terrorism Act 2002 provisions of that Act denying bail and access to counsel for 36 hours are at variance with the provisions of the Covenant (arts. 7 and 9)¹²¹.
113. There have been adverse comments as to the manner in which police exercise its powers of arrest¹²² Complaints about police brutality have given rise to concern¹²³. The view has been expressed that there is still too much reliance on confessions¹²⁴, delays in the completion of inquiries with an accused being provisionally charged for quite some time¹²⁵ and the period of time the convicted person may have spent on remand awaiting trial or pending the outcome of an appeal can be somewhat long¹²⁶.
114. The penalties provided for the offence of torture, under section 78 of the Criminal Code, have been regarded as not appropriate. It has also been observed that some aggravating circumstances, such as the permanent disability of the victim, are not taken specifically into account¹²⁷. There has also been

¹²¹ Vide Concluding Observations of the UN Human Rights Committee, on 27 April 2005 after examining the 4th Periodic Report of Mauritius [CCPR/CO/83/MUS], at para. 12, 14 and 15.

¹²² The National Human Rights Commission in its 2003 Annual Report (at p. 50) considered that "since an indiscriminate use of powers of arrest may lead to a violation of the human rights of the citizen ... an in depth study be carried out by the Police Authorities with a view to providing comprehensive and clear guidelines to Police Officers." In its 2004 Annual Report (at p. 70), it expressed the view that "A review of the Standing Orders pertaining to arrestable offences is necessary." In *Dahoo v. State & Commissioner of Police* (2007) SCJ 156, the Supreme Court observed that "even where there is a power to arrest, it must not be exercised as a matter of course: the discretion to arrest must be exercised in a reasonable manner."

¹²³ In its Concluding Observations, on 27 April 2005 after examining the 4th Periodic Report of Mauritius [CCPR/CO/83/MUS], the UN Human Rights Committee viewed with concern (at para. 13) concurring reports from non-governmental organizations on numerous instances of ill-treatment and deaths of persons in custody and in prisons attributable to police officers. The Committee was particularly concerned by the limitations of the investigations carried out by the Complaints Investigation Bureau, and the fact that few complaints were actually investigated in order to identify and punish the officers responsible. The African Commission on Human and Peoples' Rights, in its Concluding Observations and Recommendations on the combined 2nd to 5th Periodic Reports of the Republic of Mauritius, in May 2009, was also concerned [at para. 39] at such occurrences "even though the Government is taking steps to address incidence of police brutality and inhuman treatment of detainees."

¹²⁴ In its 2003 Annual Report, the National Human Rights Commission was of the opinion that "Police should use modern techniques in the investigation of crime instead of relying too heavily on confessions."

In the UNDP Report on the *Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 38, the view is expressed that:

"Too much premium is put on confessions as the most cogent item of evidence in securing conviction. Indeed it appears to be the case that the confession is regarded as '*le roi des preuves*'. If the police expend so much time and energy in obtaining, by hook or crook, confessional statements from the suspect to shore up the prosecution's case it must be that confessions are easily admissible in evidence without proper judicial scrutiny as to how they may have been obtained. A high proportion of convictions in Mauritius rest on confessions ... One of the incentives to police brutality appear to be the ease with which courts admit confessions and proceed to convict on them. The number of confessions improperly obtained by the police, and inexorably the incidence of police brutality, would significantly reduce if courts become much more weary of confessions and develop a practice of requiring extraneous evidence to corroborate even a confession that appears to have been properly obtained. In other words, the court should decline to convict solely on the evidence of a confession even if it is properly obtained. This practice may be modified only in certain exceptional and well-defined cases."

¹²⁵ In its 2004 Annual Report, the National Human Rights Commission recommended (at p. 70) that "Prosecutors should not let a provisional charge against an accused party drag on in a protracted fashion, requiring him to call in Court several times. It is their duty to find out why the main case is not lodged within reasonable delays."

In its Concluding Observations, on 27 April 2005 after examining the 4th Periodic Report of Mauritius [CCPR/CO/83/MUS], the UN Human Rights Committee viewed with concern (at para. 16) the alarming finding of the report "Developments in the conduct of imprisonment" drawn up in the wake of the Beau Bassin prison incidents of 26 September 2003, which shows, in particular, the considerable percentage of the inmate population in pre-trial detention (36 per cent) and the excessive length of such detention for serious offences.

The African Commission on Human and Peoples' Rights, in its Concluding Observations and Recommendations on the combined 2nd to 5th Periodic Reports of the Republic of Mauritius, in May 2009, observed [at para. 37] that "there is an inordinate delay in bringing accused persons on remand to trial" and that "cases take too long to be disposed of."

¹²⁶ UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 34.

¹²⁷ Concluding Observations of the UN Committee against Torture, on 15 June 2011, after examining the 3rd periodic report of Mauritius CAT/C/MUS/CO/3] at para. 8.

concern about the absence in the legislation of a provision to guarantee that no exceptional circumstances whatsoever may be invoked as a justification of torture¹²⁸.

115. It has been noted that, despite improvements, prisons in Mauritius are still overcrowded, there is a high rate of inter-prisoner violence and of remand detainees¹²⁹, and there is a rise in drug abuse¹³⁰. The prison population is made up of a high proportion of habitual offenders (recidivists)¹³¹.
116. Premature release from prison is extremely rare, even though the Reform Institution Act makes provision for release on parole¹³². The view has been taken that remission should be reintroduced even for serious crimes to reward good conduct in prison and that the total withdrawal of remission may even constitute inhuman or degrading punishment, in violation of the Constitution¹³³. There is no system by which an ex-convict may have his criminal record expunged. However trivial the offence for which he was convicted, the person must carry his criminal record throughout his life. That entails a serious barrier to getting a job or exercising a profession, forcing the ex-convict back to crime and eventually to prison. This may in part explain the very high percentage of habitual offenders in the prisons¹³⁴.

Addressing the Challenges

117. With a view to ensuring greater professionalism and transparency in the conduct of criminal investigations and safeguarding the rights of suspects and detainees, Government will adopt a Police and Criminal Evidence Act, with Codes of Practice designed to regulate the conduct of persons entrusted with the duty of investigating offences, and address a number of issues relating to criminal enquiries, including victims' rights. Legislation regarding confessions shall be reviewed with a view to eliminating the possibility for convictions based solely on confession.
118. The provisions of section 5 of the Constitution shall be made compatible with Article 9 of the International Covenant on Civil and Political Rights. The Dangerous Drugs Act 2000 and the Prevention of Terrorism Act 2002 shall be reviewed.
119. Measures shall be taken to ensure that
 - (a) Persons arrested and detained in police stations have access at the outset of their detention, to a doctor, if possible, of their choice;
 - (b) Visits by a doctor are conducted in a confidential manner;
 - (c) They can inform their family or a person of their choice about their detention; and
 - (d) Arrested persons will be entitled to legal aid at enquiry stage.
120. Training programs to law enforcement officers and medical personnel on human rights principles shall be reinforced.
121. Police Standing Orders shall be revisited to make them more human-rights oriented.

¹²⁸ Ibid, at para. 9.

¹²⁹ The UN Committee against Torture expressed concern [at para. 14] about "the overcrowding in some prisons of the State party (in particular in the Beau Bassin, Petit Verger and GRNW prisons), and that prison conditions are inadequate, that separation between remand and convicted detainees is not always guaranteed, as well as about a high rate of inter-prisoner violence, and ... about the high rate of remand detainees".

¹³⁰ Vide Concluding Observations and Recommendations of the African Commission on Human and Peoples' Rights, on the combined 2nd to 5th Periodic Reports of the Republic of Mauritius, in May 2009, at para. 38.

Vide also 2010 US State Department Report on Human Rights in Mauritius at p. 3. The UN Committee against Torture, when

¹³¹ CSO, *Crime, Justice and Security Statistics 2010*, at p. 22.

¹³² Vide UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 36.

In its 2006 Annual Report, the National Human Rights Commission was of the view that "The law should be amended so that remission, whether at a variable quantum or not, could be used as a reward for good conduct in prisons" (at para. 111).

¹³³ NHRC, 2007 Annual Report, at para. 118.

¹³⁴ Vide UNDP, *Report on the Situation Analysis of the Human Rights Landscape in Mauritius* (2006), at p. 36.

122. The law shall be amended setting out reasonable time limits for entering a prosecution after a person has been arrested so that pre-trial detention is not unduly prolonged and the accused is tried within a reasonable time (similarly that the appeal of a convicted person be heard within a reasonable time and the hearing of his appeal not be unduly prolonged when he is remanded to jail).
123. The Criminal Code shall be revised to make acts of torture offences punishable by appropriate penalties that take into account their grave nature. Provision shall also be made for the absolute prohibition of torture, and that no justification may be invoked in any circumstances to align with concluding observations.
124. Further measures shall be taken to reduce overcrowding and improve conditions in all prisons, including measures to ensure the separation of remand detainees from those who are convicted. A plan to reduce inter-prisoner violence shall be adopted. Social rehabilitation of prisoners shall be made more effective by increased efforts, with the assistance of NGOS, for the educational and vocational training to detainees and the detoxification drug-addicts.
125. The Reform Institutions Act will be revised to meet new priorities and challenges. The system of remission and release on parole would be reviewed to ensure that it serves as an incentive for good conduct in prison and meets the goal of rehabilitation. The concept of spent convictions shall be incorporated in the law.
126. Human Rights training for prison officials shall be reinforced and the Standing Orders of the Prisons Service revisited to make them more human rights compliant. A Detainee's Booklet and a Prison Officer's Handbook shall be elaborated.

Monitoring and Implementation

127. Prime Minister's Office; Mauritius Police Force; Mauritius Prisons Service; Office of Director of Public Prosecutions; and Attorney-General's Office.

Budget & Resources

128. Prime Minister's Office; Mauritius Police Force and Mauritius Prisons Service; Office of Director of Public Prosecutions; Ministry of Health; and Attorney-General's Office.
129. Technical assistance from international agencies, such as Office of High Commissioner for Human Rights, UNODC, Organisation Internationale de la Francophonie, and Commonwealth Secretariat.

(e) Enhancing the Efficiency of the Administration of Justice and Better Securing Access to Courts

Achievements

130. The justice system has seen a major overhaul through the implementation of a substantial part of the Mackay Report 1998 as updated in 2006. The establishment of dedicated and specialized Divisions at the Supreme Court [namely the Mediation, Commercial, Family and Criminal Divisions]¹³⁵ and the appointment of additional Judges have resulted in a more efficient and speedy disposal of cases¹³⁶. The profession of usher has been liberalized by enabling suitable persons, registered ushers, who are not public officers, to serve or execute process¹³⁷. The Institute for Judicial and Legal Studies has been established for the purpose of promoting proficiency and ensuring the maintenance of standards in the Judiciary and among law practitioners and legal officers with a view to enhancing the justice system¹³⁸. An online system for lodging of cases in Court and exchange of documents has been set-up.
131. Access to courts is secured to those who do not have the means to retain services of legal representatives of their own choice¹³⁹.

The Legal Aid Act has recently been amended in 2012 to provide for the extension of legal assistance at police enquiry stage and for bail applications for offences specified in the First Schedule to the Act. Provision has also been made (a) for a means and merits test in the determination of granting of legal aid; (b) for a fairer method to assess a person's need for legal aid while ensuring there is no abuse.

Challenges

132. Civil cases are not disposed of as speedily as is the case for commercial cases¹⁴⁰. There is a backlog of outstanding cases¹⁴¹. Furthermore, earlier disposal of cases by the Specialized Divisions has had some negative impact at the appellate level where there is now some backlog.
133. The Family Division is overburdened with cases¹⁴². Concern has been expressed as to the need to have recourse to a number of courts in cases related to divorce and other ancillary relief, and it has been suggested that a Family Court with the authority to deal with all matters relating to marriage and its dissolution, within a concrete time frame, should be established¹⁴³. The view has also been expressed whether there should not be a 'regionalisation' of the judiciary.

¹³⁵ The Courts Act was amended in 2007 to provide that the Supreme Court shall be open throughout the year for the despatch of criminal business, as it is for other business. Road accident cases are dealt with by a Court dedicated to these types of claims.

¹³⁶ The maximum time for the disposal of commercial cases before the Supreme Court has been brought to 100 days by the establishment of a specialized Commercial Division of the Supreme Court, the recruitment of more Judges, and availability of additional courtrooms. The setting-up of a system of Court assisted mediation at the Supreme Court will facilitate the early settlement of civil cases.

¹³⁷ Court Ushers (Amendment) Act No. 5 of 2011.

¹³⁸ Institute for Judicial and Legal Studies Act 2011.

¹³⁹ On the recommendation of the Hon Chief Justice and as announced in the 2012 Budget Speech, the Attorney General has promulgated recently the legal Aid (Qualifications) Regulations 2012, which increases the eligibility threshold for legal aid from Rs 5,000 to Rs 10,000 as regards monthly income and from Rs 75,000 to Rs 500,000 as regards value of property. The Regulations are effective as from 1 February 2012. Application in writing must be made to the court in question stating the cause of action or ground of defence or appeal, or the nature of the extra-judicial matter in respect of which the application is made. In civil cases, Legal aid is available at the first instance and on appeal.

In criminal cases, legal aid is available, at first instance, only-

- a. in respect of certain offences under the Criminal Code namely, sections 50 to 79, 82, 83, 86, 88 to 91, 100(1), 101, 102, 104, 122 to 131, 215 to 223, 228(3) and (4), 234, 235, 236(1) and (2), 239(1), 249(1) and (4), 251, 257, 259, 276 to 281, 283, 284, 291, 346 and 347.
- b. Attempts at or complicity in the offences mentioned at (a);
- c. Offences which are –
 - i. punishable by penal servitude;
 - ii. excluded from the jurisdiction of a District Magistrate.

In criminal appeals, any person who has a right of appeal against a conviction or order of a Magistrate under the District and Intermediate Courts (Criminal Jurisdiction) Act or the Industrial Court Act may on the day of the judgment inform the magistrate orally or in writing of his intention to appeal and apply for the grant of legal aid. Every minor charged with any crime or misdemeanour is entitled to legal aid.

¹⁴⁰ Whilst the settlement of commercial cases at the Supreme Court has been speeded up (the average maximum time for disposal of commercial cases is 100 days), the average time for disposal of civil cases is about 32 months.

¹⁴¹ Reduction of backlog of outstanding cases at the Supreme Court is less than 10% yearly.

¹⁴² The rate of disposal of civil cases at the Family Division is around 30% whereas the rate of disposal of civil cases at Commercial Division is around 70%.

¹⁴³ *Vide* Concluding observations of the UN Committee on the Elimination of Discrimination against Women, on 25 August 2006, after examining the combined 2nd to 5th periodic report of Mauritius [CEDAW/C/MAR/CO/5] at para. 32-33.

The National Human Rights Commission, in its 2005 Annual Report, considered that the proposed Family Court should give priority to urgent problems like domestic violence, protection of women and children and juvenile delinquency (at para. 131).

134. Civil and criminal procedural rules, such as limitations of actions, may preclude a deserving litigant from vindicating his right¹⁴⁴.

135. The view has been expressed that the Judiciary should set up a Judicial Complaints Committee to deal with complaints against the Judiciary, and that, aside from the normal appeals procedure, a Panel of Judges should be set up to review convictions passed by the courts, if they disclose cases of injustice¹⁴⁵.

Addressing the Challenges

136. Legislation shall be introduced to set up the Court of Appeal and the High Court. New legislation will provide the High Court with a Family Division, which would be conferred exclusive original civil and criminal jurisdiction in respect of family matters and would have all the required support services.

137. With a view to facilitating access to justice, the decentralization of the Supreme Court and the Intermediate Court, with Judges and Magistrates of these Courts, sitting elsewhere than in Port Louis, shall be given due consideration.

138. Procedural and evidential rules shall be simplified in conformity with human rights norms.

139. A framework shall be set up which would enable a panel of Judges to review convictions which may constitute miscarriages of justice.

Monitoring and Implementation

140. Prime Minister's Office; Attorney-General's Office; Judiciary.

Budget & Resources

141. Judiciary.

142. Technical assistance from international agencies, such as Office of High Commissioner for Human Rights, Organisation Internationale de la Francophonie, and Commonwealth Secretariat.

¹⁴⁴ Vide Law Reform Commission Issue Paper on "Law as to Publicity for Appointment and Revocation of Agent and Proxy" [November 2010]; Law Reform Commission Report on "Disclosure in Criminal Proceedings" [December 2008]; Law Reform Commission Report on "Access to Justice and Limitations of Actions against Public Officers and the State" [May 2008].

¹⁴⁵ NHRC, 2005 Annual Report, at para.97.

(f) Enhancing the System of Freedom of Expression and Better Safeguarding Privacy and Human Dignity

Achievements

143. The right to freedom of expression, including freedom of the media, is safeguarded by the Constitution¹⁴⁶. The media is characterised by its diversity and independence¹⁴⁷, and there is unrestricted access to the internet.
144. Private radio and television broadcasting is permitted and is regulated by the Independent Broadcasting Authority.
145. The right of everyone to respect for his private life¹⁴⁸ and the right of everyone to access to personal data stored on him are statutorily protected¹⁴⁹.

Challenges

146. Freedom of expression constitutes one of the essential foundations of a democratic society. It is necessary for the pursuit of truth, individual self-fulfilment, and the democratic process.

However, the right guaranteed by section 12(1) does not cover access to official information¹⁵⁰.

The right to freedom of expression carries with it duties and responsibilities. It calls for greater professionalism the media and ethical conduct on the part of journalists.

147. Right to Privacy is insufficiently protected under our law¹⁵¹.

Addressing the Challenges

148. The right to privacy and respect for human dignity shall be afforded better protection in our law.
149. Media laws shall be brought in line with the norms of a democratic society. A mechanism shall be provided for the handling of complaints about factual inaccuracy or unethical behaviour by the media, and the Independent Broadcasting Authority Act shall be amended to provide for ethical conduct and safeguard of the fundamental rights of persons.
150. In order to promote pluralism in the media, Government will encourage the licensing of Free to Air Private TV channels.

¹⁴⁶ The African Commission on Human and Peoples' Rights, when considering the 2nd to 5th periodic Reports of Mauritius in 2009, noted with satisfaction that press freedom is generally respected as well as guaranteed in Mauritius (Concluding Observations, at para. 20).

¹⁴⁷ The local media enjoys a long tradition of freedom and pluralism. Anyone is free to become a Journalist and practise journalism. In 2005, there were 47 dailies/weeklies/fortnightlies in Mauritius; this figure has increased to 61 in 2011.

¹⁴⁸ Article 22 Code Civil Mauricien.

¹⁴⁹ Data Protection Act.

¹⁵⁰ Section 12(1) of the Constitution defines freedom of expression as the freedom to hold opinions and to receive and impart ideas and information; it does not include the right to seek information.

¹⁵¹ When the equivalent of Article 22 Code Civil Mauricien was introduced in French Law [Article 9 Code Civil Français], it was accompanied by other equally protective measures in the penal domain which were incorporated in the Code Pénal as Articles 368-372 [now Articles 226-1 seq. Nouveau Code Pénal Français]. Under Article 226-1 of the French Penal Code, the following conduct is an offence:-

«Le fait, au moyen d'un procédé quelconque, volontairement de porter atteinte à l'intimité de la vie privée d'autrui:

1° En captant, enregistrant ou transmettant, sans le consentement de leur auteur, des paroles prononcées à titre privé ou confidentiel;

2° En fixant, enregistrant ou transmettant, sans le consentement de celle-ci, l'image d'une personne se trouvant dans un lieu privé.»

Article 226-2 also provides as an offence «le fait de conserver, porter ou laisser porter à la connaissance du public ou d'un tiers ou d'utiliser de quelque manière que ce soit tout enregistrement ou document obtenu à l'aide de l'un des actes prévus par l'article 226-1.»

Monitoring and Implementation

151. Prime Minister's Office with the collaboration of the Attorney-General's Office.

Budget & Resources

152. Prime Minister's Office.

153. Technical assistance from international agencies, such as Office of High Commissioner for Human Rights, UNODC, Organisation Internationale de la Francophonie, and Commonwealth Secretariat.

(V) SECURING GREATER REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS SO THAT BASIC NECESSITIES OF LIFE ARE ADEQUATELY AND EQUITABLY AVAILABLE TO EVERYONE IN SOCIETY

(a) Providing for Decent Work Conditions in a Safe and Healthy Working Environment & by Guaranteeing Social Security Entitlements

Achievements

154. The Equal Opportunities Act prohibits discrimination in matters of employment.
155. Standards of Occupational Safety and Health at places of work have been enhanced. The Occupational Safety and Health Act 2005 reinforced, consolidated and updated the legislation on safety and health at work in order to adapt it to the changes in the working conditions of employees brought about by the introduction of new technologies and new equipment. It makes provision for the protection of employees against new hazards at the workplace arising out of an increase in work-related diseases and occupational diseases caused by the use of chemicals and hazardous substances; widens the scope of the existing law to extend it to the public service as well as parastatal organizations, thus removing the difference in treatment that has existed between private enterprises and the public service, and thereby providing a decent workplace to all employees of this country in general; and makes provision for the lodging accommodation for guest employees who are brought into the country for their labour and skill which contribute to its economic development¹⁵².
156. The legislative framework pertaining to Occupational Safety and Health has been further reinforced through the proclamation of the Occupational Safety and Health (Scaffold) Regulations 2011 which aims at further improving the standard of safety and health on construction sites, especially in relation to the erection, maintenance, alteration, repair, use and dismantling of scaffolds.
157. An innovative feature of the Employment Rights Act 2008, which has replaced the Labour Act 1975, is the setting up of a Workfare Program (WP), which is a useful tool in affording some form of protection to workers made redundant. The WP is specifically designed to provide for immediate assistance to laid-off workers by offering them, along with the payment of a Transition Unemployment Benefit for a period not exceeding 12 months, the choice of either being replaced in a job through the Employment Service; or being trained and re-skilled for greater employability through the National Empowerment Foundation; or starting up a small business with the assistance of the Small and Medium Enterprise Development Authority [SMEDA]. Another feature of the Act is the provision for a male worker to be entitled to paternity leave¹⁵³.
158. Mauritius has ratified the ILO Convention No. 144 on Tripartite Consultation (International Labour Standards) of 1976. Although there is no permanent structure for Social Dialogue, there are, in Mauritius, labour-related tripartite institutions such as the Labour Advisory Council and the Advisory Council for Occupational Safety and Health where labour issues are discussed.

¹⁵² This Act has been prepared taking into consideration various ILO Conventions including the Occupational Safety and Health Convention, 1981 (No. 155), the Chemicals Convention, 1990 (No. 170), the Guarding of Machinery Convention 1963 (No. 119), the Labour Inspection Convention, 1947 (No. 81) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

Furthermore in line with the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), a National Profile on Occupational Safety and Health for Mauritius was prepared in 2009 by an ILO expert and adopted at a tripartite workshop held in collaboration with the ILO in April 2009.

¹⁵³ Section 31 of the Act provides that a male worker shall be entitled to 5 continuous working days' leave, to be known as paternity leave, on production of a medical certificate certifying the birth of his child from his spouse (that is the person with whom the worker had contracted civil or religious marriage) and a written statement signed by him that he is living with his spouse under a common roof. The paternity leave shall be on full pay where the worker has been in continuous employment with the same employer for a period of at least 12 months prior to the date of birth of the child.

159. The social security system of Mauritius provides, in respect of contingencies like old age, invalidity, death of bread winner, sickness, unemployment, employment injury, for the provision of basic benefits, social aid, unemployment hardship relief, contributory pensions, industrial injury benefits and refund of contributions made to National Savings Fund and interests.

Challenges

160. Concern has been expressed at the absence of a cross-cutting national minimum wage which would enable workers and their families to enjoy an adequate standard of living¹⁵⁴, the existence of occupational discrimination¹⁵⁵, the prevalence of sexual harassment at the workplace¹⁵⁶, the fact that women with less than 12 months' continuous employment with the same employer are not entitled to paid maternity leave and that men are entitled to paid paternity leave only if they have contracted civil or religious marriage to the mother of their child¹⁵⁷, and the vulnerability of migrant workers who have much lower wages than Mauritian nationals and are not entitled to social aid¹⁵⁸.

161. The view has also been taken that the effective enforcement of the Occupational Safety and Health Act calls for greater inspections at workplaces so as to ensure full compliance with the ILO Convention No. 81 on Labour Inspection¹⁵⁹, and that there is a need to create a propitious environment for effective Social Dialogue to take place¹⁶⁰.

Addressing the Challenges

162. Government is fully committed to the effective protection of the workforce. In this respect, necessary amendments will be brought to the existing labour legislation to ensure better protection of workers' rights and to provide safer and more conducive working conditions.

163. Appropriate policies and programs, including the elaboration of a National Employment Policy, shall be put in place for an increase in Decent and Productive Employment. The ILO Employment Policy Convention 1964 (No. 122) shall be ratified.

164. With a view to securing workers just and favourable conditions of work, social dialogue shall be enhanced through the National Tripartite Forum and the functioning of existing Industrial Relations institutions improved.

165. The desirability of introducing a cross-cutting national minimum wage, which would enable workers and their families to enjoy an adequate standard of living, shall be considered.

166. The Quality of Employment shall be improved with increased Occupational Safety and Health activities and capacity enhancement of all social partners.

¹⁵⁴ *Vide* Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], on 8 June 2010, at para. 16. Wages for the private sector are prescribed by Remuneration Order (RO) Regulations in 29 different sectors of the economy, following recommendations made by the National Remuneration Board (NRB).

¹⁵⁵ *Vide* ITUC [International Trade Union Confederation], Report for the WTO General Council Review of the Trade Policies of Mauritius [Geneva, 23 and 25 April 2008], at pp. 6-7.

¹⁵⁶ *Vide* Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], at para. 18. *Vide* also ITUC [International Trade Union Confederation], Report for the WTO General Council Review of the Trade Policies of Mauritius [Geneva, 23 and 25 April 2008], at p. 6.

¹⁵⁷ *Vide* Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], on 8 June 2010, at para. 21.

¹⁵⁸ *Vide* Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], at para.19 and 20. *Vide* also ITUC [International Trade Union Confederation], Report for the WTO General Council Review of the Trade Policies of Mauritius [Geneva, 23 and 25 April 2008], at p. 6.

There were as at 30 June 2010, 30,011 migrant workers (18,732 Male and 11,279 Female) in Mauritius. The majority of them work in the Manufacturing sector followed by the Construction sector.

According to regulation 3 of the Social Aid Regulations of 1984, non-nationals are not entitled to social aid that is paid to poor households who do not have sufficient resources to meet their basic needs.

¹⁵⁹ ILO, *Mauritius Decent Work Country Program 2011-2013* (Mar 2011), at p. 8.

¹⁶⁰ *Ibid*, at p. 10.

167. The need to afford to all working mothers, irrespective of their period of continuous employment, paid maternity leave, and to ensuring that all fathers exercising parental responsibilities are granted paid paternity leave, regardless of their marital status, shall be examined.
168. An enabling environment for gender equality shall be promoted through the implementation of appropriate capacity building programs. The gender-neutral wage determining mechanism shall be strengthened, and the implementation of the ILO Conventions relating to equality improved, through the provision of appropriate training so that the concept "equal pay for work of equal value" plays a more effective role in the wage fixing exercise. The effectiveness of the legal framework in place to combat sexual harassment in the workplace shall be re-assessed.
169. A more inclusive society shall be created through the promotion of decent employment opportunities for the disabled. The law on the employment and integration of the disabled shall be enforced more effectively.
170. The ILO Code of Practice on HIV/AIDS shall be adapted to reduce discrimination and stigma against workers affected by HIV/AIDS.
171. A comprehensive legal framework for the protection of the rights of migrant workers, ensuring that the conditions of employment of all migrant workers are not less favourable than those granted to a local worker, shall be put in place. The Social Aid Regulations shall be amended in order to ensure that non-national individuals and families who do not have sufficient resources to meet their basic needs are entitled to social aid.

Monitoring and Implementation

172. Ministry of Labour, Industrial Relations and Employment; Ministry of Social Security, National Solidarity, Senior Citizens' Welfare & Reforms Institutions; Ministry of Gender Equality, Child Development & Family Welfare; Rodrigues Regional Assembly.

Budget & Resources

173. Ministry of Labour, Industrial Relations and Employment; Ministry of Social Security, National Solidarity, Senior Citizens' Welfare & Reforms Institutions; Ministry of Gender Equality, Child Development & Family Welfare; Rodrigues Regional Assembly.
174. Technical assistance from International Labour Organization [ILO].

(b) Ensuring Availability, Accessibility and Adequacy of Food

Achievements

175. During the past years, a Strategy for Food Self-Sufficiency has been adopted and is being implemented. The measures taken include mobilizing land and aquatic resources, inputs for production, human resources, technology and financial resources in order to optimize food and livestock production locally for domestic consumption¹⁶¹; partnering with countries of the region, such as Mozambique and such other countries where opportunities arise to produce food crops, livestock and marine products for domestic consumption as well as for regional markets; and undertaking a sensitization campaign to promote healthy eating.
176. Subsidies on rice and flour, as well as provision of milk and a meal to needy children, have helped to ensure food is accessible to vulnerable persons.

Challenges

177. The Republic of Mauritius remains a net food importer. Local production can be affected by adverse climatic conditions, as well as the outbreak of new livestock diseases.

Addressing the Challenges

178. Adequate food shall be made more available by increasing food self-sufficiency through the establishment of a Food Security Stimulus Package to assist planters, breeders and fishermen to maximise local production.

Monitoring and Implementation

179. Ministry of Agro-Industry and Food Security; Ministry of Fisheries; Rodrigues Regional Assembly.

Budget & Resources

180. Ministry of Agro-Industry and Food Security; Ministry of Fisheries; Rodrigues Regional Assembly.
181. Technical assistance from UN Food and Agriculture Organization (FAO), the UN International Fund for Agriculture Development (IFAD) and the UN World Food Program (WFP).

¹⁶¹ A Food Security Fund has been set up and a Strategic Plan adopted. The production of potatoes and onions by small planters has been encouraged by the setting-up of a Seed Potato Purchase Scheme and an Onion Seed Purchase Scheme. Small planters have also been empowered by a program of land consolidation and de-rocking, provision of irrigation facilities and hydroponics.

(c) Ensuring Sufficient, Safe, Acceptable, Physically Accessible and Affordable Water Supply for Personal and Domestic Uses

Achievements

182. The Water Resources Unit has worked out an integral plan for harnessing additional water resources to meet water requirements. These comprise development of ground water, construction of run-of-river diversion schemes and a number of storage dams.
183. The Central Water Authority has extended the potable water distribution network and has devised a plan for the replacement of old and obsolete potable water infrastructure. It has also increased treatment capacity and enhanced drinkable water quality.
184. Almost the whole of the population now have access to piped potable water. According to the 2000 Housing and Population Census survey (CSO), 99.6 % of the population had access to piped potable water within their premises, with 85 % having piped water inside their houses.
185. A Water Tank Grant Scheme was established in 2011 with a view to ensuring households do have adequate water resources at their disposal.

Challenges

186. Climatic change calls a more judicious use of water resources. There is the need to reduce water losses and to alleviate hardship caused by water supply disruptions.

Addressing the Challenges

187. Measures shall be taken to improve significantly delivery of safe drinking water.
188. A Master Plan for a more judicious use of water resources to cater for projected needs up to 2050 shall be finalized. The Plan shall review and update the legal and institutional aspects of the water sector, including water rights. A Water Resources Act shall be adopted.
189. Water storage capacity shall be increased with the construction of two new dams at Bagatelle and Rivière des Anguilles.

The rehabilitation and upgrading of the water supply network (with the replacement of defective pipelines, the upgrading of dams and feeder canals, and the drilling of boreholes) shall be pursued to further reduce water losses and to alleviate hardship caused by water supply disruptions.

Incentives for rainwater harvesting facilities shall be devised.

Government will legislate to ensure that hotels are equipped with their own water desalination plants.

Monitoring and Implementation

190. Ministry of Energy and Public Utilities; Rodrigues Regional Assembly.

Budget & Resources

191. Ministry of Energy and Public Utilities; Rodrigues Regional Assembly.

(d) Securing Adequate Housing

Achievements

192. The necessary conditions for the setting up of decent social housing at a reasonable and affordable cost have been put in place by the construction of housing units for low income families, the provision of serviced plots to lower-middle income group for housing purposes, and the provision of a grant for casting of roof slab to low income families.

Since 2005, integrated housing projects have been constructed across the island and some 1258 concrete houses have been allocated to low income families. In addition, some 295 plots of land have been serviced with infrastructure such as water and electricity supply, roads and drains. Corrugated iron-sheet (CIS) shelters and concrete cum CIS housing units have also been built for the homeless and vulnerable families.

193. The State Lands Act was amended in 2007 so as to permit the sale by private contract of those portions of State Land on which ex-CHA Housing Estates have been built. Some 8700 occupiers of ex-CHA houses have become owners of the plot of land on which their building stands.

194. Fiscal support, through measures such as deduction on interest paid on mortgage loans and waiver of land transfer tax and registration duty, is provided to middle-income earners who are making efforts to invest in a home for the first time.

Challenges

195. Many of the NHDC [National Housing Development Co. Ltd] housing estates are fast becoming no man's land. There is a lack of regulation and discipline, poor sanitary facilities, and poor water reticulation and wastewater disposal systems. Common areas are often in a state of dilapidation.

Many housing estates are devoid of kindergarten, playgrounds and some are without community centres.

196. Some families are living in overcrowded, unkempt housing and many in absolute squalor. Some persons are even homeless.

197. There are some 2000 families in ex-CHA housing estates who did not take advantage of the facility given to them for the purchase of state land on which their houses stand because they simply do not have the means.

Addressing the Challenges

198. The Government is committed to protect the right of every family to a house and to creating the necessary conditions for the setting up of decent social housing at a reasonable and affordable cost (which include adequate planning of living space, basic services and amenities, security and access to transport, shopping facilities and education). Government will ensure that Outline Planning Schemes provide for innovative policies to cater for social housing needs and make dedicated provision for land to that effect.

199. In line with the Social Housing Development Program, housing units shall be built for low income families. The size of the existing Housing Units for the poor shall be increased taking into consideration the family size and affordability.

Serviced plots of land shall be made available to lower-middle income group for housing purposes, and grants shall be made to low income families under the Casting of Roof Slab Scheme to low income families to help them complete the construction of their housing unit. The scheme for concrete cum CIS houses, constructed on beneficiaries' own land, shall be expanded.

200. Housing estates shall be rehabilitated with a view to ensuring that there is adequate sanitation, health-care services, schools, childcare centres and other social facilities. Resources shall be mobilized so that all NHDC housing estates have a functional syndic.

201. The setting up of not-for-profit Housing Development Trusts, as a new vehicle to mobilize financing for housing development (with one third of the cost met from CSR fund of companies), shall be encouraged.

202. Homeless and vulnerable families shall be provided with a decent housing unit, upon agreeing to a comprehensive social contract covering civic responsibilities, employability, education of children and family values.

A shelter for the SDF ('Sans Domicile Fixe') shall be established.

Special consideration will be given to fire victims with a view to providing appropriate accommodation immediately after their dwellings are destroyed.

203. Families in ex-CHA housing estates who have not yet taken advantage of the facility afforded to them to purchase state land, on which their houses stand, shall be granted ownership of the land free of charge (Government waiving payment representing cost of the land).

Monitoring and Implementation

204. Ministry of Housing and Lands; Rodrigues Regional Assembly; Ministry of Social Integration and Economic Empowerment; National Empowerment Foundation.

Budget & Resources

205. Ministry of Housing and Lands; Rodrigues Regional Assembly; Ministry of Social Integration and Economic Empowerment; National Empowerment Foundation.

(e) Achieving Highest Attainable Standard of Health (through Availability and Accessibility of Health-Care Facilities, Goods and Services of Quality)

Achievements

206. From 2000 to 2010, life expectancy at birth increased from 67.4 years to 69.4 years for males and from 74.6 years to 76.7 years for females; under-five mortality rate per thousand live births decreased from 17.9 to 14.6; infant mortality rate per thousand live births declined from 15.8 to 12.4.

207. The State provides free health services to the entire population.

The public healthcare services delivery includes 135 facilities at local level (including Area Health Centres, Medi-clinics, a Community Hospital and Community Health Centres) which provide medical, nursing, dispensary and support services at local level, 5 regional hospitals and 2 district hospitals that can accommodate over 2500 in-patients. In addition, there are several specialist hospitals: a mental hospital with 811 beds, an Eye hospital, an Ear, Nose and Throat hospital, a Cardiac Centre and a Chest hospital which together have over 200 beds.

The regional hospitals and primary care centres or facilities benefit from a wide range of clinical and non-clinical support services including pathology laboratories, X-Ray, CT scan and MRI, pharmacy, blood collection and transfusion, public health and hygiene, medical records and information services, catering, laundry, transport and cleaning.

An e-health Strategic Framework is being implemented.

208. In line with the World Health Organization (WHO) Global Strategy for Prevention and Control of non-communicable diseases (NCDs), several action plans have been formulated and are being implemented, such as the National Service Framework for Diabetes (2007), the National Action Plan on Tobacco Control 2008-2012, the National Action Plan for Nutrition 2009-2010, the National Cancer Control Program Action Plan 2010-2014, the National Action Plan on Physical Activity 2011-2014.

Following the adoption of a National Sexual and Reproductive Health Policy in 2007, a National Sexual and Reproductive Health Strategy and Plan of Action 2009-2015 has been formulated and is being implemented.

To curb proliferation of HIV-AIDs, a Methadone Substitution Therapy Program and a Needle Exchange Program have been put in place.

209. Employees have the possibility to opt for private medical care for themselves and their family by informing the National Savings Fund to direct their employer's contribution to the insurance company of their choice.

Challenges

210. Although in recent years, the infectious diseases of the past have been largely eliminated, Mauritius now faces growing problems of non-communicable diseases including heart disease, diabetes, stroke, cancer, tobacco and alcohol related diseases and mental illness. In adults aged thirty and over, 20 percent have diabetes, 30 percent have hypertension, and 40 percent are overweight. 42 percent of men are smokers and 16 percent of adults are heavy drinkers. The typical diet in Mauritius is high on salt and fat and low on vegetables, fruits and fibre. This pattern of health risks gives rise to an increasing level of NCDs and a growing avoidable burden on the health services¹⁶².

211. There has been concern about the increase in cases of HIV/AIDS, particularly concerning intravenous drug users, sex workers and prison inmates¹⁶³.

¹⁶²When examining the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], the UN Committee on Economic, Social and Cultural Rights, in its Concluding observations on 8 June 2010, at para. 29, recommended that the effectiveness of the strategies developed to combat chronic diseases, especially diabetes, tobacco use, and obesity and overweight be evaluated.

¹⁶³Vide Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], on 8 June 2010, at para. 27.

212. Patients expect high-quality health care services to be provided by specialized health institutions equipped with advanced medical technology.

Addressing the Challenges

213. The highest attainable standard of health shall be achieved by greater availability and accessibility of health care facilities, goods and services of quality.

214. Primary health care services shall be improved to meet the requirements and expectations of the population. The *mediclinic* concept will be used for strengthening the primary health care network. A master plan aiming at upgrading and reinforcing primary health care services shall be implemented.

215. The quality of health services and customer care in hospitals shall be enhanced through investment in high-tech medical equipment and through training and capacity building.

216. Greater access to specialized services shall be made available. An Institute for Women's Health shall be set up to cater for the specific health and medical needs of women with state-of-the art technology and a National Paediatric Hospital established to treat, inter alia, complex congenital and acquired conditions which children suffer from.

217. Measures for the prevention and control of communicable diseases, and for maintaining a healthy living environment, shall be strengthened.

HIV testing and counselling will be further decentralised in all Community Health Centres. The National Day Care Centres for the Immuno-Suppressed will be further decentralized to other regional hospitals so as to make HIV care, testing and anti-retroviral treatment more accessible.

The Methadone Substitution Therapy Program will be scaled up through the opening of new Day Care Centres in all regions. The Therapy will also be introduced in prisons.

The Needle Exchange Program will be scaled up in high-risk areas.

218. The control of non-communicable diseases shall be enhanced in line with WHO Global Strategy for Prevention and Control of non-communicable diseases.

A National Health Literacy Program shall be devised.

A National Food Safety Action Plan, focusing on enhanced food inspection activities, capacity building and review of legislative framework, public awareness campaigns and quality control shall be implemented.

A National Service Framework for cardiovascular diseases and an Action Plan on harmful use of alcohol shall also be formulated and implemented.

An Action Plan to mitigate cancer risks in the population shall be prepared and a National Cancer Centre set up.

219. The rights of mental patients shall be better protected. The Mental Health Care Act shall be reviewed.

A mid-way home shall be set up for the rehabilitation of patients currently cared for at the Brown Sequard Mental Health Care Centre.

Monitoring and Implementation

220. Ministry of Health and Quality of Life; Rodrigues Regional Assembly.

Budget & Resources

221. Ministry of Health and Quality of Life; Rodrigues Regional Assembly.

222. Technical assistance from World Health Organization.

(f) Further Developing Access to Education and Training Facilities

Achievements

223. Free education is provided to all, as well as free transport facilities to and from educational institutions.

Section 14 of the Constitution guarantees the right of a religious denomination or any other group to establish schools.

Section 37 of the Education Act provides for education to be mandatory for all children up to the age of 16.

224. An Education & Human Resources Strategy Plan 2008-2020 has been formulated in line with the Government's vision of providing a quality education for all and developing a Human Resource base to transform Mauritius into an intelligent nation state in the vanguard of global progress and innovation through the development of a culture of achievement and excellence.

The National Curriculum Frameworks for Pre-Primary, Primary, and Secondary Education have been renewed. The field of Technical and Vocational Education and Training (TVET) courses has been enlarged for greater participation of youths and women, and stronger articulation with higher education.

The Enhancement Program, aimed at enriching the learning experiences of pupils in Standard III and IV through a mix of pedagogical practices, has been implemented in all primary schools.

Government has been committed to integrate children with special education needs within the general education environment. In 2006, a Policy and Strategy Document was elaborated for children with special educational needs. The Recommendations of the Report on Special Education Needs were validated at a Workshop held in November 2011.

Government has sustained efforts to upgrade the performance level of low achieving schools. A Summer School Program has been put in place for pupils attending schools where less than half the students have passed the Certificate of Primary Education.

With regard to pre-school education, the existing grants scheme applicable to children aged 4 has been extended to cover the 3 years old.

Needy children in deprived regions have been provided with meals and other support facilities.

225. Enrolment rate at pre-primary schools for children aged 3 to 4 years has increased from 90.6% in 2009 to 94.9% in 2011. The number of primary schools increased from 290 in 2006 to 305 in 2010. The Certificate of Primary Education pass rate increased from 67.9% in 2006 to 68.5% in 2010. Pass rate in 'Zone d'Education Prioritaire' (ZEP) schools increased from 35.2% in 2009 to 36.2% in 2010. The pass rate at School Certificate increased from 75.8% in 2007 to 78% in 2010. The pass rate at Higher School Certificate increased from 76.7% in 2007 to 78.5% in 2010. The percentage of students entering Form I and graduating in Form V increased from 57.1% in 2008 to 58.5% in 2010. Gross tertiary enrolment ratio increased from 34% in 2006 to 45.1% in 2010.

226. As from January 2012, Kreol Morisien and Bhojpuri are taught as an optional subject in Standard I.

227. The tertiary education sector today comprises:

- (i) a greater number of institutions (from 41 in 2005 to 64 in 2010)
- (ii) a higher number of programmes (from 400 in 2005 to 700 in 2010), and
- (iii) a larger number of new subjects (for example actuarial science, sustainable environment management, sustainable agriculture, pharmacy, marine science & technology, criminal justice, corporate governance and corporate social responsibility and so on)

The creation in 2010 of a new ministry entirely dedicated to tertiary education has given an added boost to the development of tertiary education. A series of measures have been taken to open up access to a wider group of people outside the traditional feeder system, through the introduction of Foundation courses for students with only 1 A-level, the implementation of a Recognition of Prior Learning Framework for learners who may not meet the initial entry requirements and a Mature Student policy within the context of lifelong learning. University campuses are being built in different parts of the island to decentralize access to tertiary education.

Towards ensuring equity and ensure that all those qualified and eligible to undertake tertiary education are able to do so irrespective of their financial situation, Government has set up the Human Resource knowledge, Arts and Development (HRKAD) Fund to provide scholarships and loan guarantees to students from disadvantaged groups to enable them to pursue higher studies.

Challenges

228. There has been concern expressed about the slow progress in education particularly among children in some disadvantaged areas, that around one third of all children do not pass the Certificate of Primary Education examinations, and about the negative impact of private tuition on the universal access by children to secondary education¹⁶⁴ by fostering inequity in the system.
229. The number of dropouts from lower secondary education is matter of concern. To overcome the problem, a tracking system is being developed so as to successfully follow-up on students so that they successfully complete their schooling at least up to the age of 16.
230. Indiscipline and behaviour in schools has been a source of growing concern.
231. A comprehensive system of recognition of prior learning is still lacking. There is the need to clearly articulate the country's expectations of the tertiary education sector, and the role of innovation and research in economic development.

Addressing the Challenges

232. Government is committed to further developing access to education and training facilities, and to further consolidating equity, quality and relevance at all levels of the education and training system. To align the educational sector with international best practices, Government will introduce a new Education Act.
233. In line with internationally accepted best practices, Government will encourage the use of mother tongues to facilitate teaching and learning.
- The Government is committed to sustaining the digital revolution in education. The teaching and learning process as well as school management will be digitally assisted.
- The School Psychological Service will be reinforced and community participation encouraged for tackling effectively the issue of indiscipline and misbehaviour in schools.
234. To ensure that no single child is denied his/her opportunity for early self-development, Pre-Primary education will be made compulsory for the age group 3 to 5 as from January 2013. A quality Assurance Mechanism for Early Childhood Care and Education shall be developed. Government will introduce a support scheme to empower private pre-primary schools to improve the quality of care and education. The Ministry of Education's Inspectorate will ensure standardised norms are implemented across all existing kindergartens by mid-2015.

¹⁶⁴ *Vide* Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], on 8 June 2010, at para. 30.

235. The Special Needs Education Sector will be restructured in order to ensure that no child is deprived of education on account of any form of impairment or disability.

236. Government will consolidate measures and actions to reduce the failure rate at the end of the primary cycle. Special pedagogical programs will be introduced to enhance performance.

To enhance the ability of students to exploit the opportunities of the 21st Century and acquire new global skills, the primary school curriculum will be enhanced by including new topics such as Civic Education, Health Literacy, Information Technology, and Sustainable Living.

To promote collaborative learning practices Government will provide to each Standard IV child attending publicly-funded primary schools a rugged, power efficient children's laptop.

Government will also introduce a Student Health and Wellness Program to promote Health Literacy, Basic Nutrition, Lifelong Fitness and sound development of learners across the education system.

237. Government will introduce a quality assurance and inspections framework with a view to improving quality of teaching and student performance in both State and Private Secondary Schools. Government will review the legal and institutional framework for the management and operation of private secondary schools and will revisit the role and function of the Private Secondary Schools Authority (PSSA) so as to enhance support to private secondary schools.

To modernise the teaching and learning school environment, Government will introduce a new loan scheme on soft terms for private-aided secondary schools in disadvantaged areas.

To inculcate an entrepreneurial culture in our youth, Government will, in consultation with all stakeholders, introduce new Entrepreneurship studies as part of the secondary school curriculum.

Government will consider extending the Scholarship Scheme on a regional basis so as to provide more opportunities for students who excel at HSC level.

238. In order to improve access to upper secondary education, Government will establish new and innovative pathways for students who have successfully completed the O-level/School Certificate either in the academic or technical/vocational stream.

239. Government will introduce a Tertiary Education Bill which will provide a framework for the development and regulation of tertiary education in Mauritius. The Bill will also provide the Tertiary Education Commission (TEC) with enhanced tools to ensure Quality Assurance across the tertiary educational sector.

Government will invest further in tertiary education through the physical expansion of existing institutions and the setting up of new university campuses in different parts of the Republic of Mauritius. A new culture of open and distance learning shall be promoted through the setting up of the Open University.

Access to tertiary education shall be facilitated through the Framework for Recognition of Prior Learning and the Framework for Foundation Programs.

Government will also set up a comprehensive National Graduate Internship Scheme in order to support the transition of Graduates to the workplace.

To further promote lifelong interest and learning in Science and Technology, Government will set up a planetarium at the Rajiv Gandhi Science Centre.

240. The National Institute for Civic Education (NICE) shall run programs to inculcate in young people a sense of common purpose, patriotism, civic responsibility and common national identity.

Monitoring and Implementation

241. Prime Minister's Office; Ministry of Education and Human Resources; Ministry of Tertiary Education, Science, Research and Technology; Ministry of Social Integration and Economic Empowerment; National Empowerment Foundation; Rodrigues Regional Assembly.

Budget & Resources

242. Prime Minister's Office; Ministry of Education and Human Resources; Ministry of Tertiary Education, Science, Research and Technology; Ministry of Social Integration and Economic Empowerment; National Empowerment Foundation; Rodrigues Regional Assembly.

243. Technical assistance from UNESCO and other international organizations.

(g) Developing Opportunities for Taking Part in Cultural Life and Affording Better Protection to the Moral and Material Interests resulting from any Scientific, Literary or Artistic production of which a Person is the Author

Achievements

244. Historical and cultural heritage have been preserved and promoted. The Apravasi Ghat and Le Morne sites, related respectively to indentured labour and slavery, have been declared World Heritage Sites. A 'Musée du Peuplement de Maurice' depicting the peopling of Mauritius was set up at Pointe Canon, Mahebourg. Records at National Archives are being restored and digitalized to be made accessible to the public through the internet. Paintings and other art works dating back to the 19th century are being rehabilitated.
245. Cultural and linguistic diversity have been preserved and promoted through the setting up, with the support of Government, of Cultural Centres and Speaking Unions¹⁶⁵. Festivals such as Spring Festival, Divali, Eid-UI-Fitr and Christmas are celebrated at a national level with government's active participation in the organizational aspects.
246. Participation in reading, artistic and cultural activities have been encouraged and promoted by the establishment in different regions of 'Centre de Lecture Publique et d'Animation Culturelle'. Three Centres de Formation Artistique have been set up to provide training in various art forms. Assistance is provided to local artists through the Ministry of Arts and Culture. The scope of the President's Fund for Creative Writing was extended from English language only to all languages written and spoken in Mauritius to give a boost to Mauritian literature.
247. The Mauritius Society of Authors (MASA) was established to act as a watchdog to ensure that the rights of Mauritian artists are better protected. A new Copyright Bill is being finalized to better protect creators, performers and producers.
248. An Intellectual Property Promotion Scheme has been set up to support applications for the grant of patents and registration of industrial designs.

Challenges

249. There is a need for a comprehensive strategy for the promotion of artistic creativity and cultural development, with greater emphasis on inter-culture dialogue. Concern has been expressed that the Mauritian Cultural Centre has ceased to function¹⁶⁶.
250. Piracy constitutes a major threat to the development of the Mauritian Artistic and Cultural Industry.

Addressing the Challenges

251. Government will provide a wider and enhanced spectrum of cultural products and services to the public, including the holding of an international film festival.

A White Paper on Arts and Culture shall be prepared. A 'Conseil National de la Culture' will be established for the promotion of intercultural dialogue.

252. The right of access to and enjoyment of cultural heritage shall be strengthened.

A Genealogy Institute shall be set up.

¹⁶⁵ In 2010, five new Speaking Unions (Arabic, Bhojpuri, Chinese, Creol and Sanskrit) were established by Parliament.

¹⁶⁶ *Vide* Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], on 8 June 2010, at para. 31.

A Virtual Museum on Arts and Culture shall also be set up to highlight our rich cultural diversity, including a component on Heritage as well as another on the peopling of Mauritius.

The aims and objectives of the National Heritage Fund shall be reviewed and enlarged for better management, preservation and protection of our National Heritage.

Records of the National Archives will be restored and digitalised to make them accessible online to the public.

253. Government shall further promote the effective development of Mauritian creators and performers and shall better protect their moral and material interests.

A new Copyright Act shall be adopted, in line with International Conventions such as the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The new law will also include reinforcement of border control measures and other enforcement measures to facilitate the tasks of the Police, Customs as well as Copyright owners.

A National Art Gallery shall be set up.

To provide school children with the opportunity to develop their musical talents, Government will provide all schools with a range of musical instruments. A National Symphonic Orchestra shall be set up. One stadium will be equipped in accordance with international norms to hold concerts.

A Film Commission Bill will be introduced to give renewed impetus to the cinema industry and provide incentives to local and foreign film producers. An 'Ecole du Cinéma' shall be set up.

An Artist Welfare Fund shall be established to encourage artists in their quest to live by their talents. An "Agora des Artistes" shall be set up comprising space for the practice of all artistic expressions, including a recording studio and exhibition facilities. Additional *Centres de Formation Artistique* shall be created.

Monitoring and Implementation

254. Prime Minister's Office ('Culture et Avenir' Unit); Ministry of Arts and Culture; Rodrigues Regional Assembly.

Budget & Resources

255. Prime Minister's Office ('Culture et Avenir' Unit); Ministry of Arts and Culture; Rodrigues Regional Assembly.

(VI) STRENGTHENING WOMEN'S RIGHTS IN THE CONTEXT OF GENDER EQUAL OPPORTUNITIES

Achievements

256. A National Gender Policy Framework was adopted in 2008, which outlines the nation's vision for gender equality and women's empowerment.

Women have been encouraged to engage in entrepreneurial activities through programs such as the Adult Literacy for Entrepreneurship Development of Women and the Women Entrepreneurship Program.

Participatory Advisory Committees have been set up at the level of each women centre to ensure women are at the centre of community development.

257. The Constitution was amended in 2011 to ensure adequate participation of women as candidates for elections to local authorities. A National Platform on Women in Politics has been established to enhance the capacity of women to engage in politics.

258. A National Action Plan to combat domestic violence was adopted in 2007. A National Platform to End Gender Based Violence was launched in October 2011. The Protection from Domestic Violence Act was amended to provide inter alia that the Court, which has made a protection, occupancy or tenancy order, may make an ancillary order as to alimony. A Special Collaborative Program has been in place to support women and children in distress.

259. The Criminal Code has been amended in 2012 to authorize the termination of pregnancy in specified circumstances, namely, in cases where –

- (a) the continued pregnancy will endanger the pregnant person's life;
- (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;
- (c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus, which will affect its viability and compatibility with life;
- (d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the police.

Challenges

260. There still persists deep-rooted stereotypes concerning the roles and responsibilities of women and men in family and society whereby men, at large, are still considered the main breadwinners and women are considered as having the primary responsibility for child-rearing and domestic tasks¹⁶⁷. Violence against women still remains a serious problem¹⁶⁸.

261. There has been concern about the low number of women and girls enrolled in vocational and industrial training courses, and the implications for employment opportunities for girls who do not complete their formal education, as well the horizontal and vertical segregation in the labour market and the concentration of women in low skilled jobs with low pay and poor working conditions. The view has been expressed that the equal remuneration provision under the Employment Rights Act does not reflect the principle of equal remuneration for work of equal value¹⁶⁹.

¹⁶⁷ Vide Concluding observations of the UN Committee on the Elimination of All Forms of Discrimination against Women, following examination of the combined sixth to seventh periodic reports of Mauritius [CEDAW/C/MUS/CO/6-7], on 21 October 2011, at para. 18.

¹⁶⁸ Vide UNDP Report on the Situation Analysis of the Human Rights Landscape in Mauritius (2006), at p. 22; Concluding observations of the UN Committee on the Elimination of All Forms of Discrimination against Women, following examination of the combined sixth to seventh periodic reports of Mauritius [CEDAW/C/MUS/CO/6-7], on 21 October 2011, at para. 20.

¹⁶⁹ Vide Concluding observations of the UN Committee on the Elimination of All Forms of Discrimination against Women, following examination of the combined sixth to seventh periodic reports of Mauritius [CEDAW/C/MUS/CO/6-7], on 21 October 2011, at para. 28.

262. Barriers may still continue to impede women's equal participation in political life, such as lack of capacity-building of potential candidates¹⁷⁰.

Addressing the Challenges

263. Policies aimed at the promotion of the full and equal participation of women in decision-making in all areas of public, political and professional life shall be pursued. Government shall take the necessary measures to ensure the effective implementation of the Gender National Policy Framework. The policy aimed at boosting women entrepreneurship through innovative SME schemes shall be sustained. Women and girls shall be encouraged to enroll in technical and vocational training courses. A Research and Documentation Centre on Women Affairs shall be set up.

264. A National Action Plan to End Gender-based violence shall be formulated. Sensitization campaigns on gender-based violence shall be scaled up. A Victim Empowerment and Abuser Rehabilitation Policy shall be formulated. A Domestic Violence Information System (DOVIS) shall be set up. Women victims of domestic violence shall be provided with alternative safe-living-settings. Greater support shall be afforded to local NGOs who offer legal aid and shelter to women and girls who are victims of domestic violence.

265. The law shall be amended so that it is expressly stated that rape includes marital rape.

266. Government shall prepare a White Paper on Reproductive Health to facilitate the formulation of modern policies that provide women with better information and services in this area.

Monitoring and Implementation

267. Ministry of Gender Equality, Child Development and Family Welfare; Rodrigues Regional Assembly.

Budget & Resources

268. Ministry of Gender Equality, Child Development and Family Welfare; Rodrigues Regional Assembly.

¹⁷⁰ Ibid, at para. 26.

(VII) STRENGTHENING RIGHTS OF THE YOUTH

Achievements

269. A National Youth Policy 2010-2014 has been formulated which is aimed at empowering the young people so that they can play an active role in their own development and, consequently, in national development. Training sessions in leadership, life skills and entrepreneurship are regularly conducted in Youth Centres so that young people can gain the ability and authority to make decisions and implement change in their own lives and the lives of other people. Literary, sports, and recreational activities are also regularly organized. Awareness sessions on HIV/AIDS and the dangers of substance abuse are also held.

Challenges

270. The participation of young people in political and decision-making processes needs to be enhanced.

271. Young people should have better access to information and opportunities to make informed decisions about their lives.

Addressing the Challenges

272. Government will pursue policies aimed at youth empowerment with a view to enhancing their effective participation in the development process as agents for innovation and change in Society.

273. New Youth Centres shall be constructed and the facilities provided by existing ones upgraded.

The services provided by Youth Centres shall encompass:

- (a) Information and training on youth entrepreneurship and employment;
- (b) Training in functional literacy and self-development;
- (c) Youth-friendly health services and more holistic health strategies; and
- (d) Recreation programs, including dance, music and sports activities.

These Centres shall be autonomous organizations, with support and input also coming from civil society, faith-based organizations, the private sector and development partners.

274. The operation of the National Youth Council Act shall be reinforced so that it can (a) better coordinate youth activities and initiatives; (b) serve as special interest group both for the youth organizations and for young people in general; (c) ensure democratic participation of young men and women in their own organizations and society as a whole; (d) encourage the participation of young people in the development process of the country; (e) assert the views and needs of young people; (f) ensure that youth rights and responsibilities are fulfilled; (g) provide young people with a platform for practice in democratic governance; and (h) mobilize resources from government and other sources for youth development programs and activities.

275. Government shall encourage youth service contributions to society and recognize such contributions by accrediting volunteering by youth in the educational system and by providing service-learning courses in schools and universities as well as in vocational training centres.

Monitoring and Implementation

276. Ministry of Youth and Sports; Rodrigues Regional Assembly.

Budget & Resources

277. Ministry of Youth and Sports; Rodrigues Regional Assembly.

(VIII) BETTER PROTECTING AND SAFEGUARDING RIGHTS OF VULNERABLE PERSONS

(a) Children

Achievements

278. In the 2008 African Report on Child Wellbeing, Mauritius was ranked First: the Government of Mauritius emerged out as the most child-friendly government in Africa. This was mainly for three reasons: first, as a result of the Government of Mauritius putting in place appropriate legal provisions to protect children against abuse and exploitation; secondly, because of its high commitment in allocating a relatively higher share of the national budget to provide for the basic needs of children; and thirdly, as a result of the effort and success in achieving favourable wellbeing outcomes as reflected on children themselves.

279. A National Children's Policy/National Plan of Action is currently being implemented. An "Ecole des Parents" project was launched on 5 October 2010, which is in line with the national Children's policy to equip parents with better parenting skills and emotional competences to handle both the young child and the adolescent.

A fast track system is in place to ensure that children whose births have not been registered within the prescribed delay are tardily declared.

280. A National Parental Empowerment Program was set up on 30 May 2007 provides guidance to parents in all regions regarding protection of children against all forms of abuse.

A Child Mentoring Scheme was launched in October 2011. The objective of the Scheme is to help children aged between 10 and 16 years suffering from moderate behavioural problems to develop a stable personality.

A Community Child Protection Program (CCPP) was launched in August 2007. The CCPP provides for the development of a formal mechanism to be set up in each district for grassroots and local level participation in community development, especially in respect of child protection and welfare.

School Child Protection Clubs have been set up in primary and secondary schools. Sensitization campaigns on Sexual and reproductive health have been organized for children members of Children's Clubs and parents region wise. The Health and Physical Education Teachers Guide for primary schools includes information on alcohol, tobacco, drugs, and HIV/AIDS.

The National Children's Council ensures coordination of workshops and training sessions for teachers, resource persons working with children in Children's Clubs, Pre-Primary Schools and other groups like Scout Associations.

A Special Collaborative program for support of women and children in distress has been put in place.

A residential care to cater for children victims of commercial sexual exploitation, who cannot be returned to their family environment, has been made operational.

Rehabilitation of juvenile delinquents is carried out jointly with the African Network for the Protection and Prevention of Child Abuse and Neglect (Mauritian Branch).

Challenges

281. Despite various measures undertaken by the State to amend laws to ensure compliance with the UN Convention on the Rights of the Child, some of the legislation does not conform to the principles and provisions of the Convention, including in the area of adoption and juvenile justice¹⁷¹.

¹⁷¹ *Vide* Concluding Observations of the UN Committee on the Rights of the Child, on 17 March 2006, when examining the 2nd periodic report of Mauritius [CRC/C/MUS/CO/2] at para. 10.

The Committee was concerned [at para. 41] that, according to the Juvenile Offenders Act, a parent or guardian can request a court to place a child in an institution on the basis of a simple oath that the child is a "child beyond control".

282. Whilst corporal punishment is prohibited in schools through the Education Regulations of 1957, it is not explicitly forbidden by law in the family and in all settings, including in alternative care settings¹⁷².
283. Concern has been expressed about the incidence of child abuse and neglect (including sexual abuse)¹⁷³, the high rate of teenage pregnancies and the limited access to reproductive health services for adolescents¹⁷⁴, the high number of children who are victims of drug abuse¹⁷⁵, and the high number of children involved in commercial sexual exploitation¹⁷⁶.
284. Concern has also been expressed as to the proportion of children with disabilities attending schools and about the reluctance of schools to admit children with disabilities as they may be perceived to slow down teaching¹⁷⁷.
285. The juvenile justice system presents shortcomings, such as the lack of a clear legal provision for the minimum age of criminal responsibility, the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty¹⁷⁸.

Addressing the Challenges

286. A Children Act shall be adopted, which shall incorporate the provisions of the UN Convention on the Rights of the Child.

Government will formulate and implement a rights-based and comprehensive National Child Protection Strategy.

287. Corporal punishment of children shall be prohibited in all settings. Awareness-raising campaigns shall be conducted among adults and children on the promotion of non-violent, positive, participatory methods of child-rearing and education. Activities under the National Parental Empowerment Program and the Community Child Development Program shall be scaled up. Preventive measures to combat child abuse shall be strengthened.
288. Government shall strengthen its efforts to combat drug abuse by children, and in particular the awareness campaigns, prevention measures and programmes for recovery and social reintegration. Measures to combat the commercial sexual exploitation of children shall be intensified.
289. Government will devise policies and a National Action Plan to address the issue of teenage pregnancy.
290. Government shall ensure that children with disabilities shall, as far as practicable, be integrated into the regular educational system.
291. The minimum age below which children shall be presumed not to have the capacity to infringe the penal law shall be prescribed.
292. A new Juvenile Offenders Act shall be adopted, which shall inter alia provide for mediation between interested parties with a view to exploring diversionary measures as an alternative to prosecution of child offenders and for the filing of a probation report before sentencing of a juvenile offender. Provision shall also be made for uncontrollable juveniles to be dealt with in a manner which is compliant with the UN Convention on the Rights of the Child.
293. Training programs shall be regularly conducted for professionals involved with the juvenile justice system concerning relevant international human rights standards.

¹⁷² Ibid, at para. 37.

¹⁷³ Vide Concluding Observations of the UN Committee on the Rights of the Child, on 17 March 2006, when examining the 2nd periodic report of Mauritius [CRC/C/MUS/CO/2] at para. 47.

¹⁷⁴ Ibid, para. 54.

¹⁷⁵ Ibid, at para. 62.

¹⁷⁶ Ibid, at para. 64.

¹⁷⁷ Ibid, at para. 50.

¹⁷⁸ Ibid, at para. 66.

Monitoring and Implementation

294. Ministry of Gender Equality, Child Development and Family Welfare; Ministry of Social Security, National Solidarity and Reform Institutions; Rodrigues Regional Assembly.

Budget & Resources

295. Ministry of Gender Equality, Child Development and Family Welfare; Ministry of Social Security, National Solidarity and Reform Institutions; Rodrigues Regional Assembly.

(b) Older Persons

Achievements

296. The Protection of Elderly Persons Act 2005 was proclaimed in September 2006. The Act puts in place a legal and administrative framework to ensure that greater protection and assistance are available to elderly persons. It provides for the setting up of a Protection of the Elderly Network, which comprises representatives of the Monitoring Committee, the Elderly Protection Unit, every Elderly Watch and the Rodrigues Committee for the Elderly. The Act makes it an offence for any person to commit an act of abuse on an elderly person or to willfully fail to provide an elderly person under his care with adequate food, medical attention, shelter and clothing. The reported cases of elderly abuse are decreasing and the Ministry is continuing its awareness campaign to further reduce abuse against elders.
297. The Basic Retirement Pension is payable to every Mauritian citizen aged 60 years and above. This pension scheme, which is a non-contributory one, is paid on a universal basis out of Government fund. In addition, an Income support is payable to needy elderly persons. An Enhanced Basic Retirement Pension is also payable to old age pensioners who suffer from incapacity or need the constant care and attention of another person.
298. Facilities have been put in place to enhance the quality of life of older persons, such as Residential Recreation Centres and Day Care Centres (which are available to older persons during the day, while their children are at work and grandchildren at school). The Senior Citizen Council, which regroups more than 600 senior citizens association, caters for the socio-cultural and recreational needs of the senior citizens, as well as their general welfare and health.

Persons aged 60 and above enjoy free travelling by bus at any time of the day or night.

Domiciliary medical visit are provided to the elderly aged 90 and above and to those aged 75 and above who are bedridden. Preventive health services including vaccination against influenza are also provided to the older persons. Assistive devices such as wheelchairs, spectacles, hearing aids, dentures are provided free of charge to older persons.

Carers have been trained to provide care in view of the increase in the number of elderly people who need care and support.

A Centre for severely disabled old persons, the Foyer Trochetia, was set up in 2008 to provide necessary and adapted structure for the care of the inmates.

Challenges

299. With the increasing number of individuals reaching an advanced age in greater numbers and in better health than ever before, opportunities must be provided for willing and capable older persons to participate in and contribute to the on-going activities of society. This calls for greater access of older persons to the educational, cultural, spiritual and recreational resources of society, and greater access to health care to help them maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.
300. Abuse and ill-treatment of older persons remains a major concern.

Addressing the Challenges

301. Government will set up an Observatory on ageing to carry out action oriented research on the socio-economic aspects of ageing.
302. The legal framework for the prevention of elder abuse shall be strengthened.

303. Government shall adopt appropriate policies geared towards promoting active and healthy ageing of older persons, which take into account their particular needs and care, and the special protection that should be afforded to them.

Additional Recreation Centres shall be established.

A Carer's Strategy shall be implemented with a view to creating a pool of some 3000 carers for the elders over the next five years; the carers shall be provided with basic training on home-based care.

An IT Literacy Program shall be run for the benefit of older persons with a view to promoting lifelong learning and to enable them keep pace with development issues.

Government will set up a Legal Counselling Programme on property rights for senior citizens to enhance legal and financial protection to the elderly.

Monitoring and Implementation

304. Ministry of Social Security, National Solidarity and Reform Institutions; Rodrigues Regional Assembly.

Budget & Resources

305. Ministry of Social Security, National Solidarity and Reform Institutions; Rodrigues Regional Assembly.

(c) Persons with Disabilities

Achievements

306. In 2007 a National Policy Paper and Action Plan on Disability was launched to reflect Government's vision of building an Inclusive Society. The New Vision is underpinned by four main principles: Rights, Choice, Independence and Inclusion. The Policies formulated ensure the full and effective participation and inclusion in society of persons with disabilities, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, equality of opportunity and accessibility.

The Equal Opportunities Act expressly prohibits discrimination on the ground of impairment, in a direct or indirect manner or by way of victimization, in the field of employment (both the public and the private sector) and other spheres of life.

A Mauritian Sign Language has been developed. There is a weekly news bulletin on television on Mauritius Sign Language. The objective is to enable deaf people to have access to information.

307. Persons with disabilities benefit from a wide array of social benefits ranging from Basic Invalidity Pension to Carer's allowance and Social Aid. Since 2009, new benefits have been introduced for children with severe disabilities. All these benefits are adjusted with the rise in the annual cost of living.

A major thrust of Government policy is the promotion of training and employment opportunities for persons with disabilities. In this context, the Training and Employment of Disabled Person Act provides for the workforce of all enterprises having 35 or more employees to include 3% of persons with disabilities. Government has decided to reinforce this legislation by providing for non-compliant employers to make a pro-rata contribution to the Training and Employment of Disabled Persons Board.

Transport is free for persons with disabilities and to encourage parents to send children with disabilities to schools, the bus fare of one accompanying parent is refunded. In the same context, the taxi fares for students with severe disabilities attending University are also refunded.

The Building Act has been amended to take on board access issues for persons with disabilities and the Building Regulations have been promulgated to provide for all new public buildings to be accessible to persons with disabilities. Sensitization campaigns have been carried out to vulgarise the regulations and this has resulted in increased accessibility for persons with disabilities in new public buildings and the retrofitting of 60% of buildings belonging to local authorities.

Voting procedures have been rendered disabled friendly. Amendments have been brought to the National Assembly Elections Regulations and Municipal Council Elections Regulations to enable voters with disabilities to be accompanied by a close relative while exercising their voting rights. At the same time, in each polling station a voting room on the ground itself has been identified and equipped with appropriate ramps and booths at the height of wheelchair for the benefit of voters with disabilities. Voting procedures are also explained in Mauritian Sign Language on the National TV Station.

308. A Strategic Partnership has been worked out with the Mauritius Employer's Federation for promoting training and employment opportunities for persons with disabilities¹⁷⁹. And the law amended to make better provision for the promotion of the access of persons with disabilities to employment¹⁸⁰.

309. Children with severe disabilities benefit from the Respite Care Program.

¹⁷⁹ The Training and Employment of Disabled Persons Act provides for all organizations having 35 or more employees to include 3% of persons with disabilities among their personnel.

¹⁸⁰ The Training and Employment of Disabled Persons (Amendment) Bill No. XV of 2012.

Challenges

310. Accessibility of disabled persons to buildings, transport and employment as well as other services is still very limited. However, the issue of accessibility is being addressed with greater sensitization campaigns and involvement of Disabled Persons' Organizations and Disability Activists in the defense of their rights.

Access to employment is enhanced with better quality of training and networking with such institutions as Mauritius Institute of Training and Development, Small and Medium Enterprise Development Authority and the Mauritius Employers' Federation.

Regarding transport, it is noted that many NGOs have specialized means of transport. However, the issue of accessibility to mainstream transport needs to be addressed.

311. Laws need to be amended to ensure persons with disabilities are not hindered in the enjoyment of their human rights, on the basis of their disability. It is therefore proposed to come up with a comprehensive disability legislation to align our laws with the provisions of the UN Convention on the Rights of Persons with Disabilities.

Addressing the Challenges

312. Laws shall be reviewed in line with the provisions of the UN Convention on the Rights with Disabilities and an Empowerment of Persons with Disabilities Act adopted.

313. Sensitization campaigns shall be pursued on the need to adopt a Human Rights Approach to disability issues. Greater emphasis will be laid on the training and employment of persons with disabilities.

Monitoring and Implementation

314. Ministry of Social Security, National Solidarity and Reform Institutions; Rodrigues Regional Assembly.

Budget & Resources

315. Ministry of Social Security, National Solidarity and Reform Institutions; Rodrigues Regional Assembly.

(d) Poor Persons

Achievements

316. The Ministry of Social Integration and Economic Empowerment has been established in May 2010 to fight poverty and social exclusion by empowering the vulnerable and deprived with a view to improving their quality of life in a sustainable manner.

The National Empowerment Foundation [NEF] has taken measures to improve the living conditions of vulnerable families, with special emphasis on the welfare and development of the needy children. Assistance is provided to retrenched and unemployed women and other vulnerable groups to undertake income earning activities through placement/training and access to micro-credit facilities.

317. The Ministry of Social Security, National Solidarity and Reform Institutions makes provision for Social Aid which is provided to any person on a means tested basis who as a result of either:-

- (i) Any physical or mental disability;
- (ii) Any sickness or accidents certified by an approved medical practitioner;
- (iii) Any sudden loss of employment which has lasted continuously for not less than 6 months;
- (iv) Abandoned by spouse or husband, in police custody or is in jail; and is temporarily or permanently incapable of earning adequately his livelihood and has insufficient means to support himself and his dependents when he/she puts up a case for Social Aid and he/she qualifies for same.

Challenges

318. Concern has been expressed that 10% of Mauritians are estimated to be living in poverty, and particularly, that about 40% of the population in Rodrigues lives below the poverty level¹⁸¹.

319. There is a lack of interest and motivation on the part of vulnerable families to take advantage of empowerment programs¹⁸².

Addressing the Challenges

320. Government is committed to eradicate poverty. Measures for the empowerment of the poor and disadvantaged persons shall be relentlessly pursued, in partnership with business and NGO organizations. The support provided under the different programmes of the NEF will be harmonised and made more effective in the context of the Social Register of Mauritius.

321. Effective participation of the poor shall be enlisted in the setting of priorities for the eradication of poverty and greater emphasis shall be laid on the need for an attitudinal change to their predicament.

322. Proper education is critical for moving out of the poverty trap. For primary students who are from less privileged background, Government shall put in place a system of one-off cash transfer where attendance rate is over 90% and the student has successfully completed yearly examinations. The one-off cash transfer will be increased for those who succeed in their CPE exams.

The National Empowerment Foundation will increase the provision of learning corners with internet facilities in deprived areas to enable children of those regions to access educational sites to improve their knowledge. Counselling will be provided to children from needy families throughout their school life with a view to boosting their interest in education and overall school performance. Parents of such children will also benefit from such counselling sessions.

Monitoring and Implementation

323. Ministry of Social Integration and Economic Empowerment; National Empowerment Foundation.

Budget & Resources

324. Ministry of Social Integration and Economic Empowerment; National Empowerment Foundation.

¹⁸¹ Vide Concluding observations of the UN Committee on Economic, Social and Cultural Rights, following examination of the combined second to fourth periodic reports of Mauritius [E/C.12/MUS/CO/4], on 8 June 2010, at para. 26.

¹⁸² This may be a sequel of slavery. Vide Report of Truth & Justice Commission, Vol. 1 at pp. 405-406.

(IX) SECURING RIGHT TO SUSTAINABLE DEVELOPMENT

Achievements

325. Mauritius has made significant progress in developing and implementing policies, strategies for the sound management of the environment and the promotion of sustainable development.
326. A National Environment Policy has been formulated, and a Framework for Integrated Coastal Management (ICZM) and a Framework for the Protection of Environmentally Sensitive Areas (ESA) have already been adopted. A Sustainable Integrated Development Plan for Rodrigues has also been elaborated. A National Program on Sustainable Consumption and Production has been developed and is being implemented. An Energy Efficiency Act has been adopted.

In 2010, Mauritius was ranked 6th for the 2010 Environmental Performance Index (EPI), which is produced by a team of environmental experts at Yale University and Columbia University. The EPI ranks 163 countries on their performance across 25 metrics aggregated into ten categories including: environmental health, air quality, water resource management, biodiversity and habitat, forestry, fisheries, agriculture, and climate change.

In 2011, Mauritius was ranked second in the world and first in Africa for its air quality, by the World Health Organization [WHO].

327. A Green Paper for Mauritius Ile Durable (MID) has been prepared as part of the process for the elaboration of a MID Policy and Strategy and a MID Action Plan.

Challenges

328. Climate change effects are already evident in Mauritius with increases in average temperatures, declining rainfall, sea level rise and more extreme weather events. Coastal resources, biodiversity, water resources, agriculture and fisheries are already under stress and highly vulnerable to climate change. Human wellbeing and security of livelihoods are also at risk.
329. Emissions from industries and vehicles are causing localized air pollution problems.
330. Mauritius is a water-stressed country, facing water scarcity problems during dry seasons and water quality continues to be at risk of being impacted by effluents and solid waste generated from domestic, industrial and agricultural activities. Climate change is expected to further exacerbate water scarcity due to decreasing rainfall and rising temperatures.
331. There is an urgent need to control land use as it is projected that during the next ten years at least 12,200 hectares of land will be needed for urban, business and infrastructural development.
332. The ever growing volume of waste, limited disposal capacity and current low rates of recycling are major challenges of solid waste management.

Addressing the Challenges

333. Government will, through the Maurice Ile Durable Strategy and Action Plan, secure sustainable development.
334. Government will come up with comprehensive legislative and institutional frameworks to protect and enhance Environmentally Sensitive Areas, such as rivers, wetlands, beaches, lagoons and coral reefs. Legislation shall be strengthened for the better protection of marine resources.

Awareness and educational programs shall be pursued to bring about a more responsible behaviour and attitude towards nature.

335. Government will take bold and firm actions to take up the challenge of climate change through a vulnerability assessment. National Climate Change Adaptation and Mitigation Strategies and Action Plans shall be developed and implemented.

336. The Environment Protection Act and other associated environmental laws will be reviewed.

The framework legislation on land use planning shall be strengthened.

An integrated waste management strategy and legislation shall be adopted to promote waste reduction, reuse, sorting and recycling.

Energy efficiency and conservation programs shall be further promoted.

337. Local Authorities shall be empowered to play a more effective role in environmental management and sustainable development.

Monitoring and Implementation

338. Prime Minister's Office; Ministry of Energy and Public Utilities; Ministry of Environment and Sustainable Development; Rodrigues Regional Assembly; Ministry of Local Government and Outer Islands; Local Authorities.

Budget & Resources

339. Prime Minister's Office; Ministry of Energy and Public Utilities; Ministry of Environment and Sustainable Development; Rodrigues Regional Assembly; Ministry of Local Government and Outer Islands; Local Authorities.

340. Technical assistance from UNEP (United Nations Environment Program).

(X) ENHANCING HUMAN RIGHTS EDUCATION AND AWARENESS

Achievements

341. A training course on Human Rights Education for 60 organisers/staff of Citizens Advice Bureaux (CAB) was organised by the Prime Minister's Office (PMO) in collaboration with the National Human Rights Commission, the Attorney-General's Office, the National Development Unit, and the Mauritius Section of Amnesty International.

More than 500 citizens have so far been sensitized in 10 CAB Offices on human rights issues.

342. A Workshop on Integration of Human Rights in Secondary School Curriculum was organized. Around 136 rectors of State secondary schools and managers of private secondary schools as well as unions of the secondary sector participated in the workshop, organized by the Prime Minister's Office in collaboration with the Ministry of Education and Human Resources.

343. Senior Officials of Ministries/Departments have been sensitized on International Humanitarian Law issues during Workshop organized jointly by Prime Minister's Office and the Red Cross Society. On 10 and 11 February 2012, a Human Rights Leadership Seminar was held, in collaboration with the Human Rights Unit of the Commonwealth Secretariat, to sensitise Heads of Ministries and other officials on the human rights issue across sectors and improve their skills and knowledge to assess human rights situations and encourage them to adopt human rights friendly policies.

Challenges

344. Human rights education has not been fully integrated in the school curriculum.

345. There is an increasing demand for provision of information about human rights, especially from vulnerable persons (old persons, children, women, persons with disabilities, HIV/AIDS patients).

Addressing the Challenges

346. A comprehensive human rights education strategy shall be elaborated following assessment of the needs of various groups.

347. Public awareness campaigns on human rights issues in CAB centres shall be pursued. Educational TV programs on human rights issues shall be organized.

348. Human Rights Education shall be integrated into all levels of formal education, from pre-primary to university. Essay competitions on human rights issues shall be organized for secondary school students.

349. Leadership Seminars on Human Rights for Heads of Ministries and senior officials shall be conducted.

350. Programs shall be run for NGOs, including workers' and employers' organizations, women associations, youth organizations, and associations of elderly persons and persons with disabilities or suffering from HIV/AIDS.

351. A Human Rights Documentation Centre shall be established at the National Library.

Monitoring and Implementation

352. Prime Minister's Office; Ministry of Education and Human Resources; Ministry of Tertiary Education, Science and Technology; Rodrigues Regional Assembly; National Human Rights Commission; Office of Ombudsperson for Children; Office of Ombudsman; Equal Opportunities Commission; National Library.

Budget & Resources

353. Prime Minister's Office; Ministry of Education and Human Resources; Ministry of Tertiary Education, Science and Technology; Rodrigues Regional Assembly; National Human Rights Commission; Office of Ombudsperson for Children; Office of Ombudsman; Equal Opportunities Commission; National Library.
354. Technical assistance from international organisations [such as Commonwealth Secretariat Human Rights Unit, the Organisation Internationale de la Francophonie (OIF), UNDP, UNESCO and UN Office of High Commissioner for Human Rights].

(XI) ENCOURAGING AND FACILITATING GREATER INVOLVEMENT OF CIVIL SOCIETY AND BUSINESS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Achievements

355. It is increasingly recognized that NGOs are important actors in building necessary social consensus for economic reforms and long term development, in promoting effective governance by fostering transparency and accountability of public institutions, and in efforts to fight inequality and exclusion.
356. Government co-operates with many NGOs, through grants in support of their activities, for the effective enjoyment of human rights (such as education, health, environment), in particular by vulnerable persons (such as persons with disabilities, persons with HIV/AIDS, the elderly, women, children, and prisoners).
357. Government, with the support of UNDP, launched in 2006 a project for the Strengthening of the NGO Sector in Mauritius (SNSM project). A Non-State Actors Unit (NSA) was set up in 2009 at the Ministry of Social Security, National Solidarity and Reform Institutions, with the mandate inter alia to build the capacity of NGOs and provide adequate financial/technical support for program implementation.
358. The Business Sector, through its contribution to the CSR Fund, supports activities of NGOs in areas, such as education, health and child welfare, where their work would have an impact on the enjoyment of human rights by the target group with whom they work.
359. In 2007, six Mauritian companies adhered to the UN Global Compact¹⁸³.

Challenges

360. There is the need for Government, Business Sector, and NGO Sector, to engage together in activities which would be beneficial to vulnerable groups in society and would be conducive to the development of their human rights.

Addressing the Challenges

361. An Institutionalized Platform, regrouping representatives of Government, business sector and NGO sector, would be set up for identifying areas of intervention where they would work together for the improvement of the human rights of vulnerable persons in society.

Monitoring and Implementation

362. Prime Minister's Office; Ministry of Social Integration and Economic Empowerment; Ministry of Social Security, National Solidarity and Reform Institutions.

Budget & Resources

363. CSR Fund.

¹⁸³ The UN Global Compact is a strategic policy initiative for businesses that are committed to aligning their operations and strategies with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption:

Human Rights

- Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and
- Principle 2: make sure that they are not complicit in human rights abuses.

Labour

- Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- Principle 4: the elimination of all forms of forced and compulsory labour;
- Principle 5: the effective abolition of child labour; and
- Principle 6: the elimination of discrimination in respect of employment and occupation.

Environment

- Principle 7: Businesses should support a precautionary approach to environmental challenges;
- Principle 8: undertake initiatives to promote greater environmental responsibility; and
- Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

- Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

(XII) FOLLOW-UP AND EVALUATION OF NATIONAL ACTION PLAN

364. A Human Rights Monitoring Committee shall be set up at the Prime Minister's Office, composed of representatives of Government and other stakeholders, for Follow-Up and Evaluation of measures taken in pursuance of this Action Plan.
365. Human rights indicators and benchmarks shall be developed for assessing progress in the implementation of the Action Plan¹⁸⁴.

A Human Rights Planning, Monitoring and Evaluation Unit shall be established at the Prime Minister's Office for the elaboration of human rights indicators/benchmarks and the gathering of data to assess the human rights situation at any given point in time. The Unit would also be responsible for evolving policies/strategies which would help improve the human rights landscape, and it shall over time engage in Human Rights Impact Assessment [HRIA] of any given policy/project.

¹⁸⁴ Structural, process and outcome indicators would be used. This configuration of indicators should help assess the steps being taken by the Government in addressing its obligations – from commitments and acceptance of international human rights standards (*structural* indicators) to efforts being made to meet the obligations that flow from the standards (*process* indicators) and on to the results of those efforts (*outcome* indicators). Emphasis would be put on indicators that are or can be compiled by official statistical systems using administrative records and statistical surveys.

ANNEX 1:- REPUBLIC OF MAURITIUS NATIONAL HUMAN RIGHTS ACTION PLAN: PRIORITY ACTIONS

(A) Reinforcing International Co-operation on Human Rights through Greater Commitment to Universal and Regional Human Rights Treaties [ratification and domestication of human rights treaties, reporting to Human Rights Treaty Bodies and Follow-Up of their Recommendations] and Greater International Engagement for Promotion and Protection of Human Rights

1. Compilation of human rights treaties to which the Republic of Mauritius is a State party shall be made available on Government website.
2. Studies shall be conducted to determine which Human Rights treaties, not yet adhered to, can be ratified or acceded to. Reasons why a particular instrument is not adhered to shall be made public.

Priority would be given to adhering to the major international and regional human rights treaties: the Genocide Convention, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the African Charter on Democracy, Elections and Governance.

Mauritius shall consider making a declaration, under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, accepting the competence of the African Court to receive cases instituted by individuals and Non-Governmental Organizations (NGOs) with observer status before the Commission [under Article 5(3) of the Protocol].

3. Reservations to human rights treaties shall, as far as practicable, be withdrawn. No reservations shall be made on ratification/ accession of human rights instruments unless there are compelling reasons for doing so.
4. Studies shall be conducted on human rights treaties to which Mauritius is a State party with a view to making proposals on which provisions of those treaties are capable of being domesticated. Legislative measures shall be taken to bring domestic legislation in accord with human rights guaranteed in international instruments to which the Republic of Mauritius is a State party.
5. With a view to ensuring timely submission of periodic reports to Human Rights Treaty Bodies, the preparation and drafting of periodic reports would be rationalized and systematized by entrusting this task to a Standing Technical Inter-Ministerial Committee under the Prime Minister's Office, who would also have the responsibility for the follow-up of recommendations/ observations by those Bodies when they have examined periodic Reports by Mauritius.
6. The Government of the Republic of Mauritius shall where appropriate invite Special Procedures of the UN Human Rights Council, and the Special Rapporteurs of the African Commission, in order to better contribute to the progressive development of international human rights law by independent experts.
7. The Report of the Subcommittee on Prevention of Torture following its visit in Mauritius in 2007, as well as Government's response will be released at an appropriate time.
8. The Government of the Republic of Mauritius shall explore measures of co-operation which can be taken with international organizations and other countries on human rights matters, such as the holding of regional workshops and joint research programs. It shall support international and regional initiatives aimed at better promoting, protecting and implementing human rights norms.

(B) Strengthening the National Human Rights Framework by Better Guaranteeing Constitutional Protection of Fundamental Rights and Freedoms, by Providing for More Effective Enforcement of Protection Provisions, and by Enhancing the Effectiveness of National Human Rights Institutions

9. Fundamental rights and freedoms shall be further entrenched in the Constitution and the mechanisms for ensuring enforcement of these standards shall be made more effective.
10. Provision shall be made in the Constitution that slavery and other similar practices constitute a crime against humanity, and that victims of slavery and other similar practices are entitled to reparation for the harm suffered.
11. The powers of the National Human Rights Commission shall be strengthened and the scope of its activities broadened. Its operational capability shall be enhanced by amending the legislation to allow the Commission to recruit its own staff.
12. The procedure for complaints and investigation against Police shall be simplified and enhanced, and an Independent Police Complaints Bureau will be set up for the purpose of investigating such complaints. The legal framework, within which the Independent Police Complaints Bureau will operate, will be established.
13. A National Preventive Mechanism which will ensure that the conditions prevailing in our prisons, police cells and other places of detention comply with human rights obligations and the provisions of the Optional Protocol to the UN Conventions against Torture will be set up.

(C) Better Protecting and Safeguarding Civil and Political rights by Securing Right to Self-Determination, Strengthening Democratic Rights, Better Protecting the Rights of Victims of Crime, Safeguarding the Rights of Suspects and Detainees, Enhancing the Efficiency of the Administration of Justice and Better Securing Access to Courts, and Enhancing the System of Freedom of Expression and Better Protecting Privacy and Human Dignity

14. Strategies shall be evolved to further ensure that the inhabitants of the islands forming part of the Republic of Mauritius are effectively afforded facilities and opportunities, in the pursuit of their economic, social and cultural development, that are, as far as practicable, equivalent to what obtains in mainland Mauritius.
15. Government will bring about reforms of our electoral system and the financing of political parties. Government will ensure that the country has an electoral system which is more equitable and which promotes nation building and provides for better representation of women.
16. Government will introduce new enabling legislation providing for the people to be consulted by way of referendum on major constitutional and other issues.
17. As part of the enlargement of our "*espace démocratique*" and revitalisation of the role of Parliament, Government will invite the National Assembly to engage in thematic debates. This will enable the National Assembly to have, in addition to its legislative function, a major role as a deliberative organ on policy issues. Government will propose the appointment of an all-party committee to discuss the modalities of such debates. These debates should be non partisan and focus on policy issues in the national interest.
18. Measures shall be taken to further combat crime so that everyone can be safe and secure [such as CCTV Street Surveillance Systems in more regions, computer-assisted identification of suspects, new fingerprint and body-fluid search tools, increased patrols and police presence in crime prone areas, and a Crime Occurrence Tracking System]. The overall objective shall be to reduce crime rate yearly by at least 10 % [in particular larceny in dwelling houses and on public roads, drug offences, juvenile delinquency and truancy] and to improve crime detection rate.

Local Community Policing Committees shall be set up for the elaboration of local crime reduction strategies. The purpose of each Committee will be to work towards a healthy and safe community environment for all who live and work within a given area.

A National Crime Control Commission shall be established, with the special mandate of reviewing measures for the protection of vulnerable persons, including elderly persons, women, children and persons with disabilities.

With a view to significantly reduce road accidents casualties and fatalities, the effectiveness of the traffic monitoring system shall be enhanced and the “penalty point system” for driving licences shall be made operational.

19. A Victims Rights Act and a Victims Charter shall be adopted so as to better safeguard the rights of victims of crime and set out the standards of service to which a victim of crime is entitled. Judicial and administrative processes shall be made responsive to the needs and expectations of victims: informing victims of their role in proceedings, of the scope, timing and progress of the proceedings, and of the disposition of their cases; allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused; providing proper assistance to victims throughout the legal process; minimizing inconvenience to victims, protecting their privacy, and ensuring their safety as well as that of their families; avoiding unnecessary delay in the disposition of cases and the execution of orders.
20. In order to ensure that victims of crime obtain prompt redress for the harm they have suffered, a study shall be conducted as to the desirability of incorporating in our law a variant of the French system of ‘constitution de partie civile’, which would enable victims of crimes to obtain compensation for loss or injury suffered as a result of the crime when the accused is found guilty.
21. In order to prevent intimidation of witnesses in drug-related cases and other serious cases, special measures shall be taken for the protection of witnesses and vulnerable persons, including the elaboration of a Witness Protection Program and circumstances where the out-of-court statements of such witnesses, video-recorded under oath, would be admissible as evidence in Court.
22. With a view to ensuring greater professionalism and transparency in the conduct of criminal investigations and safeguarding the rights of suspects and detainees, Government will adopt a Police and Criminal Evidence Act, with Codes of Practice designed to regulate the conduct of persons entrusted with the duty of investigating offences.
23. The provisions of section 5 of the Constitution shall be made compatible with Article 9 of the International Covenant on Civil and Political Rights. The Dangerous Drugs Act 2000 and the Prevention of Terrorism Act 2002 shall be reviewed.
24. Measures shall be taken to ensure that
 - (a) Persons arrested and detained in police stations have access at the outset of their detention, to a doctor, if possible, of their choice;
 - (b) Visits by a doctor are conducted in a confidential manner;
 - (c) They can inform their family or a person of their choice about their detention; and
 - (d) Arrested persons will be entitled to legal aid at enquiry stage.
25. Training programs to law enforcement officers and medical personnel on human rights principles shall be reinforced.
26. Police Standing Orders shall be revisited to make them more human-rights oriented.
27. The law shall be amended setting out reasonable time limits for entering a prosecution after a person has been arrested so that pre-trial detention is not unduly prolonged and the accused is tried within a reasonable time (similarly that the appeal of a convicted person be heard within a reasonable time and the hearing of his appeal not be unduly prolonged when he is remanded to jail).
28. The Criminal Code shall be revised to make acts of torture offences punishable by appropriate penalties that take into account their grave nature. Provision shall also be made for the absolute prohibition of torture, and that no justification may be invoked in any circumstances to align this with concluding observations.
29. Further measures shall be taken to reduce overcrowding and improve conditions in all prisons, including measures to ensure the separation of remand detainees from those who are convicted. A plan to reduce inter-prisoner violence shall be adopted. Social rehabilitation of prisoners shall be made more effective by increased efforts, with the assistance of NGOS, for the educational and vocational training to detainees and the detoxification drug-addicts.
30. The Reform Institutions Act will be revised to meet new priorities and challenges. The system of remission and release on parole would be reviewed to ensure that it serves as an incentive for good conduct in prison and meets the goal of rehabilitation. The concept of spent convictions shall be incorporated in the law.
31. Human Rights training for prison officials shall be reinforced and the Standing Orders of the Prisons Service revisited to make them more human rights compliant. A Detainee’s Booklet and a Prison Officer’s Handbook shall be elaborated.

32. Legislation shall be introduced to set up the Court of Appeal and the High Court. New legislation will provide the High Court with a Family Division, which would be conferred exclusive original civil and criminal jurisdiction in respect of family matters and would have all the required support services.
33. With a view to facilitating access to justice, the decentralization of the Supreme Court and the Intermediate Court, with Judges and Magistrates of these Courts, sitting elsewhere than in Port Louis, shall be given due consideration.
34. Procedural and evidential rules shall be simplified in conformity with human rights norms.
35. A framework shall be set up which would enable a panel of Judges to review convictions which may constitute miscarriages of justice.
36. The right to privacy and respect for human dignity shall be afforded better protection in our law.
37. Media laws shall be brought in line with the norms of a democratic society. A mechanism shall be provided for the handling of complaints about factual inaccuracy or unethical behaviour by the media, and the Independent Broadcasting Authority Act shall be amended to provide for ethical conduct and safeguard of the fundamental rights of persons.
38. In order to promote pluralism in the media, Government will encourage the licensing of Free to Air Private TV channels.

(D) Securing Greater Realization of Economic, Social and Cultural Rights so that Basic Necessities of Life are Adequately and Equitably Available to Everyone in Society: By Providing for Decent Work Conditions in a Safe and Healthy Working Environment & by Guaranteeing Social Security Entitlements; Ensuring Availability, Accessibility and Adequacy of Food; Ensuring Sufficient, Safe, Acceptable, Physically Accessible and Affordable Water Supply for Personal and Domestic Uses; Securing Adequate Housing; Achieving Highest Attainable Standard of Health (through Availability and Accessibility of Health-Care Facilities, Goods and Services of Quality); Developing Access to Education and Training Facilities; Developing Opportunities for Taking Part in Cultural Life and Affording Better Protection to the Moral and Material Interests resulting from any Scientific, Literary or Artistic production of which a Person is the Author

39. Government is fully committed to the effective protection of the workforce. In this respect, necessary amendments will be brought to the existing labour legislation to ensure better protection of workers' rights and to provide safer and more conducive working conditions.
40. Appropriate policies and programs, including the elaboration of a National Employment Policy, shall be put in place for an increase in Decent and Productive Employment. The ILO Employment Policy Convention 1964 (No. 122) shall be ratified.
41. With a view to securing workers just and favourable conditions of work, social dialogue shall be enhanced through the National Tripartite Forum and the functioning of existing Industrial Relations institutions improved.
42. The desirability of introducing a cross-cutting national minimum wage, which would enable workers and their families to enjoy an adequate standard of living, shall be considered.
43. The Quality of Employment shall be improved with increased Occupational Safety and Health activities and capacity enhancement of all social partners.
44. The need to afford to all working mothers, irrespective of their period of continuous employment, paid maternity leave, and to ensuring that all fathers exercising parental responsibilities are granted paid paternity leave, regardless of their marital status, shall be examined.
45. An enabling environment for gender equality shall be promoted through the implementation of appropriate capacity building programs. The gender-neutral wage determining mechanism shall be strengthened, and the implementation of the ILO Conventions relating to equality improved, through the provision of appropriate training so that the concept "equal pay for work of equal value" plays a more effective role in the wage fixing exercise. The effectiveness of the legal framework in place to combat sexual harassment in the workplace shall be re-assessed.

46. A more inclusive society shall be created through the promotion of decent employment opportunities for the disabled. The law on the employment and integration of the disabled shall be enforced more effectively.

47. The ILO Code of Practice on HIV/AIDS shall be adapted to reduce discrimination and stigma against workers affected by HIV/AIDS.

48. A comprehensive legal framework for the protection of the rights of migrant workers, ensuring that the conditions of employment of all migrant workers are not less favourable than those granted to a local worker, shall be put in place. The Social Aid Regulations shall be amended in order to ensure that non-national individuals and families who do not have sufficient resources to meet their basic needs are entitled to social aid.

49. Adequate food shall be made more available by increasing food self-sufficiency through the establishment of a Food Security Stimulus Package to assist planters, breeders and fishermen to maximise local production.

50. Measures shall be taken to improve significantly delivery of safe drinking water.

A Master Plan for a more judicious use of water resources to cater for projected needs up to 2050 shall be finalized. The Plan shall review and update the legal and institutional aspects of the water sector, including water rights. A Water Resources Act shall be adopted.

Water storage capacity shall be increased with the construction of two dams at Bagatelle and Rivière des Anguilles. The rehabilitation and upgrading of the water supply network (with the replacement of defective pipelines, the upgrading of dams and feeder canals, and the drilling of boreholes) shall be pursued to further reduce water losses and to alleviate hardship caused by water supply disruptions. Incentives for rainwater harvesting facilities shall be devised. Government will legislate to ensure that hotels are equipped with their own water desalination plants.

51. The Government is committed to protect the right of every family to a house and to creating the necessary conditions for the setting up of decent social housing at a reasonable and affordable cost (which include adequate planning of living space, basic services and amenities, security and access to transport, shopping facilities and education). Government will ensure that Outline Planning Schemes provide for innovative policies to cater for social housing needs and make dedicated provision for land to that effect.

52. In line with the Social Housing Development Program, housing units shall be built for low income families. The size of the existing Housing Units for the poor shall be increased taking into consideration the family size and affordability.

Serviced plots of land shall be made available to lower-middle income group for housing purposes, and grants shall be made to low income families under the Casting of Roof Slab Scheme to low income families to help them complete the construction of their housing unit. The scheme for concrete cum CIS houses, constructed on beneficiaries' own land, shall be expanded.

Housing estates shall be rehabilitated with a view to ensuring that there is adequate sanitation, health-care services, schools, childcare centres and other social facilities. Resources shall be mobilized so that all NHDC housing estates have a functional syndic.

The setting up of not-for-profit Housing Development Trusts, as a new vehicle to mobilize financing for housing development (with one third of the cost met from CSR fund of companies), shall be encouraged.

Homeless and vulnerable families shall be provided with a decent housing unit, upon agreeing to a comprehensive social contract covering civic responsibilities, employability, education of children and family values.

A shelter for the SDF ('Sans Domicile Fixe') shall be established.

Special consideration will be given to fire victims with a view to providing appropriate accommodation immediately after their dwellings are destroyed.

53. Families in ex-CHA housing estates who have not yet taken advantage of the facility afforded to them to purchase state land, on which their houses stand, shall be granted ownership of the land free of charge (Government waiving payment representing cost of the land).

54. The highest attainable standard of health shall be achieved by greater availability and accessibility of health care facilities, goods and services of quality.

Primary health care services shall be improved to meet the requirements and expectations of the population. A master plan aiming at upgrading and reinforcing primary health care services shall be implemented.

The quality of health services and customer care in hospitals shall be enhanced through investment in high-tech medical equipment and through training and capacity building.

55. Greater access to specialized services shall be made available. An Institute for Women's Health shall be set up to cater for the specific health and medical needs of women with state-of-the art technology and a National Paediatric Hospital established to treat, inter alia, complex congenital and acquired conditions which children suffer from.
56. Measures for the prevention and control of communicable diseases, and for maintaining a healthy living environment, shall be strengthened. The National Day Care Centres for the Immuno-Suppressed will be further decentralized to other regional hospitals so as to make HIV care, testing and anti-retroviral treatment more accessible.
57. The control of non-communicable diseases shall be enhanced in line with WHO Global Strategy for Prevention and Control of non-communicable diseases. A National Health Literacy Program shall be devised. A National Food Safety Action Plan, focusing on enhanced food inspection activities, capacity building and review of legislative framework, public awareness campaigns and quality control shall be implemented. A National Service Framework for cardiovascular diseases and an Action Plan on harmful use of alcohol shall also be formulated and implemented. An Action Plan to mitigate cancer risks in the population shall be prepared and a National Cancer Centre set up.
58. The rights of mental patients shall be better protected. The Mental Health Care Act shall be reviewed. A mid-way home shall be set up for the rehabilitation of patients currently cared for at the Brown Sequard Mental Health Care Centre.
59. Government is committed to further developing access to education and training facilities, and further consolidate equity, quality and relevance at all levels of the education and training system. To align the educational sector with international best practices, Government will introduce a new Education Act. In line with internationally accepted best practices, Government will encourage the use of mother tongues to facilitate teaching and learning. The Government is committed to sustaining the digital revolution in education. The teaching and learning process as well as school management will be digitally assisted. The School Psychological Service will be reinforced and community participation encouraged for tackling effectively the issue of indiscipline and misbehaviour in schools.
60. To ensure that no single child is denied his/her opportunity for early self-development, Pre-Primary education will be made compulsory for the age group 3 to 5 as from January 2013. A quality Assurance Mechanism for Early Childhood Care and Education shall be developed. Government will introduce a support scheme to empower private pre-primary schools to improve the quality of care and education.
61. The Special Needs Education Sector will be restructured in order to ensure that no child is deprived of education on account of any form of impairment or disability.
62. Government will consolidate measures and actions to reduce the failure rate at the end of the primary cycle. Special pedagogical programs will be introduced to enhance performance. To enhance the ability of students to exploit the opportunities of the 21st Century and acquire new global skills, the primary school curriculum will be enhanced by including new topics such as Civic Education, Health Literacy, Information Technology, and Sustainable Living. To promote collaborative learning practices Government will provide to each Standard IV child attending publicly-funded primary schools a rugged, power efficient children's laptop. Government will also introduce a Student Health and Wellness Program to promote Health Literacy, Basic Nutrition, Lifelong Fitness and sound development of learners across the education system.
63. Government will introduce a quality assurance and inspections framework with a view to improving quality of teaching and student performance in both State and Private Secondary Schools. Government will review the legal and institutional framework for the management and operation of private secondary schools and will revisit the role and function of the Private Secondary Schools Authority (PSSA) so as to enhance support to private secondary schools. To modernise the teaching and learning school environment, Government will introduce a new loan scheme on soft terms for private-aided secondary schools in disadvantaged areas. To inculcate an entrepreneurial culture in our youth, Government will, in consultation with all stakeholders, introduce new Entrepreneurship studies as part of the secondary school curriculum. Government will consider extending the Scholarship Scheme on a regional basis so as to provide more opportunities for students who excel at HSC level.
64. In order to improve access to upper secondary education, Government will establish new and innovative pathways for students who have successfully completed the O-level/School Certificate either in the academic or technical/vocational stream.

65. Government will introduce a Tertiary Education Bill which will provide a framework for the development and regulation of tertiary education in Mauritius. The Bill will also provide TEC with enhanced tools to ensure Quality Assurance across the tertiary educational sector. Government will invest further in tertiary education through the physical expansion of existing institutions and the setting up of new university campuses in different parts of the Republic of Mauritius. A new culture of open and distance learning shall be promoted through the setting up of the Open University. Access to tertiary education shall be facilitated through the Framework for Recognition of Prior Learning and the Framework for Foundation Programs. Government will also set up a comprehensive National Graduate Internship Scheme in order to support the transition of Graduates to the workplace. To further promote lifelong interest and learning in Science and Technology, Government will set up a planetarium at the Rajiv Gandhi Science Centre.

66. The National Institute for Civic Education (NICE) shall run programs to inculcate in young people a sense of common purpose, patriotism, civic responsibility and common national identity.

67. Government will provide a wider and enhanced spectrum of cultural products and services to the public, including the holding of an international film festival. A White Paper on Arts and Culture shall be prepared. A 'Conseil National de la Culture' will be established for the promotion of intercultural dialogue.

68. The right of access to and enjoyment of cultural heritage shall be strengthened. A Genealogy Institute shall be set up. A Virtual Museum on Arts and Culture shall also be set up to highlight our rich cultural diversity, including a component on Heritage as well as another on the peopling of Mauritius.

The aims and objectives of the National Heritage Fund shall be reviewed and enlarged for better management, preservation and protection of our National Heritage.

Records of the National Archives will be restored and digitalised to make them accessible online to the public.

69. Government shall further promote the effective development of Mauritian creators and performers and shall better protect their moral and material interests. A new Copyright Act shall be adopted, in line with International Conventions such as the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The new law will also include reinforcement of border control measures and other enforcement measures to facilitate the tasks of the Police, Customs as well as Copyright owners.

A National Art Gallery shall be set up.

To provide school children with the opportunity to develop their musical talents, Government will provide all schools with a range of musical instruments. A National Symphonic Orchestra shall be set up. One stadium will be equipped in accordance with international norms to hold concerts.

A Film Commission Bill will be introduced to give renewed impetus to the cinema industry and provide incentives to local and foreign film producers. An 'Ecole du Cinéma' shall be set up.

An Artist Welfare Fund shall be established to encourage artists in their quest to live by their talents. An "Agora des Artistes" shall be set up comprising space for the practice of all artistic expressions, including a recording studio and exhibition facilities. Additional *Centres de Formation Artistique* shall be created.

(E) Strengthening Women's Rights in the Context of Gender Equal Opportunities

70. Policies aimed at the promotion of the full and equal participation of women in decision-making in all areas of public, political and professional life shall be pursued. Government shall take the necessary measures to ensure the effective implementation of the Gender National Policy Framework. The policy aimed at boosting women entrepreneurship through innovative SME schemes shall be sustained. Women and girls shall be encouraged to enroll in technical and vocational training courses. A Research and Documentation Centre on Women Affairs shall be set up.

71. A National Action Plan to End Gender-based violence shall be formulated. Sensitization campaigns on gender-based violence shall be scaled up. A Victim Empowerment and Abuser Rehabilitation Policy shall be formulated. A Domestic Violence Information System (DOVIS) shall be set up. Women victims of domestic violence shall be provided with alternative safe-living-settings. Greater support shall be afforded to local NGOs who offer legal aid and shelter to women and girls who are victims of domestic violence.

72. The law shall be amended so that it is expressly stated that rape includes marital rape.

73. Government shall prepare a White Paper on Reproductive Health to facilitate the formulation of modern policies that provide women with better information and services in this area.

(F) Strengthening Rights of the Youth

74. Government will pursue policies aimed at youth empowerment with a view to enhancing their effective participation in the development process as agents for innovation and change in Society.

New Youth Centres shall be constructed and the facilities provided by existing ones upgraded.

The services provided by Youth Centres shall encompass:

- (e) Information and training on youth entrepreneurship and employment;
- (f) Training in functional literacy and self-development;
- (g) Youth-friendly health services and more holistic health strategies; and
- (h) Recreation programs, including dance, music and sports activities.

These Centres shall be autonomous organizations, with support and input also coming from civil society, faith-based organizations, the private sector and development partners.

The operation of the National Youth Council Act shall be reinforced so that it can (a) better coordinate youth activities and initiatives; (b) serve as special interest group both for the youth organizations and for young people in general; (c) ensure democratic participation of young men and women in their own organizations and society as a whole; (d) encourage the participation of young people in the development process of the country; (e) assert the views and needs of young people; (f) ensure that youth rights and responsibilities are fulfilled; (g) provide young people with a platform for practice in democratic governance; and (h) mobilize resources from government and other sources for youth development programs and activities.

Government shall recognize youth service contributions to society by accrediting volunteering by youth in the educational system and by providing service-learning courses in schools and universities as well as in vocational training centres.

(G) Better Protecting and Safeguarding Rights of Vulnerable Persons [Children, Older Persons, Persons with Disabilities, and Poor Persons]

75. A Children Act shall be adopted, which shall incorporate the provisions of the UN Convention on the Rights of the Child. Government will formulate and implement a rights-based and comprehensive National Child Protection Strategy.
76. Corporal punishment of children shall be prohibited in all settings. Awareness-raising campaigns shall be conducted among adults and children on the promotion of non-violent, positive, participatory methods of child-rearing and education. Activities under the National Parental Empowerment Program and the Community Child Development Program shall be scaled up. Preventive measures to combat child abuse shall be strengthened.
77. Government shall strengthen its efforts to combat drug abuse by children, and in particular the awareness campaigns, prevention measures and programmes for recovery and social reintegration. Measures to combat the commercial sexual exploitation of children shall be intensified.
78. Government will devise policies and a National Action Plan to address the issue of teenage pregnancy.
79. Government shall ensure that children with disabilities shall, as far as practicable, be integrated into the regular educational system.
80. The minimum age below which children shall be presumed not to have the capacity to infringe the penal law shall be prescribed.
81. A new Juvenile Offenders Act shall be adopted, which shall inter alia provide for mediation between interested parties with a view to exploring diversionary measures as an alternative to prosecution of child offenders and for the filing of a probation report before sentencing of a juvenile offender. Provision shall also be made for uncontrollable juveniles to be dealt with in a manner which is compliant with the UN Convention on the Rights of the Child.

82. Training programs shall be regularly conducted for professionals involved with the juvenile justice system concerning relevant international human rights standards.

83. Government will set up an Observatory on ageing to carry out action oriented research on the socio-economic aspects of ageing. The legal framework for the prevention of elder abuse shall be strengthened.

84. Government shall adopt appropriate policies geared towards promoting active and healthy ageing of older persons, which take into account their particular needs and care, and the special protection that should be afforded to them. Additional Recreation Centres shall be established.

A Carer's Strategy shall be implemented with a view to creating a pool of some 3000 carers for the elders over the next five years; the carers shall be provided with basic training on home-based care.

An IT Literacy Program shall be run for the benefit of older persons with a view to promoting lifelong learning and to enable them keep pace with development issues.

Government will set up a Legal Counselling Programme on property rights for senior citizens to enhance legal and financial protection to the elderly.

85. Laws shall be reviewed in line with the provisions of the UN Convention on the Rights with Disabilities and an Empowerment of Persons with Disabilities Act adopted.

86. Sensitization campaigns shall be pursued on the need to adopt a Human Rights Approach to disability issues. Greater emphasis will be laid on the training and employment of persons with disabilities

87. Government is committed to eradicate poverty. Measures for the empowerment of the poor and disadvantaged persons shall be relentlessly pursued, in partnership with business and NGO organizations. The support provided under the different programmes of the NEF will be harmonised and made more effective in the context of the Social Register of Mauritius.

Effective participation of the poor shall be enlisted in the setting of priorities for the eradication of poverty and greater emphasis shall be laid on the need for an attitudinal change to their predicament.

Proper education is critical for moving out of the poverty trap. For primary students who are from less privileged background, Government shall put in place a system of one-off cash transfer where attendance rate is over 90% and the student has successfully completed yearly examinations. The one-off cash transfer will be increased for those who succeed in their CPE exams.

The National Empowerment Foundation will increase the provision of learning corners with internet facilities in deprived areas to enable children of those regions to access educational sites to improve their knowledge. Counselling will be provided to children from needy families throughout their school life with a view to boosting their interest in education and overall school performance. Parents of such children will also benefit from such counselling sessions.

(H) Securing Right to Sustainable Development

88. Government will, through the Maurice Ile Durable Strategy and Action Plan, secure sustainable development.

89. Government will come up with comprehensive legislative and institutional frameworks to protect and enhance Environmentally Sensitive Areas, such as rivers, wetlands, beaches, lagoons and coral reefs. Legislation shall be strengthened for the better protection of marine resources.

Awareness and educational programs shall be pursued to bring about a more responsible behaviour and attitude towards nature.

90. Government will take bold and firm actions to take up the challenge of climate change through a vulnerability assessment. National Climate Change Adaptation and Mitigation Strategies and Action Plans shall be developed and implemented.

91. The Environment Protection Act and other associated environmental laws will be reviewed. The framework legislation on land use planning shall be strengthened.

An integrated waste management strategy and legislation shall be adopted to promote waste reduction, reuse, sorting and recycling.

Energy efficiency and conservation programs shall be further promoted.

92. Local Authorities shall be empowered to play a more effective role in environmental management and sustainable development.

(I) Enhancing Human Rights Education and Awareness

93. A comprehensive human rights education strategy shall be elaborated following assessment of the needs of various groups.
94. Public awareness campaigns on human rights issues in CAB centres shall be pursued. Educational TV programs on human rights issues shall be organized.
95. Human Rights Education shall be integrated into all levels of formal education, from pre-primary to university. Essay competitions on human rights issues shall be organized for secondary school students.
96. Leadership Seminars on Human Rights for Heads of Ministries and senior officials shall be conducted.
97. Programs shall be run for NGOs, including workers' and employers' organizations, women associations, youth organizations, and associations of elderly persons and persons with disabilities or suffering from HIV/AIDS.
98. A Human Rights Documentation Centre shall be established at the National Library.

(J) Encouraging and Facilitating Greater Involvement of Civil Society and Business in the Promotion and Protection of Human Rights

99. An Institutionalized Platform, regrouping representatives of Government, business sector and NGO sector, would be set up for identifying areas of intervention where they would work together for the improvement of the human rights of vulnerable persons in society.

(K) Follow-Up and Evaluation of National Action Plan

100. A Human Rights Monitoring Committee shall be set up at the Prime Minister's Office, composed of representatives of Government and other stakeholders, for Follow-Up and Evaluation of measures taken in pursuance of this Action Plan. Human rights indicators and benchmarks shall be developed for assessing progress in the implementation of the Action Plan.

A Human Rights Planning, Monitoring and Evaluation Unit shall be set up at the Prime Minister's Office for the elaboration of human rights indicators/benchmarks and the gathering of data to assess the human rights situation at any given point in time. The Unit would also be responsible for evolving policies/strategies which would help improve the human rights landscape, and it shall over time engage in Human Rights Impact Assessment [HRIA] of any given policy/project.

ANNEX 2:- STAKEHOLDERS CONSULTED DURING ELABORATION OF NATIONAL HUMAN RIGHTS ACTION PLAN

The Judiciary
National Human Rights Commission
Office of the Ombudsperson for Children
Ombudsman's Office
Deputy Prime Minister's Office, Ministry of Energy and Public Utilities
Vice Prime Minister's Office, Ministry of Finance and Economic Development
Vice Prime Minister's Office, Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping
Ministry of Foreign Affairs, Regional Integration and International Trade
Ministry of Housing and Lands
Ministry of Social Security, National Solidarity and Reform Institutions
Ministry of Education and Human Resources
Ministry of Agro-Industry and Food Security
Ministry of Environment and Sustainable Development
Ministry of Tertiary Education, Science, Research and Technology
Ministry of Information and Communication Technology
Ministry of Fisheries and Rodrigues
Ministry of Youth and Sports
Ministry of Local Government and Outer Islands
Ministry of Arts and Culture
Ministry of Labour, Industrial Relations and Employment
Attorney-General's Office
Ministry of Health and Quality of Life
Ministry of Industry, Commerce and Consumer Protection
Ministry of Social Integration and Economic Empowerment
Ministry of Business, Enterprise and cooperatives
Ministry of Gender Equality, Child Development and Family Welfare
Ministry of Civil Service and Administrative Reforms
Office of the Director of Public Prosecutions
Law Reform Commission
Police Department
Prisons Department
Rodrigues Regional Assembly
OHCHR
UNDP
MACOSS
Amnesty International (Mauritius Section)

