



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Mauritius and welcome the constructive engagement of your Government during the 31<sup>st</sup> session of the UPR Working Group in November 2018.

As the final outcome report on the review of Mauritius has been recently adopted by the Human Rights Council at its 40<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Mauritius – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 77 delegations, the presentation and responses made by the delegation of Mauritius and the actions taken by your Government to implement the 114 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I am particularly encouraged by the establishment of the Ministry of Justice, Human Rights and Institutional Reforms in 2017 and of the Independent Police Commission in 2018 as well as by several legislative advancements such as the amendments to the Local Government Act in 2015, establishing quota for candidates of both sexes, and amendments to the Protection from Domestic Violence Act in 2016, strengthening the legislative framework to protect victims of domestic violence. I encourage Mauritius to accelerate the adoption of a number of bills pending to be presented to the National Assembly and which could contribute to further advancement of human rights.

I welcome the adoption of the National Human Rights Action Plan 2012-2020. I encourage Mauritius to strengthen further the national action plan and to effectively implement it in order to ensure the achievement of concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparation for Mauritius' fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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Hon. Nandcoomar BODHA, GCSK,  
Minister of Public Infrastructure and Land Transport  
Minister of Foreign Affairs, Regional Integration and International Trade  
Mauritius

I encourage Mauritius to pursue its efforts to strengthen its National Mechanism for Reporting and Follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic and which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice by Mauritius to submit mid-term reports and encourage the Government to do so again on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Mauritius in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights

cc: H.E. Mr. Maneesh Gobin  
Attorney-General and Minister of Justice, Human Rights and Institutional Reforms  
Mauritius

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Convention on the Prevention and Punishment of the Crime of Genocide; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; and the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

### **National human rights framework**

- Strengthening the independence of the National Human Rights Commission, broadening its mandate and allocating sufficient human, technical and financial resources to enable it to carry out its functions effectively.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Prevention of and protection from discrimination based on gender identity and sexual orientation, by repealing section 250 of the Criminal Code with a view to decriminalizing same-sex sexual conduct between consenting adults.
- Investigating all complaints of violence and hate speech against lesbian, gay, bisexual and transgender persons, and bringing those responsible to justice.

##### *Development, the environment, and business and human rights*

- Ensuring a human rights-based approach in developing policies and implementing measures on the mitigation of and adaptation to climate change, by taking into account the needs and viewpoints of persons in marginalized and disadvantaged situations.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Pursuing efforts for the absolute ban of torture, by introducing a statutory provision in that regard, and ensuring prompt and effective investigation into all allegations of torture and prosecuting the perpetrators accordingly.
- Improvement of the conditions of detention in penitentiary institutions, including by improving the hygiene, access to food and water, and ensuring the separation of detainees from those serving prison sentence.

*Administration of justice, including impunity, and the rule of law*

- Provision of safeguards for full justification of arrests and detentions, promotion of alternative and non-custodial measures, and reduction of delays in criminal proceedings.
- Prevention of the practice of overreliance on confessions for investigation and prosecution purposes, and improvement of investigation methods using scientifically based evidence.

*Fundamental freedoms*

- Introduction of a freedom of information law in accordance with international standards.

*Prohibition of all forms of slavery*

- Taking measures to prevent and prosecute trafficking in persons, including by enforcing the Combating of Trafficking in Persons Act.
- Acceleration of the adoption of a comprehensive action plan to prevent, combat and prosecute all forms of trafficking in persons, including trafficking in children.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Provision of adequate protection to domestic workers and workers in enterprises with less than 10 employees from discrimination and any other violations of their right to just and favourable work conditions.

*Right to health*

- Guaranteeing safe, legal and effective access to abortion where the life or health of the pregnant woman or girl is at risk, and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or non-viable; and fully applying section 235A of the Criminal Code, which decriminalizes abortion in specified circumstances.

*Right to education*

- Further improvement of the accessibility and quality of education for all children, in particular by increasing access to educational materials in Creole language, including for children in rural areas.

**D. Rights of specific persons or groups**

*Women*

- Strengthening implementation of measures combating discrimination against women at work, both in public and private sectors, including by enforcing regulations on equal pay for work of equal value, empowering and promoting women to higher skilled jobs and decision making positions, and providing full access to Equal Opportunity Commission or Tribunal.

- Revision of the section 16 (4) (c) of the Constitution discriminating against women in relation to adoption, marriage, divorce, burial, and devolution of property upon death with a view to amending or repealing it.
- Strengthening efforts to combat gender-based violence and domestic violence, by bringing perpetrators to justice, facilitating complaints, protecting women against reprisals or social reprobation, and providing them with adequate assistance.
- Amendment of the criminal legislation, including by defining marital rape as a specific criminal offence and abrogating section 242 of the Criminal Code.

### *Children*

- Acceleration of the adoption of the Children's Bill and ensuring it is fully compliant with the Convention on the Rights of the Child and its relevant Optional Protocols.
- Full and explicit prohibition of corporal punishment of children in all settings, including in the home, alternative care settings, schools and penal institutions, and promotion of positive, non-violent forms of discipline.
- Putting an end to child sexual abuse and exploitation, especially child sex tourism and online child sexual exploitation, by establishing mechanisms for reporting and investigating such cases, bringing those responsible to justice, and ensuring effective support for the recovery and social reintegration of child victims.
- Enforcement of the minimum age of marriage, established at 18 years for both boys and girls, and ending the practice of child marriages.
- Combating child labour, especially its worst forms, by adopting a strategy against child labour, strengthening the labour inspectorate to detect and sanction those responsible, and improving protection and reintegration programmes for victims, including for children in street situations.
- Establishment of a minimum age of criminal responsibility in legislation, in accordance with international standards, creation of juvenile justice tribunals and related procedures, training of judges and police officers, and provision of legal aid to children throughout the criminal process.

### *Persons with disabilities*

- Reinforcement of measures to combat violence and ill-treatment of persons with disabilities, especially sexual abuse, and ensuring that all those responsible for such acts are held accountable under the law.
- Ending the practice of forced treatment of persons with intellectual and psycho-social disabilities in hospitals and institutions in the absence of free and informed consent, and ending the forced sterilization of women and girls with disabilities.
- Abolition of guardianship measures in law and in practice, recognition of the legal capacity of persons with disabilities on an equal basis with others, and introduction of supported decision-making mechanisms.
- Deinstitutionalization of persons with disabilities, especially children, by providing family and community-based alternatives.

- Ensuring accessibility for persons with disabilities of the built environment, public service provision, information and communications, including sign language interpretation and all forms of transportation.
- Implementation of inclusive education, by assigning specialized teachers and professionals for individual support to children with learning difficulties, and combating stigmatization of and prejudice against children with disabilities.

#### *Minorities*

- Strengthening measures to improve access to information in Creole language in all areas.
- Implementation of policies conducive to the economic development for Mauritian Creoles, with their full participation.

#### *Refugees and asylum seekers*

- Establishment of a national asylum legislation and asylum procedures in line with international standards, ensuring prompt access to fair and efficient refugee status determination procedures with necessary safeguards.

#### *Stateless persons*

- Introduction of legal safeguards for foundlings and children who were born in the country and who would otherwise be stateless.