



STATEMENT

BY

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HUMAN RIGHTS AND INSTITUTIONAL

REFORMS

UPR

REPUBLIC OF MAURITIUS

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PALAIS DES NATIONS, GENEVA

Your Excellency (MR...President of the Human Rights Council)

Distinguished Members of the Council

All representatives of National Human Rights Institutions and NGOs

Distinguished guests

Ladies and Gentlemen

A very good afternoon to you all

I am very pleased to be back in your midst for the adoption of the Outcome Document of the Universal Periodic Review of Mauritius.

As you are aware, Mauritius was reviewed last November and 176 recommendations were addressed to us, on a wide range of thematic issues namely (a) Abuses by Security Forces and Police, (b) Democracy, Rule of Law and Good Governance, (c) Human Trafficking, (d) Poverty and Standard of Living, (e) Education, (f) Human Rights Awareness, (g) Gender Equality and Gender Based Violence, (h) Protection and Empowerment of Women, (i) Rights of the Child, (j) Rights of Persons with Disabilities, (k) Discrimination against Vulnerable groups and Minorities and (l) Terrorism, Torture and Prison Conditions.

I reiterate, on behalf of the Republic of Mauritius, our appreciation to all esteemed members for their participation and their constructive recommendations during the working group.

It is with great satisfaction and pride that we took cognizance, that the progress achieved by Mauritius so far in the field of human rights, has been recognized by members of the Council and we endeavour during our next review to report further progress.

Mr President,

You may wish to note that following the last review, the State of Mauritius deemed it appropriate to take back home all the 176 recommendations so as to have a concerted approach thereon, with all stakeholders through the National Mechanism for Reporting and Follow Up (NMRF). In this respect, we are most obliged to the Office of the High Commissioner for Human Rights in Pretoria for delegating a technical person to facilitate the workshop and guide all stakeholders through the UPR process.

Mr President

I am pleased to report that the Republic of Mauritius has accepted 133 out of the 176 recommendations and with your permission, I shall provide a status report thereon.

Mauritius proposes to accede and ratify the Convention on Genocide shortly.

Mauritius is also looking at acceding to the two protocols of the African Charter on Human and People's Rights (ACHPR), namely that on the Rights of Older Persons in Africa and that on the Rights of Persons with Disabilities in Africa. In this respect, a technical Committee has been set up.

Mr President

The National Human Rights Institutions will continue to be provided with adequate means to deliver according to their mandate and will continue to operate in full independence. Moreover, the National Human Rights

Institutions will be called upon to play a more prominent role in the dissemination and awareness of human rights at a national scale. In May of this year, the National Human Rights Commission will be organising a dedicated workshop for all Head of Ministries on Treaty bodies and State Reporting.

Furthermore, an Independent Police Complaint Commission was set up in April 2018, and the introduction in the National Assembly of the Police and Criminal Justice Bill, to give further protection to our Citizens and review the powers of the Police is in the pipeline. Abuses by Security Forces and the Police are, under no circumstances, tolerated.

Mr President

Given that Mauritius is particularly vulnerable to climate change and it is also exposed to natural calamities, the State will continue to implement appropriate preventive measures, provide more protection and mitigate the impact of climate change in respect of both its citizens and its economy. The Disaster Risk Management Centre will do so by working in close collaboration with all relevant stakeholders.

Mr President

The fight against Human Trafficking is high on the agenda of the State of Mauritius. A National Action Plan to Combat Trafficking in Persons is in the process of being finalized for implementation.

A Know Your Rights Pamphlet, has been prepared for the intention of `migrant workers in the various languages they use and same will be launched later this month.

Mr President,

The State of Mauritius will also step up efforts to protect our Children from commercial and sexual exploitation. It will intensify sensitization campaigns. It will also provide adequate care, protection and facilities to the victims of Trafficking In Persons.

The State of Mauritius is investing heavily on modern and strategic infrastructure to transform the country. We are aspiring to becoming an inclusive high income country.

We shall continue to intensify the fight against poverty, provide support and empower the poor. The Minimum wage has already been introduced and it will be revised periodically. The services provided by the State will continuously be improved, and made accessible to the population at large.

Due consideration will always be granted to our elderly, disabled and other vulnerable groups.

Mr President

There were no less than 32 recommendations / conclusions coming from Member States touching upon Children and we have accepted all of them. At the time of the introduction of the Children's Bill in the National Assembly, issues such the age of marriage will be addressed and I do believe that the

legal mechanism in place to protect the rights of children will be further strengthened.

Mauritius will continue to provide protection and empowerment to our children and youth and will ensure that they all get equal opportunities and facilities to enable them to succeed in life.

Children with disabilities will not be neglected. The newly set up Special Education Needs Authority will endeavour to provide the best facilities adaptable to the need of the disabled children and ensure their integration in the mainstream.

Mr President

The empowerment of women has always been a priority of Mauritius is committed to further remove barriers and accelerate efforts for women empowerment, active participation in political life and provide girls with all the best opportunities for their development. We aim to break the glass ceilings in both the public and private sectors.

Violence against women, be it domestic violence or gender based violence will, henceforth, be tackled as efficiently as possible, by addressing the issue from a victim's perspective as well as from the perpetrators' perspective.

Mr President

The State ensures that no child is left out of the education system. Education is compulsory till the age of 16 years. We will continue our efforts to ensure that all children from both urban and rural areas are not penalized. Primary

and Secondary education is free and as from January 2019, same has been extended at Tertiary level in all public higher education institutions.

Human rights education is also included in the school curriculum and is being dispensed as from a very young age.

Mr President

The State of Mauritius will do its utmost to uplift the rights of persons with disabilities, prevent their discrimination and promote their rights. In this respect, the disability bill is being finalised.

Moreover, Mauritius is fully conscious of its social fabric and does not, in any way, tolerate discrimination and hate speech against any individual, or minority groups.

Mr President

As regards the 43 recommendations which we have taken note of, it is to be noted that 25 of them relate to ratification / accession to International Human Rights Instruments and Framework.

Mr President

Though we are not party to the **Second Optional Protocol to the International Covenant on Civil and Political Rights**, I wish to point out that Mauritius has abolished the death penalty by way of the enactment of the Abolition of Death Penalty Act in 1995.

Mr President

Mauritius is not a signatory to the **1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families**. However, Mauritius applies the essence of the Convention in cases of disputes between migrant workers and their employer.

Migrant workers coming to Mauritius are allowed to come with their families, except for low skilled workers. The main reason is that Mauritius is geographically small and we are among the most densely-populated island state. In addition, the country has limited resources and we will be unable to provide the core basic services that would be required.

Mr President

Though the State of Mauritius is not proposing to accede to the **1951 Convention relating to the Status of Refugees**, again in view of being a densely populated island, we do, however, fully adhere to the principle of non-refoulement and treat requests for refugee status or political asylum on a humanitarian, case-to-case basis by facilitating their re-settlement in a friendly country willing to grant them refugee status. In this respect, we work closely with the Office of the High Commissioner for Refugees in Pretoria.

Mr President

It is practically for the same above-mentioned reasons that Mauritius does not envisage to accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. (Recommendations 115.23, 115.24, 115.176). We believe that our existing legislations contain adequate provisions to protect from and reduce statelessness.

Mauritius does not envisage to **accede to the International Convention for the protection of all persons from Enforced Disappearance** as there are no cases of enforced disappearance being perpetrated or tolerated by the State.

Mr President,

The accession to the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights** is presently not on the agenda of the State of Mauritius. In our opinion, adequate avenues of redress already exist in our legal system.

Mr President

The ratification of the Indigenous and Tribal Peoples Convention, 1989, (No 169) of the International Labour Organisation, is not envisaged given that it is not relevant to our local context.

As regards the recommendation for the standing invitation to special procedures of the Human Rights Council, the State would rather consider

issuing invitations on a case to case basis, at mutually agreed dates. It is to be noted that in the past, we have always collaborated on the visit of special rapporteurs. Moreover, during a Courtesy Call on the High Commissioner for Human Rights two weeks ago, I conveyed the invitation of the Republic of Mauritius to her to pay an official visit to the country.

Mr President

As regards the adoption of an open, merit-based selection process when selecting national candidates for United Nations treaty body elections, the Government of Mauritius will look at the advisability of widening the profiles of future Mauritian nationals.

Mr President,

Mauritius is presently not in a position to withdraw the reservations under the Convention for the Elimination of All Forms of Discrimination against Women. As regards the signing of the Southern African Development Community Protocol on Gender and Development, same can be envisaged after the passing of the Children's Bill in the National Assembly.

Mr President

We have observed that several Members of the HRC have made recommendations pertaining to the protection and advancement of the LGBTI Community, the combating and prohibition of discrimination based on sexual orientation and gender identity and also for the repeal of Section 250 of the Mauritian Criminal Code that criminalize same-sex relationship between consenting adults.

Though we have taken note of these various recommendations (115.40-115.54), please rest assured that the Government of Mauritius will take initiatives for the recognition of the rights of LGBTI. We are proceeding in a holistic manner. Legislative reforms will be brought once there is general consensus taking into consideration the social fabric of the country. We hope to report positively by the 4th UPR cycle on the subject matter.

At this stage, I can state that the Ministry of Justice, Human Rights and Institutional Reforms is indeed committed to advancing the rights of the LGBTI community and with a view to achieving the said general consensus, the Ministry has secured technical assistance from the Human Dignity Trust, one of the members of the Equality & Justice Alliance based in UK. The assistance provided includes the undertaking of sensitization activities, engaging with international networks of experts and champions, and receiving support to develop resources, knowledge and capacity to draft and amend legislation with a view to promoting the human rights of the LGBTI community in Mauritius.

Mr President

The Government of Mauritius does not propose to amend the Criminal Code to allow the voluntary termination of pregnancy. We believe that Section 235 of our Criminal Code which currently authorizes the termination of pregnancy is adequate in the local context.

Termination of pregnancy is only allowed in specific circumstances in Mauritius namely-

(a) when the continued pregnancy will endanger the pregnant person's life;

(b) when the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person;

(c) when there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality, of the foetus, as assessed by the appropriate specialists; and

(d) when the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the Police or a medical practitioner.

Mr President

I hope that I have been able to provide you and the members of the Council with adequate update on the recommendations being accepted, and the reasons as to why some are not being adhered to.

I seize this opportunity to thank you for your mastery in presiding the deliberations and for the smooth running of the proceedings.

I wish to reaffirm the commitment of Mauritius to continue working in close collaboration with the Human Rights Council and the Office of the High Commissioner for Human Rights. I, once again, wish to reiterate the appreciation of Mauritius to Her Excellency, Mrs Bachelet and her staff for their continued support extended to us.

My thanks also go to all the Member States, NHRIs, NGOs, observers present today as well as the Secretariat and the interpreters.

Before concluding, I would like to inform member states of the Advisory opinion on the Legal Consequences of the separation of the Chagos Archipelago from Mauritius in 1965 delivered on 25 February 2019 by the International Court of Justice. Member States will recall that on 22 June 2017, the adopted United Nations General Assembly adopted Resolution 71/292 requesting an advisory opinion from the International Court of Justice International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. On 25 February 2019, the International Court of Justice gave its advisory opinion. The Court:

- i. unanimously found that it had jurisdiction to give the advisory opinion requested;
- ii. by twelve votes to one, decided to comply with the request for an advisory opinion;
- iii. by thirteen votes to one, was of the opinion that, having regard to international law, the process of decolonization of Mauritius was not lawfully completed when Mauritius acceded to independence in 1968, following the separation of the Chagos Archipelago;
- iv. by thirteen votes to one, was of the opinion that the United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible; and
- v. by thirteen votes to one, was of the opinion that all Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius.

I thank you for your attention.