

Mauritius

Mid-term Implementation Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 18 January 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/mauritius>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at that very internet address.

3 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

2 NGOs responded to our enquiry. The State under Review did not respond to our enquiry; we used its mid-term report. The domestic NHRI did not respond to our enquiry.

IRI: 22 recommendations are not implemented, 33 recommendations are partially implemented, and 38 recommendations are fully implemented. No answer was received for 0 out of 93 recommendations.

2. Index

Hereby the issues which the MIA deals with:

| rec. n° | Issue | page | IRI |
|---------|---|---------|-----------------|
| 1 | National plan of action | page 6 | not impl. |
| 2 | Human rights education and training | page 6 | not impl. |
| 3 | Technical assistance, Justice, | page 7 | partially impl. |
| 4 | Rights of the Child, International instruments, | page 7 | fully impl. |
| 5 | Rights of the Child, International instruments, | page 7 | fully impl. |
| 6 | NHRI | page 8 | partially impl. |
| 7 | Right to health, Right to education, | page 10 | fully impl. |
| 8 | Migrants, International instruments, | page 10 | not impl. |
| 9 | Rights of the Child, NHRI, | page 10 | partially impl. |
| 10 | Women's rights | page 11 | partially impl. |



| rec. n° | Issue | page | IRI |
|----------------|---|-------------|-----------------|
| 11 | Poverty | page 12 | fully impl. |
| 12 | Rights of the Child, International instruments, | page 8 | fully impl. |
| 13 | General | page 14 | not impl. |
| 14 | Special procedures | page 14 | partially impl. |
| 15 | International instruments, Enforced disappearances, Disabilities, | page 14 | not impl. |
| 16 | Rights of the Child, NHRI, | page 14 | fully impl. |
| 17 | Sexual rights | page 15 | partially impl. |
| 18 | Freedom of the press, Freedom of opinion and expression, | page 15 | partially impl. |
| 19 | Women's rights, Rights of the Child, | page 16 | not impl. |
| 20 | Human rights education and training | page 16 | partially impl. |
| 21 | Women's rights | page 16 | partially impl. |
| 22 | Technical assistance | page 16 | fully impl. |
| 23 | Technical assistance, Justice, | page 17 | not impl. |
| 24 | Minorities | page 18 | fully impl. |
| 25 | NHRI, Development, CP rights - general, | page 18 | fully impl. |
| 26 | Torture and other CID treatment, Detention conditions, | page 19 | partially impl. |
| 27 | Human rights education and training | page 19 | fully impl. |
| 28 | International instruments, Asylum-seekers - refugees, | page 20 | not impl. |
| 29 | Special procedures | page 14 | partially impl. |
| 30 | Human rights education and training | page 21 | partially impl. |
| 31 | Other | page 21 | fully impl. |
| 32 | General | page 21 | fully impl. |
| 33 | Rights of the Child, Labour, | page 21 | partially impl. |
| 34 | Special procedures | page 14 | partially impl. |
| 35 | International instruments, Disabilities, | page 22 | fully impl. |
| 36 | International instruments, Enforced disappearances, | page 23 | not impl. |
| 37 | Rights of the Child, International instruments, | page 23 | partially impl. |
| 38 | Women's rights, Rights of the Child, | page 23 | partially impl. |
| 39 | Women's rights | page 26 | partially impl. |
| 40 | Women's rights | page 26 | partially impl. |
| 41 | Detention conditions | page 26 | fully impl. |
| 42 | Women's rights, Rights of the Child, | page 26 | fully impl. |
| 43 | Rights of the Child | page 26 | not impl. |
| 44 | ESC rights - general | page 27 | fully impl. |
| 45 | Rights of the Child, International instruments, | page 27 | not impl. |
| 46 | Women's rights | page 27 | not impl. |
| 47 | Special procedures | page 14 | partially impl. |
| 48 | Women's rights | page 26 | partially impl. |
| 49 | Rights of the Child, National plan of action, | page 27 | not impl. |
| 50 | General | page 21 | fully impl. |
| 51 | Rights of the Child, Human rights violations by state agents, | page 28 | partially impl. |
| 52 | Rights of the Child, International instruments, | page 8 | fully impl. |
| 53 | Other | page 30 | fully impl. |



| rec. n° | Issue | page | IRI |
|---------|---|---------|-----------------|
| 54 | Migrants, International instruments, | page 31 | not impl. |
| 55 | Minorities, Human rights education and training, | page 31 | partially impl. |
| 56 | NHRI | page 32 | fully impl. |
| 57 | International instruments, Death penalty, | page 32 | not impl. |
| 58 | International instruments, Disabilities, | page 22 | fully impl. |
| 59 | International instruments, Enforced disappearances, | page 23 | not impl. |
| 60 | Human rights education and training | page 33 | partially impl. |
| 61 | Women's rights, Minorities, | page 33 | fully impl. |
| 62 | NHRI | page 34 | fully impl. |
| 63 | Poverty | page 34 | fully impl. |
| 64 | Rights of the Child, International instruments, Disabilities, | page 22 | fully impl. |
| 65 | Rights of the Child, Labour, | page 34 | partially impl. |
| 66 | Women's rights, Human rights education and training, | page 35 | partially impl. |
| 67 | Women's rights, Rights of the Child, | page 38 | not impl. |
| 68 | Women's rights | page 38 | partially impl. |
| 69 | Women's rights, Rights of the Child, | page 38 | not impl. |
| 70 | Rights of the Child, Right to education, | page 39 | fully impl. |
| 71 | Technical assistance | page 16 | fully impl. |
| 72 | Women's rights, Rights of the Child, | page 39 | partially impl. |
| 73 | Women's rights, Rights of the Child, Human rights education and training, | page 39 | partially impl. |
| 74 | Detention conditions | page 41 | fully impl. |
| 75 | Trafficking | page 42 | fully impl. |
| 76 | Migrants | page 42 | fully impl. |
| 77 | Rights of the Child, International instruments, | page 8 | fully impl. |
| 78 | Special procedures | page 14 | partially impl. |
| 79 | International instruments, Death penalty, | page 32 | not impl. |
| 80 | Rights of the Child, International instruments, | page 43 | fully impl. |
| 81 | Treaty bodies, Rights of the Child, | page 43 | not impl. |
| 82 | International instruments | page 44 | partially impl. |
| 83 | Poverty | page 12 | fully impl. |
| 84 | Women's rights | page 44 | partially impl. |
| 85 | Poverty | page 13 | fully impl. |
| 86 | Trafficking | page 42 | fully impl. |
| 87 | Rights of the Child | page 45 | not impl. |
| 88 | Human rights violations by state agents, Extrajudicial executions, | page 17 | fully impl. |
| 89 | Women's rights, Labour, | page 45 | partially impl. |
| 90 | Sexual rights | page 46 | partially impl. |
| 91 | National plan of action | page 47 | not impl. |
| 92 | General | page 21 | fully impl. |
| 93 | Technical assistance | page 17 | fully impl. |



3. Feedbacks on recommendations

Recommendation n°1: *Finalize and implement the National Action Plan on Human Rights, as referred to in paragraphs 80 and 81 of the national report (Recommended by Algeria)*

IRI: *not implemented*

Commonwealth Human Rights Initiative (CHRI) response:

This information valid as of May 2010. The Committee on Economic, Social and Cultural Rights noted in its concluding recommendations in May 2010 that Mauritius had yet to finalise the draft National Human Rights Action Plan. This was despite the fact that the plan had been under finalisation for a number of years. Furthermore, the Committee noted that economic, social and cultural rights did not factor into the plan. The Committee also commented that the National Human Rights Commission of Mauritius had no specific mandate to deal with economic, social and cultural rights as such.

Mauritius response:

The National Action Plan on Human Rights is being finalised and is expected to be completed by April 2011.

Recommendation n°2: *Present to the Parliament, as soon as possible, the Police Complaints Bill which is being prepared, and direct particular attention to increasing the awareness of police agents with respect to human rights principles (Recommended by Algeria)*

IRI: *not implemented*

Mauritius response:

Presently, discussions are still on-going as regards the finalisation of Police Complaints Bill. The Government Programme 2010-2015, indicates that an Independent Police Complaints Bureau will be set up for the purpose of investigating complaints against the Police.

The provisions of the Protection of Human Rights Act have been included in the curriculum of training of all newly recruited police officers. Moreover, with a view to inculcating in Police Officers issues pertaining to human rights principles, lectures are often delivered by representatives of the National Human Rights Commission to senior Police Officers who, in turn, impart same to junior officers. Additionally, New recruits, Sergeants and Inspectors are examined on Human Rights issues during the end-of-course assessments. Amongst others, the following subjects relating to human rights issues are taught at the Police Training School:

- The Constitution of Mauritius;
- The Protection of Human Rights Act 1998;
- Ethical and Legal Police Conduct;
- Policing in Democracies;
- Police and non-discrimination;
- Arrest and Detention;



- Use of Force and Firearms;
- Police and the Protection of Juveniles.

Furthermore, the curriculum of the Certificate/Diploma/ BSc (Hons) Degree Course in Police Studies taught at the University of Mauritius comprises a module on Human Rights and another one on International Humanitarian Law.

All self-defence courses have been replaced by 'Officer Safety' courses specifically tailored to meet the requirements of the concept of reasonable force in line with human rights principles.

A copy of the Universal Declaration on Human Rights has been circulated to police officers, thus enabling police officers to get acquainted with international human rights standards to be observed by all bodies involved in law enforcement.

In order to prevent unlawful acts such as police brutality, Divisional Commanders and Branch Officers, including Heads of the different divisions of the Central Investigation Department and the Anti Drug and Smuggling Unit, have been urged to regularly address human rights issues so that all officers under their command are sensitized to the importance of respecting human dignity and human rights values at all times. Moreover, whenever recommendations are made by the National Human Rights Commission on police procedures and practices to counter police brutality, these are taken into consideration and if need be are disseminated through circular letters and daily lectures.

Recommendation n°3: *Step up its efforts to complete the reform of its judicial system, and if necessary to request technical assistance from the Office of the High Commissioner for Human Rights in this regard* (Recommended by Algeria)

IRI: *partially implemented*

Mauritius response:

Government is committed to making or supporting far-reaching reforms to the judiciary with a view to improving the delivery of justice, as per the recommendations made by the Presidential Commission chaired by Lord Mackay of Clashfern. Amendments are to be made to the Constitution shortly to provide for a separate Court of Appeal and a first instance Court within the Supreme Court of Mauritius. Since January 2008, two Judges have been hearing criminal cases and two others have been hearing family law cases on a full-time basis with a view to clearing the backlog. As from January 2009, two Judges are equally hearing commercial cases on a full-time basis.

Recommendation n°4: *Consider the possibility- speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°5: *Consider the possibility- speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (Recommended by Argentina)

IRI: *fully implemented*



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Recommendation n°12: *Consider the possibility- speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°52: *Consider the possibility- speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (Recommended by *Mexico*)

IRI: *fully implemented*

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Recommendation n°77: *Consider the possibility- speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (Recommended by *Slovenia*)

IRI: *fully implemented*

SAFIRE response:

The optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography has been ratified in June 2011.

CHRI response:

[outdated]

Mauritius response:

[outdated]

Recommendation n°6: *Consider implementing the recommendations of the National Human Rights Commission NHRC contained in paragraph 37 of the national report* (Recommended by *Azerbaijan*)

IRI: *partially implemented*

Mauritius response:

Several recommendations were made by the NHRC in its annual report for the year 2007. Recommendation (a) stipulates that a future new Constitution should provide explicitly for the protection and promotion of economic, social and cultural rights- This recommendation is under consideration.

Recommendation (b) calls for measures to be taken to ensure the impartiality of disciplinary action against Police Officers Government Programme 2010-2015 states that an Independent Police Complaints Bureau will be set up for the purpose of investigating complaints against the Police. To this effect, a Police Complaints Bill is currently under preparation.

Recommendation (c) provides that police investigations should respect certain rules aimed at protecting the right to liberty and measures should be taken to prevent the recurrence of death in police custody- 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. Whenever a prisoner is committed to, or removed from, Police cell or any detail pertaining to detention and movements of any person, an entry is made by the concerned Officer in a separate register-cum-prisoner's Diary Book which is kept at every Police Station or Detention Centre for that purpose.



Officers visiting Police Stations or Detention Centres also check the cells so as to ensure that the relevant orders in relation to sentry over Police cells are being complied with. They also insert entries in the Prisoner's Diary Book in respect of their visits. Entries are also inserted every time the Station Orderly opens the gate to the Corridor leading to cells. This measure is complied in with all cases where Police Stations or Detention Centres are provided with doors.

In year 2005, the Police Department reviewed the conditions of Police cells with a view to providing detainees with humane and secure environment in compliance with the recommendations made by the NHRC, viz, adequate lighting (natural light as far as practicable), sufficient aeration, enough space for detainees to move inside, preventing access to bars by detainees, hazards and other security aspects. These measures were implemented to prevent cases of suicide by hanging. Polycarbonate sheets were placed over cell doors and openings with a view to avoiding access to the metal bars by detainees.

Furthermore, Detention Centres are equipped with CCTV cameras so as to ensure better security.

Recommendation (d) requires that measures be taken to rationalize the system of inspection of prisons and the processing of complaints and remission should be reintroduced even for serious crimes and proper medical care be afforded to prisoners who are genuinely ill- A draft National Preventive Mechanism Bill is under preparation. 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.

Proper and appropriate free medical care is provided to prisoners. Medical Officers are posted at the Beau Bassin prison and prisoners who need specialized care are referred to the specialist concerned. A special ward is available at the Jawaharlal Nehru Hospital for admission and treatment of Prisoners. With regard to psychiatric care, emergency psychiatric cases are being admitted to the Brown Sequad psychiatric hospital.

Recommendation (e) stipulates that consideration should be given to the setting up of an open prison for women- In the Government Programme 2010-2015, Government has stressed on the need to continue to implement the programme for the improvement of prison conditions, security and environment, thus creating facilities for the rehabilitation of detainees for reintegration in society.

Recommendation (f) calls for sex offenders to be tried as soon as possible after the commission of the offence and, where appropriate, should be given psychological treatment and released on parole with the necessary safeguards- Due consideration is being given by the Police to this recommendation.

Recommendation (g) calls for a simplified version of all laws, especially new laws, to be published in Creole. The matter is under consideration.



Recommendation n°7: *Continue to improve the access to education, health care and medicine* (Recommended by Azerbaijan)

IRI: *fully implemented*

Mauritius response:

Education is free up to the tertiary level whilst primary and secondary education is compulsory by law for all children up to the age of 16, including children with disabilities.

It should be highlighted that the Ministry of Education and Human Resources has come up with several measures to ensure that Education as a human right is consolidated even at higher education level, such as promoting access to University Education through the setting up of scholarship schemes for needy and underprivileged students (HRKAD Fund) and maintaining “tuition- free higher education” for full time undergraduate students at the University of Mauritius.

In the context of the policy of Government to maintain the welfare state, free health services are available to the population. Private clinics also exist to cater for the needs of those who choose to pay for their treatment.

Recommendation n°8: *Consider becoming party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by Azerbaijan)

IRI: *not implemented*

Mauritius response:

The ICRMW being wider in scope in many respects compared to our existing national legislation, its ratification cannot, at this point in time, be envisaged. In fact, family members of migrant workers are presently not covered in our legislation, and apart from those employed in technical, supervisory and managerial grades, migrant workers are generally not allowed to be accompanied by their family members.

Recommendation n°9: *Continue its impressive efforts towards realization of children rights, and in this context share its experiences on the work of the Ombudsperson for Children* (Recommended by Botswana)

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. A UN Committee reported that child labour was an issue of concern in Mauritius. It also alleged that a number of schoolgirls voluntarily worked with prostitution rings, while others were forced into prostitution. Schools varied widely in their quality, and a third of the children did not pass their primary school leaving examinations. A UN Committee blamed the high rate of failure partially on the fact that English was the primary language of instruction in all schools, despite Creole being the most spoken language in many parts of the country.

Mauritius response:

According to the Ombudsperson for Children’s Act 2003, the Ombudsperson for Children shall, not later than 30 September in each year, submit a report on its activities in the preceding year to the President of the Republic. As at date, seven



such reports have been submitted and can be viewed on the website of the Office of the Ombudsperson for Children. <http://oco.gov.mu>

Recommendation n°10: *Continue to apply a gender perspective in its policies and programmes, including in the follow-up on the results of the current review, within the context of its National Gender Policy Framework of 2008 and other mechanisms (Recommended by Botswana)*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. Gender discrimination and violence against women remained topics of concern. The poor representation of women in parliament received particular attention. Only 18 per cent of MPs were women, while female representation was 11.2 per cent in municipalities, and 5.2 per cent in local councils. As of May 2010, Mauritius was one of only two countries that failed to sign the SADC Protocol on Gender and Development which set a goal of achieving 50 per cent female representation by 2015, though it did make earlier commitments to SADC to reach 30 per cent representation by 2005. It was speculated that Mauritius had not reached the SADC target due to the influence of religious and cultural norms regarding the proper roles of men and women. Additionally, it was noted that many women were employed in jobs that did not allow them to participate in political life owing to time constraints or employment regulations. According to the National Human Rights Commission of Mauritius, discrimination is as bad if not worse in the private sector as it is in the public sector. In 2008, the sex discrimination division of the Commission received 63 complaints, 12 of which related to sex discrimination, 22 to sexual harassment and 29 were of a general nature. A UN report suggested that although legislative safeguards against sexual harassment in the workplace were in place, their efficacy was doubtful given that they failed to provide a safe environment for women to report cases. According to the Commission, the incidence of gender violence, including rape and domestic violence, remained high. Mauritians were particularly shocked by the brutal rape and murder of a sex worker, who was eight months pregnant, in November 2009. The police released statistics which showed that between January 2008 and March 2009, they received 406 complaints of domestic violence. A gender activist in Mauritius noted that government shelters for victims of gender violence were insufficient and the government did not offer civil society organisations adequate funds to set up their own shelters. Furthermore, the government neglected to rehabilitate perpetrators of gender violence, which, according to one gender and human rights activist, meant that those guilty of gender violence were more likely to re-offend. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished.

Mauritius response:

In line with the Government Programme 2005-2010, the Ministry of Gender Equality, Child Development and Family Welfare has adopted a rights-based approach to implementing its programmes and projects for women's empowerment and



promotion of gender equality. The said Ministry has also adopted a paradigm shift from women in development to gender and development so as to translate into actions the various commitments taken at international and regional fora, including, the Commonwealth Plan of Action on Gender and Development, the SADC Protocol on Gender and Development and the MDGs.

In line with Government Programme 2005/10 to mainstream gender in Government's policies and programmes, the Ministry, with the support of the UNDP, has implemented a project entitled "Capacity Building for Gender Equality and Empowerment of Women" (2005-2009).

The project aims at consolidating the National Gender Machinery into a full-fledged gender analysis, policy making, monitoring and reviewing body.

Under the project, a National Gender Policy Framework (NGPF) has been designed as an overarching framework that provides the guiding principles, broad operational strategies and institutional arrangements for achieving gender equality at the national level. The NGPF further sees implementation in line with the current reforms of the Government towards performance management and programme based budgeting.

Four Pilot Ministries namely the Ministry of Gender Equality, Child Development and Family Welfare, the Ministry of Education and Human Resources; the Ministry of Youth and Sports; the Ministry of Labour, Industrial Relations and Employment and the Ministry of Social Security, National Solidarity and Reform Institutions have been provided with technical gender expertise to guide them in the process of aligning budgets to sectoral strategies within the context of the NGPF.

Capacity building of Gender Focal Points (GFPs) in all Ministries and Departments on gender mainstreaming, gender analysis, impact assessment and the African Gender Development

Index has been carried out.

A Gender Information System is expected to be fully operational in June 2010 with a view to:

- providing reliable and up to date information on gender sensitive indicators;
- measuring the impact of policies, plans and programmes on the implementation of gender equality; improve interaction between Gender Focal Points (GFPs) of different Ministries and also with public on gender issues (through appropriate web forum); act as an information repository on gender related materials ; and
- acting as a repository of all relevant gender tools developed by the Ministry for GFs to download and use, and act as a communication lever through an interactive web forum, and assess the status of gender equality through the Performance- Based Budgeting exercise of the Government.

Recommendation n°11: *Maintain and strengthen programmes to combat extreme poverty* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°83: *Continue to implement and strengthen its policy and measures to eradicate poverty* (Recommended by *South Africa*)

IRI: *fully implemented*

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Recommendation n°85: *Continue to implement and strengthen its policy and measures to eradicate poverty* (Recommended by Tunisia)

IRI: *fully implemented*

Mauritius response:

Government is committed to eradicating the relative poverty in the country. It is in this context that the Ministry of Social Integration and Economic empowerment has been created following the May 2010 general elections.

In line with the policy of the Government to eradicate poverty and to empower women to become self sufficient and more economically independent through income generating activities, various micro credit schemes are being provided. The programmes aim at alleviating poverty, raising standard of living and improving the status of women.

Mauritius, conscious that poverty affects more particularly women, has taken several initiatives at the national level to target women in the various poverty alleviation programmes: The Empowerment Programme enunciated in the 2007/08 budget is reinforced by the National Empowerment Foundation. This permanent structure paves the way for sustained support to those unemployed women who are above 45 years as compared to men of 50 years. The Empowerment Programme will thus address a gender gap in favour of women.

The creation of the Eradication of Absolute Poverty Programme (EAP) with an envelope of 395 million Mauritian rupees in the 2008-2009 budget is testimony that Government's policies are consistent with macro economic frameworks. Fully conscious that, climate change and food and energy crises can have gender related impact, the Government has set up in 2008 a Food Security Fund to cater for programmes pertaining to these issues. The Ministry of Gender Equality, Child Development and Family Welfare is a member of the said Committee and its involvement is focussed on preventive and informative measures to sensitise women on the wise consumerism. The Home Economics Section of the National Gender Machinery is presently encouraging women to initiate kitchen gardening projects for their daily livelihood.

The Women and Children's Solidarity Programme was created under the vote of the Prime Minister's Office in the Financial Year 2007/2008 with a view to providing to Non-Governmental Organizations that are deeply committed to helping women and children who are victims of abuse and violence is highly commendable and does come at an opportune time since the need for more specialized spaces as well as informed services is increasingly being felt. The initial provision of Rs.25M has been increased to Rs.50M in Financial Year 2008/2009.

A Special Collaborative Programme (SCP) for Support to Women and Children in Distress was introduced in July 2009, with an envelope of Rs. 200 million (USD 7 million). It provides a grant ceiling of 2 million Mauritian rupees (USD 67 000) to Non State Actors (NSAs) implementing projects to integrate women and children in distress into the mainstream of society. For the first round of offers under the SCP, 17 NSAs have received grants to the tune of 20.4 million Mauritian rupees.



Recommendation n°13: *Accomplish the human rights goals set by resolution 9-12 of the Human Rights Council.* (Recommended by Brazil)

IRI: *not implemented*

Mauritius response:

The matter is under consideration.

Recommendation n°14: *Consider extending a standing invitation to all special procedures of the Human Rights Council* (Recommended by Brazil)

IRI: *partially implemented*

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Recommendation n°29: *Extend and implement a standing invitation to all special procedures of the Human Rights Council* (Recommended by Czech Republic)

IRI: *partially implemented*

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Recommendation n°34: *Extend a standing invitation to all special procedures of the Human Rights Council* (Recommended by France)

IRI: *partially implemented*

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Recommendation n°47: *Consider extending a standing invitation to all special procedures of the Human Rights Council* (Recommended by Latvia)

IRI: *partially implemented*

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Recommendation n°78: *Extend a standing invitation to all special procedures of the Human Rights Council* (Recommended by Slovenia)

IRI: *partially implemented*

Mauritius response:

Mauritius has extended an invitation to the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography who is now scheduled to visit Mauritius in 2011.

Recommendation n°15: *Consider the ratification of CED and CPD.* (Recommended by Brazil)

IRI: *not implemented*

Mauritius response:

The matter is under consideration.

Recommendation n°16: *Give to the Office of the Ombudsperson for Children the necessary resources to carry out its tasks so as to ensure its effective realization of the rights of children* (Recommended by Burkina Faso)

IRI: *fully implemented*

Mauritius response:

Necessary financial and human resources are put at the disposal of the Ombudsperson for Children by Government to enable the Ombudsperson to carry out her work independently.



Recommendation n°17: *Finalize and adopt the Sexual Offences Bill currently under consideration. (Recommended by Canada)*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished.

Mauritius response:

The Sexual Offences Bill is currently under preparation.

Recommendation n°18: *Ensure that any legislation, regulation or measures concerning the media fully respect the right to freedom of opinion and expression, including freedom of the media, in accordance with article 19 of ICCPR, including by preserving the ability of the media to investigate and report on public officials without fear of penalty (Recommended by Canada)*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. Despite “a long tradition of press freedom” in Mauritius, a series of incidents occurred during the reporting period in which politicians verbally abused or attempted to silence the media. On 27 May 2010, journalists from La Sentinelle, a media agency, were refused entry to a press conference. According to an international media freedoms organisation, the editors of La Sentinelle were told by the Prime Minister that they would pay the price for supporting the opposition during the May 2010 elections. In the aftermath of the elections, government ministries, interstate agencies and libraries were told to cancel their subscriptions to L’Express, one of La Sentinelle’s newspapers. These were not the first cases of discrimination towards La Sentinelle. In 2006, after L’Express published a series of articles criticising the government, Air Mauritius stopped carrying the newspaper on its flights, and state information services were told to stop advertising in La Sentinelle’s newspapers

Mauritius response:

Section 12 of the Constitution provides for freedom of expression. The local media enjoy a long tradition of freedom and pluralism. The audiovisual landscape consists of the national radio and television broadcaster, the Mauritius Broadcasting Corporation, and private radio stations. The Independent Broadcasting Authority regulates broadcasting in Mauritius, deals with the licensing of new radio and TV channels and the devising of parameters and criteria for the authorization of new channels, including guidelines for programmes, safeguards against indecency and sanctioning non-conformity with established standards.

It is the intention of Government to enact a Media Bill. In this respect, the Government of Mauritius has appointed Mr. Geoffrey Robertson QC, an internationally respected human rights lawyer known for his defence of freedom of



expression and individual rights, to advise Government on the Media Bill. Mr. Robertson has already submitted a preliminary report on the new media bill.

Recommendation n°19: *Ensure that rape within marriage is a punishable offence under its legal code* (Recommended by Canada)

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished.

Mauritius response:

There is no specific offence of marital rape, but section 249 of the Criminal Code criminalizes the offence of rape. It is arguable that it is possible to prosecute for the offence of marital rape under that section of the Criminal Code as it stands. It is, however, intended to make express reference to this offence in the Sexual Offences Bill which is under preparation.

Recommendation n°20: *Continue efforts to promote human rights education* (Recommended by Canada)

IRI: *partially implemented*

Mauritius response:

Providing human rights based education in primary and secondary schools is on the agenda of Government. Contacts have been established with the Commonwealth Secretariat with a view to reviewing the curricula and providing the necessary training for the inclusion of human rights education in schools.

Recommendation n°21: *Continue ongoing efforts to strengthen respect for the human rights of women and to take steps to improve their living standards* (Recommended by Canada)

IRI: *partially implemented*

CHRI response:

See response to recommendation n° 10

Mauritius response:

See response to recommendation n° 11

Recommendation n° 22: *Call on the international community to support Mauritius by providing all assistance needed to improve its programmes for the protection and promotion of human rights* (Recommended by Chad)

IRI: *fully implemented*

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Recommendation n°71: *Call on the international community to provide the much-needed technical and technological know-how and finances to Mauritius in support of*



its efforts to attain full enjoyment of civil and political rights as well as economic, social and cultural rights for its population (Recommended by Nigeria)

IRI: *fully implemented*

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Recommendation n°93: Call on the United Nations Development Programme and the Commonwealth Secretariat to continue to assist Mauritius in capacity-building (Recommended by Zimbabwe)

IRI: *fully implemented*

Mauritius response:

Mauritius obtains technical support from the European Union, USA, India, France, China, the UN agencies and the Commonwealth Secretariat among others. Presently, consultations are on-going with the Commonwealth Secretariat for the introduction of Human Rights in the primary and secondary schools curricula. Two other projects are being finalised with this institution, namely (i) the Human Rights Training for Prison Management which aims at sensitising and reinforcing the importance of, and respect for, human rights and human dignity within the criminal justice systems in the Commonwealth; and (ii) the organisation of a Human Rights Leadership Seminar in Mauritius to promote human rights leadership and to develop strategies, alliances, and a shared vision that would enable senior politicians and officials to take the lead in the promotion of human rights at national level.

Recommendation n°23: Establish a police complaints authority with active work and necessary technical assistance from the international community (Recommended by China)

IRI: *not implemented*

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Recommendation n°88: Carry out investigations into all violations and deaths of persons in custody and in prisons attributable to police officers, and: that perpetrators of such violations are prosecuted. and that victims are paid compensation and have access to independent bodies for investigating those complaints (Recommended by United Kingdom)

IRI: *fully implemented*

Mauritius response:

Allegations of police brutality are enquired into and dealt with expeditiously and firmly by the National Human Rights Commission and the Courts. A judicial enquiry is held promptly where a person dies in prison or in police custody. Where enquiry discloses prima facie evidence against police or prisons officers, the officers are prosecuted before Court. The State has, in a few recent cases, made ex gratia payments to the next of kin of persons who have died in police custody, without awaiting the judgment of the Supreme Court on its liability.

In the Government Programme 2010-2015, it has been stated that an Independent Police Complaints Bureau operating under the National Human Rights Commission will be set up for the purpose of investigating complaints against the Police. A Police Complaints Bill is currently being finalised.

Cases of death occurring in prisons are referred to the Police. An autopsy is carried out by the Police Medical Officer who transmits his post-mortem report to the Police for enquiry. The findings of the Police enquiry are submitted to the Director of Public Prosecutions for advice.



Recommendation n°24: *Continue along the path of its humanistic ideal of a rainbow nation, rich in cultural, social and religious diversity and respecting the rights of minorities* (Recommended by Cote d'Ivoire)

IRI: *fully implemented*

Mauritius response:

In the Government Programme 2010-2015, Government has stressed on the need to redouble its efforts to combat poverty in all its forms while ensuring that the process of economic democratization reaches every section of the population. To better achieve its objectives and fulfill its commitments to improve the living standards of the population, Government has created a separate Ministry to specifically address social integration and economic empowerment. The main focus of the Ministry will be to enhance the quality of life of vulnerable groups through greater social justice and human development.

Moreover, Mauritius has adopted an Equal Opportunities Act which prohibits discrimination on various grounds, including colour, sex, ethnic origin and race in various spheres of activities, namely employment; education; provision of goods, services or facilities; accommodation; disposal of immovable property; companies, partnerships, "sociétés" or registered associations; clubs; and access to premises and sports. Government intends to bring amendments shortly to the Equal Opportunities Act (which has not yet been proclaimed) in order for the Equal Opportunities Commission to operate as a body independent of the Human Rights Commission.

Recommendation n°25: *Continue its efforts on behalf of the defence and sustainability of a pluralistic democracy, good governance, economic and social development and the strengthening of national human rights institutions* (Recommended by Cote d'Ivoire)

IRI: *fully implemented*

Mauritius response:

The Constitution of Mauritius rests on two fundamental tenets: the rule of law and the doctrine of the separation of powers. It is provided under section 1 of the Constitution that the Republic of Mauritius shall be a "sovereign democratic State", this being clearly in consonance with the fundamental rights and freedoms guaranteed under Chapter II of the Constitution. The Government also believes that economic, social and cultural rights are as important as civil and political rights and every effort is made to ensure the Mauritian citizen the enjoyment of economic, social and cultural rights.

Our Constitution has conferred on the Judiciary the role of ensuring the proper functioning of a democratic society. The Judiciary under our Constitution operates within a system where the legislative and executive powers of the State are separate from those of the Judiciary. It is charged with the special duty of ensuring that legislative and executive powers are exercised in accordance with the Constitution and within the limits authorised by the Constitution. It is also charged with the duty to safeguard fundamental rights themselves which may be at risk in the exercise of legislative or executive powers.



As a candidate for election to the Human Rights Council, Mauritius pledged to continue to uphold primacy of democracy, good governance and development and strengthen national institutions that protect human rights of citizens, to play a constructive role in advancement of human rights and further contribute to the enhancement of UN human rights activities, to participate actively in the work of the Human Rights Council for the promotion and protection of all Human Rights in a spirit of impartiality, dialogue and cooperation, to be reviewed under the Universal Periodic Review mechanism and to support international efforts to enhance intercultural dialogue and understanding amongst civilizations, cultures and religions with a view to facilitating the universal respect of all human rights.

In its Government Programme 2010-2015, Government has stressed on the importance of a constitutional regime that will strengthen democracy, promote nation-building and further entrench the fundamental rights and freedom of Mauritian citizens.

Recommendation n°26: Adopt further measures to ensure that the use of pre-trial detention complies with international standards and to rationalize the system of inspection of prisons and of processing of complaints in cases of alleged mistreatment or torture (Recommended by Czech Republic)

IRI: partially implemented

Mauritius response:

As regards pre-trial detention, there is a fast track for prosecution of detainees at Police level. Furthermore, where a detainee has been granted bail and is unable to furnish same, an enquiry is conducted by the police on a priority basis and a report is submitted to Court the soonest possible for action.

Human Rights issues are included in the training programme of Prison Officers who are also sensitised about the fact that all forms of torture on prisoners are prohibited and constitute a breach of legislation.

All alleged cases of torture are investigated by the Police and the findings submitted to the Director of Public Prosecutions for advice. Appropriate sanctions are taken against Prison Officers if they are found guilty of torture by a Court of Law.

Recommendation n°27: Pursue efforts to provide specific human rights training to law enforcement and judicial officers on all aspects of human rights (Recommended by Czech Republic)

IRI: fully implemented

Mauritius response:

The provisions of the Protection of Human Rights Act have been included in the curriculum of training of all newly recruited police officers. Moreover, with a view to inculcating in police officers issues pertaining to human rights, lectures are often delivered by representatives of the National Human Rights Commission to senior police officers who, in turn, impart same to junior officers. New recruits, Sergeants and Inspectors are additionally examined on Human Rights issues during the end-of-course assessments.

Amongst others, the following subjects pertaining to human rights issues are taught at the Police Training School:

-The Constitution of Mauritius;



- The Protection of Human Rights Act 1998;
- Ethical and Legal Police Conduct;
- Policing in Democracies;
- Police and non-discrimination;
- Arrest and Detention;
- Use of Force and Firearms;
- Police and the Protection of Juveniles.

Moreover, the curriculum of the Certificate/Diploma/ BSc (Hons) Degree Course in Police Studies taught at the University of Mauritius comprises a module on Human Rights and another one on International Humanitarian Law. All self-defence courses have been replaced by 'Officer Safety' courses specifically tailored to meet the requirements of the concept of reasonable force in line with human rights principles.

A copy of the Universal Declaration on Human Rights has been circulated to police officers, thus enabling police officers to get acquainted in an elaborate manner about international human rights standards to be observed by all bodies involved in law enforcement.

In order to prevent unlawful acts such as police brutality, Divisional Commanders and Branch Officers, including Heads of the different divisions of the Central Investigation Department and the Anti Drug and Smuggling Unit, have been urged to regularly address human rights issues, so that all officers under their command are sensitized to the importance of expecting human dignity and human rights values at all times. Moreover, whenever recommendations are made by the National Human Rights Commission on police procedures and practices to counter police brutality, these are taken into consideration and, if need be, are disseminated through circular letters and daily lectures.

Training on Human Rights issues is an ongoing activity of the Prisons Department and has been dispensed to more than 700 prisons officers and to new recruits in the Prisons Department. From year 2009 to December 2010, another 728 Officers have undergone training in Human Rights. In 2007, the United Nations Development Programme assisted the Prisons Department by providing two consultants to carry out an assessment and a revision of the Prisons Officers' Training Curriculum. Human Rights concepts and practices are to be mainstreamed through a revision of the curriculum. The United Nations Development Programme also supported the Prisons Department in the Training of Trainers' course in Human Rights for 20 senior officers and its assistance has now been requested for an expert to head the Prisons Training School. Workshops are being organized to empower Prison Officers to combat drugs and HIV/AIDS in prisons.

Copies of the UN Code of Ethics and Code of Conduct for Law Enforcement Officials are also handed over to each Police Officer.

Recommendation n°28: *Accede to the 1951 Refugee Convention and its 1967 Protocol (Recommended by Czech Republic)*

IRI: not implemented

Mauritius response:

The matter is under consideration.

Recommendation n°30: *See that competent institutions carry out a campaign to explain the content of the Constitution distributed to different groups of the society* (Recommended by Democratic Republic of Congo)

IRI: *partially implemented*

Mauritius response:

All main institutions and NGOs are aware of the contents of the Constitution. Copies of the Constitution are distributed to students of secondary schools as well as tertiary institutions such as the University of Mauritius.

Recommendation n°31: *Reject any attempts to impose on it any values or standards beyond its international legal obligations and not in conformity with its social values* (Recommended by Egypt)

IRI: *fully implemented*

Mauritius response:

The recommendation, which has been accepted, has been duly noted.

Recommendation n°32: *Continue its efforts along the path of promotion and protection of human rights in all fields* (Recommended by Egypt)

IRI: *fully implemented*

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Recommendation n°50: *Encourage Mauritius to continue with its positive efforts in promoting and protecting human rights of its people and share its experience in this area with other countries* (Recommended by Malaysia)

IRI: *fully implemented*

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Recommendation n°92: *Continue to work over the challenges and the constraints it is facing in its endeavour to promote and protect human rights* (Recommended by Zimbabwe)

IRI: *fully implemented*

Mauritius response:

The protection of Human Rights is high on the agenda of Government. Please see comments on [recommendation n°25].

Recommendation n°33: *Continue its efforts to protect child rights, in particular in its attempt to completely eradicate child labour* (Recommended by France)

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. A UN Committee reported that child labour was an issue of concern in Mauritius. It also alleged that a number of schoolgirls voluntarily worked with prostitution rings, while others were forced into prostitution.

Service d'Accompagnement de Formation, d'Intégration et de Réhabilitation de l'Enfant (SAFIRE) response:

The state law office is working on a new legislation: the children's bill and it is hoped that this law will cater for this.



Mauritius response:

The Government of Mauritius is firmly committed to the survival, development and protection of children from any form of abuse and exploitation. Sexual abuse and commercial sexual exploitation have been a special concern for the Ministry.

A study on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (CSEC) was carried out in September 2001 in order to have a better understanding of the problem. The study recommends the preparation of a National Plan of Action (NPA) in order to prevent and progressively eliminate CSEC and also to protect CSEC victims and ensure their recovery and integration in society. [...] The objective of the NPA is to ensure the protection of our children from any form of abuse and the creation of a conducive environment within the family and the civil society. [...]

The Combating of Trafficking in Persons Act was passed on 21 April 2009. The objectives of the Act are to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons; prevent and combat trafficking in persons; and protect and assist victims of trafficking. It provides for repatriation of victims of trafficking, and return of victims of trafficking to Mauritius, as well as compensation to victims of trafficking.

The Employment Rights Act 2008 defines a 'child' as 'a person under the age of 16' and a 'young person' as a 'person, other than a child, who is under the age of 18'. Section 12 (1) of the Act prohibits the employment of children whilst Section 12 (2) (a) prohibits the employment of young persons on work which is likely to jeopardise the health, safety, physical, mental, moral or social development of the young person. A child under the age of 16 cannot be employed even as an apprentice. The Employment Rights Act 2008 provides for penalties for failing to comply with any provision of the Act, that is, a fine not exceeding Rs 10,000 and a term of imprisonment not exceeding one year.

Officers of the Inspection and Enforcement Section of the Ministry effect systematic visits at undertakings and all places of work, thus covering both the formal and informal sectors of employment to detect and sanction cases of child labour. Whenever a child is found in illegal employment, the employer is required to discontinue such employment and criminal action is taken against the employer accordingly.

Recommendation n°35: *Ratify the Convention on the Rights of Persons with Disabilities* (Recommended by France)

IRI: *fully implemented*

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Recommendation n°58: *Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol* (Recommended by Mexico)

IRI: *fully implemented*

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Recommendation n°64: *Include in the plan outlined by the Attorney-General for the early ratification of the Convention on the Rights of Persons with Disabilities*



measures to increase the proportion of children with disabilities attending school (Recommended by New Zealand)

IRI: *fully implemented*

Mauritius response:

Mauritius ratified the Convention on the Rights of Persons with Disabilities on 8 January 2010.

Recommendation n°36: *Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by France)*

IRI: *not implemented*

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Recommendation n°59: *Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by Mexico)*

IRI: *not implemented*

Mauritius response:

This Convention is still under study.

Recommendation n°37: *Increase its efforts in ensuring full compliance of its domestic legislation with the Convention on the Rights of the Child, including by introducing a legal minimum age for criminal accountability in line with international standards (Recommended by Germany)*

IRI: *partially implemented*

SAFIRE response:

The state law office is working on a new legislation: the children's bill and it is hoped that this law will cater for this.

Mauritius response:

The Ministry of Gender Equality, Child Development and Family Welfare is in the process of preparing a consolidated Children's Bill. The aim of the Bill is to consolidate the various pieces of legislation on children's rights and to harmonize all laws in line with the Convention on the Rights of the Child. A first Consultative Workshop on the preparation of the Consolidated Children's Bill was held in November 2010 and it is planned to have a series of workshops in the coming 6 months.

Recommendation n°38: *Increase the number of available shelters for victims of violence and their children (Recommended by Germany)*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. A gender activist in Mauritius noted that government shelters for victims of gender violence were insufficient and the government did not offer civil society organisations adequate funds to set up their own shelters.

SAFIRE response:

This is a policy decision that needs a budget. The parent ministry has a global budget which it allocates according to its priorities! To date we do not have any information about the creation of such additional shelters.



Mauritius response:

Conscious of the need to address the issue of violence against women in a comprehensive manner, the Ministry of Gender Equality, Child Development and Family Welfare has adopted a broad framework to respond to domestic violence.

All cases of violence against women and children are dealt with as soon as they are reported at the level of Family Support Bureau. Victims of domestic violence may be given legal assistance and psychological counseling depending on cases. In case victims decide to proceed to court level, they are provided with services of barristers as and when required at court level.

Victims who call at the Family Support Bureaus are provided with all information pertaining to support services which include mainly psychological assistance, legal advice, assistance to victims of domestic violence for application of Orders under the Protection from Domestic Violence Act, assistance to children victims of abuse as well as temporary accommodation in the shelter.

At present, the concept of Shelter in Mauritius is only focused on providing a temporary security place for battered women. There are two shelters to cater for victims of domestic violence. The Ministry is proposing to construct an additional shelter for women and children in distress.

Rehabilitation of victims of domestic violence is ensured through psychological counseling by a pool of Psychologists employed by the Ministry on permanent establishment. Moreover, under the Families in Distress Scheme, women victims of Domestic Violence who for various reasons cannot return to their previous residence are temporarily placed at a shelter following an Interim Protection Order. Upon their discharge from the shelter, they are given a one off allowance of Rs. 3000 to meet their immediate needs. In addition, in view of offering quality services to clients of Family Support Bureau, the Ministry has commissioned an evaluation of its Family Support Bureaus, which provide support to women victims of violence.

In line with the National Action Plan to Combat Domestic Violence an auditing exercise of our existing services and care provided in Family Support Bureaus shelters were conducted by a Consultant and the report was launched on 25 November 2009. The recommendations of the **Audit Report** are as follows:

- i. Development of a Victim and Abuser Empowerment Policy;
- ii. Signature of a Memorandum of Understanding between the Ministry and NGO to set up emergency centres at regional level;
- iii. Development of transitional/permanent housing typology for victims of domestic violence;
- iv. Development of a quality assurance tool with indicators to ensure effective delivery of services by shelters;
- v. Provide training and employment opportunities for victims of domestic violence;
- vi. Strengthen sensitisation campaign in schools and at the work place;



- vii. Conduct working sessions with Managers of Shelters to encourage them to develop job seeking skills, provide job placement and support group in services offered; and
- viii. Conduct Capacity Building Programme for staff to service the shelter In addition, referrals are made to the National Women Entrepreneur Council operating under the aegis of the Ministry for any technical and back up support to enable potential women entrepreneurs to start income generating activities as well as home based enterprises.

Referrals have also been made to other institutions including the Police Department, the Ministry of Social Security, National Solidarity and Reforms Institutions, the Ministry of Housing and Lands and the Employment Division of the Ministry of Labour, Industrial Relations and Employment as well as the Trust Fund for the Social Integration of Vulnerable Groups for any assistance they may require.

Setting up of the National Domestic Violence Committee and Area Domestic Violence Committee

With a view to addressing the problem of domestic violence, a National Domestic Violence Committee comprising senior officials from different Ministries, department and NGOs has been set up in February 2009 by the Ministry to promote and adopt a coordinated approach in dealing with the scourge of domestic violence.

The National Domestic Violence Committee has as objective to ensure the coordination at central level and advise on policy matters relating to domestic violence; to assess and monitor the effectiveness of the Area Domestic Violence Committees (ADVC), which have been set up in the six (6) Family Support Bureaux of the Ministry.

The ADVC has been set up with key stakeholders from different Ministries and Departments to organize case conferencing in regard to actions taken by each stakeholder on cases of domestic violence.

The main objectives of the ADVC are inter-alia, to:

- Reduce and prevent the incidence of domestic violence;
- Provide accessible, reliable, timely and coordinated guidance on cases of domestic violence and ensure victims receive appropriate treatment and care; and
- Create an environment free from any forms of violence for the family and the community.

Women who are victims of violence and who are not in gainful employment are referred to the 13 Employment Information Centres of the Ministry of Labour, Industrial Relations and Employment (Employment Division) for any possible employment opportunities.



Recommendation n°39: *Address all obstacles that prevent women from reporting acts of violence to the police.* (Recommended by Germany)

IRI: *partially implemented*

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Recommendation n°48: *Make more strenuous effort to address the issue of violence against women, including through intensifying its awareness-raising and strengthening prevention efforts and measures* (Recommended by Malaysia)

IRI: *partially implemented*

CHRI response:

See response to recommendation n°10.

Mauritius response:

See response to recommendation n°38.

Recommendation n°40: *Intensify its awareness-raising and strengthening prevention efforts and measures and put in place effective monitoring and evaluation mechanisms to ensure the effectiveness of measures taken to address all forms of violence against women* (Recommended by Germany)

IRI: *partially implemented*

CHRI response:

See response to recommendation n°39.

Mauritius response:

See response to recommendation n°38.

Recommendation n°41: *Take measures to bring the situation of persons in custody in line with international standards, including the length of pre-trial detention* (Recommended by Germany)

IRI: *fully implemented*

Mauritius response:

As regards pre-trial detention, there is a fast track for prosecution of detainees at Police level. Furthermore, where a detainee has been granted bail and is unable to furnish same, Police conducts an enquiry on a priority basis and submits the report to Court the soonest possible for action.

Recommendation n°42: *Enact legislation that criminalizes rape.* (Recommended by Germany)

IRI: *fully implemented*

Mauritius response:

Mauritius stated that the Criminal Code already provides for the offence of rape.

Recommendation n°43: *Enact a Children's Act as well as consolidating national legislation which is fully in line with the international obligations it has undertaken* (Recommended by Indonesia)

IRI: *not implemented*

SAFIRE response:

We are hoping that these issues will take care in the children's bill which is currently under preparation.



Mauritius response:

The Ministry of Gender Equality, Child Development and Family Welfare is in the process of preparing a consolidated Children's Bill. The aim of the Bill is to consolidate the various pieces of legislation on children's rights and to harmonize all laws in line with the Convention on the Rights of the Child. A first Consultative Workshop on the preparation of the Consolidated Children's Bill was held in November 2010 and it is planned to have a series of workshops in the coming 6 months.

Recommendation n°44: *Continue to fine-tune its development agenda and by doing so, continue to effectively promote and protect human rights as well as economic, social and cultural rights in the country* (Recommended by *Indonesia*)

IRI: *fully implemented*

Mauritius response:

Please see comments on [recommendation n° 25]. Mauritius is a Welfare State with free health services and free education to all. During the recent years, Government has taken a series of initiatives to uplift the social conditions of the vulnerable groups: e.g. free transport to school children and old persons; increase in the old aged pensions; the creation of a Ministry of Social Integration and Economic Empowerment since May 2010.

Recommendation n°45: *Increase its efforts in ensuring full compliance of its domestic legislation with the Convention on the Rights of the Child, including by introducing a legal minimum age for criminal accountability* (Recommended by *Italy*)

IRI: *not implemented*

SAFIRE response:

The state law office is working on a new legislation: the children's bill and it is hoped that this law will cater for this.

Mauritius response:

See recommendation 43.

Recommendation n°46: *Amend constitutional provisions which negatively affect the status of women, including marriage, divorce, adoption, burial and transfer of property in case of death* (Recommended by *Italy*)

IRI: *not implemented*

Mauritius response:

The matter is under consideration.

Recommendation n°49: *Strengthen the existing national plan of action on the protection of children, in particular on its policies in the prevention, recovery and reintegration of children victims of sexual exploitation* (Recommended by *Malaysia*)

IRI: *not implemented*

SAFIRE response:

To date no information is available.

Mauritius response:

See response to recommendation n°33.



Recommendation n°51: *Make all possible efforts to eradicate all forms of violence, all form of abuse against children and eliminate completely police brutality (Recommended by Mexico)*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. A UN Committee reported that child labour was an issue of concern in Mauritius. It also alleged that a number of schoolgirls voluntarily worked with prostitution rings, while others were forced into prostitution.

Mauritius response:

In order to eliminate all forms of discrimination and violence against the child in the family, the community, and at state levels, various mechanisms are in place and are effective.

The main legislations which cater for the protection and welfare of children are:

- (i) the Child Protection Act, 1994 which protects the child from all forms of harm including violence and provides for the temporary removal or alternative placement of the child if faring in dysfunctional families and families with violence.
- (ii) the Child Protection (Amendment) Act 2005 protects the child including the girl child from trafficking including abduction and abandonment;
- (iii) the Child Protection (Amendment) Act 2008 provides for the setting up of a comprehensive child mentoring programme to cater for the needs of children with mild behavioral problems.
- (iv) the Institution for Protection and Welfare of Children Regulations 2000 which provides for norms and standards at the level of Day Care Centres and this ensures that children besides surviving, have a good start in life; and
- (v) the Child Protection Act (Foster Care) Regulations 2002 to ensure that abandoned children or children faring in dysfunctional families have the opportunity to thrive in a substitute familial environment rather than staying in an institution for long.

The Child Protection Act has been amended in December 2008 to make provision for the Child mentoring Scheme. This Scheme is a well- structured and well managed programme in which children in distress are appropriately screened and matched with trained adult mentors for a one to one relationship of emotional reconstruction. This project portends to reduce conflict between parents and children within the family and therefore can help in reducing violence against children.

The programme which involves meetings and activities on a regular basis between the mentor and the child will support the latter's need for a caring and supportive adult in life. The mentor can be described as someone who, through a sustained and supportive relationship with a child provides same with guidance and care.

It is to be noted that the Combating of Trafficking in Persons Act has been enacted in April 2009. The objectives of the Act are:



1. To give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons;
2. Prevent and combat trafficking in persons; and
3. Protect and assist victims of trafficking.

It also provides for repatriation and return of victims of trafficking, to Mauritius.

Compensation to victims of trafficking and other penalties and regulations are also being provided for.

The following steps have also been taken to curb violence and abuse against women and children:

- The Women and Children's Solidarity Programme created under the vote of the Prime Minister's Office for Financial Year 2007/2008 with a view to helping NGOs that are deeply committed to helping women and children, victims of abuse and violence is highly commendable and does come at an opportune moment since the need for more specialised spaces as well as informed services is increasingly being felt.
- A Day Care/Drop-in-Centre was launched in December 2003 in Bell Village. Its purpose is to assist those children victims of sexual abuse and exploitation, who can be or are indulged in Commercial Sexual Exploitation of Children activities and help them to reintegrate in society. A hotline (113) has also been made available to the public for the referral of cases of child prostitution.
- The Construction of a Residential Drop-in Centre at GRNW is being envisaged with a view to removing victims of Commercial Sexual Exploitation of Children (CSEC) from their living environment, where they are exposed to the risk of being engaged in prostitution by family members and peers. Care, psychological support and group therapy are being provided for their successful rehabilitation and reinsertion in the society.

Information, Education Campaigns.

- To create public awareness, sensitization and awareness campaigns targeted towards children are carried out on a regular basis through media by way of radio and television programmes. Talks are delivered to school children at primary and secondary levels and to parents, in regions at risks; and to the community at large with a view to sensitizing them on the protective needs of children against all forms of harm and abuse.
- There is a standing arrangement between the Ministry of Gender Equality, Child Development and Family Welfare and the Mauritius Broadcasting Corporation for radio programmes on different issues including Commercial Sexual Exploitation of Children in Mauritius.
- Information, education and communication campaigns which are ongoing will be further enhanced in primary, secondary and tertiary educational institutions with a view to educating children about the problems associated with commercial sexual exploitation.
- Police Officers visit schools and deliver talks and lectures on a regular basis on child abuse and services available for the protection of children.



- The National Parental Empowerment Programme which was launched on 30 May 2007, provides guidance to parents regarding the sexual education of their children.
- The Community Child Protection Programme was launched in August 2007 to ensure that local communities are also closely involved in the protection of children.

Communities are being sensitized on the phenomenon of child abuse with a view to enabling them to initiate actions at their end when children are at risk. A surveillance mechanism has also been set up in high risk areas. A Capacity Building programme has been launched in May 2008.

Capacity Building

- Professionals such as Family Welfare & Protection Officers, Child Welfare Officers, Police Officers, Probation Officers, Medical Social Workers and NGOs working with children have been trained by a local consultant with a view to providing better services to victims of CSEC. The training programmes are ongoing.
- A Training Programme for Trainers and Community Leaders on CSEC has been carried and is ongoing.
- So far, a total of 831 Police Officers (both male and female) have been trained in course including Trafficking in persons and Sensitisation against sexual exploitation and abuse of minors.
- The “Brigade pour la Protection des Mineurs” works with the Ministry of Gender Equality, Child Development and Family Welfare on the protection of the child from all forms of abuse including CSEC.
- Since January 2008, 500 crackdown operations have been conducted island-wide at regular intervals by Officers of the Ministry of Gender Equality, Child Development and Family Welfare, National Children’s Council, Brigade des Mineurs (Police Department), in collaboration with NGOs to ensure that young persons and students are attending schools during normal school hours. Such operations are seen to contribute in an efficient way to prevent young persons from playing truancy and loitering thereby getting involved in illicit activities.
- Group Therapy for rehabilitative needs of CSEC victims is being carried out on a pilot basis for both CSEC and rape victims.

With a view to promoting Mauritius as a safe family destination, the Ministry of Tourism has embarked on a sensitization campaign on the impact of CSEC.

Recommendation n°53: Prohibit in the Constitution all forms of discrimination without exception (Recommended by *Mexico*)

IRI: *fully implemented*

CHRI response:

This information valid as of May 2010. The reporting period witnessed allegations of discrimination against ethnic minorities, particularly in relation to employment in the public sector. Reportedly, politicians were widely perceived as having a tendency to employ people from their own communities. According to the Federation of Mauritian Creoles, Creoles, while constituting 35 per cent of the Mauritian population, only held 2 per cent of public sector jobs. This led to calls for affirmative action through the use of quotas. The UN Committee on Economic, Social and Cultural Rights noted in its concluding report in May 2010, that Mauritian Creoles experienced higher levels of



poverty than other ethnic groups in Mauritius. The Equal Opportunities Act, 2008 was adopted in December 2008. The Act aimed to provide protection against discrimination on grounds of age, ethnic origin, colour, race, physical handicap, caste, marital status, political beliefs, belongings or sexual orientation. An Equal Opportunities Division was created to work towards eliminating discrimination and promoting equality and good relations between people. An Equal Opportunities Tribunal was also created to hear complaints, issue interim orders and determine whether complaints are justified.

Mauritius response:

Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either of itself or in its effect. Section 17 of the Constitution provides that a citizen who alleges that his right under section 16 of the Constitution is being or is likely to be contravened may apply to the Supreme Court for redress.

Recommendation n°54: *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Recommended by Mexico)*

IRI: *not implemented*

Mauritius response:

The ICRMW being wider in scope in many respects compared to our existing national legislation, its ratification cannot, at this point in time, be envisaged. In fact, family members of migrant workers are presently not covered in our legislation, and apart from those employed in technical, supervisory and managerial grades, migrant workers are generally not allowed to be accompanied by their family members.

Recommendation n°55: *Develop a policy for the use of Creole at all levels of primary education, and to incorporate human rights in the education curricula (Recommended by Mexico)*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. Schools varied widely in their quality, and a third of the children did not pass their primary school leaving examinations. A UN Committee blamed the high rate of failure partially on the fact that English was the primary language of instruction in all schools, despite Creole being the most spoken language in many parts of the country.

Mauritius response:

Creole Language

The current language policy in education is guided by the Education Act which stipulates that the language of the environment may be used as an option to support the teaching and learning process at the lower primary level i.e. Year 1 to Year 3. Creole is used widely for this purpose.

However, Government is reviewing the policy relating to the use of Creole language at school in line with recommended best practices and in accordance with recommendations of UNESCO on the use of mother tongue in education.

Human Rights Education



Pending the finalization of the National Action Plan on Human Rights where Human Rights Education occupies an important place, the Ministry of Education has undertaken a series of measures in the provision of rights-based education.

The New Curriculum Framework (NCF) for primary and secondary published recently has laid emphasis on the teaching of Human Rights as a cross-cutting theme in the curricula. New primary school textbooks have been developed with the integration of Human Rights concepts. Secondary school textbooks will shortly be written incorporating Human Rights. Schools also carry out Extra and Co-curricular activities on Human Rights themes with focus on sensitization and awareness-raising. Human Rights Clubs have been set up in many secondary schools and students are initiated into rights-based education processes to enable them take informed decisions on critical issues on Human Rights.

Recommendation n°56: *Ensure that the National Human Rights Commission operates in line with the Paris Principles* (Recommended by Mexico)

IRI: *fully implemented*

Mauritius response:

Mauritius considers that the NHRC already operates in line with the Paris Principles, hence its accreditation since year 2002 as “A” status by the International Coordinating Committee of National Institutions for the promotion and protection of human rights, as referred to in paragraph 8 of the compilation prepared by the OHCHR.

Recommendation n°57: *Speed up the process of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* (Recommended by Mexico)

IRI: *not implemented*

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Recommendation n°79: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* (Recommended by Slovenia)

IRI: *not implemented*

CHRI response:

An announcement by the Prime Minister in February 2010 that he intended to reintroduce the death penalty for certain crimes showed a surprising lack of commitment to a cause previously supported by Mauritius. The announcement came only a few months after Mauritius expressed support for a UN moratorium on the death penalty. Mauritius removed capital punishment from its criminal code in 1995, and had not executed anyone since 1987, but the country’s Constitution still allowed for capital punishment at the end of the reporting period.

SAFIRE response:

[Off-topic]

Mauritius response:

The matter is under consideration.



Recommendation n°60: *Continue its efforts in promoting human rights, especially by integrating into school programmes the fundamental principles of human rights and strengthening the education on these rights in parallel campaigns and educational measures* (Recommended by Morocco)

IRI: *partially implemented*

Mauritius response:

Pending the finalization of the National Action Plan on Human Rights where Human Rights Education occupies an important place, the Ministry of Education has undertaken a series of measures in the provision of rights-based education.

The New Curriculum Framework (NCF) for primary and secondary published recently has laid emphasis on the teaching of Human Rights as a cross-cutting theme in the curricula. New primary school textbooks have been developed with the integration of Human Rights concepts. Secondary school textbooks will shortly be written incorporating Human Rights.

Schools also carry out Extra and Co-curricular activities on Human Rights themes with focus on sensitization and awareness-raising. Human Rights Clubs have been set up in many secondary schools and students are initiated into rights-based education processes to enable them take informed decisions on critical issues on Human Rights.

The Ministry of Education and Human Resources also in collaboration with the Human Rights Department of the Commonwealth Secretariat is exploring the possibility of introducing the principles of Human Rights in the primary and secondary schools curricula.

Recommendation n°61: *Share additional information about the Equal Opportunities Act and its targeted groups* (Recommended by Nepal)

IRI: *fully implemented*

CHRI response:

This information valid as of May 2010. The Equal Opportunities Act, 2008 was adopted in December 2008. The Act aimed to provide protection against discrimination on grounds of age, ethnic origin, colour, race, physical handicap, caste, marital status, political beliefs, belongings or sexual orientation. An Equal Opportunities Division was created to work towards eliminating discrimination and promoting equality and good relations between people. An Equal Opportunities Tribunal was also created to hear complaints, issue interim orders and determine whether complaints are justified.

Mauritius response:

All Bills, Acts and Regulations are posted on the web and are therefore easily accessible.

Mauritius has adopted an Equal Opportunities Act which prohibits discrimination on various grounds, including colour, ethnic origin and race in various spheres of activities, namely employment, education, provision of goods, services or facilities, accommodation, disposal of immovable property, companies, partnerships, “sociétés” or registered associations, clubs and access to premises and sports. The establishment of an Equal Opportunities Division within the National Human Rights Commission and of an Equal Opportunities Tribunal with wide powers is provided for to enforce the provisions of the Act. However, Government intends to bring



amendments shortly to the Equal Opportunities Act (which has not yet been proclaimed) in order for the Equal Opportunities Commission to operate as an independent body.

Recommendation n°62: Share additional information on the nature and composition of the Human Rights Centre and its functions in relation to the NHRC (Recommended by Nepal)

IRI: fully implemented

Mauritius response:

The Human Rights Centre was set up in 2007 for the promotion of Human Rights in Mauritius. The Centre aimed mainly at making the public aware of existing human rights institutions and laws so that they may better avail themselves of such. It was a separate institution from the NHRC.

Recommendation n°63: Share its plans and practices in eradicating poverty in a time-bound manner as is reflected in the works of the special Committee for the Eradication of Absolute Poverty and five-track partnerships (Recommended by Nepal)

IRI: fully implemented

Mauritius response:

An Economic Empowerment Foundation has recently been set up under the aegis of the Ministry of Social Integration and Economic Empowerment. Its main objective is the eradication of poverty in Mauritius. It is yet to reach its full functional capacity.

Recommendation n°65: Undertake further steps to eradicate child prostitution and child labour (Recommended by New Zealand)

IRI: partially implemented

CHRI response:

This information valid as of May 2010. A UN Committee reported that child labour was an issue of concern in Mauritius. It also alleged that a number of schoolgirls voluntarily worked with prostitution rings, while others were forced into prostitution.

SAFIRE response:

The state law office is working on a new legislation: the children's bill and it is hoped that this law will cater for this.

Mauritius response:

The Child Protection Act 1994 was amended in December 2005 to make provision for all cases of child trafficking, abandonment and abduction to be dealt with by officers of this Ministry who are responsible for child welfare and development. Tougher penalties have also been provided for in case of contravention of the provisions of the law. Penalties under the present Child Protection Act for sexual offences and indecent photographs of children have been revised from a fine of Rs 50,000 and imprisonment not exceeding 5 years to Rs 75, 000 and 8 years respectively. As for cases of mentally handicapped victims, offenders will be liable to a fine of Rs 100, 000 and imprisonment not exceeding 15 years instead of Rs 75,000 and 8 years respectively.



The Child Protection Act was further amended in December 2008 to provide for a Child Mentoring Scheme. The Child Mentoring Scheme which is a well structured and well managed programme provides individual guidance and support to adolescents with behavioural problems who may also be prone to becoming victims of commercial sexual exploitation and child violence in general. The Child Mentoring Scheme aims at providing such children with a role model to look up to, especially when they are evolving in a precarious and unstable environment. The Scheme ensures that these children are appropriately screened and matched with trained adult mentors for a one to one relationship of emotional reconstruction.

It is to be noted that the Combating of Trafficking in Persons Act has been enacted in April 2009. The objectives of the Act are:

4. To give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons;
5. Prevent and combat trafficking in persons; and
6. Protect and assist victims of trafficking.

It also provides for repatriation and return of victims of trafficking, to Mauritius. Compensation to victims of trafficking and other penalties and regulations are also being provided for.

The Ministry of Tourism and Leisure has with the collaboration of Association des hoteliers et restaurateurs de l'Île Maurice (AHRIM), Association of Inbound Operators of Mauritius, Police du Tourisme and the Office of the Ombudsperson for Children worked out a brochure to help inform and advise tourists and stakeholders of the industry about the common repudiation of Commercial Sexual Exploitation of Children and on the need to combat it.

Recommendation n°66: *Continue its efforts to eliminate discrimination against women and intensify awareness-raising campaigns on women's rights* (Recommended by New Zealand)

IRI: *partially implemented*

CHRI response:

See response to recommendation n°10.

Mauritius response:

The Ministry of Gender Equality, Child Development and Family Welfare uses a two-fold approach to address issues related to family welfare and domestic violence through intervention and prevention strategies. There are ongoing sensitisation programmes both at national and regional levels to inform the public at large on issues relating to the Ministry's services and domestic violence.

To address the problem of domestic violence, a National Action Plan to Combat Domestic Violence was launched in 2007. The National Action Plan spells out the roles and responsibilities of all stakeholders concerned to combat domestic violence. It contains five strategic objectives:



- Improving legislation on Domestic Violence and strengthening of the Justice System and other agencies response;
- Providing appropriate, accessible, timely, coordinated multi-agency responses and support to all victims and children who need it;
- Sensitise and change attitudes to prevent domestic violence from happening in the first place;
- Promote responsible reporting, advocacy, sensitisation and provision of a forum by media specialists to encourage the community at large to discuss domestic violence; and
- Undertake research and studies on domestic violence, strengthen capacity building and set up appropriate mechanisms for monitoring and evaluation of the National Action Plan to Combat Domestic Violence for the promotion of best practices.

A National Action Plan on the Family, emanating from the National Policy Paper was launched in November 2009 on the occasion of the International Day against Violence against Women.

With a view to strengthening public awareness campaigns to combat domestic violence, the Ministry of Gender Equality, Child Development and Family Welfare is proposing to work with the Local Government Authorities to reach the community and people at grassroot level to sensitize them on issues relating to domestic violence. To enable officers working in the community to become well versed with our services and legislation pertaining to domestic violence, training programmes will shortly be organised at national and regional levels.

Through intensified campaigns, victims of domestic violence will be further informed on their rights to support services available on a 24-hr basis which will enable them to report cases easily.

In addition to working with men through the “Men as Partners” Project, the Ministry will shortly come up with a new project known as “Youth Empowerment Programme to Combat Domestic Violence”. This programme will enable youth to grow up with a culture of non-violence and hence reduce the incidence of domestic violence in the long run.

The Ministry is also engaging Religious Bodies in the combat against domestic violence. Joint sensitisation programmes are being implemented with youth, men and women to sensitize them on issues pertaining to domestic violence and involve them in the fight against domestic violence.

With a view to eliminating discrimination against women, especially in the workplace, the following measures have been taken at the level of the Ministry of Labour, Industrial Relations & Employment:

- (i) in the recent review of two Remuneration Regulations in the Field Crop and Orchard and Livestock sectors, the discriminatory provisions prescribing wages on a gender basis have been removed. The wages are now prescribed on a job content basis;
- (ii) in order to ensure equal opportunities for women and men in the labour market, provisions have been incorporated in the new Employment Rights Act (No. 33 of



2008) to the effect that no worker shall be treated in a discriminatory manner by his employer in his employment or occupation;

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

(iii) specific provisions have been introduced in the Employment Relations Act 2008 for the protection of fundamental rights of workers. Section 29 of the new Act provides that every employee shall have the right to establish or join, as a member, a trade union of his own choice, without previous authorisation and without distinction whatsoever or discrimination of any kind including discrimination as to occupation, age, marital status, sex, sexual orientation, colour, race, religion, HIV status, national extraction, social origin, political opinion or affiliation.

(iv) Moreover, a specific provision has been made in the Employment Rights Act 2008 for protection against sexual harassment which affects women mainly. Severe penalties are laid down whereby any person who commits such an offence shall, on conviction, be liable to a fine not exceeding 75,000 Mauritian rupees and to imprisonment for a term not exceeding 2 years.

Under the UNDP-funded project “Capacity Building for Gender Equality and Empowerment of Women” implemented as from September 2005, two studies relating to discrimination were carried out, details of which are as follows:

- **A Study on Discriminatory Practices in the Mauritian Labour Market**

The study involved a situation analysis of the labour market with a view to identifying discriminatory practices against women or men regarding, inter alia, remuneration, occupational segmentation, training policy and entrepreneurship. The recommendations contained in the final report are intended to provide the basis for the development of policies to address the discriminatory practices identified. The report has not yet been released as Government has decided that the report should be reviewed and updated in the light of recently passed legislation pertaining to discrimination.

- **A Study on Discriminatory Provisions in our National Legislation**

The study aimed at identifying discriminatory statutes and provisions in existing legislation using the ILO Convention No. 111 on discrimination in Employment and Occupation (which prohibits discrimination on a number of grounds including sex) as benchmark and eventually bringing our national legislation fully in line with the said Convention. The final report has already been released to stakeholders in September 2008 for consideration of implementation of the recommendations therein.

A Monitoring Committee (MC) under the Chairpersonship of the Attorney-General, and comprising representatives of Ministries concerned was set up in February 2010 to monitor the implementation of the recommendations contained in the report and also to ensure a more holistic approach and concerted action concerning the various amendments to be brought to our national legislation.



Recommendation n°67: Include marital rape as an offence under the proposed Sexual Offences Bill (Recommended by *New Zealand*)

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished.

Mauritius response:

It is intended to make express reference to this offence in the Sexual Offences Bill which is under consideration.

Recommendation n°68: *Include provisions in its Equal Opportunities Act on the equal rights of women and men* (Recommended by *New Zealand*)

IRI: *partially implemented*

CHRI response:

See response to recommendation n°10.

Mauritius response:

Mauritius commented that the Equal Opportunities Act and the Constitution already provide for equal rights of women and men. Girls and boys already have access to the same education, facilities and resources.

Recommendation n°69: *Adopt measures for the prevention of sexual abuse and provide facilities for the care, recovery and reintegration for child victims of violence* (Recommended by *New Zealand*)

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. According to the Commission, the incidence of gender violence, including rape and domestic violence, remained high. Mauritians were particularly shocked by the brutal rape and murder of a sex worker, who was eight months pregnant, in November 2009. The police released statistics which showed that between January 2008 and March 2009, they received 406 complaints of domestic violence. A gender activist in Mauritius noted that government shelters for victims of gender violence were insufficient and the government did not offer civil society organisations adequate funds to set up their own shelters. Furthermore, the government neglected to rehabilitate perpetrators of gender violence, which, according to one gender and human rights activist, meant that those guilty of gender violence were more likely to re-offend. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished.



Mauritius response:

Mauritius mentioned that such measures and facilities already exist but can be enhanced.

Recommendation n°70: *Provide girls with access to education facilities and resources equivalent to those available to boys* (Recommended by New Zealand)

IRI: *fully implemented*

Mauritius response:

Mauritius commented that the Equal Opportunities Act and the Constitution already provide for equal rights of women and men. Girls and boys already have access to the same education, facilities and resources.

Recommendation n°72: *Continue and strengthen its efforts in addressing domestic violence* (Recommended by Pakistan)

IRI: *partially implemented*

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Recommendation n°73: *Continue and strengthen its efforts in addressing domestic violence in particular in raising the awareness of the population through information campaigns and by enhancing the system of criminal prosecutions* (Recommended by Palestine)

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. UN report suggested that although legislative safeguards against sexual harassment in the workplace were in place, their efficacy was doubtful given that they failed to provide a safe environment for women to report cases. According to the Commission, the incidence of gender violence, including rape and domestic violence, remained high. Mauritians were particularly shocked by the brutal rape and murder of a sex worker, who was eight months pregnant, in November 2009. The police released statistics which showed that between January 2008 and March 2009, they received 406 complaints of domestic violence. A gender activist in Mauritius noted that government shelters for victims of gender violence were insufficient and the government did not offer civil society organisations adequate funds to set up their own shelters. Furthermore, the government neglected to rehabilitate perpetrators of gender violence, which, according to one gender and human rights activist, meant that those guilty of gender violence were more likely to re-offend. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished.

Mauritius response:

The Ministry of Gender Equality, Child Development and Family Welfare uses a two-fold approach to address issues related to family welfare and domestic violence through intervention and prevention strategies. There are ongoing sensitisation programmes both at national and regional levels to inform the public at large on issues relating to the Ministry's services and domestic violence.



To address the problem of domestic violence, a National Action Plan to Combat Domestic Violence was launched in 2007. The National Action Plan spells out the roles and responsibilities of all stakeholders concerned to combat domestic violence. It contains five strategic objectives:

- Improving legislation on Domestic Violence and strengthening of the Justice System and other agencies response;
- Providing appropriate, accessible, timely, coordinated multi-agency responses and support to all victims and children who need it;
- Sensitise and change attitudes to prevent domestic violence from happening in the first place;
- Promote responsible reporting, advocacy, sensitisation and provision of a forum by media specialists to encourage the community at large to discuss domestic violence; and
- Undertake research and studies on domestic violence, strengthen capacity building and set up appropriate mechanisms for monitoring and evaluation of the National Action Plan to Combat Domestic Violence for the promotion of best practices.

A National Action Plan on the Family, emanating from the National Policy Paper was launched in November 2009 on the occasion of the International Day against Violence on Women.

In view of strengthening public awareness campaigns to combat domestic violence, the Ministry of Gender Equality, Child Development and Family Welfare is proposing to work with the Local Government Authorities to reach the community and people at grass-root level to sensitize them on issues relating to domestic violence. To enable officers working in the community to become well versed with our services and legislation pertaining to domestic violence, training programmes will shortly be organised at national and regional levels. A National Strategic Planning and Capacity Building Programme to Combat Domestic Violence was conducted in April 2009 with 50 Officers from Local Government, Ministry of Environment and Sustainable Development, through the CAB Offices, Ministry of Social Security, NS, & RI and SILWF amongst others.

Through intensified campaigns, victims of domestic violence will be further informed on their rights to support services available on a 24hr basis which will enable them to report cases easily.

In addition to working with men through the “Men as Partners” Project, the Ministry will shortly come up with a new project known as “Youth Empowerment Programme to Combat Domestic Violence”. This programme will enable youth to grow up with a culture of nonviolence and hence reduce the incidence of domestic violence in the long run.

The Ministry is also seeking the help of Religious Bodies in the combat against domestic violence. Joint sensitisation programmes are being implemented with youth, men and women to sensitize them on issues pertaining to domestic violence and involve them in the fight against domestic violence.



Protection from Domestic Violence (Amendment) Act 2007

In line with the Government Programme 2005-2010, the Protection from Domestic Violence Act was amended in December 2007 with a view to providing better services to victims of domestic violence and strengthening the enforcement mechanism of the Act as follows-

- * The Court may hear an application for a Protection Order in such manner as it thinks fit subject to such rules as may be made by the Chief Justice.
- * The Court which has made the Protection, Tenancy or Occupancy Order, may make an ancillary as to alimony.
- * Magistrates have been given the power to make an order as regards payment of alimony in respect of the aggrieved spouse and any child of the parties at the same time as an order for Protection is made on such terms and conditions as the Court thinks fit.
- * An increase in the penalty has been provided for. On a first conviction, a fine not exceeding Rs 25,000 and a term of imprisonment not exceeding two years will be applicable, and on a second or subsequent conviction a fine not exceeding Rs 50,000 and a term not exceeding two years will be applicable. The purpose of this amendment is to deter the perpetrators from committing further acts of violence and concurrently bring perpetrators to realise the gravity of the offence committed.
- * Only under exceptional cases that a Court shall order an offender to attend counselling sessions organized by the Ministry instead of sentencing him. In so determining, the Court shall take into consideration the circumstances of the case, the nature of the offence, the character, antecedents, mental and psychological conditions, age, health and home surroundings of the offender. The counseling shall be for a period not exceeding 2 years and on such terms as the Court thinks fit and where the offender fails to comply with the order, the original sentence shall apply. The Court shall not order an offender to attend counselling sessions unless he expresses his willingness to comply with the order and the victim has no objection thereto.

The Protection from Domestic Violence (Amendment) Act 2007 has not yet been proclaimed as rules to enable Magistrates at District Court level to handle cases of domestic violence in a standard manner have not yet been finalized by the Rules Committee of the Supreme Court. Follow-up is ongoing with the Master and Registrar.

With regard to “enhancing the system of criminal prosecutions”, it is to be noted that the Protection from Domestic Violence Act 1997 was first amended in 2004 and then in 2007.

Recommendation n°74: Follow-up dynamically on its policies of combating prison overpopulation, in particular through the development of new facilities (Recommended by Palestine)

IRI: fully implemented

Mauritius response:

All measures are taken to relieve overcrowding in prisons. The construction of a special prison for women detainees at Barkly has been completed. In addition, a



dormitory to accommodate 60 detainees at Beau Bassin Prison is nearing completion. A Segregation and Protection Unit is being set up at the Women Prison. The works for the construction of a new high security prison at Melrose to alleviate the problem of overcrowding in prisons have started.

Recommendation n°75: *Take into account the human rights dimensions of human trafficking, in particular the need to protect and provide assistance to victims, in the drafting of legislation to combat human trafficking* (Recommended by *Philippines*)

IRI: *fully implemented*

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Recommendation n°86: Effectively monitor the implementation of the Combating of Trafficking in Persons Bill upon its adoption. (Recommended by *Turkey*)

IRI: *fully implemented*

Mauritius response:

It is to be noted that the Combating of Trafficking in Persons Act has been enacted in April 2009. The objectives of the Act are:

- To give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons;
- Prevent and combat trafficking in persons; and
- Protect and assist victims of trafficking.

It also provides for repatriation and return of victims of trafficking, to Mauritius.

Compensation to victims of trafficking and other penalties and regulations are also being provided for.

Recommendation n°76: *Continue to enhance efforts to protect the human rights of migrants* (Recommended by *Philippines*)

IRI: *fully implemented*

Mauritius response:

Migrant workers enjoy the same terms and conditions of employment as those laid down for local workers in our legislation. The contract of employment of a migrant worker is examined and vetted by the Ministry of Labour, Industrial Relations and Employment to ensure that it contains no abusive clauses and that it is in full conformity with the prevailing labour law.

Regular inspection visits are carried out by Officers of the Special Migrant Workers' Unit of the Ministry of Labour, Industrial Relations and Employment to ascertain that employers are complying with terms and conditions of employment as provided for in the vetted contract of employment. Regular visits are also effected by the Occupational Safety and Health Inspectorate at the dormitories occupied by the migrant workers to verify their living conditions (water supply, toilet facilities, food canteens etc).

Other specific conditions of employment applicable to migrant workers are:

- Entitlement to an air ticket to enable them to return to their home country at the expiry of their contract or for any cause whatsoever;
- Accommodation with water, electricity and gas free of charge;
- Relevant fees for entry visa, work permit and residence permit to be borne by the employer;



- All expenses for repatriation of corpse in case of death of a migrant worker to be borne by the employer;
- Insurance cover for injury or death of migrant worker arising out of and in the course of employment to be made available by the employer.

Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either of itself or in its effect. The term “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.

The Employment Rights Act 2008 applies equally to local and expatriate workers, thereby guaranteeing to the latter equal protection on terms and conditions of employment and in the event of termination of employment by their employer.

The Employment Relations Act 2008 guarantees the fundamental right of migrant workers to freedom of association and protects their right to organise and engage in collective bargaining.

Migrant workers working in Mauritius are free to remit any sum of money to their families in their country of origin.

Recommendation n°80: Speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Recommended by Slovenia)

IRI: *fully implemented*

Mauritius response:

The Government of Mauritius has ratified the Optional Protocol on the Involvement of Children in Armed Conflict on 12 February 2009.

Recommendation n°81: Implement the recommendations of the Committee on the Rights of the Child (Recommended by South Africa)

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A UN Committee reported that child labour was an issue of concern in Mauritius. It also alleged that a number of schoolgirls voluntarily worked with prostitution rings, while others were forced into prostitution. Schools varied widely in their quality, and a third of the children did not pass their primary school leaving examinations. A UN Committee blamed the high rate of failure partially on the fact that English was the primary language of instruction in all schools, despite Creole being the most spoken language in many parts of the country.

SAFIRE response:

A committee has been set up under the office of the ombudsperson for children to follow the implementation of the recommendation and another one at the ministry of



gender etc to monitor the implementation. However to date there has been no communication on the works of these 2 committees.

Mauritius response:

A Committee has been set up at the level of the Ministry of Gender Equality, Child Development and Family Welfare to ensure follow up and implementation of the recommendations made by the United Nations Committee on the Rights of the Child.

A Compliance Committee under the aegis of the Office of the Ombudsperson for Children has also been set up to look into the Concluding Observations and recommendations of the United Nations Committee on the Rights of the Child.

It is also to be noted that all policies and programmes to ensure overall development and protection of the child from harm including violence take into account the provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

Recommendation n°82: Review its domestic legislation with a view to aligning it with the provisions of the human rights instruments that it has ratified (Recommended by South Africa)

IRI: *partially implemented*

Mauritius response:

Draft legislation has been prepared to review the structure of the National Human Rights Commission to as to enable it to accommodate preventive mechanisms namely the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism (against Torture). The views of the Association for the Prevention of Torture were sought and obtained on the National Preventive Mechanism Bill.

The National Human Rights Commission has equally forwarded its views on the draft Bills. In the mean time, further consultations are being held between the Prime Minister's Office and the Attorney General's Office with a view to finalising the Bills. As regards the Equal Opportunities Commission which is established under the Equal Opportunities Act (which has not yet been proclaimed), Government intends to bring amendments shortly to the Equal Opportunities Act in order for the Equal Opportunities Commission to operate as an independent body.

In the Government Programme 2010-2015, Government has announced that it will review the Juvenile Offenders Act to bring it in line with the UN Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the administration of Juvenile Justice.

Recommendation n°84: Encourage the participation of women in Parliament and increase of women participation in the different decision making processes (Recommended by Syria)

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. Gender discrimination and violence against women remained topics of concern. The poor representation of women in parliament received particular attention. Only 18 per cent of MPs were women, while female



representation was 11.2 per cent in municipalities, and 5.2 per cent in local councils. As of May 2010, Mauritius was one of only two countries that failed to sign the SADC Protocol on Gender and Development which set a goal of achieving 50 per cent female representation by 2015, though it did make earlier commitments to SADC to reach 30 per cent representation by 2005. It was speculated that Mauritius had not reached the SADC target due to the influence of religious and cultural norms regarding the proper roles of men and women. Additionally, it was noted that many women were employed in jobs that did not allow them to participate in political life owing to time constraints or employment regulations.

Mauritius response:

As regards participation of women in the national decision-making process, Mauritius is committed to the decision taken by SADC to increase women's participation in politics and decision-making by 30%. For the two last general elections held in July 2005 and in May 2010, the main political parties honoured their pledge to increase women representation in National Assembly and there was a marked increase in the number of women candidates.

Furthermore, Mauritius has already achieved the 30% of women participation at the level of decision-making in the public sector.

Participatory Advisory Committees are operational in all women Centres whereby women and men are given equal opportunity to participate in decision-making in community development. An Action Plan on the above has been formulated.

Recommendation n°87: *Strengthen existing policies and programmes aimed at eradicating child prostitution* (Recommended by Turkey)

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. A UN Committee reported that child labour was an issue of concern in Mauritius. It also alleged that a number of schoolgirls voluntarily worked with prostitution rings, while others were forced into prostitution.

Mauritius response:

See response to recommendation n°33.

Recommendation n°89: *Take further steps to address discrimination against women, especially in the work place* (Recommended by United Kingdom)

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. Gender discrimination and violence against women remained topics of concern. The poor representation of women in parliament received particular attention. Only 18 per cent of MPs were women, while female representation was 11.2 per cent in municipalities, and 5.2 per cent in local councils. As of May 2010, Mauritius was one of only two countries that failed to sign the SADC Protocol on Gender and Development which set a goal of achieving 50 per cent female representation by 2015, though it did make earlier commitments to SADC to reach 30 per cent representation by 2005. It was speculated that Mauritius had not reached the SADC target due to the influence of religious and cultural norms regarding the proper roles of men and women. Additionally, it was noted that many



women were employed in jobs that did not allow them to participate in political life owing to time constraints or employment regulations. According to the National Human Rights Commission of Mauritius, discrimination is as bad if not worse in the private sector as it is in the public sector. In 2008, the sex discrimination division of the Commission received 63 complaints, 12 of which related to sex discrimination, 22 to sexual harassment and 29 were of a general nature. A UN report suggested that although legislative safeguards against sexual harassment in the workplace were in place, their efficacy was doubtful given that they failed to provide a safe environment for women to report cases.

Mauritius response:

See recommendation n°66.

Recommendation n°90: *Take further measures to prevent discrimination based on sexual orientation, and that the Equal Opportunities Act allow legal acknowledgement of homosexual couples and their human rights (Recommended by United Kingdom)*

IRI: *partially implemented*

CHRI response:

This information valid as of May 2010. A Sexual Offences Bill that would have criminalised marital rape was not passed by parliament by the end of the reporting period. Originally placed before parliament in October 2007, public outcry over a provision legalising consensual anal sex led to it being placed before a Select Committee, where it remained. On 14 May 2010, a media report indicated that the bill would probably be put on hold or abolished. The Equal Opportunities Act, 2008 was adopted in December 2008. The Act aimed to provide protection against discrimination on grounds of age, ethnic origin, colour, race, physical handicap, caste, marital status, political beliefs, belongings or sexual orientation. An Equal Opportunities Division was created to work towards eliminating discrimination and promoting equality and good relations between people. An Equal Opportunities Tribunal was also created to hear complaints, issue interim orders and determine whether complaints are justified.

Mauritius response:

To prevent discrimination based on sexual orientation at the workplace, provisions have been in the new Employment Rights Act (No. 33 of 2008) to the effect that –

- (a) no worker shall be treated in a discriminatory manner by his employer in his employment or occupation (Section 4);
- (b) an agreement shall not be terminated by an employer by reason of –
 - i. a worker's race, colour, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status or family responsibilities;
 - ii. a worker's absence from work during maternity leave;
- (c) every employer shall ensure that the remuneration of any worker shall not be less favourable than that of another worker performing the same type of work (Section 20);



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

- Specific provisions have been introduced in the Employment Relations Act 2008 for the protection of fundamental rights of workers. Section 29 of the new Act provides that every employee shall have the right to establish or join, as a member, a trade union of his own choice, without previous authorisation and without distinction whatsoever or discrimination of any kind including discrimination as to occupation, age, marital status, sex, sexual orientation, colour, race, religion, HIV status, national extraction, social origin, political opinion or affiliation.

The Equal Opportunities Act (which is not yet in force) incorporates all the different grounds of discrimination covered under sections 3 and 16 of the Constitution as well as age, pregnancy, mental and physical disability and sexual orientation in areas dealing with employment, education, the provision of accommodation, goods, services and other facilities, sports, the disposal of immovable property, admission to private clubs and premises open to members of the public. The Act also provides for the establishment of an Equal Opportunities Commission and an Equal Opportunities Tribunal. However, Government intends to bring amendments shortly to the Equal Opportunities Act (which has not yet been proclaimed) in order for the Equal Opportunities Commission to operate as an independent body.

Recommendation n°91: *Finalize and implement the National Action Plan on Human Rights, which will undoubtedly bring about tangible improvements in the observance of all categories of human rights* (Recommended by Zimbabwe)

IRI: *not implemented*

Mauritius response:

The National Action Plan on Human Rights is being finalised and is expected to be completed by April 2011.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.



B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

| Percentage: | Implementation level: |
|-------------|-----------------------|
| 0 – 0.32 | Not implemented |
| 0.33 – 0.65 | Partially implemented |
| 0.66 – 1 | Fully implemented |

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

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