



Commonwealth Human Rights Initiative

working for the practical realisation of human rights in the Commonwealth

Submission of the Commonwealth Human Rights Initiative (CHRI) for the Universal Periodic Review of Mauritius
September 2008

CHRI's work on Mauritius is limited. This submission is based on information gathered from CHRI's human rights monitoring section and based on research undertaken for CHRI's annual report on the Commonwealth members of the UN Human Rights Council. Most of the information is from secondary sources.

A. Consultation process

1. CHRI has no information on any consultations by the Mauritian government on the UPR

B. The current normative and institutional framework of the country under review

- *Media freedoms*
2. Recent Statements from the government of Mauritius seem to suggest that the country's good record on media freedoms could be in jeopardy. Concerns were expressed in the National Assembly about a proposed Bill that would enhance the principle of anti-defamation found within the Constitution. This has been followed by reports that three journalists were arrested on charges of defamation and brought into Police headquarters for questioning about a media report that had alleged that a large sum of money had been found in a police officer's mailbox. Adding to fears of curbs on media freedom, on 20th November 2007, Prime Minister Navin Ramgoolam stated in the National Assembly that it would be "totally in order for legislation to be introduced with a view to strengthening existing provisions aimed at preventing abuse of freedom of the press amounting to unwarranted intrusion into the privacy of citizens and scurrilous and defamatory, if not untrue, allegations against citizens of our country". However, the leader of the opposition then noted that Mauritius already had laws to protect against defamation and that many countries were in fact moving in the opposite direction, and liberalising their press freedom laws.ⁱ The three were the first journalists to be arrested in Mauritius in 13 years and were later released on bail.ⁱⁱ In his speech to Parliament on 20 November 2007, Prime Minister Ramgoolam mentioned the story about the money in mailbox as an example of why stricter anti-defamation laws were needed.ⁱⁱⁱ

- *Police*

3. Incidents of police abuse have been alleged in the media the past year. The Mauritian National Human Rights Commission has reported such incidents as examples where the accused police officers were booked and suspended after investigation further media reports also indicate such incidents.^{iv v} One custodial death was also reported on 17 May 2007, wherein the detainee allegedly hanged himself in the cell and evidence of negligence on the part of police officers was found after an independent enquiry into the incident.^{vi} These events underline the necessity for the establishment of an independent police complaints mechanism, which the Prime Minister promised but has yet to deliver.

- ***Torture***

4. CHRI has observed that critical observations also have been made with regard to torture.^{vii} Under Optional Protocol of the Convention Against Torture (ratified by Mauritius in June 2005), the government is obliged to set up a National Preventive Mechanism (NPM). States Parties are obliged to designate such mechanisms within one year after the entry into force of the OPCAT on 22 June 2006.

C. The implementation and efficiency of the normative and institutional framework for the promotion and protection of human rights

- **Juvenile detention centres**

5. CHRI's observations indicate that according to a report by the Mauritian Central Statistics Office, released in August 2007 the rate of Juvenile Delinquency in Mauritius is increasing,^{viii} and further according to the Ombudsman for Children the state response is highly inadequate. Juvenile detention centres are reportedly not suited for rehabilitation and often mix violent juveniles with those convicted of less serious offences. Prison guards without proper training are charged with caring for juvenile offenders. A lack of educational facilities and activities in the detention centres, reports of violence and abuse by guards, the non-existence of half-way homes for re-integration into society, and a complete absence of post-release supervision or support have also been noted.^{ix}

- **Migrant workers**

6. According to media reports, migrant workers continue to face very difficult living and working conditions and are afforded little, if any, legal protection. Low working hours and pay below minimum wages as well as abusive living conditions have been reported.^x Mauritius is not a signatory to the Convention on the Protection of All Migrant Workers.

- **Gender based discrimination**

7. CHRI has observed that gender-based discrimination and violence against women remain issues of concern in Mauritius. The Mauritian National Human Rights Commission reported that 61 cases of gender-based discrimination, including sexual harassment were filed during 2007. It was also reported that many rape cases filed by victims get dismissed owing to delays before cases reach trial.^{xi} Between January and May 2007 alone, there were 239 registered

cases at the Ministry of Women regarding gender-based violence.^{xii} Rape and violence against women continue to be regularly reported in the media.

8. In 2006, the National Action Plan to end Gender violence was approved. The past year has seen controversy surrounding the attempted passing of the Sexual Offences Bill, which was intended to be a central part of that action plan. The Bill would have addressed some issues raised by the CEDAW Committee in August 2006. Despite having some weaknesses the Bill was considered by some gender activists to be “progressive piece of legislation”.
9. Marital rape has been singled out as a problem in media reports. The draft Sexual Offences Bill however is silent on the issue.^{xiii} Unfortunately, some items such as the decriminalization of consensual anal sex kept the Bill stuck at Committee where it remains to this point.^{xiv}
10. In June 2007, activists praised the inclusion of an entire chapter of the budget on issues of gender discrimination. According to activists, the government had often spoken about initiating programs to support activities against gender discrimination, but this was the first time that they had been included in the budget. The budget is expected to help close the gap between the five percent unemployment rate for men and the 15 percent unemployment rate for women. The budget also included financial support for women and children who are victims of physical abuse.^{xv}

D. Cooperation of the country under review with human rights mechanisms

11. Mauritius has not extended an open invitation to the UN Human Rights Council’s Special Procedures.

ⁱ Debate No. 33 of 20. 11.2007 - National Assembly of Mauritius - page 30

ⁱⁱ http://www.rsf.org/article.php3?id_article=24493 – reporters without borders brief – November 22 2007: Mauritius: journalists arrested for first time in 13 years

ⁱⁱⁱ Debate No. 33 of 20. 11.2007 - National Assembly of Mauritius – page 32

^{iv} “Annual Report: 2007”, *National Human Rights Commission of Mauritius*, pp. 37-38. URL: <http://www.gov.mu/portal/goc/nhrc/file/rep2007.pdf>

^v “Cops go wild: Brutality by Soulliac Police alleged”, *Le Defi*, 15th February 2008, URL: <http://www.defimedia.info/articles/1037/1/Cops-go-wild/Page1.html>

^{vi} Ibid, pp.41-43.

^{vii} <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/3035F318C56594A5C125737800707050?opendocument> - UNITED NATIONS SUBCOMMITTEE ON PREVENTION OF TORTURE ENDS VISIT TO MAURITIUS - Geneva, 18 October 2007 – United Nations Press Release

^{viii} Crime statistics, 1996 – 2006 (Police Department), Central Statistics Office – Government of Mauritius, August 2007

^{ix} <http://allafrica.com/stories/200708230791.html> - Mauritius: 'Detention Centres Must Start Rehabilitating Offenders' – L’Express – August 23 2007

^x http://www.dailymail.co.uk/pages/live/articles/news/news.html?in_article_id=474892&in_page_id=1770 - Topshop accused of using 'slave labour' to produce Kate Moss range – neal sears – august 12 2007– Daily Mail

<http://www.theaustralian.news.com.au/story/0,25197,22322946-28737,00.html> - Topshop thrives on low, low pay - Claire Newell and Robert Winnett - August 29, 2007 – The Australian

^{xi} Ibid at endnote 8, p.71.

^{xii} “Sex workers unprotected from violence”, *L’Express*, 9th August 2007, URL: http://www.lexpress.mu/display_search_result.php?news_id=91649

^{xiii} “Mauritius: Painful reality of Rape in Marriage”, *L’Express*, 16th May 2008. URL: <http://allafrica.com/stories/200805160732.html>

^{xiv} <http://www.afrol.com/articles/25317> - May 3 2007- Afrol News: Gender Links - Battle over sexual offences bill in Mauritius

^{xv} <http://www.afrol.com/articles/25889> - First Mauritian govt budget to target women – 26 June 2007- Loga Virahsawmy

***Link in footnote number ix was last accessed on 24 February 2008 all the other links were last accessed on 1 September 2008**