



NATIONAL HUMAN RIGHTS COMMISSION

MAURITIUS

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NATIONAL HUMAN RIGHTS COMMISSION

PORT LOUIS - MAURITIUS

May 2021

**His Excellency
Mr. Prithvirajsing ROOPUN G.C.S.K.
President
Republic of Mauritius
State House
REDUIT**

Your Excellency,

In compliance with Section 11 of the Protection of Human Rights Act I have the honour to submit to you the Annual Report of the National Human Rights Commission of Mauritius for the period 1 January 2020 to 31 December 2020, to be transmitted to the National Assembly.

The delay in submission is regretted due to the lockdown following the outbreak of the pandemic Covid 19.

Yours faithfully,

**Dheerujlall B. Seetulsingh, S.C.
Chairman**

NATIONAL HUMAN RIGHTS COMMISSION
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CHAPTER I

INTRODUCTION

A. OVERVIEW

The National Human Rights Commission (the NHRC) was set up in 1998 by Act of Parliament – the Protection of Human Rights Act. It was created according to the Paris Principles which govern the requirements of independence of National Human Rights Institutions and was accredited as a Status A NHRI in 2002 and reaccredited as Status A in 2014.

It now consists of two Divisions –

- (1) the Human Rights Division and
- (2) the National Preventive Mechanism Division set up according to the Optional Protocol to the Convention against Torture to ensure that conditions of detention in prisons, police cells and other places of detention comply with human rights norms.

The NHRC has a quasi-judicial competence to receive complaints regarding violations of human rights, to summon witnesses, to call for the production of documents and to hold hearings. Thereafter it can make recommendations to the proper authorities to take action.

The term “Human Rights” under the Protection of Human Rights Act as subsequently amended, is defined as the rights protected under Chapter II of the Constitution of Mauritius. These rights are mainly civil and political rights. There is no mention of second generation rights, which are the rights to education, health, housing, social security, right to work, not to speak of third generation rights (right to clean water, right to development, right to a clean environment). The right to life may in certain situations encompass economic, social and cultural rights. A denial of the right to health or the right to a shelter or the right to social aid may, for example, put at risk the life of a person in certain situations. The NHRC may in some cases widen its mandate by giving a generous interpretation to the right to life.

B. SLAVERY

Slavery and Colonialism are two human rights issues which have shaped the history of Mauritius.

The demand for labour was at the root of colonization to put up the infrastructure in a new colony and to develop agriculture, mainly sugar plantations. It was unpaid labour as slaves were considered to be chattels and merchandise (as illustrated in the Codes Noirs of Napoleon Bonaparte). It was a crime against humanity. After the abolition of slavery when slaves refused to work on the plantations, there was a need to import indentured labour from the Indian subcontinent.

C. THE WELFARE STATE

To a large extent, the provisions of the Welfare State in Mauritius already afford second and third generation rights to Mauritian Citizens. Any maladministration in the provision of such rights falls within the jurisdiction of the Ombudsman under Section 96 of the Constitution. Furthermore, the different Ministries which administer economic and social measures have their own complaint mechanism. The Ministry of Health and Wellness has a mechanism to deal with allegations of medical negligence. The Ministry of Social Integration, Social Security and National Solidarity deals with old age pensions, social aid and compensation for incapacities. It has set up a Medical Tribunal to grant a hearing to dissatisfied claimants. The Ministry of Gender Equality and Family Welfare includes a Family Protection Unit to look into cases of domestic violence and a Child Development Unit to enforce laws protecting children. The Ministry of Labour, Human Resource Development and Training has a Labour Inspectorate to enforce the Workers' Rights Act and the Employment Relations Act. Labour Inspectors are also empowered to take cases before the Industrial Court where it is alleged that employers have violated the rights of workers. A special unit caters for the rights of migrant workers ensuring that their labour contracts and conditions of accommodation are respected.

The Employment Relations Tribunal and the Mediation and Conciliation Commission hear disputes between employers and employees. The State legislates every year to fix the quantum of additional remuneration to workers after giving a hearing to employers and to trade unions. A

National Remuneration Board fixes the wages of various categories of employees. The minimum wage is fixed in Mauritius.

The Ministry of Social Integration, Social Security and National Solidarity is entrusted with the task of combatting absolute poverty, with the aim of attaining one of the major Sustainable Development Goals before 2030. The State has also set up a Citizens Support Unit (CSU) under the aegis of the Prime Minister's Office to attend to all kinds of complaints regarding the supply of services to citizens, which range from the bad state of roads or an inadequate water supply to the non-payment of pensions. The CSU operates efficiently in conjunction with Citizens Advice Bureaus and conducts sensitization campaigns to inform the public about its services. The Ministry of Housing and Land Use Planning and the institutions operating under its aegis are responsible for providing soft loans for the construction of houses, contributions for casting slabs and for providing houses to more disadvantaged groups. Public Education is free in Mauritius from pre-primary to tertiary level with free transport for students, subsidies for examination fees. An Open University affording free courses has become immensely popular, enabling both employed and unemployed people to acquire or improve qualifications and skills.

There is a Human Rights Division within the Ministry of Foreign Affairs, Regional Integration and International Trade. It is responsible for the preparation and submission of Periodic Reports to Treaty Bodies and to the African Commission on Human and People's Rights after receiving inputs from relevant Ministries. In 2019 Mauritius submitted its Periodic Report under the African Charter and is due to submit its initial Report on Women's Rights under the Maputo Protocol to the Charter. Human rights reporting to Treaty Bodies is now up to date. The Ministry manages the National Mechanism for Reporting and Follow up (NMRF) to ensure that different Ministries contribute in a timely manner to the drawing up of Reports and to coordinate the necessary follow up to the Concluding Observations of Treaty Bodies and the Recommendations following the Universal Periodic Review.

Transport facilities have considerably increased with the introduction of the Metro Express on which students and older persons travel free.

Corporate Social Responsibility is now a reality in Mauritius with funds being channelled through the authorities to help NGOs such as those which shelter women in distress, orphans and children who have been abandoned by their parents.

D. OTHER INSTITUTIONS

- a.** The Independent Police Complaints Commission deals with complaints against police officers acting in the course of their duties. It also has the power to investigate into death in police custody.
- b.** The Ombudsperson for Children ensures that Children's rights are protected and is responsible for the implementation of the Convention on the Rights of the Child in Mauritius. A Children's Act was enacted by Parliament in December 2020 and fixes the mandatory minimum age of 18 for a person to get married. The Act sets down the age of 14 as the age of criminal responsibility. A Special Court with specialized staff will be created to cater for Children and related family issues.
- c.** The Equal Opportunities Commission deals with discrimination on the grounds of status (age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation) and with complaints of sexual harassment. The Inspectors of the Ministry of Labour also deal with sexual harassment at work. The ILO Violence and Harassment Convention 2019 (No. 190) and the Violence and Harassment Recommendation 2019 (No. 206) are in the process of being adopted.

CHAPTER II

COVID-19 AND HUMAN RIGHTS

Due to the COVID-19 pandemic which affected the whole world, there was a lockdown in Mauritius from 19 March to 1 June 2020. The reasonable and proportionate measures that were taken by the authorities enabled them to control the spread of the pandemic. By 30 June 2020, 337 cases were recorded for a population of 1.3 million people. Unfortunately 10 persons died due to COVID-19.

Public health measures to contain the pandemic impacted on the human rights of citizens, but they were necessary in the circumstances. During the lockdown there was a severe restriction on the freedom of movement as people (apart from the front liners) were confined to their residence. Freedom of assembly was temporarily suspended to avoid the spread of the disease. People were not allowed to assemble for religious ceremonies, weddings and of course for parties and other celebrations. Some claimed that they were denied the freedom to practice their religion according to established customs. However no complaint was lodged at the NHRC. The public in general was very concerned about health hazards, followed instructions to wear masks and to respect social distancing. Reasonable derogations from the fundamental rights inscribed in the Constitution are permissible to protect public health and generally in the public interest.

Borders had to be closed, thus restricting the right of Mauritian citizens to return to their home country. This did cause hardship especially to Mauritians who were working on cruise ships and who got stranded abroad. A repatriation programme was gradually put into place when periodic air flights resumed. The restriction proved to be necessary to combat the pandemic.

Subsequently those who returned to Mauritius had to go into quarantine for 14 days. The limitation on their freedom was reasonable and proportionate as any infection could develop within 14 days of arrival. PCR tests were carried out on arrival, after 7 days and then at the end of the 14 day stay to ensure that the returning passenger was not suffering from the COVID-19.

During the lockdown some older persons and persons with disabilities were isolated and had not been able to stock on food. The officers of the Ministry of Social Integration, Social Security and National Solidarity delivered food packs to the needy.

To control any likely spread of the pandemic in detention centres, the authorities decided to free some 400 detainees whose term of imprisonment was ending in 2020. This rendered the task of prison officers lighter and enabled them to put into place a system of social distancing.

As for children, they could not attend schools. Teaching was done through the national television network and online to safeguard the right to education. Practically every home in Mauritius has a television set. On the other hand, it could happen that children in better off families and attending private schools benefitted more from teaching that was dispensed online and could even submit homework to be corrected by their teachers.

The Courts were not able to function and many cases fixed for hearing had to be postponed. This resulted in some delay in the dispensation of justice. After the lockdown, the Courts had to deal with a backlog of cases.

Work from home was encouraged wherever possible. Employers provided sanitizers and masks at the workplace and insisted that social distancing be observed.

Frontliners such as police officers, firemen, health workers, rubbish collectors were afforded special protection measures to protect their right to health.

Statistics showed that there was an increase in domestic violence during the lockdown due to pressures in the household.

The economic consequences of the pandemic were substantial. Many informal workers lost their jobs. Small businesses could no longer operate. Since Mauritius depends largely on tourism, the sudden drop in the number of tourists put the tourism industry at serious risk. A Wage Assistance Scheme was put into place to help employers maintain their workforce even though there was no work.

The theme for Human Rights Day on 10 December 2020 was about Better Recovery. However it was difficult to attract tourists since they would have to spend 14 days in quarantine and pay for the same. Since the situation did not improve in Europe and South Africa, the tourism

industry had still not recuperated by the end of 2020. Thus the right to earn a living was put at risk.

Tenants who could not pay for their rent were given a moratorium and borrowers who had to reimburse loans were also granted protection by the authorities.

Mauritius is also a large exporter of fruits like pineapples and lychees in the summer season. Since the national airline, Air Mauritius, had drastically reduced its operations and the costs of cargo had increased, it was difficult to export fruits. The downside was that Mauritian consumers benefitted from the low prices of some fruits and vegetables, but this affected the livelihood of small planters.

Accessibility to educational facilities was a considerable problem for students with disabilities. There was a communication issue in that many could not grasp the seriousness of the health hazards arising out of the pandemic. Access to supermarkets to buy food was not always easy and within their reach.

CHAPTER III

HUMAN RIGHTS ISSUES

A. OLDER DETAINEES IN PRISON

There are now convicted detainees in prison who are more than 70/75 years old.

The NHRC has recommended that they should be released by the Parole Board in cases which satisfy the requirements of Section 51 of the Reform Institutions Act and where they have families prepared to look after them.

B. IMPRISONMENT FOR NON-PAYMENT OF FINES

The punishment for road traffic offences now includes heavy fines which many contraveners may not be able to afford. This results in their being imprisoned for non-payment of fines. It is recommended that community service orders should be imposed in lieu of imprisonment. There could be a specific regime in such situations, for example, cleaning beaches and rivers under the supervision of the Ministry of Environment, Solid Waste Management and Climate Change.

Heavy fines are imposed by Courts on persons convicted for drug offences apart from a prison sentence. Few of them are able to pay those heavy fines since their assets are seized and their bank accounts frozen.

It is recommended that the law be amended to provide for less heavy fines or that the offenders could be released by the Parole Board on proof that they have been of good conduct in prison.

C. DELAYS IN POLICE ENQUIRIES

Delays in police enquiries are due to the excessive number of cases the police have to investigate. Last year the NHRC recommended the setting up of Enquiry Units at the Divisional level to expedite enquiries. The Forensic Laboratory is now better equipped to provide reports quickly in cases of drugs seizure so that the police enquiries can be completed in a speedy manner.

There are now many remand detainees who cannot afford bail or who cannot be released because of the nature of the offence they have allegedly committed. At the end of the year 2020 about 60 per cent of detainees were detainees on remand. Even the Eastern High Security Prison at Melrose which should harbour only convicted detainees had to cater for remand detainees. The latter cannot work and cannot buy goods from the canteen.

D. DRUGS

Addiction to synthetic drugs continues to be a big problem. It is reported that a number of students are recruited as drug dealers in schools. In some cases parents who refuse to give money to their grown up children addicted to drugs are assaulted or murdered by the children. The authorities are doing their best to control this scourge.

A scheme is being developed whereby drugs consumers will not be sent to prison if they are willing to follow a disintoxication programme under close supervision of a proposed Drugs Offenders Administrative Panel (DOAP). This model has been adopted successfully in Portugal and other countries.

E. GENDER BASED VIOLENCE

A High Level Committee on Gender Based Violence (GBV) was set up to address gaps at the legislative, institutional and operational levels. In November 2020 a National Strategy and Action Plan (NSAP) on the elimination of GBV 2020-2024 was published to better understand the nature and extent of GBV. Four Technical Working Groups (TWG) have been set up to address the problem –

1. TWG 1 - Social Norms
2. TWG 2 - Sub Strategy Component 2: Priority Support Services for survivors while holding Perpetrators Accountable
3. TWG 3 - Discriminatory Laws and Practices
4. TWG 4 - Monitoring and Evaluation

The EU Project Unit of the NHRC has designed a pamphlet to help victims of domestic violence. Talks are delivered especially in Women's centres on GBV to create awareness of the problem and to sensitize women on their rights.

It is recommended that Regional Specialised Courts should be set up to deal with GBV cases. At the moment District Magistrates deal with cases of domestic violence.

In its 2019 Annual Report the NHRC recommended the establishment of an Independent Commission (or Authority) for the Protection of Women against domestic violence in order to deal with such cases expeditiously and provide an efficient support mechanism to the victims.

F. OLDER PERSONS

Older Persons are getting better organized in Mauritius. The increase in old age pension and the organization of multiple activities for the benefit of older persons by the Ministry of Social Integration, Social Security and National Solidarity has enabled older persons to be more independent and to keep active.

The NHRC participated in a workshop organized by MACOSS and addressed the issue of the impact of COVID-19 on Older Persons. The latter should not only be seen as vulnerable victims but also as potential caregivers, volunteers and community leaders. However older persons are at higher risk as they may already be suffering from an underlying health condition. In poor countries older persons have no access to essential health services. In Mauritius, during the COVID-19 lockdown, pensions were paid directly at the home of elderly persons to enable them to purchase food items.

There is still a need to increase access of older persons to digital technologies and to initiate them on using new technologies.

There is little evidence of age based discrimination and stigmatization of older persons. On the other hand older persons have been victims of attacks and theft in their homes or on the road. Instances have been reported where close relatives misappropriate their pensions.

G. PERSONS WITH DISABILITIES

COVID-19 had a negative impact on persons with disabilities. Accessibility to services, and shopping was limited. On the other hand there is more attention given to the needs of persons with disabilities with ramps being provided in public buildings, post offices and banks.

In October 2020 there were some 32,500 persons who received a Basic Invalidity Pension.

Some blind and deaf persons complained that they had incomplete information about the pandemic. The sign language was not always used during the daily press briefing. The need for social distancing and for the use of sanitizers was not always clear in the beginning.

New technologies for learning were not readily accessible to persons with disabilities so that they were disadvantaged in their education. However, the authorities have made considerable efforts to integrate children with disabilities in normal school classes.

It is recommended that more attention be given to the training of parents and carers of children with disabilities. The NHRC campaigned for persons with disabilities to have their reserved parking in carparks and on the road with the Police and the National Transport Authority.

As far as possible the full participation in society of persons with disabilities must be ensured. They have the right to participate in all areas of life and have an equal chance to employment, education, recreational activities. Until now, the requirement for employers who employ more than 35 persons to employ at least one person with disability has not been enforced.

Our Constitution does not provide for the compulsory representation of persons with disabilities in the National Assembly to make it more inclusive and to ensure that their voice may be heard.

In our welfare state though, constant attempts are made to improve the quality of life of person with disabilities.

There is strong participation in sports activities and competitions.

As a signatory to the UN Convention on the Rights of Persons with Disabilities Mauritius is doing its best to comply with its obligations under the Convention. The next step is to implement the Sustainable Development Goals so as to include the rights of persons with disabilities.

The Ministry of Social Integration and Social Security and National Solidarity is preparing a Disability Bill which will provide the following –

- (i) Promotion of the full enjoyment of human rights and fundamental freedom by person with disabilities;
- (ii) Accessibility to physical, social, economic and cultural environment and to health, education, information, communication and technology for persons with disabilities;
- (iii) Regulation and registration of organizations that provide services to persons with disabilities and organizations of and for persons with disabilities; and
- (iv) Incorporation in our legislations of the various Articles/Resolutions of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as other international instruments to which Mauritius is party.

H. LGBT

In most parts of the world there is now a social acceptance of LGBT. The Supreme Court of India delivered a ground breaking decision in favour of LGBT persons. The European Union has declared Europe to be a LGBT Freedom Zone. The Pope has unofficially accepted that same sex couples should have certain rights like adopting a child. The Supreme Court of the United States has given a wider definition of sex in 2020.

The Supreme Court decision, Bostock vs. Clayton Country, Georgia, involved three separate cases in which employees alleged their employers discriminated against them because they were either gay or transgender. Ultimately this 57-page decision boiled down to the definition of the word “sex.” In a 6-3 decision, Justice Neil Gorsuch explained that even assuming “sex” refers only to “biological distinctions between male and female,” gay and transgender employees are protected from employment discrimination since “homosexuality and transgender status are inextricably bound up with sex.” Therefore “to discriminate on these grounds requires an employer to intentionally treat individual employees differently because of their sex.”

In Mauritius, the Equal Opportunities Act makes it illegal to discriminate on the ground of status which includes sex or sexual orientation. Thus, this gives legal recognition to those who are LGBTQ. It is usual to refer to the LGBTQ community as being a separate group. But nowadays LGBTQ persons are being considered as ordinary members of society and lead a normal life whether in employment, in education, in cultural activities. There is some resistance in some quarters and the more tragic instances are where a family rejects one of its members (especially a young person) who may be LGBT.

The NHRC in its sensitization campaigns informs its audiences about the rights of LGBTQ people and about the need for inclusion. It held a workshop to sensitize senior police officers on the issue so that they could in turn create an awareness among their junior officers on how not to discriminate against LGBTQ people.

A few NGOs are actively engaged in promoting LGBT rights in Mauritius. The delegation of the European Union in Mauritius has provided funds to one particular NGO to enhance its activities in advocacy, sharing information to change the attitude of the public.

The Collectif Arc-en-Ciel set up in 2005 (CAEC) is at the forefront to combat all forms of discrimination based on sexual orientation and to gather data on the issue. It also provides guidance, counselling and medical services to LGBTI members. CAEC has also created youth groups for young LGBTI people and pays special attention to bullying in schools due to sexual orientation.

Young Queer Alliance (YQA) founded in 2014 aims at empowering and protecting young LGBTI persons aged between 14 and 29. It provides a forum where they can share experiences, caters for those who have been rejected by their families or those who have resorted to substance abuse.

VISA G is an NGO set up in 2021 which focuses on transgender persons and provides legal support to them. Some transgender persons are sex workers and as such have been targeted by the police. VISA G provides training to transgender to enable them to become small entrepreneurs. Transgender people may still be the subject of stigmatization.

I. REPORTS TO TREATY BODIES

The Combined 2nd and 3rd Periodic Report to the Committee on the Rights of Persons with Disabilities was submitted in October 2020 and will be examined by the Committee in 2021.

Mauritius reported on the follow-up to the Concluding Observations of its last Report to the Committee on the Elimination of All forms of Discrimination against Women in November 2020.

Mauritius presented its combined 9th and 10th Periodic Report under the African Charter on Human and People's rights in February 2020. The African Commission has not yet published its Concluding Observations on the Report.

J. AFRICAN PEER REVIEW MECHANISM

The African Union established the African Peer Review Mechanism (APRM) in 2003 and requires Member states to submit a Report based on 4 thematic areas –

- (1) Democracy and Political Governance;
- (2) Economic Governance and Management;
- (3) Corporate Governance;
- (4) Socio-Economic Development.

Mauritius submitted a Country Report in 2010 and was reviewed in 2013. The Peer Review Report made certain recommendations. Mauritius has to submit a Country Progress for the period 2010-2020 to show how far the Recommendations have been implemented. Issues raised include guaranteeing economic, social and cultural rights in the Constitution, abolishing the “General Population” category in the First Schedule to the Constitution and electoral reform to introduce proportional representation.

K. LEGISLATION ENACTED IN 2020 PROMOTING HUMAN RIGHTS

The **COVID-19 (Miscellaneous Provisions) Act 2020 (No.1 of 2020)** (the “COVID-19 Act”) and the **Quarantine Act 2020 (No.2 of 2020)** were enacted in response to the outbreak of the Covid-19 pandemic in Mauritius and to deal with its impact.

- **The COVID-19 Act** has amended some 56 existing legislations which relate to various sectors including *inter alia* public health, employment, consumer protection, environment protection, banking and tourism. The COVID-19 Act has introduced several measures under a public health emergency in line with human rights obligations.
- **The Quarantine Act 2020** which has repealed and replaced the **Quarantine Act 1954**, promotes and protects the citizen’s right to health, especially in light of public health crisis during a pandemic such as Covid-19. The Act provides for a modern legislative framework which lays down appropriate measures for the prevention and spread of communicable diseases.

The Children’s Act 2020 (No.13 of 2020) provides for a far-reaching and modern legislative framework for the better promotion and protection of the rights of children in Mauritius. In addition, the Children’s Act, which when promulgated, will repeal and replace the existing Child Protection Act, includes the provisions of the UN Convention on the Rights of the Child and those of the African Charter on the Rights and Welfare of the Child.

The Children’s Court Act (No.14 of 2020) caters for the establishment of a specialised Court which will have jurisdiction to hear and determine cases involving children. The primary aim of the Children’s Court will be to ensure that the best interests of the child are paramount to any proceedings and to ensure that such proceedings are conducted expediently in a child-friendly environment.

The Child Sex Offender Register Act (No.15 of 2020) sets up a register which will enable the police to monitor and track sex offenders who have been convicted of sexually assaulting a minor. The main objective of the register is to reduce and prevent the risk of sexual offences against children.

The Climate Change Act 2020 (No.11 of 2020) establishes a legal framework to effectively deal with and mitigate the adverse effects of climate change in Mauritius. Climate change represents a global threat to human rights including *inter alia* the right to life, food, health, water and housing. The primary objective of the Climate Change Act is to develop Mauritius into a climate-change resilient and low emission country and give better effect to the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change to which Mauritius is a party.

CHAPTER IV

HUMAN RIGHTS DIVISION

It is impossible to reflect on this year 2020 without focusing on the ongoing global COVID-19 pandemic, with its lockdowns, loss of life, impacts on the most vulnerable in our communities and severe economic and social impacts that have been felt by all of us.

Mauritius has not been spared by the pandemic and there has been a lockdown from March to May 2020 and some ten citizens passed away due to the COVID-19 pandemic. As from May 2020, the lockdown conditions were eased and Mauritius is now a COVID safe country. However, our barriers have remained closed except to and from Rodrigues, for freight and repatriation of citizens of Mauritius.

Following the lockdown, there has been a decrease in the number of complaints received at the level of the Human Rights Division (the “HRD”). The onset of the COVID-19 pandemic resulted in significant changes to our outreach strategies due to the inability to conduct face to face consultations and meetings, thereby leading to a decrease in the number of hearings.

A OUR WORK

The HRD is part of the National Human Rights Commission (NHRC) and we operate under the Protection of Human Rights Act 1998 (PHRA).

We offer a free complaints service to deal with potential breaches of Human Rights under Chapter II of the Constitution of Mauritius.

A.1 Statutory Mandate

In accordance with **Section 4** of the Protection from Human Rights Act 1998, our functions are:

- (a) To enquire into written complaints from any person alleging that his human rights is being or is likely to be violated by an act or an omission of a public officer or a public body within 2 years from the date of the occurrence of the act or omission;

- (b) To attempt to resolve any complaint through conciliation;
- (c) To refer the complaint to the relevant authority, that is, the Director of Public Prosecutions, the appropriate Service Commission or the chief executive officer of the appropriate public body;
- (d)
- (e) To inform the complainant of any action taken in his case; and
- (f) Upon completion of the enquiry, the HRD has the mandate to send its conclusions and recommendations to the Minister responsible for Human Rights.
- (g) Furthermore, according to section 4A of the Act, pertaining to an application by a convicted person for reference to the Supreme Court under the Criminal Appeal Act, the HRD can conduct a preliminary investigation, determine whether it will conduct an inquiry into the matter and, on completion of the latter, may grant the application or reject the application. This applies only to persons convicted by the Supreme Court.

B OUR PROCEDURE

Members of the public may contact us either for a query or a complaint.

B.1 Queries

A query is a request for information or any question relating to the PHRA.

Queries are treated confidentially. We encourage the public to contact us with questions related to human rights. An officer is always available for assistance and clarity and where applicable, efforts will be made to identify the most appropriate solution.

As from September 2020, new forms have been introduced to record details of individuals who wish to query. They either phone or walk in for advice.

Between 03 September 2020 to 23 December 2020: 32 males and 22 females (a total number of 54 persons) called at the NHRC.

In most cases, they were either advised to seek legal assistance or were referred to appropriate institutions such as Independent Police Complaints Commission (IPCC), Equal Opportunities Commission (EOC), Labour Office, Family Welfare Protection Unit and Police Family Protection Unit.

S.N.	Nature of Queries	No of Queries
1	Land Dispute	6
2	Disagreement with neighbours	8
3	Complaint against Police	10
4	Harassment/Discrimination at work	10
5	Protection from Domestic Violence	6
6	Others	14

N.B: If the query amounts to a complaint, the complainant is asked to fill in a complaint form

B.2 Complaints

1. What is a complaint?

A complaint is any concern brought to the attention of the HRD by a member of the public who believes his rights have been contravened under the PHRA.

Pursuant to Section 4 of the PHRA, the HRD can only investigate into the complaint which must contain these 3 elements:

- (i) An allegation of unfair treatment by a Public body;
- (ii) Grounds: Breaches of rights under Chapter II of the Constitution which are as follows: -
 - (a) Protection of the right to life
 - (b) Protection of the right to personal liberty
 - (c) Protection from slavery and forced labour
 - (d) Protection from inhuman treatment
 - (e) Protection from deprivation of property

- (f) Protection for privacy of home and other property
- (g) Provisions to secure protection of law
- (h) Protection of freedom of conscience
- (i) Protection of freedom of expression
- (j) Protection of freedom of assembly and association
- (k) Protection of freedom to establish schools
- (l) Protection of freedom of movement
- (m) Protection from discrimination in the public sector on the ground of race, caste, place of origin, political opinion, colour, creed or sex

(iii) By a public body as defined by Section 2 of the PHRA: which can be a Ministry or Government Department, a local authority, a statutory corporation and any other company, partnership or other entity of which the Government or an agency of the Government is, by the holding of shares or some other financial input or in any other manner, in a position to influence the policy or decisions, for instance, Air Mauritius, State Bank of Mauritius and Mauritius Telecom.

2. *What does it contain?*

The complaint should say what happened, when and where it happened and who was involved.

N.B. The complaint is confidential

3. *Time limit*

Pursuant to Section 4 (2(a)) of the PHRA, complaints should be made within 2 years as from the date of the act or omission of the alleged date.

4. *Where to obtain the complaint form?*

Complaint forms in English and French are available at the seat of the NHRC, at the 36 Citizens Advice Bureau situation across Mauritius and on our website - <https://nhrc.govmu.org/Pages/index.aspx>

N.B.:- The complaint can be filled in Kreol Language as well.

5. *Handling Complaints process*

The HRD is committed to having a complaint process that is free, transparent, accessible and easy for individuals to navigate. To achieve a better response, the HRD intends to launch three new forms, complaint forms in creole, complaint forms made on behalf of another person and a complaint form made by an organization.

Procedure for making a complaint at the level of the HRD:

- When a complaint is received, we acknowledge receipt of the complaint and a file is opened.
- An assessment is duly carried out in order to find the most efficient and effective way to resolve the matter.
- If the parties agree to attend a mediation meeting, we aim to schedule the mediation within one month. This can vary depending on the urgency of the complaint and the availability of everyone involved.
- We also conduct hearings to be able to assess the seriousness of the complaint and aim to resolve the matter by proposing feasible solutions. The parties may be represented by a lawyer to appear for a hearing.
- Thereafter, the HRD can either close the complaint, refer it to the appropriate institution or make recommendations accordingly.
- The HRD informs the complainant of the outcome of the complaint.

C COMPLAINTS STATISTICS

C.1 *Number of complaints received in 2020*

The HRD received 181 complaints in 2020, compared to 287 in 2019.

The decrease in the number of complaints is due to the lockdown owing to the Covid-19 pandemic. (See Annex I Summary of salient facts related to the Covid 19 pandemic 2020 in Mauritius).

C.2 Complaints during the lockdown period (20 March 2020 to 31 May 2020)

During the lockdown period following the outbreak of the Covid-19 pandemic in Mauritius, the HRD received 14 complaints via email.

Five of the complaints received, pertained to the predicament faced by Mauritian citizens who were stranded abroad and who wanted to be repatriated. As the issue of repatriation does not fall within the purview of the HRD's mandate according to law, complainants were accordingly advised to contact the Ministry of Foreign Affairs, Regional Integration and International Trade. Furthermore, a letter was sent to the Ministry in relation to the Mauritian crew members who were stranded on a cruise ship. The Ministry informed us that the request for immediate repatriation could not be acceded to due to emergency measures in the public interest for the prevention and control of the propagation of the Covid-19 pandemic.

The HRD also received two complaints in relation to alleged poor conditions in quarantine centres and the complainants were advised to redirect their complaints to the relevant authority, i.e. the Ministry of Health and Wellness.

One complaint from an NGO related to a request for a derogation permit in order to allow autistic people to go outdoors during the lockdown period. Derogation permits were eventually allocated to autistic people who were exceptionally authorised to go outdoors during the lockdown period daily for a period of 1 hour. Parents were able to accompany their autistic children for one hour a day for a distance of 300 metres from home.

The remaining complaints received by the HRD related primarily to neighbourhood and environmental issues. The HRD duly acknowledged receipt of those complaints and informed the complainants that the relevant parties would be summoned after the confinement period in order to find a solution to their problems.

The HRD dealt with complaints received during the lockdown as far as it was reasonably practicable to do so. Hearings were scheduled, where applicable, when the lockdown conditions were eased by the authorities.

C.3 Complaints by month 2020

Month	Numbers of complaints received	Email	Post	Walk-in
January	18	7	7	4
February	26	6	12	8
March	14	04	05	05
April	04	04	0	0
May	11	07	04	0
June	17	07	06	04
July	15	06	03	06
August	18	07	04	07
September	27	06	11	10
October	09	04	03	02
November	14	02	07	05
December	08	03	01	04
Total	181	63	63	55

N.B.: The largest number was received in September 2020. The least amount recorded was for the month of April 2020 during the lockdown period.

C.4 Complaints by institutions

Institutions by Department	No of Complaints	Resolved	Ongoing
Ministry/Department	83	77	6
Parastatal Bodies	6	5	1
Judiciary	4	4	0
State of Mauritius	84	82	2
Miscellaneous	4	4	0
TOTAL	181	172	9

C.5 Complaints by gender

In 2020, 101 male complainants contacted the HRD, compared to 54 female complainants.

Any member of the public who contacts the HRD and fills in a complaint form is classified as a complainant for the HRD's procedural purposes.

C.6 Complaints by non-citizens: 7**C.7 Complaints on behalf of another: 5****C.8 Withdrawal of complaints: 5**

The option to withdraw a complaint is available to the Complainant at any time.

C.9 Complaints that have been closed: 169

Complaints which have been resolved after due investigation and where applicable, hearings and/or mediation have been conducted.

C.10 Referral complaints - 40

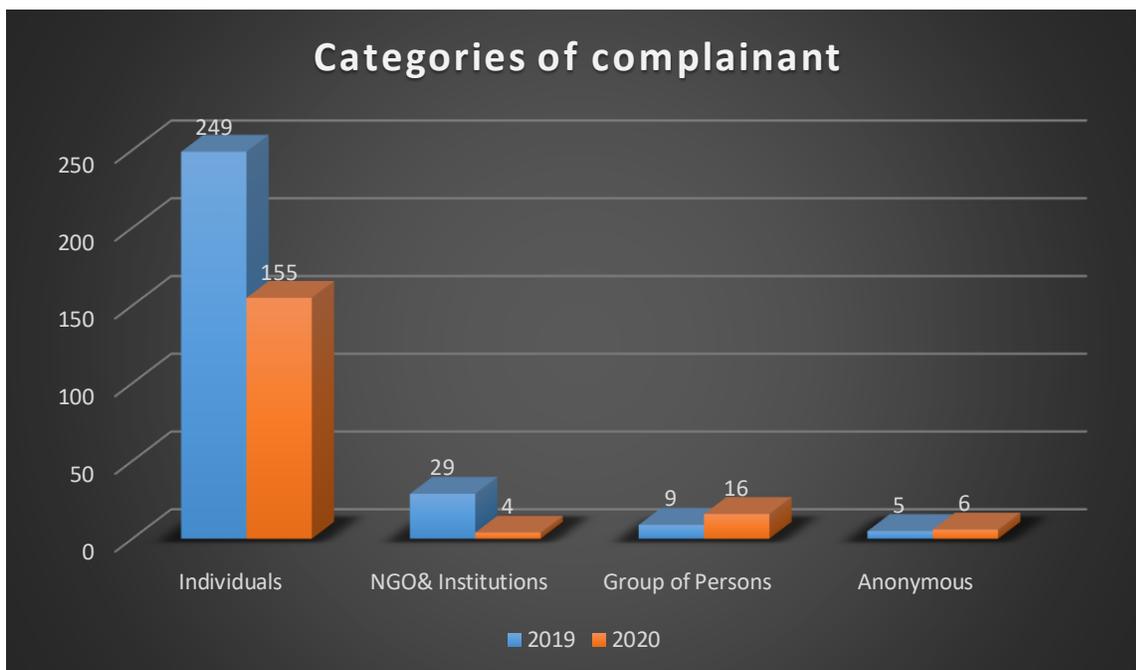
In many instances, where warranted, the HRD requests the complainants to contact the relevant institutions such as Office of the Director of Public Prosecutions, Ombudsman, various Ministries, Equal Opportunity Commission and Independent Police Complaints Commission, amongst others.

D COMPLAINANTS

Any member of the public who contacts the HRD and fills in a complaint form is classified as a complainant for the HRD's procedural purposes

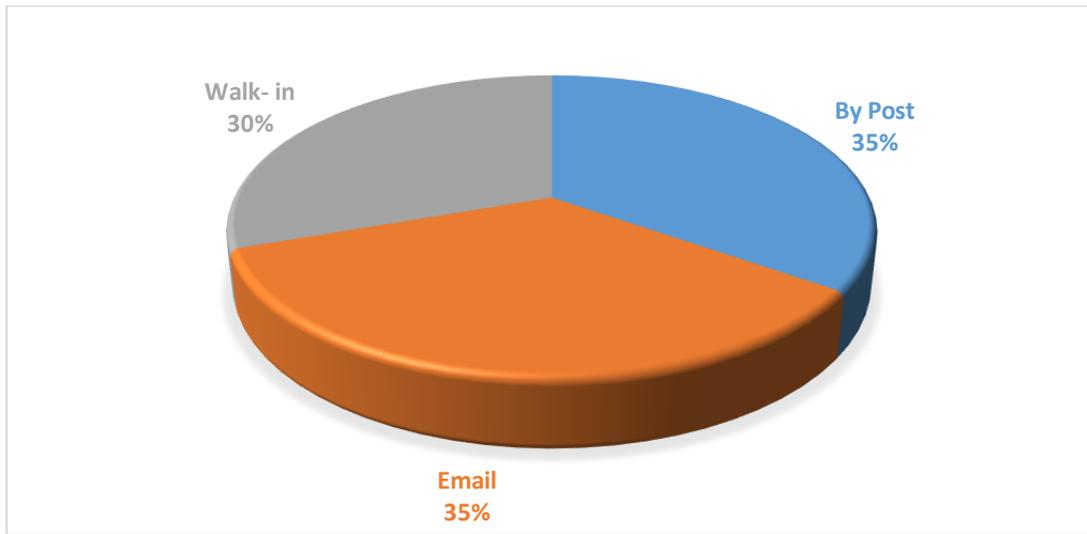
D.1 Categories of complainants

All complaints that come to the NHRC are lodged by individuals or organisations.

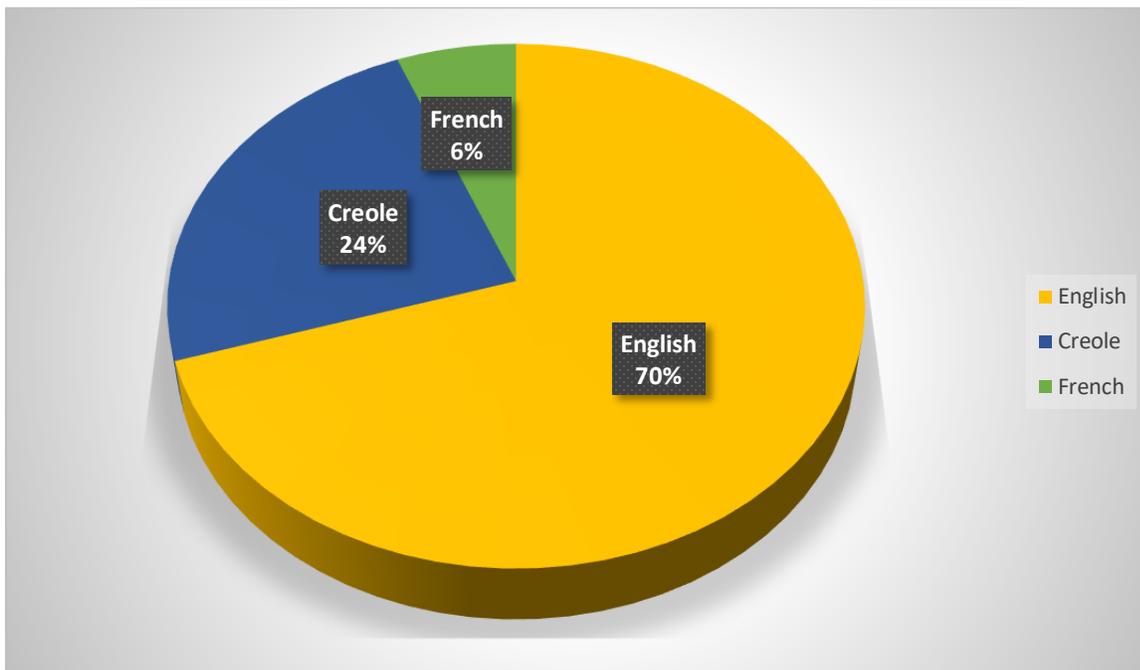


We can notice that there is a drop in the number of complaints from individuals and institutions for the year 2020. This may be explained by the fact that there was a lockdown period due to the COVID-19 pandemic. There has been an increase in the number of complaints made by groups which may be a sign of our awareness as a community due to COVID19.

D.2 Ways complainant contacted us

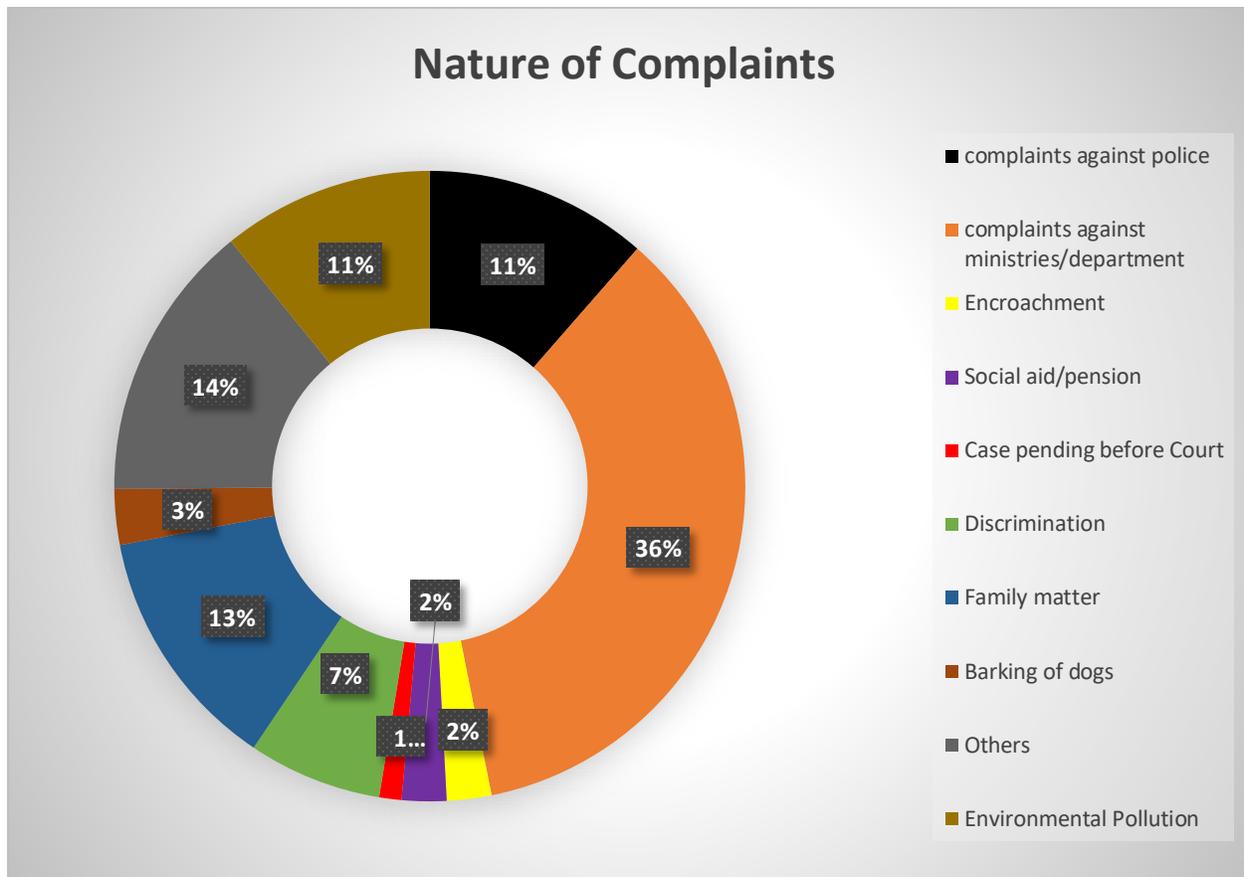


D.3 Language used by complainant



E NATURE OF COMPLAINT

Very few complainants reported breaches of human rights under Chapter II of the Constitution. In 2020, we have received more complaints related to economic, social, and cultural rights which include the human right to work, the right to an adequate standard of living, including food, clothing, and housing, the right to physical and mental health, the right to social security, the right to a healthy environment, and the right to education.



F MEDIATION CASES

We provide services to best meet the needs of those seeking help. Whenever possible, the HRD encourages people to resolve their disputes and at the earliest opportunity, through mediation. Mediation is one of the most efficient and expeditious ways to resolve a complaint. Mediation is voluntary, impartial and confidential. Mediation gives parties the opportunity to craft

their own solution to resolve the issue that led to the complaint and provides a good opportunity to address the underlying cause of the complaint.

Over the year 2020, the HRD resolved complaints through conciliation. This represents successful dispute resolution for individuals and organisations and embodies the HRD's commitment to assisting complainants and respondents to achieve cost effective, practical complaints outcomes that can provide significant benefits for the parties to the complaint as well as the community at large.

F.1 Rights of Persons with Disabilities

Metro Express Cards for persons with disabilities

The HRD received a complaint from the Voice of Disabled People International, whose members were facing difficulties whilst queueing up at the Rose Hill station to obtain the ME cards.

The HRD held a meeting with the representatives of the Ministry of Social Integration, Social Security and National Solidarity of and the Metro Express Ltd. to determine the most feasible solution to their problem. As the Ministry is already in possession of the social register, its officers could contact all the eligible persons with disabilities to apply for the ME cards. The Metro Express Ltd office will afterwards issue the ME cards.

The HRD recommended that the social security office could in turn distribute the said ME cards thereby facilitating the lives of the persons with disabilities.

F.2 Right to health and social aid

(i) Complainant X averred that he was victim of medical negligence. In this regards a representative of the Ministry of Health and Wellness was summoned in order to shed light on the matter. After the mediation, the complainant received the necessary medical care and assistance, including psychological support. Complainant was also provided with the relevant medical certificates for his application for social aid.

(ii) An elderly person had stopped receiving his Basic Invalid's Pension from the Ministry of Social Security. However, after the intervention of the HRD, the complainant received his pension anew.

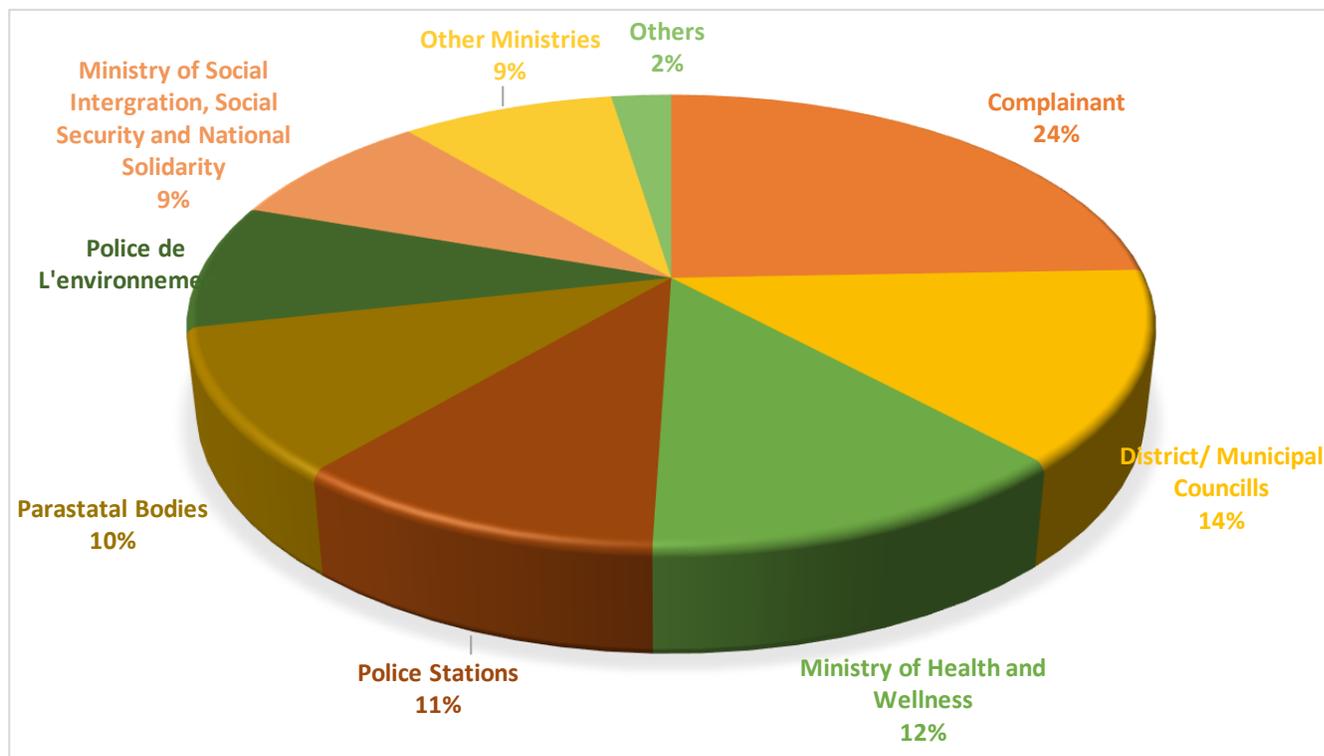
(iii) The NHRC received a complaint from an ex-detainee stating that his financial aid from the National Empowerment Foundation ("NEF") has been stopped. Thereafter, the HRD held a meeting with a representative of the NEF and had been apprised that the complainant had not been registered anew under the Income Support Scheme of the NEF. Subsequent to the meeting, the complainant was duly registered and benefited from the financial aid.

G HEARINGS

For the year 2020, 91 hearings were held compared to 148 in 2019.

The decrease in the number of hearings was due to the lockdown period from March to May 2020.

G.1 Parties called for hearing



As a rule, when the HRD carries out an investigation pertaining to the complaint, the HRD may hear the parties before reaching a conclusion.

The COVID-19 pandemic and the social distancing restrictions fundamentally changed the way we hold hearings.

H SUCCESSFUL OUTCOMES

The types of complaints received by the HRD related to *inter alia* environmental concerns mainly noise pollution, social aid, elderly abuse and the rights of persons with disabilities. The HRD aimed to deal with complaints expeditiously and provide effective and feasible solutions to complainants where applicable, with the collaboration of relevant stakeholders including Local Authorities, Ministries and the Police.

Right to carer's allowance

In September 2020, the HRD was in receipt of a complaint from Mr B who has a son suffering from Severe Autism Spectrum and who was found ineligible for a carer's Allowance. The complainant had financial difficulties and could not pay a carer for his son who requires constant care and support. The HRD held a meeting with the representative of the Disability Empowerment Unit of the Ministry of Social Integration, Social Security and National Solidarity for the matter to be considered for reassessment by the Medical Appeal Board of the patient's eligibility for the carer's allowance. Thereafter, the complainant successfully received the said allowance after a hearing was held at the level of the Medical Appeal Board.

Right to parking coupon for persons with disabilities

In August 2020, a complaint was received from Mr. L. whereby he averred that his wife who is permanently disabled, was not physically apt to complete the procedures pertaining to the renewal of her parking coupon. The HRD summoned a representative of the Disability Empowerment Unit of the Ministry of Social Integration, Social Security and National Solidarity who confirmed that it is not mandatory for a person with disability to come in person at the Social Security office to renew his parking coupon. The representative of the said Ministry advised that

the complainant could act as proxy on behalf of his wife for the purpose of renewing the parking coupon.

Right to clean environment

1. The NHRC received a complaint from Mr. X. residing in the region of Port-Louis concerning health hazards caused by malfunctioning sewer pipes. A representative of the Wastewater Management Authority (WMA) was summoned by the HRD for a hearing in order to apprise them of the situation and resolve the matter. Subsequently, the WMA took the appropriate actions and submitted a report to the NHRC highlighting the work that they completed after the meeting held with the HRD:-

(i) They installed an anti-back flow valve to prevent overflow during heavy rainfall.

(ii) They effected a preventive sewer maintenance to clean the sewer line.

(iii) They carried out a survey for illegal rainwater connection and found 5 houses which connected their rainwater to the house sewer network, Notice has been issued to the concerned residents to disconnect the rainwater pipe from their house sewers.

(iv) They recommended the installation of a storm water drain by the Land Drainage Authority. In fact, the Waste Water Management Authority did the needful to the satisfaction of all inhabitants.

2. An inhabitant of Phoenix reported a case of illegal poultry production in a residential area to the NHRC. The HRD carried out an investigation and summoned officers of the Animal Welfare Unit, the Police de L'Environnement, representatives of Municipal Council of Vacoas-Phoenix and Ministry of Health and Wellness. After the intervention of all the relevant stakeholders, the respondent stopped the poultry business and the complainant was informed accordingly.

3. Mrs. W made a complaint to the NHRC on behalf of the inhabitants of Belle Mare concerning a recurring problem of water shortage in the region over one year and despite

several complaints made to the relevant authority, the situation remained unchanged. The HRD requested more information from the Central Water Authority and was subsequently informed that the issue of water supply was resolved after the HRD's intervention.

4. The HRD received a complaint from Mr. Y residing at Petit-Raffray concerning the operation of an alleged illegal dormitory adjacent to his house, thereby engendering noise pollution and disturbance in the locality. The complaint averred that the dormitory which was catering for some 40 persons, had been operating without a proper Building and Land Use Permit and there was accumulation of wastewater which was causing disturbance. The HRD summoned representatives of the District Council of Riviere du Rempart and the sanitary department of the Ministry of Health. Subsequently, the HRD was informed that the building in question has been closed down.

Noise pollution

1. In a complaint received at the NHRC, Mrs. P contended that her neighbour was illegally running a workshop near her house at Bel Etang. The complainant averred that she was disturbed by noise and bad odours on a daily basis in the last 5 years. A meeting was held with the representatives of the District Council of Flacq and it was found out that the respondent does not hold a Building and Land Use Permit to operate in the locality. A compliance notice was consequently served on him to cease all activities in the workshop. The matter has been closely monitored by the District Council of Flacq who undertook to take necessary actions should the respondent fail to comply with the compliance notice. The NHRC accordingly informed the complainant of the outcome.

2. On 07 July 2020, the NHRC received a complaint from Mr. K residing at St Croix regarding nuisance caused by his neighbour's dogs. The HRD summoned the representatives of Animal Welfare Unit, Police de l'Environnement and the complainant to query on the status of the case. The HRD was consequently apprised that following the site visit of the Animal Welfare Unit, there was no unnecessary barking and that the respondent has been sensitized on the relevant laws.

3. A bakery owned by a company was causing noise pollution in a residential area in Cottage. The HRD summoned officers of the District Council of Riviere du Rempart, of the Ministry of Health for investigation. The NHRC was informed that prosecution procedures had been initiated against the respondent.

4. A complaint was filed from Mrs. W in relation to sanitary issues and nuisance caused by a shop. The HRD took due cognizance of the complaint. The HRD accordingly summoned the representatives of the relevant authorities including Municipal Council of Quatre-Bornes, the sanitary department of the Ministry of Health and Wellness to look into the matter. It was found out that the business had closed and no nuisance was noticed by the authorities at the locus on various occasions. The complainant confirmed that the nuisance had ceased since the recent closure of the business.

I EDUCATION AND AWARENESS OF HUMAN RIGHTS

We work to promote equality and inclusion by raising awareness, encouraging dialogue, engaging with civil society, providing advice on pressing and emerging issues.

Public outreach

Public education is an effective way to inform children, youth and adults about their rights and responsibilities as citizens. As part of its education mandate, the HRD delivers informative sessions to various segments of society including police officers, tertiary students, NTA officers, and multicultural groups and other associations and civil society, persons with disabilities and women.

The presentations focus on a general introduction and scope of the work of the HRD and on the procedure to lodge a complaint.

The following is a sample of the topics covered by the members of the HRD:

- Role of the HRD;
- How to make a complaint?
- What types of complaints the HRD can entertain; and
- Recommendations made by the HRD.

CHAPTER V

THE NATIONAL PREVENTIVE MECHANISM DIVISION

A. INTRODUCTION

1.1 Nature and Scope of NPMD

Mauritius acceded to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 21 June 2005. As a result, the National Human Rights Commission (NHRC) undertook the role of the National Preventive Mechanism (NPM) in Mauritius. The National Preventive Mechanism Division (NPMD) came into being in 2014. It was created, by virtue of the National Preventive Mechanism Act (NPMA) 2012. Since its creation the NPMD operates as a division of the NHRC.

The NPMD's general mandate is to ensure that public bodies/authorities comply with the Human Rights of detainees as laid down in the Convention against Torture and the OPCAT.

Although the Mandela Rules have not yet been incorporated in Mauritian law, the NPMD considers the Mandela Rules as a benchmark in its assessment of the treatment meted out to detainees by prison and police officers and the general conditions of detention in all places of detention throughout Mauritius.

1.2 Impact of Covid-19 on the Activities of the NPMD

The Covid-19 pandemic has disrupted the lives of people in a way that has never been experienced by humanity in recent history. It has negatively impacted all spheres of life. On 20 March 2020, the Government of Mauritius declared a national confinement. The country was under lockdown. All economic and social activities came to a standstill except for designated essential services.

During confinement the NPMD was unable to carry out visits to places of detention but nonetheless it continued receiving and attending to complaints by email and remained in close contact with Prison authorities, welfare officers and the office of the Commissioner of Police

in order to regularly check, assess and monitor the situation in all places of deprivation of liberty in Mauritius. The NPMD received timely responses to all its queries and was able to efficiently collaborate with all stakeholders so as to ensure that the conditions of detention were appropriate during the lockdown period.

The NPMD continued monitoring conditions of detention throughout the country after the lockdown although it had to reduce the frequency of its visits in order to protect the health of its members and investigators. Visits resumed normally as from June 2020 and the NPMD was able to effectively assess the conditions of detention prevailing in the aftermath of the lockdown. The unprecedented turmoil created by this pandemic has had its share of unfortunate consequences for detainees as well. It has been very hard for the normal citizen to cope with the stress created by this pandemic and this was even worse for persons deprived of their liberty who are cut off from the real world and living in even more uncertainty as to their own future and that of their loved ones. The NPMD recorded 5 deaths in custody during the lockdown period and shortly after. Our team promptly visited the locus and made recommendations for enhanced security and well-being of detainees to the authorities to avoid recurrence of such acts of despair could be avoided in the future.

An overview of the measures taken in prisons during the Covid 19 pandemic:-

- All newly admitted detainees were provided with masks and detained individually in separate cells for a period of 14 days before being allowed to move around within the prison precincts.
- Detainees were not allowed to assemble and had to maintain social distancing whilst moving around in the association yards and blocks, while making phone calls and also while food was served.
- Soap distribution doubled in prisons and detainees were encouraged to wash their hands frequently.
- Prison officers also had to comply with the COVID-19 prevention protocol by wearing masks at all material times, practicing social distancing and washing hands frequently.

- Frequent cleaning and sanitisation of cells, offices, toilets and kitchen were encouraged in prisons.
- To address the issue of overcrowding in prisons especially in this period of pandemic, 423 convicted detainees were released from different prisons in Mauritius after having been granted a pardon by the Commission on Prerogative of Mercy. These detainees had been convicted for minor offences and their term of imprisonment was due to come to an end by 31.12.2020. A social aid allowance is provided to the discharged detainees and their families by the Ministry of Social Integration, Social Security and National Solidarity. A transfer of detainees, including foreign detainees was effected from Beau-Bassin Central Prison to other prisons to facilitate social distancing.
- All these detainees were screened/tested for Covid-19 before release in order to make sure they do not spread the virus in the community.
- Furthermore, an Operational Management Plan was put in place to manage the entire COVID-19 process, throughout all institutions and hence the creation of desk officers (Prison Officers) for temperature screening and overall monitoring. Admission/Induction units at Central Prison Beau-Bassin and New Wing Prison Beau-Bassin, Women Prison and Correctional Youth Centres were set up and immediate precautionary measures were implemented in order to detect at source any suspected incoming case of COVID-19 inside all prisons so as to minimise the possibility of contamination.
- No PCR or Rapid Antigen Tests were carried out,
- No test (PCR/RAPTEST) is done upon release, nevertheless should the Ministry of Health and Wellness recommend such practice, the necessary will be done.
- As at date there has been no positive case(s) in the Mauritius Prison Service (MPS). Should there be any suspected case, according to MPS Covid-19 Protocol members of staff or inmates will have to be referred to the nearest Covid-19 test centre or hotline through the Rapid Response Team of the Ministry of Health and Wellness.

B. VISIT TO POLICE CELLS AND DETENTION CENTRES

From July 2020 to October 2020 the NPMD visited 66 police stations and detention centres with a view to assess the overall conditions of detention and to follow-up on previous recommendations made in 2019. In order to comply with the OPCAT and to follow the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), recommendations have been sent to the Commissioner of Police and the Police Divisional Commanders for implementation, without undue delay.

The visits effected by the NPMD in 2020 aimed at creating the proper conditions for the reopening of some police cells, in order to reduce the problem of overcrowding in police cells.

List of police cells and detention centres visited by NPMD from July 2020 to October 2020		
	METRO NORTH	DATES
1.	Metropolitan Detention Centre	08 October 2020
2.	Anti-Drugs Smuggling Unit (ADSU Cells)	08 October 2020
3.	Plaine Verte	24 September 2020
4.	Vallée Pitot	24 September 2020
5.	Roche Bois	28 September 2020
6.	Abercrombie	28 September 2020
	METRO SOUTH:	
7.	Pointe aux Sables	01 October 2020
8.	Pope Hennessy	08 October 2020
9.	Pailles	27 August 2020
10.	La Tour Koenig	08 October 2020
11.	Tombeau Bay	30 October 2020
12.	Harbour Police	28 September 2020
	NORTHERN:	
13	Piton	07 August 2020

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14.	Riv. Du Rempart	03 September 2020
15.	Poudre D'or	03 September 2020
16.	Pte aux Canonniers	16 July 2020
17.	Trou aux Biches	16 July 2020
18.	Terre Rouge	30 July 2020
19.	Pamplemousses	07 August 2020
20.	Grand Baie	16 July 2020
21.	Triolet	30 September 2020
22.	Long Montain	30 September 2020
23.	Plaine des Papayes	30 September 2020
24.	Goodlands	30 July 2020
	EASTERN:	
25.	Belle Mare	05 November 2020
26.	Flacq	05 November 2020
27.	Bel Air Riviere Seche	05 November 2020
28.	Trou de Douce	05 November 2020
29.	Moka Detention centre	27 August 2020
30.	Quartier Militaire	22 October 2020
31.	Montagne Blanche	05 November 2020
32.	Dubreuil	22 October 2020
33.	Brisee Verdier	05 November 2020
34.	Camp De Masque	09 July 2020
35.	St Pierre	22 October 2020
	WESTERN	
36.	Barkly	24 July 2020
37.	Black River	11 August 2020
38.	Camp Le Vieux	24 July 2020
39.	Coromandel	20 October 2020

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40.	Flic en Flac	11 August 2020
41.	Petite Riviere Juvenile Unit	20 October 2020
42.	Bambous	11 August 2020
43.	Rose Hill	24 July 2020
44.	Sodnac	13 August 2020
45.	Stanley	24 July 2020
46.	Quatre Bornes	13 August 2020
47.	La Gaulette	11 August 2020
	SOUTHERN:	
48.	Rose Belle	20 July 2020
49.	Plaine Magnien	20 July 2020
50.	Mahebourg	20 July 2020
51.	L'Escalier	06 August 2020
52.	Blue Bay	20 July 2020
53.	Grand Bois	30 July 2020
54.	Riv des Anguilles	30 July 2020
55.	Camp Diable	30 July 2020
56.	Chemin Grenier	30 July 2020
57.	Bel Ombre	30 July 2020
58.	Le Chaland Detention Centre	24 July 2020
59.	Airport Police	20 July 2020
60.	Vieux Grand Port	20 July 2020
61.	Souillac	30 July 2020
	CENTRAL:	
62.	Midlands	22 October 2020
63.	Curepipe	29 October 2020
64.	Vacoas	22 October 2020
66.	Eau Coulee	29 October 2020

Suspects arrested by the police and remanded to police custody by the Court are first detained in Police Cells or Detention Centres. The NPMD conducts preventive visits to these places with the aim of improving the treatment and the conditions of detention of the suspects. In more concrete terms, a preventive visit can be understood as any visit to a place of deprivation of liberty, with the objective of identifying root causes of ill-treatment and other human rights problems, understanding systemic issues and finding ways to address them. Preventive visits do not seek to react to specific incidents or allegations, but rather to ensure that the environment itself is less likely to give rise to such incidents and allegations. They are therefore proactive and can take place at any time, even when there is no apparent problem. The emphasis of preventive visits is on the place of detention rather than on the detainee, with the primary objective of improving the protection of all detainees against torture and other ill-treatment and, more generally, to ensure their rights and dignity are respected. Preventive visits are part of an ongoing and constructive dialogue with relevant stakeholders so as to improve the conditions of detention.

The NPMD plans its work and its use of resources in such a way as to ensure that places of detention are visited in such manner and at such frequency that enable it to achieve its objectives. As such, programmes of visits are a central planning tool.

After each visit to police cells, the NPMD has a briefing session with the Station Manager and discusses preliminary recommendations that can be implemented with immediate effect. Thereafter, the NPMD drafts an internal report and communicates its recommendations to the Commissioner of Police with the aim of improving the treatment and conditions of the detainees. Since all Police Stations form part of a sub category called Divisions that is under the charge of a Divisional Commander who reports to the Commissioner of Police, a copy of the relevant recommendations is also communicated to the Divisional Commander.

The main issues can be summarised as follows:-

- **Sanitary facilities and inadequate water supply**

The NPMD recommended that the overall cleanliness and maintenance in police cells ought to be improved. It is understood that each police station has an attendant in charge of cleanliness and the bathrooms and toilets ought to be cleaned more regularly.

The NPMD recommended that the sanitary wares in police cells be changed to European Style to cater for elderly and detainees with disabilities.

The NPMD also noted that some police stations rely on water tanks for water supply. There was no direct supply of water and the tanks had to be filled up from cistern trucks regularly. The NPMD recommended that those police stations have direct water supply through direct connection with Central Water Authority (C.W.A) network. The NPMD also noted that there are regularly issues about faulty plumbing and thus it was recommended that the plumbing system in police cells be maintained more regularly.

- **CCTV cameras**

The NPMD noted that operational police cells are equipped with CCTV cameras. However, it was noted that in some cases there was no clear view of the scene and the NPMD recommended that objects obstructing the CCTV cameras be removed.

The NPMD also noted that there were few cases in which CCTV cameras were not displaying real time footage and had a few seconds delay. It was thus recommended that the timing mechanism of those CCTV cameras be fixed since surveillance in real time is crucial.

- **Ligature points**

The issue with ligature points in police cells involves a balancing exercise. On one hand, there is the remand detainee enjoying his basic rights to personal property and on the other hand the State's duty to take reasonable steps to prevent cases of suicide, whereby detainees often use their personal belongings for hanging. Most often than not, unfortunate cases of suicides in police cells happen whilst respecting the detainees right to have his/her personal belongings and mattress cover in the cell. The NPMD recommended that police officers undergo regular and special training so that they are better equipped to detect and negate suicidal tendencies by providing psychological support.

In relation to structural defects presenting ligature points, the NPMD noted that the cell doors vary from station to station. Some stations are situated in old buildings whilst others are newly constructed. The NPMD has been championing the need to have a standardized ‘ideal cell’.

However, the NPMD noted that some newly constructed police stations were poorly conceived since at the planning stage not all the stakeholders were involved, including the NPMD. As such, the structural defects originate from the time of conception in those limited cases.

In general, the NPMD has recommended that at least the cell doors be standardized. It has been suggested that the vertical bars of most cell doors that follows an International Cell Gate design be removed as it is the most common ligature point used in cases of suicide in police cells. In fact, most police stations, having functional cells, have been gradually standardizing the cell doors. The NPMD recommended that the standardization process be extended to other key aspects of conditions of detention.

- **Unoccupied cells**

The issue of unoccupied cells often involves the need for major structural changes. Some police cells are very old and have limited prospect of renovation and have been used as either a store or exhibits room.

It is noteworthy that there is a rise of the number of remand detainees which may lead to overcrowding in detention centres. In 2020, the NPMD visited all of the ‘unoccupied cells’ that have not been used for a very long time and has earmarked some of those police cells for reopening, pending minor renovation. The NPMD has been informed that those recommendations are being considered.

- **Ventilation, bedding and lighting**

The scale of proper ventilation and lighting varies from station to station. Some police stations require an air extractor to be installed whilst others have air

extractors requiring maintenance. In some police stations depending on its location, proper ventilation can be achieved by fixing a fan in the cellblock.

Most police cells have a concrete bedding to reduce the risk of bugs. The NPMD recommended that a debugging program in the cellblock be conducted at least every 3 months' cycle. It was also recommended that the mattresses that are used on those concrete beds be cleaned more regularly and a corresponding logbook be kept detailing the date the mattresses were sent for cleaning.

In some police cells, there are lighting issues due to the electrical wiring installed inside the wall of the concrete structure. As such, it becomes difficult to carry out repairs and maintenance. However, most police stations have since fixed the electrical systems.

GENERAL COMMENT

The NPMD's recommendations in relation to police cells are proposals involving the best course of action that the authorities should take in order to achieve a positive change in laws, practices or policies.

The criteria used by the NPMD consist of the following: specific, measurable, achievable, result-oriented, time-bound, solution-suggestive, mindful of prioritisation, sequencing and risks, argued, root-cause responsive and targeted.

The NPMD regularly requests the authorities to report on the progress of the implementation of different recommendations. The NPMD also complements this process by conducting follow-up visits to check implementation in practice. This is to ensure that recommendations have been implemented correctly as well as to make sure that these have the desired effect on conditions or treatment of those deprived of their liberty. Formal meetings and exchanges are also complemented by the NPMD, with regular exchanges between the NPMD and focal points within different authorities and other stakeholders.

C. THE CONSTRUCTION OF A NEW DETENTION CENTRE AT PITON

The Commissioner of Police called a meeting at Piton in order to obtain the point of view of relevant stakeholders, including that of the NHRC as regards the design of cells in the Detention Centre. A site visit was effected by the NHRC/NPMD team on 19 November 2020. Representatives of NHRC/NPMD visited the cells, control room, toilets and shower units for detainees. The dimensions of concrete bed (1300mm x 700mm) in cells have been verified and found to be compliant with norms.

The NHRC requested for CCTV layout plans in cells, exercise area and detainees' toilet blocks prior to implementation.

D. THE POLICE FORCE ANNUAL POLICING PLAN 2021

The NPMD collaborated in the preparation of the Police Force Annual Policing Plan 2021. Recommendations made by the NPMD included the CCTV masking exercise in police cells; Closed Circuit Television Surveillance (CCTV) system is being implemented in a phased manner in all police cells and detention centres. However, CCTV cameras placed within cells, bathrooms and toilets in places of detention may give rise to issues concerning the detainees' right to privacy.

The NPMD has expressed the view that limitation on the right of privacy of the detainee for security reasons should nonetheless consider the respect for the human dignity of the detainee. Therefore, exposing a detainee's private body parts in a camera footage would amount to a flagrant violation of the latter's right to privacy and "*respect de la vie privée*".

Besides, the viewing of a detainee using bathroom and toilet facilities undoubtedly would amount to cruel, inhuman and degrading treatment.

The NPMD also visited the CCTV monitoring rooms of each police station and detention centres around the island in order to carry out masking exercises of the cameras focused specifically on the bathrooms and toilets. This masking exercise consists in drawing fixed black spots on the camera image in order to hide male and female private body parts

whilst they are using bathroom and toilet facilities. The NPMD suggested that the relevant authorities must strike a balance between the requirements of security and the right to privacy of the individual whilst determining the position and extent of the masking.

This masking exercise has been possible with the prompt and efficient collaboration of the Commissioner of Police and the Technical Unit in charge of CCTV operation.

Other general recommendations have been put forward in the Police Force Annual Policing Plan, such as a specific cell door, supported by the NPMD since it eliminates all potential ligature points, whilst ensuring that the cell is secure and properly ventilated. In addition, the issue of delay during police investigations was also raised. The NPMD noted with concern over the years that the number of detainees on remand has been increasing exponentially with detainees being on remand for several years. The NPMD recommended that the law be amended to impose a custody time limit for prisoners awaiting trial so that enquiring officers would be minded to conclude enquiries within the shortest possible delay.

E. NUMBER OF VISITS EFFECTED IN PRISONS IN 2020

Prison Institutions	Number of visits effected from January 2020 to December 2020
Phoenix High Security Prison	4
Central Prison, Beau-Bassin	16
Petit Verger Prison	1
Women’s Prison	3
Open Prison for Women	1
Eastern High Security Prison, Melrose	9
New Wing Prison	2
Grand River North West Remand Prison	5
Richelieu Open Prison	1
Total Number of visits	42

F. ACTIONS TAKEN AND RECOMMENDATIONS MADE BY THE NPMD FOLLOWING MUTINY IN PRISON

On the 19 March 2020, the whole country went into lockdown in order to contain the spread of the COVID-19. Court appearances were postponed for a later date including cases pending before the Bail and Remand Court.

On the same day, a mutiny broke out at the Beau Bassin Central Prison (BBCP) where the highest number of remand detainees are detained. Casualties among prison officers and detainees were reported. Offices and cameras were damaged. No visit was allowed during the lockdown period and detainees were allowed only phone call, to their respective families, every two weeks.

Several complaints were recorded by phone by the NPMD from the detainees personally or from their parents or through newspaper articles. A line of communication was established between the NPMD team, who worked from home and the Mauritius Prisons Service, either by phone or by mail to the Chief Welfare Officer or the Chief Medical Officer or the Officer in Charge in order to resolve the complaints. Regular calls and mails were exchanged between the NPMD and the Beau-Bassin Central Prison as well as with parents of detainees.

As soon as the confinement was lifted, a team from the NPMD visited the prison and received complaints directly from detainees. These complaints concerned material conditions, food and medical assistance, which the NPMD has resolved promptly. Many areas within the prison, including the kitchen, the bathrooms and toilets, were visited before making a report. During the visits, regular meetings were held with the Chief Medical Officer or the Officer in Charge to inform them about the situation and request their collaboration.

With respect to complaints received to the effect that some detainees' rights have been violated, the NPMD recommended that the prison authorities should refer twelve cases to the Police for further investigation. In a letter to the NPMD, the Commissioner of Prisons has confirmed that the police have proceeded with their investigations.

G. RECOMMENDATIONS MADE BY THE NPMD FOLLOWING DEATHS IN CUSTODY

G.1. Death of detainee M.L on 20 March 2020 at Central Prison, Beau-Bassin

Following the death in custody of the abovementioned detainee, the NPMD effected a visit on 11 June 2020. Statements were recorded from his co-inmates and the autopsy report has been obtained from MCIT-CCID. The NPMD requested for a status of enquiry from the police in order to make appropriate recommendations to the Commissioner of Prisons.

G.2. Death of detainee J.A.A on 29 April 2020 at Eastern High Security Prison, Melrose (in the hospital ward)

Following the death in custody of the abovenamed detainee, the NPMD effected a visit on 17 June 2020. Statements have been recorded from hospital officers. A copy of the medico-legal report has been forwarded to the NPMD for enquiry purposes. Based on information and documents gathered during enquiry, the NPMD made its recommendations to the Commissioner of Prisons, to avoid the recurrence of such incidents in the future or at least to minimize such the risk(s).

G.3. Death of detainee J.C.P on 05 May 2020 at Phoenix High Security Prison.

The NHRC received a copy of a complaint addressed to the Commissioner of Police, copied to the NHRC on 08 May 2020. In the light thereof, the NPMD of the NHRC proceeded to examine the complaint with special emphasis on the conditions of detention at Phoenix Prison.

A Preliminary Report from police dated 07 May 2020 and a background Report from the Commissioner of Prisons dated 08 May 2020 were communicated to the NPMD surrounding the facts and circumstances surrounding the death of J.C.P in Phoenix Prison on 05 May 2020.

The NPMD visited Phoenix Prison on 20 May 2020 and 22 May 2020. The NPMD was informed that the Police is conducting an enquiry on the case J.C.P.

By way of a letter dated 03 November 2020, the NPMD has requested for an updated Report on the facts and circumstances surrounding the death of CP from the Commissioner of Police.

The NPMD will put forward its final recommendations in respect to the conditions of detention at Phoenix Prison, after taking cognizance of the updated Report which is awaited.

G.4. Death of detainee J.M.D.U at Trou D'eau Douce Police Station on 13 May 2020.

The NPMD visited Trou D'Eau Douce Police Station on 17 June 2020 to examine the conditions of detention. The NPMD made the following recommendations:-

- (i) To provide a suicide resistant cell by removing any ligature point.
- (ii) Removing ligature points in the Cell Door - The cell door is made essentially of horizontal and vertical iron bars assembled together. However such iron bars constitute very hazardous ligature points. Such ligature points on the cell door must at all costs be removed by affixing thereon either metal grills (with holes which are small enough not to be used as ligature points) or perforated Plexiglass sheets or by replacing the cell door with a reinforced door having no ligature point.
- (iii) Removing ligature points in the cell window – The cell window is a ‘naco’ type window which is secured by metal grills but such metal grills consist of holes which are big enough to constitute ligature points. Such ligature points on cell windows must at all costs be removed by either placing the existing metal grills on the exterior side of the window outside the building so that the detainee has no access to it or by affixing perforated Plexiglass sheets on cell windows or another type of metal grills with holes which are wide enough to allow proper ventilation of the cell but which at the same time are so small that they cannot be used as ligature points.
- (iv) Removing ligature points in the Shower Unit - The shower unit's window is similar to that in the cell and therefore the same recommendations would apply. The shower head in the shower unit is a protruding one and as such may become

a ligature point and should be replaced by one integrated in the wall to eliminate that hazard.

- (v) Exercise Bay - To provide detainees with an exercise bay so that they may exercise and breathe fresh air at least twice a day as this may help reduce their stress and trigger an overall positive feeling in their mind and body.
- (vi) Short period of detention – In its actual state, such a police cell should be used for detention only for short periods of time i.e. 1 or 2 days.

G.5 Death of detainee J.E at Grand River North West Remand Prison on 27 May 2020.

The NPMD visited GRNW on 01 June 2020 in relation to death of detainee J.E. in Block A, Cell 11 of GRNW prison. Detainee J.E. was suspected of committing suicide by hanging, in a standing position, with a bed sheet wrapped around his neck and the other end tightened to one of the iron bars of his cell window as reported by the Commissioner of Prisons on 27 May 2020.

After conducting a locus examination, privately interviewing co-detainee R.I, prison officer Y.B and principal hospital officer J.D, the NPMD made the following recommendations:-

- (i) Cells should not have any actual or potential ligature point.
- (ii) To replace the bunk bed which is made of iron bars by one without ligature points.
- (iii) Cell windows are secured by rows of iron bars. These iron bars constitute potential ligature points. Such ligature points on cell windows must at all cost be removed by affixing metal grills on cell windows.
- (iv) Avoid the use of fabric bed sheets to cover detainees’ mattresses. Fabric bed sheets may be used as a rope by detainees to commit suicide. A mattress upholstered with a waterproof/water resistant material could be sewed around the mattress for comfort and protection, to make it difficult, if not impossible, for detainees to tear such mattress covers for making ropes. The use of a safety blanket that *arguably cannot be torn, rolled, twisted or manipulated* in any way

to make a noose or to be tied tightly around the neck and compress carotid or trachea should be contemplated.

- (v) Ideally, CCTV cameras ought to be installed in each cell in order to better monitor the detainees' movements at night. The frequency of rounds in the block must be increased. The current practice of having only one prison officer patrolling the residential block at night must be reviewed.
- (vi) To enlarge the cell doors' spy holes so as to have a clearer view inside the cell(s) at night for better monitoring by prison officer(s).
- (vii) Currently, the physical and mental health of detainees is examined only during induction at New Wing Prison. This is not sufficient. It is important to provide regular psychological reassessment of the detainees to ensure better monitoring of their mental state.
- (viii) Frequency of visits by relatives of detainees must be increased to at least twice a week and/or detainees must be authorized to contact their families through *Skype* calls. Such regular contact(s) undeniably has a positive impact on the psychological/emotional/mental well-being of detainees.
- (ix) Providing more sports activities and gym facilities to detainees and thereby improving infrastructure in the association yards for practice of same.
- (x) Creation of special padded cell in prison to keep detainees with mental conditions who undergo treatment at Brown Sequard Mental Hospital.

H. VISITS EFFECTED TO THE CORRECTIONAL YOUTH CENTRE (CYC) AND REHABILITATION YOUTH CENTRE (RYC) (GIRLS)

On 26 November 2020, the NPMD effected visits to CYC and RYC Girls, with the aim of improving the conditions of detention. Recommendations were made by the NPMD and they are as follows:-

- (i) To eliminate any ligature point found in CYC by placing perforated plexiglass sheets over the openings where required and by removing the handrail in the shower unit.
- (ii) Primary and/or Secondary school teachers should be posted at the CYC when there are detainees to follow up on their academic cursus. Detainees should never be left to wander around, play games and watch television the whole day as their only activities. They should always be monitored academically and encouraged to consistently study and learn even during short periods of detention. Education is the only way to ensure a better future and help them become productive members of the society.

I. VISIT EFFECTED AT THE CORRECTIONAL YOUTH CENTRE (CYC) (BOYS)

On 16 September 2020, a visit was effected by the NPMD team at the CYC (Boys) to assess the conditions of detention for the inmates, after which, various recommendations have been sent concerning the conditions of detention. They are as follows:-

- (i) Special diet should be given to minors at CYC which is different from that given to adult detainees in Beau Bassin Prisons. One which is appropriate for their age and special growing needs, for instance, they should be given more fruits i.e. 4 fruits per week, instead of 2 as is presently the case and their diet should comprise more dairy products so that they get the appropriate amount of calcium needed for their growth, like yogurts and cheese more frequently and a glass of milk every night. The NPMD recommends that the CYC should work in collaboration with a nutritionist to work out a better suited diet for minors.
- (ii) To renovate the library in order to make it a more child-friendly, which will motivate the boys to read. More colourful/inspirational books with images, like comic books or books for primary level students could be displayed on the shelves. The library needs a fresh coat of paint and more lights which would make the place more comfortable and attractive for the boys to spend some time reading. The NPMD donated books for the library in 2020.

- (iii) The NPMD takes into consideration the increasing number of boys detained at the CYC since the last few years and therefore recommends immediate actions which can be undertaken to sensitise the young detainees. More activities and talks from NGOs, professionals and other institutions could be organised on a more frequent basis to discuss various scourge affecting the society, namely drugs, alcohol, tobacco, domestic violence/abuses and the rights and responsibilities of children.
- (iv) Small film projections on documentaries or inspirational stories of historic figureheads having marked history could be organised to create awareness amongst the detainees.
- (v) The ablution rooms in the dormitories ought to be cleaner and proper equipment has to be provided to the boys for cleaning purposes.
- (vi) CCTV cameras should be installed at the CYC for safety reasons, both for the prison officers and for the young detainees.

J. VISIT EFFECTED AT BROWN SEQUARD MENTAL HEALTH CARE CENTRE

On 15 January 2020, the NPMD visited the Brown Sequad Mental Health Care Centre to assess the conditions of the high security wards, where detainees have been admitted following court judgements. The following recommendations have been made:

- (i) Padded walls in all the isolation rooms in both the male and female sections.
- (ii) The installation of CCTV cameras in both male and female high security wards, in order to better monitor the detainees.

K. STATISTICS FOR THE NATIONAL PREVENTIVE MECHANISM DIVISION

(I) Reporting Period from January 2020 to December 2020

	No. of visits	No. of complaints	Resolved	Ongoing
Prisons	44	94	65	29
Police cells	61			
Detention Centres	7			
RYC/CYC	3			
Hospitals	1			

(II) Nature of complaints from January 2020 to December 2020

Conditions of detention	55
Legal Issues	2
Petition for deduction of sentence	1
Miscellaneous	36

L. EXAMPLE OF COMPLAINTS

Conditions of detention

The NPMD received a complaint from detainee J.T. through his wife that he had been beaten and had received no medical assistance. The NPMD visited the detainee at Beau Bassin Central Prison on 26 May 2020 to ascertain his health conditions. After listening to the detainee who had only received pain killers, the matter was immediately reported to the Prison Chief Medical Officer whose office is also at Beau-Bassin. A proper follow-up was done and the detainee taken to hospital. A letter was also sent to the Commissioner of Prisons requesting that the detainee be allowed to give his statement to the police concerning the alleged assault. The NPMD visited the detainee on two subsequent occasions to ensure that there were no reprisals. During the last visit, the NPMD was informed that the detainee had been transferred to La Bastille Prison.

On 15 May 2020 the NPMD received a complaint from Mrs. N., wife of detainee N.N. She complained that her husband had lost all his personal belongings during the mutiny. However, she was not allowed to bring anything upon visits which had been subsequently cancelled. The NPMD spoke to the welfare officer and she was permitted to visit her husband on 11 June 2020 and bring some authorized personal belongings. A few weeks later, the NPMD called the detainee's wife in order to ascertain that the detainee was allowed to receive his personal items.

Contact with family during confinement

On 15 May 2020 while the country was still in confinement, a complaint was received by the NPMD concerning detainee M.T who had very little contact with his wife who was worried about his security as she could not visit her husband. The NPMD proceeded to the New Wing Prison, on 26 May 2020 only to be told that the detainee had been transferred to the Beau-Bassin Central Prison. The team then proceeded to the latter prison and met the detainee who complained about the difficulty to have access to the phone and the short lapse of time allocated for a call. The NPMD spoke to the Chief Welfare Officer and contact was re-established with the family. A confirmation mail was sent to the wife on 9 July 2020.

During the same period, on 5 June 2020, a mail was also received from the sister of detainee I.F, complaining about the conditions of detention of her brother. The issues pertained to a lack of clothes and a proper place to sleep. The full name was not given and the NPMD sought the help of the Chief Welfare Officer to identify the detainee. After ensuring that the necessary had been done, a mail was sent on 24 July 2020 to the detainee's sister for confirmation. A reply was received on 25 July 2020 acknowledging that the matter was resolved.

Allegations of brutality

On 1 June 2020 Mrs. J.F made a complaint at the NPMD concerning her brother D.F, who had allegedly been beaten. The NPMD visited the detainee, on 2 June 2020, at the Beau Bassin Central Prison. The detainee explained in detail the circumstances surrounding the alleged assault and the injuries he sustained. After the meeting, the case was reported immediately reported to the medical team of the prison. A letter was addressed to the

Commissioner of Prison to facilitate access for the detainee to give a statement to the police. Following the mutiny, he lost his clothes. The matter was taken up with the welfare officer and authorization was obtained for his sister to bring new clothes to him. A follow-up visit was effected after two weeks after to ensure that necessary actions been taken and there were no reprisals. The sister thanked the NPMD for its prompt intervention.

A complaint was received by mail, on 18 June 2020, by the NPMD from an international NGO concerning a foreign detainee at the Eastern High Security Prison. It was Mrs. D.H who was complaining on behalf of detainee R.B who had been allegedly assaulted at the La Bastille Prison before being transferred to the EHSP. The NPMD visited the detainee on 24 June 2020, whereby the latter gave details of the incident. A letter was sent to the Commissioner of Prisons to request for assistance for a proper statement to be given to the Police and an email was sent to Mrs. D. H. to provide her with an update. The detainee was visited by the NPMD a few weeks later to ascertain that the police had taken his statement.

Transfer of foreign detainee

On 10 August 2020 a letter was received from detainee Y.F.A, a French national, from Eastern High Security Prison who averred that there were some issues with his application to be transferred to his home country in order to serve his remaining sentence. He had received confirmation from the relevant authorities that his request for transfer had been approved but did not understand why the procedure was still delayed. The NPMD met with the Officer in Charge and the Welfare Officer and was told that a last document from the police was awaited. A follow-up was done and the NPMD met the detainee a month later and was told that the issue had been resolved and that the detainee was on the waiting list to fly back to France.

Date of release

On 19 May 2020 Ms. J.A made a complaint at the NPMD in relation to her mother who was detained at Beau Bassin Women Prison. It was averred the release date was wrong as the detainee's time spent on remand has not been deducted from her term of imprisonment. Following discussions with the officer of the records department and the welfare officer, the two agreed to look into the matter with the police. The remand period was finally deducted and upon the next visit of the NPMD, the detainee had already been released.

M. SENSITISATION CAMPAIGNS BY THE NPMD IN CITIZENS ADVICE BUREAU AROUND THE ISLAND

To fulfil its mandate under the Protection of Human Rights Act, the NHRC conducts awareness raising campaigns on Human Rights throughout the year. Regular talks are delivered in Citizens Advice Bureaux, Social Welfare Centres and Women Empowerment Centres to inform the public at large about their rights and their obligation to respect the rights of other citizens. Members of the public put pertinent questions on several issues. They are keen to know more about the rights of detainees in prisons and about the rights of victims especially in cases of domestic violence. Talks are delivered in kreol, the vernacular language.

Sainte Croix	28 January 2020
Beau Bassin	04 February 2020
Rivière des Anguilles	11 February 2020
Route Nicolay	18 February 2020
Chemin Grenier	25 February 2020
Bois des Amourettes	03 March 2020
Pointe aux Sables	01 September 2020
Curepipe	08 September 2020
Rose Hill	15 September 2020
Piton	22 September 2020
Montagne Longue	06 October 2020
Colline Monneron	13 October 2020
Floréal	23 October 2020
Rose Belle	27 October 2020
Quartier Militaire	03 November 2020
Quatre Bornes	10 November 2020
Petite Rivière	17 November 2020
Cité Vallijee	24 November 2020
Plaine Magnien	01 December 2020
Grand Bay	08 December 2020
Pamplemousses	15 December 2020

N. INFORMATION EXCHANGED WITH THE SUB COMMITTEE ON THE PREVENTION OF TORTURE (SPT)

In June 2020, the NPMD replied to the queries from the SPT, which mainly emphasised on the mandate of the NPMD, the general conditions in places of detention in Mauritius, the recommendations made by the NPMD, following the final observations made by the Committee against Torture (CAT), amongst others.

O. INFORMATION EXCHANGED WITH THE ASSOCIATION FOR THE PREVENTION OF TORTURE (APT) AND THE PENAL REFORM INTERNATIONAL (PRI)

The NPMD also shared its views with the Association for the Prevention of Torture (APT) and the Penal Reform International (PRI), following an initiative to develop a monitoring mechanism for the elderly detainees. The NPMD was pleased to reply to the queries with the aim of sharing its current situation(s) in places of detention in Mauritius. The NPMD in Mauritius has always paid special attention to vulnerable people including elderly detainees, during its regular visits to places of detention. It is worthwhile mentioning that the Mauritius Prison service has a geriatric unit at the Eastern High Security Prison, specially dedicated for the safeguard, health and welfare of elderly detainees.

So far, the NPMD is satisfied with the overall treatment of elderly detainees in Mauritian Prisons. As mentioned previously elderly detainees fall under the umbrella of vulnerable adults and as such, all COVID-19 protocols in place in the Mauritius Prison Services are extended to them accordingly regardless of age, group and gender but special attention are given to their health requirements.

P. INFORMATION EXCHANGED WITH THE SUB COMMITTEE ON THE PREVENTION OF TORTURE ON MEASURES TAKEN IN PLACES OF DETENTION DURING THE COVID-19 PANDEMIC

During the lockdown period in Mauritius, the NPMD team kept regular contact with prison authorities, welfare officers and the office of the Commissioner of Police, in order to regularly assess and check the situation in all places of deprivation of liberty. The NPMD received timely response for its queries.

Q. RODRIGUES

Prison

Pointe La Gueule Prison

The Pointe La Gueule Prison is under the responsibility of an Assistant Superintendent of Prisons. The latter explained that the newly built prison will be operational after the construction of an additional external wall as it is expected that prisoners will also work within the premises.

As regards women prisoners, the conditions are no different from those prevailing in 2019. Conditions are difficult for a woman prisoner with a baby.

As regards the male prison, no extractor or fan has been installed inside the kitchen as recommended in 2019. The kitchen is still hot and stuffy and the heat is unbearable. There is still no running water in the shower and toilet. Water is carried in buckets from a tap outside the kitchen. Sometimes the detainees use the tap inside the kitchen which can cause health hazards.

During daytime, all the detainees gather in the middle of the yard where there is one covered area which is protected from direct sunlight. There, the male detainees can either watch TV, play carom or domino or chat.

There is still not enough work for all the detainees. There is still no welfare officer to help the detainees, in spite of recommendations made by the NPMD. Prison officers often go

out of their way to help detainees by providing them with clothing or arranging visits or assisting them so that detainees can have access to legal aid. It is expected that the problems will be solved with the coming into operation of the new prison.

POLICE STATIONS CELLS

As regards police detention cells, many recommendations made by the NPMD following its last visit in 2019 have partly been implemented while others are still being implemented. Police cells have been renovated and major repair works have been undertaken so as to improve the conditions of detention in police stations.

Grande Montagne Police Station

The Grande Montagne Police Station became operational in December 2019, with only one cell. The cell was clean, well-lit with daylight with integrated toilet and wash basin. The shower was adjacent to the cell. The cell door is very secure and has no ligature point, it contains a proper food slot. It is suggested that this cell be reserved for female detainees only. Male detainees may be sent to La Ferme Police station.

Riviere Coco Police Station

Substantial repairs have been made to the building following the NPMD's 2019 recommendations. The plumbing and sewage system(s) have been repaired with assistance provided by the Regional Administration. The water pipes have been replaced by new ones so much so that now the whole building has proper water supply. Moreover, restoration works have been carried out in the first floor of the building. The whole building has also been freshly painted both inside and outside. The two detention cells are both operational.

La Ferme Police Station

This police station has four detention cells. Following the NPMD's 2019 recommendation(s), the LED lights have been repaired/replaced. Repairs to the sewage system are currently underway to eliminate the foul smell emanating from the toilet. Water distribution has now been effectively restored as the tank is regularly filled and the pump is fully operational. In the meantime, detainees use the toilet and shower facilities that are normally reserved for police officers.

Juvenile Detention Centre

The Juvenile Detention Centre is found on the first floor of the building housing La Ferme Police Station. The Centre has had two bunk beds with no mattress (es). However, the air conditioning system has still not been repaired as no fresh coat of paint has been applied to the walls as per 2019 NPMD recommendations.

Plaine Corail Police Station

The Plaine Corail Police Station has two cell blocks, one with six detention cells and the other with four detention cells. In 2019, the NPMD had recommended that they be made operational urgently. We noted that plumbing and sewage works are underway in one of the blocks while the other block is already operational. Defective tube lights have been replaced and water leakages repaired.

R. REHABILITATION

In 2020, the prison authorities have put into place several activities contributing to the rehabilitation of detainees. Following the outbreak of the COVID-19, face masks are being manufactured by detainees and are then distributed to all detainees in the prisons. During the same period of national crisis, the new bakery at Petit Verger Prison was largely used to cater for emergency food supplies in the community.

Education is of utmost importance to pull detainees out of ignorance and to facilitate their integration into society. A range of opportunities is provided to detainees to contribute to a safer community. Prison authorities offer a varied program to detainees, such as literacy and numeracy, basketry, metal work, plumbing and pipe fitting, masonry, garment making, furniture making, mechanics, electronics, handicrafts and agriculture. Non-governmental organisations and private enterprises also give a helping hand in the fight against drug abuse through harm reduction program at the prisons.

In collaboration with an NGO 'Not a Number' a masonry course has been introduced in the prison. Two cohorts of ten detainees have already completed the program and those discharged have been recruited by a construction company. In 2021, the same course has been introduced for detainees in Rodrigues prison. Following the conclusion of contracts with private companies, detainees are given the opportunity to work for earnings and learn different

skills such as the assembling of furniture, bicycles and repairs of cement bags for the construction industry. These courses are ongoing at the Eastern High Security Prison.

Resource persons from the Small and the Medium Enterprise (SME) Mauritius have conducted sessions for nineteen detainees at the Eastern High Security Prison and twelve detainees at Petit Verger Prison on the scheme of ‘My Business program’. Such a program allows detainees to develop their own small enterprise after release.

With the help of NGO ‘Caritas’ Functional Literacy which is an MQA approved course has been introduced for men, women and juveniles in several prison institutions. The NGO ‘Parcours’ has started a Pre-Release program for women and their follow-up is guaranteed after release be it on the employment side or acquisition of employability skills. With the help of the Ministry of Education, Tertiary Education, Science and Technology, educators have been dispensing numeracy & literacy courses to men, women and juveniles.

Technical and vocational training to offenders has proved to be an important component of the rehabilitation regime in prisons and also forms part of an ongoing project in the prisons.

S. PRISON HIGHLIGHTS

According to Statistics Mauritius the imprisonment rate (calculated per 100,000 populations) has increased from 193.4 to 219.5 from 2018 to 2019. Consequently, the overall prison occupancy, calculated on their total capacity, has increased from 74.7 % to 83.4% within one year.

Key indicator	2018	2019
Overall offence rate (excluding contraventions) per 1,000 population	35.9	35.6
Intentional homicide rate ¹ per 100,000 population	2.8	2.1
<i>of which murder</i>	2.8	2.1
Theft rate per 1,000 population	8.5	8.9
Drug rate per 1,000 population	3.4	3.9
Road traffic contravention rate per 1,000 population	192.4	139.6
Juvenile delinquency rate per 1,000 population	5.6	6.8
Conviction rate ² pronounced in court per 1,000 population (excluding contraventions)	20.1	19.2
Imprisonment rate ³ per 100,000 population	193.4	219.5
Average prison occupancy level ⁴ (%)	74.7	83.4

1. Intentional homicide rate excludes "abortion" and "arson causing death"

2. Number of offences that led to conviction (as opposed to the number of persons convicted) per 1,000 population

3. Daily average number of detainees per 100,000 population

4. Prison population as a percentage of the prison capacity

Source: Crime, Justice and Security Statistics, 2019, Statistics, Mauritius

For the past few years, classification of detainees according to the length of sentence has remained the same, with around 50% of the convicts admitted spending only three months or less in prison while around 25% spending only one month or less. Age breakdown, among the detainees admitted, has not changed, as more than half of them are aged 30 years or less. Among the fine defaulters admitted in prison, 84% of them had to pay a fine of Rs. 5,000 or less compared to 79% in 2018.

Prolonged pre-trial detention may adversely impact the detainee's rights including his right to work and earn a living. Sometimes the detainee is the sole bread earner of the household. The whole family is impacted socially, economically and psychologically. Children are the most affected, leading to school dropouts and possible juvenile delinquency, starting a new cycle of criminality.

Long remand detention may encroach on the constitutional right to freedom as there is a right not to be detained arbitrarily. In too many cases this can last up to years due to long winded administrative procedures. Lengthy remand period may also affect the detainee's right to a fair trial, leading to a risk of miscarriage of justice.

T. PROVISIONAL CHARGE AND HUMAN RIGHTS

The practice of provisional charge is rather unique to Mauritius and has been criticised by eminent law practitioners and civil society. Section 5 of the Constitution provides that "*No person shall be deprived of his personal liberty save as may be authorized by law*". Any arrest must be justified in a country where there is the rule of law, more so for the prolonged detention of an accused person. Section 5(3) of the Constitution goes further to require that "any person who is arrested or detained and who is not released to be afforded reasonable facilities to consult a legal representative of his own choice and to be brought without undue delay before a court" If any person arrested is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions.

In Mauritius, Section 3 of the Bail Act acknowledges the right of an accused to be released on bail. The Court may refuse to release an accused on bail for the following reasons including inter alia:-

It is satisfied that there is reasonable ground to believe that the accused if released, is likely to-

- (a) abscond.
- (b) commit an offence, other than an offence punishable only by a fine.
- (c) interfere with witnesses, tamper with evidence or otherwise obstruct the course of justice.

The Court is satisfied that the accused should be kept in custody –

- (i) for his own protection;
- (ii) in the case of a minor, for his own welfare; or
- (iii) to maintain public order.

U. REMAND DETAINEES AND PRISON MANAGEMENT

Prolonged pre-trial detention adds pressure on prisons infrastructure, staff and resources. It reduces the health and rehabilitation prospects of detainees. It constitutes serious risks to public health and safety as seen in 2020 with the COVID-19 pandemic, when the decision was taken to release nearly 500 detainees to upkeep health standards.

Over the last few years, the ratio of remand detainees to convicted detainees has been constantly on the rise exceeding that of convicts in 2020. In fact, the number of convicted detainees remained almost constant during this period. With the same capacity, prison authorities have had to review their prison management system. Prisons in Mauritius are classified according to certain criteria, namely security level, facilities provided, profile and status of detainees, among others. Admission is exclusively through New Wing Prison for men, then they would transit through the Beau-Bassin Central Prison (BBCP) or the GRNW Remand Prison, where remand detainees constitute the bulk of the population until conviction. In general, detainees serve short sentences at the BBCP or the New Wing while detainees serving long sentences would be sent to the Eastern High Security Prison (EHSP). The Petit Verger and Richelieu Open Prison are usually reserved for detainees just before release as they are relatively low security prisons.

An alarming phenomenon is the constant increase in the number of remand detainees. With the provisional charge, prisons in Mauritius have now more remand detainees than convicted detainees. From the figures communicated by the Mauritius Prison Service to

international organisations, the remand prison populations amounted to 56% of the total prison population in 2020.

Pre-trial/remand prison population: trend

The table below gives an indication of the recent trend in the pre-trial/remand prison population. The final row shows the latest figures available.

It consists of the number of pre-trial/remand prisoners in the prison population on a single date in the year (or the annual average) and the percentage of the total prison population that pre-trial/remand prisoners constituted on that day.

The final column shows the pre-trial/remand population rate per 100,000 of the national population.

MAURITIUS

Year	Number in pre-trial/remand imprisonment	Percentage of total prison population	Pre-trial/remand population rate (per 100,000 of national population)
2000	400	24.5%	33
2005	844	34.3%	67
2010	862	35.2%	69
2015	771	37.2%	58
2020	1,567	56.0%	121
2021	1,622	58.6%	126

It should be noted that the number of pre-trial/remand prisoners fluctuates from day to day, month to month and year to year. Consequently the above figures give an indication of the trend but the picture is inevitably incomplete.

The pre-trial/remand population rate is calculated on the basis of the national population total. All national population figures are inevitably estimates but the estimates used in the World Prison Brief are based on official national figures, United Nations figures or figures from other recognised international authorities.

Source: *World Prison Brief Data*, www.prisonstudies.org/country/mauritiu, accessed on 20 March 2021

Due to an uncertainty about their fate, detainees on remand have no access to work, education and rehabilitation. Their situation may sometimes be worse than that of convicted detainees.

With the constant increase of remand detainees and after the damage caused to the infrastructure during the mutiny at BBCP, prison authorities decided to transfer part of remand detainees to EHSP in order to proceed for repairs. The remand population at the EHSP has now reached around 25%, including foreign detainees. The EHSP is designed for convicted detainees serving long sentences, no differential treatment is allowed for remand detainees.

The Reform Institutions Act provides that the remand detainees may or may not work to obtain earnings which they can use to buy basic food items like butter, jam and cheese. In other prisons, detainees can receive such food items from their relatives during periodic visits. At the EHSP, even if the detainees choose to work there is not enough work for all of them and detainees are not authorised to receive any personal items from their visitors.

CHAPTER VI

European Union Funded Project

‘Promotion of Respect for Human Rights in Mauritius and Rodrigues’

A. INTRODUCTION

During the third implementation year of the European Union (EU) funded Project entitled *‘Promotion of Respect for Human Rights in Mauritius and Rodrigues’*, the NHRC-EU team was able to achieve relatively positive results in light of the challenges posed by the COVID-19 pandemic. The Project, initiated in November 2017, aims to educate and sensitise different sections of the population in Mauritius and Rodrigues on their human rights and the legislative framework in place for their protection. It focuses particularly on the rights of vulnerable groups, for instance, women and children. As its title indicates, the Project promotes the reciprocity of rights: through awareness activities, individuals are sensitised not only on their own inherent human rights but also on the importance of respecting the rights of each and every one in society.

The Project has enabled the NHRC to strengthen its mandate to sensitise the population on human rights through various activities. In 2020, the NHRC sensitised 3,015 persons, of which 1,258 were men and 1,757 women, through a total of 74 activities under the Project. These activities ranged from talks to thematic workshops and training sessions by a foreign expert invited under the Project. Of particular note was the visit of Mrs Nicole Ameline, Member of the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) in January 2020. 2020 was also marked by the preparation, launching and dissemination of awareness tools such as informative pamphlets, jute bags and human rights bracelets.

The large array of activities organised and tools disseminated have increased the visibility of the NHRC’s key functions and powers on the one hand, and the EU’s external actions aiming to promote democracy and human rights in its partner countries on the other hand. Through the implementation of the EU funded Project, the NHRC has furthered its

collaboration with key partners, be it the EU Delegation in Mauritius itself, relevant Ministries, national and international human rights institutions, NGOs and civil society.

B. COVID-19 AND THE EXTENSION OF THE EU PROJECT

Compared to 2019 where the EU-NHRC team was able to sensitise 5,001 persons, a lesser number of persons was sensitised in 2020. This may be largely explained by the COVID-19 and ensuing lockdown which lasted nearly two months. During the lockdown, activities scheduled under the EU Project came to a standstill. To ensure the safety and security of the population, the authorities maintained the ban on gatherings a few months after the lockdown was lifted. The NHRC-EU team consequently had to review and redefine its modus operandi and geared its focus onto preparing informative pamphlets and booklets on human rights to be disseminated upon the normal resumption of activities.

Activities resumed slowly afterwards as most stakeholders were understandably hesitant to encourage gatherings. Bearing in mind the continuing threat and danger posed by the COVID-19 in other parts of the world, though Mauritius became a COVID-safe island, the NHRC-EU team resumed its activities with smaller groups of persons and ensured that sanitary measures, for instance social distancing and the wearing of face masks, were respected by participants. Considering the obstacles the team faced in 2020, it is fair to say that sensitising 3,015 persons was a hard-won success.

Since the overall objectives of the Project could not realistically be met by November 2020, the NHRC had to re-evaluate its commitments under the Project, re-assess variables in light of available funds, and revise the scheduled calendar of activities. After consultations, exchanges and negotiation with the EU Delegation, the Project has been extended until 30 June 2021 with revised targets.

C. VISIBILITY AND AWARENESS TOOLS

In January 2020, the NHRC in collaboration with the EU Delegation launched a jute bag with the message ‘Ensam Kont Violans’, signifying at the same time its stance against the upsurge of violence in the country and its commitment to uphold the rights of all citizens to live in a clean and sustainable environment. These jute bags are used as kits or packs and are distributed to participants during awareness sessions and thematic workshops.



Mr D. B. Seetulsingh S.C, Chairperson of the NHRC and HE Vincent Degert, EU Ambassador

In July 2020, two tools were launched by the NHRC-EU team: an informative pamphlet on domestic violence and human rights and silicone bracelets with wordings to publicise 6 Articles of the Universal Declaration of Human Rights.



The pamphlet, entitled ‘*Que doit faire une victime de violence domestique? Les étapes*’ describes the different forms of domestic violence and explains at length the steps that a victim may follow to seek protection and redress against his or her aggressor. Copies are distributed to participants attending informative sessions in Women Centres and thematic workshops.



The silicone bracelets were distributed in the context of the Human Rights Bracelet Campaign jointly launched by the NHRC and the EU Delegation to the Republic in Mauritius in November 2018. The bracelets contain six different provisions of the UDHR, notably:

‘Égaux en dignité et en droits’, ‘Droit à la vie’, ‘Non à la torture’, ‘Liberté de pensée et de religion’, ‘Non à la discrimination’ and ‘Liberté d’expression’.

The campaign epitomises the country’s pledge to uphold the human rights of its citizens and the NHRC and EU’s dedicated roles in this endeavour. The bracelets are distributed primarily to students during informative sessions in schools, but also to participants attending thematic workshops.

D. TALKS IN MAURITIUS

In 2020, the NHRC-EU team collaborated anew with relevant stakeholders to deliver talks on human rights to different groups of the population. The sessions, which were held on a regular basis, aimed to sensitise women, students, young persons, disability groups and the population at large on the mandate of the NHRC and pertinent human rights issues and legislation in the country. A total of 59 sessions took place, reaching some 2,066 persons, as shown in Table 1 below.

TALKS IN MAURITIUS ISLAND		
S/N	Targeted Groups/Venues	No. of Participants
1.	Women Centres	164
2.	Secondary Schools	947
3.	Youth Centres	172
4.	Citizens Advice Bureaus & Social Welfare Centres	755
5.	Disability Groups	28
TOTAL		2066

Table 1: Talks in Mauritius

In 2020, the NHRC developed new collaboration, notably with the Gender Unit and Social Welfare Division under the aegis of the Ministry of Gender Equality and Family Welfare, to facilitate informative sessions in various Women Empowerment Centres and Social Welfare Centres across the island.

In the post-lockdown period, the team regularly contacted officers in charge of the various centres and secondary schools to ensure that sanitary measures were applied and respected by all participants. For instance, all participants were requested to wear their face masks and officers in respective centres checked everyone's temperature upon arrival. The ensuing part describes the talks delivered by the two Resource Persons in 2020.

D.1. Women Empowerment Centres

In 2020, the NHRC-EU team conducted 7 talks in different Women Empowerment Centres in Mauritius, reaching a total of 164 women across all age groups and social backgrounds. To this end, the collaboration of the National Women's Council and the Gender Unit was enlisted. The sessions emphasised the equal rights of girls and women, *inter alia*, to education, to work and to property. They also shed light on problems having a negative impact

on the rights of girls and women primarily, for instance teenage pregnancy, domestic violence and sexual harassment.

Given the yearly rise in the number of cases of domestic violence in the country, the Resource Persons explained at length the role of the Police Family Protection Unit and the purpose of Protection, Occupation, Tenancy and Ancillary Orders. Participants were particularly interested in the different marriage regimes in Mauritius and their property rights following a divorce or the death of a spouse.

D.2. Students in Secondary Schools

The NHRC-EU team renewed its collaboration with the Ministry of Education, Tertiary Education, Science and Technology in 2020 and delivered 20 talks in different state and private secondary schools across Mauritius. A total of 947 students benefited from these sessions.

The Resource Persons emphasised key rights such as the right to education, freedom of expression, protection from violence, non-discrimination and discussed pressing issues such as teenage pregnancy, child marriage, sexual harassment, cyber bullying and substance abuse. They also shed light on the Children's Bill which became the Children's Act 2020, and the rationale behind its adoption.

During these sessions, many students shared their views on different forms of harassment and bullying which they have witnessed or experienced. They raised questions regarding the support and remedies available to them when facing these forms of violence. Students were also keen to understand the difference between shelters, Rehabilitation Youth Centres and Correctional Youth Centres, as well as the role of the Child Development Unit.

D.3. Youth Centres

In a continued collaboration with officers managing the National Youth Civic Service under the aegis of the Ministry of Youth Empowerment, Sports and Recreation, the NHRC-EU team held 6 awareness sessions with a total of 172 young persons aged between 15 to 25 years old. During these sessions, the Resource Persons laid emphasis on the rights of young persons and social issues pertinent to this age group.

Hence, in addition to themes discussed with students in secondary schools, they also shed light on domestic violence, sexual and reproductive rights, sexual orientation and the rights of the LGBTI, youth unemployment and rising crime levels in the country. Participants were also keen to discuss the impact of COVID-19 on various aspects of their lives; the role of the police in enforcing law and order; the rising number of teenage pregnancies in Mauritius; as well as youth participation in the political and electoral processes.

D.4. Citizens Advice Bureaus and Social Welfare Centres

As in the past two years, the Resource Persons under the EU Project jointly delivered talks with other staff members of the NHRC in Citizens Advice Bureaus (CABs). Citizens across all age, sex and walks of life attended these sessions. In their dedicated slot, the Resource Persons discussed pressing social issues affecting human rights of vulnerable groups in society, notably: domestic violence, teenage pregnancy, elderly abuse and sexual harassment.

2020 also marked the NHRC-EU team's fresh collaboration with the Social Welfare Division under the aegis of the Ministry of Gender Equality and Family Welfare. As in CABs, citizens at large attended sessions in Social Welfare Centres (SWCs). In addition to themes addressed in CABs, the two Resource Persons also shed light on property rights, marriage regimes and divorce, right to health, social security benefits as well as the work of other human rights institutions in the country.

In total, the Resource Persons delivered 25 sessions in both CABs and SWCs, reaching 755 persons.

D.5. Disability Groups

In collaboration with the Gender Unit, the NHRC-EU team delivered an informative session with 28 persons at the Southern Handicapped Association's premises in Riambel. Since most participants were students, the Resource Persons discussed the human rights of children and young persons, and shed light on problems faced by children with disabilities in particular in Mauritian society. It is also noteworthy that youth with disabilities actively participated in various sensitisation sessions held across youth centres.

E. TALKS IN RODRIGUES

The EU Project team proceeded to Rodrigues in February 2020 to deliver a series of awareness activities with different groups of the population. The collaboration of the Rodrigues Regional Assembly, the Commission for Child Development, the Commission for Social Security and educational institutions was sought to facilitate the conduct of these sessions. During their three-day mission, the team was able to sensitise a total of 376 persons.

TALKS IN RODRIGUES		
S/N	Targeted Groups/Venues	No. of Participants
1.	Chief Commissioner's Office	33
2.	Le Chou MITD	86
3.	Mont Lubin College	47
4.	Rodrigues College	69
5.	Mont Lubin Senior Citizens Centre	90
6.	Malabar Family Integrated Centre	51
TOTAL		376

Table 2: Talks in Rodrigues

E.1. Interactive Session on Human Rights

On Wednesday 26th February 2020, the EU Project team held an interactive session on human rights with public officials from different Commissions at the Chief Commissioner's Office. The session aimed to increase awareness on human rights and the mandate of the NHRC and to identify pressing human rights issues in Rodrigues. Participants were keen to learn about the UN human rights treaty system and state party reporting procedures. The Resource Persons and participants also discussed, *inter alia*, the rights of detainees, in particular the issue of psychological support in prison; the general lack of medical specialists in Rodrigues; and the

lack of vocational options available to young persons who fail to obtain 5 credits at the Grade 11 examination.

E.2. Talks with students

On Thursday 27th February 2020, the Resource Persons delivered three informative talks to students at MITD Le Chou, Mont Lubin College and Rodrigues College respectively. During these sessions, they sensitised the students on human rights, the mandate of the NHRC and also addressed pertinent human rights issues, notably: teenage pregnancy, child labour, youth unemployment, equality and non-discrimination, harassment and cyber bullying.

E.3. Talk with elderly persons

The EU Project team held an awareness session for elderly persons at the Mary Gontran Senior Citizens Centre at Mont Lubin on Friday 28th February 2020, with the collaboration of the Commission for Social Security and the Federation of Senior Citizens Associations. During the session, the Resource Persons laid emphasis on different forms of elderly abuse - including domestic violence, the rights of elderly persons to adequate health services, property rights and social security benefits

E.4. Talk with women

The EU Project team also held an informative session on 28th February 2020 with 51 participants, composed mainly of women, at the Malabar Family Integrated Centre. The Resource Persons emphasised the equal rights of girls and women in different sectors notably education, employment and politics, as well as in the domestic sphere. A large part of the session also focussed on domestic violence and preventive mechanisms in place. The participants highlighted the support systems in place both at school and within the community to address cases of teenage pregnancy.

F. EXTERNAL RESOURCE PERSON

The EU-funded Project also enables the NHRC to invite foreign experts on human rights to provide training and capacity building, especially in areas where there is a noted dearth of local expertise. In this regard, Mrs Nicole Ameline, expert on women's rights, Member of the UN CEDAW Committee (2008 – 2020) and former French Minister of Gender Equality

(2002 – 2005) visited Mauritius from 27th January 2020 to 30th January 2020 to deliver a series of seminars and workshops on women’s rights issues to various stakeholders.

The activities organised as part of her visit in Mauritius aimed to shed light on: the provisions and rationale of the UN CEDAW; the UN CEDAW reporting mechanism; gender equality in Mauritius; gender equality as a pillar of sustainable development; the observations made by the UN CEDAW Committee in 2018 to Mauritius’ report.

F.1. Seminar with officers from NHRIs

On Tuesday 28 January 2020, Mrs Ameline delivered a seminar on *‘Les institutions œuvrant pour la protection des droits humains en France’* to representatives from different human rights institutions, the Human Rights Division of the Ministry of Foreign Affairs, the Disability Unit, the Elderly Persons Protection Unit and the Child Development Unit. The session took place at the Rajsoomer Lallah Hall, Office of the Director of Public Prosecutions (ODPP).

F.2. Seminar for Law Enforcement Officers and Law Officers

On Tuesday 28 Jan 2020 afternoon, a seminar was organised for police officers from all units and across all grades; officers across all penal institutions from the Mauritius Prisons Service; probation officers; representatives from Family Support Bureaux; and law officers from the Office of the Director of Public Prosecutions and the Attorney General’s Office respectively.

During this session which took place at the Rajsoomer Lallah Hall, ODPP, Mrs Ameline addressing the theme *‘L’égalité des genres et les problématiques liées à la protection de la femme’*, shed light on pertinent issues such as domestic violence, rape, child marriage and sexual harassment.

F.3. Half-day Workshop

On Wednesday 29 January 2020, the NHRC in collaboration with the EU Delegation in Mauritius, held a Half-day Workshop on *‘Les procédures du Comité des Nations Unies sur l’élimination de toutes les formes de discrimination à l’égard des femmes: les enjeux pour Maurice’* at Le Sirius, Labourdonnais Waterfront Hotel. Representatives from relevant Ministries, NGOs and human rights institutions attended the session. The Opening Ceremony

was performed by Mr. D.B. Seetulsingh, Chairman of the NHRC and HE Vincent Degert, EU Ambassador to the Republic of Mauritius.

Mrs. Ameline then discussed key provisions of CEDAW and their implementation in new fields of life, for instance technology and sustainable development. She also shed light on the UN reporting procedure as well as the role of key stakeholders – state and non-state – in the reporting cycle. She then discussed issues raised during the consideration of Mauritius’ report by the CEDAW Committee in 2018. The jute bag described above, containing the message ‘Ensam Kont Violans’, was launched during this Workshop.



Mrs Nicole Ameline and Mr D. B. Seetulsingh S.C, Chairman of the NHRC

F.4. Seminar with representatives of NGOs and civil society

A seminar was organised on Wednesday 29 January 2020 afternoon at Le Sirius, Labourdonnais Waterfront Hotel for representatives of NGOs and civil society. During this session, Mrs Ameline discussed ‘*La mise en œuvre des objectifs du développement durable, en particulier l’objectif 5: l’égalité des genres*’. She highlighted the centrality of gender equality to sustainable development and discussed the role of civil society in implementing the provisions of CEDAW in Mauritius.

F.5. Seminar with students and representatives from the National Women’s Council and the National Women Entrepreneur Council

On Thursday 30 January 2020, a seminar was organised in the Auditorium of the University of Mauritius, Ebène Core Building for university students and representatives of the National Women’s Council and the National Women Entrepreneur Council. Mrs Ameline discussed the concepts of ‘gender’ and ‘gender equality’ and stressed that the CEDAW convention promotes gender equality de jure and de facto in all areas: *inter alia*, in the private sphere, in employment and in education.

F.6. Session with the Speaker of the National Assembly and the Parliamentary Gender Caucus

In the afternoon of Thursday 30 January 2020, Mrs. Nicole Ameline, accompanied by the Chairman of the NHRC, met with the Speaker of the National Assembly. Thereafter, Mrs. Ameline had an interactive session with the members of the Parliamentary Gender Caucus to discuss the implementation of CEDAW, pressing gender issues and relevant legislation in Mauritius.

SEMINARS BY MRS NICOLE AMELINE		
S/N	Seminars/Targeted Groups	No. of Participants
1.	Seminar with officers of NHRIs	46
2.	Seminar for Law Enforcement Officers and Law Officers	85
3.	Half-Day Workshop	68
4.	Seminar for representatives of NGOs and civil society	34
5.	Seminar for University students and representatives of the NWC and NVEC	102
6.	Session with the Speaker of the National Assembly and the Parliamentary Gender Caucus	25
TOTAL		360

Table 3: Seminars by Mrs Nicole Ameline

G. THEMATIC WORKSHOPS

Under the EU-funded Project, the NHRC also organises thematic workshops to commemorate international human rights days and to generate broader discussion on pertinent human rights issues in the country. Two thematic workshops were held in 2020, as indicated in the table hereunder:-

Thematic Workshops in 2020		
S/N	Seminars/Targeted Groups	No. of Participants
1.	Half-day Workshop on ‘Human Rights and Law Enforcement’	44
2.	Half-day Workshop on ‘Upholding the Rights of Elderly Persons in Mauritius’	69
TOTAL		113

Table 4: Thematic Workshops held in 2020

G.1. Half-day Workshop on ‘Human Rights and Law Enforcement’

On Wednesday 29 July 2020, the NHRC in collaboration with the EU Delegation to the Republic of Mauritius, held a half-day workshop for senior ranking police officers (Deputy Commissioners of Police, Assistant Commissioners of Police, Superintendents of Police and Assistant Superintendents of Police) to sensitise them, on the mandate of the Commission as well as on the rights of vulnerable groups in Mauritius.

After Mr. D.B. Seetulsingh S.C, Chairman of the NHRC and HE Vincent Degert gave their opening speeches, they launched the Human Rights silicone bracelets and informative pamphlet on domestic violence described earlier in Section 3 on ‘Visibility and Awareness Tools’.

Mrs. M. L. L. Y. Lam Hung, Deputy Chairperson of the Human Rights Division gave a presentation on the mandate of her division and highlighted instances where collaboration with the Mauritius Police Force has been important to uphold rights of complainants. Mr. D. B. Seetulsingh S.C. described the mandate of the National Preventive Mechanism

Division. He highlighted key issues raised during the visits of the NPMD in places of detentions and the recommendations made thereafter.

Mr. Vipine Aubeeluck, Vice President of the Young Queer Alliance made a comprehensive exposé on 'Sexual Orientation and Human Rights'. He explained the meaning of the terminologies 'Lesbian', 'Gay', 'Bisexual', 'Transgender' and 'Intersex' (LGBTI).

Ms. Anjeelee Beegun, Director of Collectif Arc-en-Ciel spoke about 'Sensitising the Police on LGBTI issues'. She shed light on instances of discrimination, stereotypes and homophobic attitudes that LGBTI persons are subject to, both in domestic and professional settings. She also pointed out how these hinder LGBTI persons in accessing their basic human rights at all levels. On the other hand, she highlighted the positive attitude that police officers have shown when such cases were reported to them.

Mr. Hurrynarain Bunoomally, Assistant Commissioner of the Welfare and Elderly Persons' Protection Unit gave a presentation on 'Law Enforcement and Elderly Persons.' He highlighted the wide-ranging services provided by the Welfare and Elderly Persons' Protection Unit under the aegis of the Ministry of Social Security and National Solidarity.

Mr. Choolun Bhojoo, PMSM, Deputy Commissioner of Police made the closing remarks.

G.2. Half-day Workshop on 'Upholding the Rights of Elderly Persons in Mauritius'

The NHRC-EU team, in collaboration with the EU Delegation, held a half-day workshop on Thursday 08 October 2020 at Labourdonnais Waterfront Hotel to commemorate the International Day for Older Persons, celebrated on 1st October annually. The theme retained was 'Upholding the Rights of Elderly Persons in Mauritius'. The Workshop was organised for the benefit of public officers working with elderly persons, notably Welfare Assistants in Elderly Day Care Centres, Social Security officers, psychologists as well as representatives from the Family Support Bureaux and the Senior Citizens Council.

The Opening Ceremony was performed by Mr. D. B. Seetulsingh S.C, HE Vincent Degert, EU Ambassador and Hon. N. Bodha, former Minister of Foreign Affairs, Regional Integration and International Trade.

Mrs. L. Keerpal, Family Welfare and Protection Officer from the Ministry of Gender Equality and Family Welfare, gave a presentation on ‘Protecting Elderly Persons from Domestic Abuse and Violence’. She described *inter alia* the services and assistance provided to victims of domestic violence in the Family Support Bureaus.

Dr. N. S. Ramburn, Assistant Director, Medical Unit from the Ministry of Health and Wellness, addressed the audience on ‘Elderly Persons and the Right to Health’. He discussed at length health problems faced by elderly persons in Mauritius, for instance, diabetes, hypertension and Alzheimer.

Me. Ashvin Dwarka, Notary Public, then gave a presentation on ‘Inheritance and Property Rights: Key Legislation and Procedures’. He described the role and duties of the Notary Public under Mauritian law and provided useful information on ‘succession’, ‘donation’ and ‘testament’.

H. CONCLUSION

Having regard to the obstacles posed by the COVID-19 pandemic and ensuing lockdown, it is fair to say that year 2020 bore positive results for the EU-funded Project. Despite difficulties encountered, the NHRC-EU team managed to hold a variety of awareness sessions and were able to reach different groups of the population. The awareness tools produced have also proved to be important means in conveying key messages and information to the population.