



NATIONAL HUMAN RIGHTS COMMISSION

MAURITIUS

ANNUAL REPORT 2021

MARCH 2022



**NATIONAL HUMAN RIGHTS COMMISSION
PORT LOUIS - MAURITIUS**

1 April 2022

**His Excellency the President
Mr. Prithvirajsing ROOPUN G.C.S.K.
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 2021 to 31 December 2021, to be transmitted to the National Assembly.

Yours faithfully,

**Dheerujall B. Seetulsingh, S.C., G.C.S.K.
Chairman**

THE NATIONAL HUMAN RIGHTS COMMISSION

COMPOSITION AS AT 31 DECEMBER 2021

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Members Mr. Samioullah **LAUTHAN**

Mr. Jacques Jonathan **RAVAT**

National Preventive Mechanism Division

Deputy Chairperson Mr. Mohamed Idbal **TORABALLY**

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Mr. Joseph Gabriel Michel **VIEILLESSE**

NATIONAL HUMAN RIGHTS COMMISSION
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Office Management Executive	Mrs Gaitry HASOWA (until 1 July 2021)
Human Resource Executive	Mrs. Bibi Nazima JAGOO
Principal Financial Operations Officer	Mrs Anbah Devi NYNAN (until 26 May 2021.) Mr. Mohammad Sabir SAHEBALLY (from 27 May 2021)
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Office Management Assistant (Registry)	Mrs Seema Devi LUCKHO (Ag OME as at 1 July 2021)
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Barrister at Law	Ms Risha Pooja HULMAN
Investigator	Mr. Nivish Varma CHUMMUN Ms Yohinivaani CHETALEE PARRYANEN Ms. Ingrid Emmeline POTIE (until 30 September 2021) Mr. Jitendradeve ADHIN
EU PROJECT Office Management Executive Resource Persons	Mrs. Keshwaree BURUNDOYAL Ms Heyashi GUNESH (until 28 February 2021) Mr. Farhaan M. RUJUBALI (until 30 June 2021) Ms. Q. G. Warda SUMUN (until 31 December 2021)
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Word Processing Operator	Mrs Joëlle Marie Christine ANDRE (until 26 October 2021)
Office Auxiliary	Mrs Manju GROODOYAL Mr. M. Reza MOHOMADALLY (until 13 October 2021) Mr. Atish RAMBURUTH (from 13 October 2021)
Driver	Mr. Soondress IYUMPERMAL (until 3 May 2021) Mr. Sridev RUNGLOLL (until 28 February 2021) Mr. Mevin CHOWDHORY Mr. Tarun SEEBARUTH (from 23 July 2021) Mr. Ashfaq MOHOBUTH (from 9 August 2021)

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CHAPTER I

INTRODUCTION

A. OVERVIEW

The National Human Rights Commission (the NHRC) was created in 1998 by Act of Parliament – the Protection of Human Rights Act. It was set up 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 2021 following a rigorous exercise carried out by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in Geneva.

It now consists of two Divisions –

- (1) the Human Rights Division and
- (2) the National Preventive Mechanism Division set up to comply with 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-jurisdictional 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. It no longer deals with complaints against Police.

B. 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.
- 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 term “Human Rights” under the Protection of Human Right 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, and 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. Furthermore, “A life with dignity depends on measures taken States to preserve the environment and protect it against harm, pollutions and climate change” (General Comment No. 36 on the Rights to Life – Human Rights Committee). The NHRC may deal with breaches of the latter rights by giving a generous interpretation to the right to life.

C. 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 build 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). It was a crime against humanity. After the abolition of slavery when former slaves refused to work on the sugar cane plantations, there was a need to import indentured labour from the Indian subcontinent.

In a book entitled “*Père Laval*”: *Médecin, Prêtre et Apôtre de l’Unité Mauricienne*” edited by Père Bernard Hym and Dr. Lindsay Edouard FRCOG and published by the Diocèse de Port Louis in December 2021 the Chapter written by Dr. Stephanie Tamby on “Les Anciens Esclaves dans la Société Coloniale” describes how the slaves liberated in 1835 had to submit themselves to an apprenticeship course until 1839 to be prepared for their new life. They continued to work on the “domaines sucriers” until 1839. Most of them however distanced themselves from the domaines after 1839 and moved towards the coastal regions to enjoy their newly found liberty.

D. 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 is responsible for 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 for 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 when 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 to attain one of the major Sustainable Development Goals before 2030. The State has also set up a Citizens Support Unit (CSU) under the Prime Minister's Office to attend to 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 to persons with disabilities. 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 to the public for the construction of houses, for contributing to the costs of 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 offering free courses in various subjects has become immensely popular, enabling both employed and unemployed people to acquire or improve qualifications and skills.

The Human Rights Division within the Ministry of Foreign Affairs, Regional Integration and International Trade 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. Mauritius is submitting its initial Report on Women's Rights to the African Commission under the Maputo Protocol to the African Charter on Human and Peoples' Rights. 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 various Treaty Bodies on Reports from Mauritius and the Recommendations following the Universal Periodic Review of the Human Rights situation in Mauritius by the Human Rights Council.

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 and other NGOs which participate in the fight against absolute poverty.

The National Human Rights Commission has recommended in the past that sugar estates could consider making a grant of marginal lands which are not under cultivation to the needy sections of the population so that they can build a house. That would be a laudable step forward in the fight against absolute poverty

CHAPTER II

HUMAN RIGHTS ISSUES

A. COVID-19 AND HUMAN RIGHTS 2021

The Covid-19 pandemic has affected the world in the past three years. In response to the resurgence of local cases, a national lockdown was imposed on 10 March 2021 and was maintained until 30 April 2021 (the “2021 lockdown period”). Following the experience gathered in 2020, the authorities were well prepared with effective measures to curtail the spread of the virus in 2021. Only essential services such as the police, health services, airports and seaports, supermarkets bakeries and Courts were allowed to operate under certain conditions.

A.1. *Public Health Measures during the 2021 Lockdown Period*

Public health measures to contain the virus impacted on the human rights of citizens, but they were necessary in the circumstances. The authorities maintained a severe health response with massive testing, contact tracing as well as other socio-economic measures to protect the rights of citizens.

A.2 *Freedom of movement and assembly*

Pursuant to the Temporary Restrictions of Movement Order (the “Order”) made by the Honourable Prime Minister under section 3 of the Quarantine Act 2020, there was a severe restriction on the freedom of movement of people, as people (except for front-line workers) were required to remain indoors. The Order was supplemented by necessary policy measures to contain the spread of the virus, including *inter alia*:

- **Red Zone**

A few regions were decreed as “Red Zones” following an upsurge of positive cases which were noted in those regions. The Red Zones were sealed by the authorities and there was a strict restriction of movement controlled by the police.

Only holders of a Work Access Permit were permitted to remain outdoors and to travel to their place of work (as mentioned on the permit) and back. A special WAP was needed for those front liners who resided in the decreed Red Zones.

Breeders, farmers, and fishermen were exempted from applying for a WAP and could travel to their base of operations with their respective registration card.

In addition, freedom of assembly was restricted in as much as gatherings for civil weddings and funerals were authorised with a maximum number of 10 people.

The public in general abided by the Order and the strict sanitary measures to avoid the spread of the virus, namely by wearing masks, maintaining social distancing, sanitising hands, and staying at home. Reasonable derogations from the fundamental rights inscribed in the Constitution are permissible to protect public health and generally in the public interest.

A.3 Older Persons

The Covid-19 pandemic gave rise to many challenges faced by older people across the globe including social isolation, a lack of access to health care, discrimination and their right to participate fully in society.

In Mauritius, several measures were implemented during the 2021 lockdown for the welfare of the elderly. Carers benefitting from a Carer's Allowance could apply for a WAP to provide assistance to bedridden elders. A special counter was set up in banks for the elderly. The Ministry of Social Security and National Solidarity paid pensions at home to older persons who usually receive their pensions via post offices.

A.4 Gender Based Violence

Lockdown restrictions following the Covid-19 pandemic and other measures restricting the movement of people contributed to a significant rise in the number of reported cases of gender-based violence worldwide.

In Mauritius, the Ministry of Gender Equality and Family Welfare registered 293 cases related to gender-based violence from 10 to 28 March 2021 during the lockdown period. Various mechanisms set up before the pandemic to provide effective assistance to victims of domestic

violence included the 24-hour hotline and the mobile application “LESPWAR.” Victims could promptly contact the police through a user-friendly panic button.

The NHRC conducted several awareness-raising sessions, online and in person, using a human rights-based approach to prevention and response to Covid-19, whereby the audience was sensitized on various topics including issues pertaining to gender equality, the protection of women’s rights, domestic violence, discrimination, rape (including marital rape), child marriage and harassment of a moral, sexual, or economic nature

There are still many sad cases of Gender Based violence, some resulting in death. The High level Committee presided by the Prime Minister has set up four Technical Working Groups to address the problem. There is an ongoing programme to reform the perpetrators. The best solution is education and informing women about their rights. The National Human Rights Commission has been actively engaged in sensitizing women on the issue in Citizens Advice Bureaus and in Women Centres. Under the joint project with the European Delegation in Mauritius, the NHRC published pamphlets to create awareness of the problem.

A.5 The Tourism Sector

The Covid-19 pandemic adversely impacted the tourism sector around the world causing many countries to face devastating economic consequences. In Mauritius, many hotels closed for months while others were used as quarantine centres. Small businesses which relied heavily on tourism closed down permanently while many people, especially those in the informal sector lost their jobs. Several measures have been implemented by the State to mitigate the socio-economic impact on the livelihoods of citizens in the tourism industry including the financial support programme for hotels and tourism operators, the Wage Assistance Scheme, and the Self-Employed Assistance Scheme

Since October 2021, travel restrictions have been lifted in Mauritius and borders have been reopened to fully vaccinated tourists after being closed for 16 months. There are no movement restrictions imposed on vaccinated tourists. Tourism is a strong pillar of the Mauritian economy, and it is expected that the tourism industry in Mauritius will bounce back in the near future.

B. DELAYS IN POLICE ENQUIRIES

It is recommended that the Police Department should set up a Special Unit to clear the backlog of road traffic contraventions awaiting to be sent to Court. There can be delays of up to 2 years in these cases. Those who are in the know avail themselves of the possibility of Pleading Guilty by letter. More publicity should be given to this. The relevant forms could be translated and printed in French and Kreol. Members of the public will not need to spend a working day going to Court.

We have recommended in the past that dedicated police officers should be given specialized training in conducting enquiries. Section 10 of the Constitution requires that an accused party should be tried as soon as possible. The situation is more drastic when small children who are victims of sexual assault have to depone in Court three to four years after the occurrence. They tend to forget the facts. When they contradict themselves in Court in relation to the version they gave to the police in their original statements the defence would attack their credibility. This leads to cases being dismissed. It is expected that this problem would be solved with the coming into operation of the Children's Court.

C. DRUGS

The drugs problem continues to be an acute one. Some people do not hesitate to indulge in Drugs trafficking and Drugs dealing to earn easy money. They do not hesitate to put their life at risk by travelling by sea to get drugs from neighbouring island (Reunion). The ADSU has been able to seize a large quantity of drugs. The Drugs Offenders Administrative Panel (DOAP) is soon to come into operation to provide for the rehabilitation of drugs users instead of sending them to prison.

D. RIGHTS OF OLDER PERSONS

The UN Open Ended Working Group on Ageing (OEWGA) meeting in New York continues to work on producing a Convention of the Rights of Older Persons, although the process has tended to slow down. The next session in 2022 will consider submissions on the contribution of Older Persons to sustainable Development and Economic Security, on the right to work and access to the labour market and access to justice. The NHRC sends its contribution to the OEWGA.

The Human Rights Council in Geneva has appointed a Special Rapporteur to study the issue worldwide. In Mauritius the increase in the old age pension and the facilities granted by the Ministry of Social Security to the Senior Citizens' Council and its branches help to alleviate the plight of older persons. Activities are organized regionally to enable older persons to meet socially, to go out on excursions and to benefit from other facilities like spending a few days at the beach.

There are few cases reported of older persons being ill-treated in family settings though there are still cases of older persons being attacked by robbers in their homes.

In 2021 COVID 19 continued to have an impact on the health of older persons. The Ministry of Health has given priority for vaccination against the virus to older persons.

Mauritius has signed the Protocol to the African Charter on Human and People's Rights of the Rights of Older Persons but has not ratified the Protocol.

E. PERSONS WITH DISABILITIES

In its last Annual Report the NHRC recommended that training be given to carers of persons with disabilities.

This would provide carers with gainful employment while the persons with disabilities will benefit from more specialized care. Parents of children with disabilities could also be educated on the topic. Many NGOs are actively engaged in this activity and should be encouraged in continuing this work.

Mauritius has not yet signed the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa.

F. REPORTS OF MAURITIUS TO TREATY BODIES

(Source – National Mechanism for Reporting and Follow-up)

Reporting to Treaty Bodies on a regular basis helps Mauritius to comply with International Human Rights Law. By ratifying the Core Human Rights Treaties Mauritius has accepted the universal application of international human rights law.

(a) The Report under the Convention on the Rights of Persons with Disabilities was submitted in October 2020. The examination by the CRPD Committee has not yet been scheduled.

(b) The Report under the Convention on the Elimination of all Forms of Racial Discrimination was submitted in June 2021. The date of the Review by CERD has not been fixed yet.

(c) The Report under the Convention on the Rights of the Child (CRC) was submitted in November 2021.

It is to be noted that Mauritius has not signed and ratified the Optional Protocol to the CRC to accept the Communications Procedure. Only 50 Countries have ratified the Protocol.

(d) The Report under the Convention against Torture was submitted in November 2021.

(e) Mauritius submitted its Interim Reports on Concluding Observations under the International Covenant on Economic, Social and Cultural Rights and under the International Covenant of Civil and Political Rights in 2021 to report progress on specific issues raised by the two Committees.

(f) Mauritius has not yet received the official Concluding Observations of the African Commission on Human and People's Rights on the Report examined in July 2020.

Trafficking in Persons

Mauritius is in the process of preparing a National Action Plan to combat Trafficking in persons with the help of a Consultant appointed by the International Organisation for Migration.

G. NATIONAL RECOMMENDATIONS TRACKING DATABASE (NRTD)

The Human Rights Division (HRD) of the Ministry of Foreign Affairs in charge of the NRTD to track the implementation of the recommendations made by Treaty Bodies following their examination of Reports submitted by Mauritius. The HRD of the MFA liaises with different Ministries and institutions for the follow-up. The OHCHR will provide training on an upgraded version of the NRTD in 2022.

H. NATIONAL HUMAN RIGHTS ACTION PLAN 2012 – 2021

Mauritius launched its Progress Report with the Plan in December 2021. The Minister for Foreign Affairs indicated that the next Plan will cover the period 2021 to 2029 and would comprise the recommendations made after the next Universal Periodic Review of Mauritius by the Human Rights Council.

I. LGBTI RIGHTS

On 29 November 2021, the Court of Appeal of Botswana upheld a decision of the High Court which decriminalises homosexual relationship in the country. A five-judge bench unanimously held that the sections of the Penal Code which criminalise same-sex relationships violated the constitutional rights of the lesbian, gay, bisexual and transgender (LGBT) people. Consequently, two sections of the Penal Code have been struck off as "*Those sections have outlived their usefulness, and serve only to incentivise law enforcement agents to become key-hole peepers and intruders into the private space of citizens,*" said Judge Ian Kirby, who read the judgment.

A judgment of the Supreme Court in Mauritius is awaited on the same issue, that is, whether section 250 of the Criminal Code which criminalises sexual relations between consenting adults of the same sex should be struck down as being unconstitutional.

In Mauritius, it is fair to say that LGBTI people have been accepted to a large extent. The Equal Opportunities Act makes it unlawful to discriminate on the ground of status which includes sex or sexual orientation. This gives legal recognition to LGBTI people. In addition, various measures have been implemented with a view to promoting the inclusion of LGBTI people in society including:

- Free distribution of condoms and condom-compatible lubricants;
- Pre-Exposure Prophylaxis (PrEP) is available since 2018; and
- Hormonal Therapy which is available in all regional hospitals since 2019.

The NHRC, through all its sensitisation campaigns actively advocates for the rights of the LGBT people and highlights the importance of ensuring that they enjoy their human rights fully, without any discrimination or stigmatisation.

J. CHILDREN'S RIGHTS

The Children's Act, the Children's Court Act and the Child Sex Offender Register Act have been promulgated. The three legislations give better effect to the provisions of the Convention on the Rights of the Child (the "CRC") in Mauritius. They underpin the four core principles of the CRC which are:

- (i) Non-discrimination;
- (ii) Best interests of the child;
- (iii) The right to survival and development; and
- (iv) The views of the child

The Children's Act has repealed the Child Protection Act and provides for a modern legislative framework for the better promotion and protection of the rights of children in Mauritius. A Child Services Coordinating Panel shall be responsible for the coordination of all activities relating to the implementation of the Act, the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

Protection of Children

The Act contained provisions related to ill-treatment, child trafficking, the abandonment of children, the abduction of a child, sexual offences on children, indecent photography of children and mendacity. While most of these offences have been retained and further elaborated upon by the Children's Act, other much-needed new offences have been added.

Child Marriage

The legal age of marriage in Mauritius is now 18. Child marriage is considered as a violation of human rights. It threatens the lives and future of girls and young women worldwide and jeopardises their rights to education, health amongst other rights making them more vulnerable to violence, discrimination and abuse.

Children's Court

A specialised Court has been set up under the Children's Court Act and has jurisdiction to hear and determine cases involving children. The primary aim of the Children's Court is 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 age of criminal responsibility has been fixed to fourteen.

Child Sex Offender Register

The Child Sex Offender Register Act sets up a register to enable the police to monitor and track sex offenders who have been convicted of sexual assault against a minor. The main objective of the register is to reduce and prevent the risk of sexual offences against children.

K. CHAGOS ARCHIPELAGO

K.1 In February 2019, the International Court of Justice (the “ICJ”) issued its Advisory Opinion (the “ICJ Chagos Advisory Opinion”) on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The request for the Advisory Opinion was made by the United Nations General Assembly. The ICJ took the view that the “the process of decolonization of Mauritius was not lawfully completed when that country acceded to independence” and that “the United Kingdom is under an obligation to end its administration of the Chagos Archipelago as rapidly as possible.”

K.2 In January 2021, a Special Chamber of the International Tribunal for the Law of the Sea (the “Tribunal”) ruled on the admissibility of a dispute referred to it by Mauritius and the Maldives concerning the delimitation of the maritime boundary between the two countries in the Indian Ocean.

K.3 The Tribunal acknowledged that the questions to the ICJ in the UN General Assembly resolution pertained to the legality of the decolonization process of Mauritius and the United Kingdom’s continued administration of the Chagos Archipelago. The Tribunal took the view that the ICJ Advisory Opinion had considerable implications for the sovereignty dispute as decolonization and territorial sovereignty were closely interrelated. The Tribunal agreed that advisory opinions were authoritative statements of international law. The Tribunal opined that the United Kingdom’s continued administration of the Chagos Archipelago was unlawful and the territorial integrity of Mauritius should be respected.

L. LEGISLATION 2021 PROMOTING HUMAN RIGHTS

The Social Contribution and Social Benefits Act 2021 (No.14 of 2021) establishes a legal framework for the setting up of a new social contribution and social benefits system in Mauritius. The Act which repeals the *Contribution Sociale Généralisée* Regulations 2020 and amends the National Pensions Act, aims at promoting the right to social security. The new Act makes the following key provisions:

- A new contributory pension namely the “retirement benefit” to a person above the normal retirement age, in addition to the basic retirement pension payable under the National Pensions Act;
- Following injury at work, for the payment of enhanced social benefits including *inter alia* industrial injury benefits and disablement benefits; and
- The establishment of the Social Benefits Review Committee which shall have the responsibility to develop mechanisms for the purpose of enhancing the social benefits and maintaining its sustainability.

The Cybersecurity and Cybercrime Act 2021 (Act No. 16 of 2021), which repeals the Computer Misuse and Cybercrime Act 2003, provides for the establishment of a National Cybersecurity Committee and a comprehensive legal framework to deal with cybercrime. The new legislation relates to provisions which may have a direct impact on human rights such as the right to privacy and freedom of expression.

The Independent Broadcasting Authority (Amendment) Act 2021 (No.18 of 2021), amends provisions of the Independent Broadcasting Authority Act (the “**IBA Act**”), and its main objective is to provide for a better legislative framework to regulate licensees in Independent Broadcasting. The primary objectives of the Act include the following:

- Empowering the Authority to impose administrative penalties.
- Strengthening regulatory provisions; and
- Enabling more collaboration between the IBA Authority and the Information and Communication Technologies Authority by amending the composition of the ICT Authority.

CHAPTER III

HUMAN RIGHTS DIVISION

The National Human Rights Commission comprises of two divisions namely, the Human Rights Division (HRD) and the National Preventive Mechanism Division, respectively. We operate under the Protection of Human Rights Act 1998 (PHRA).

A MAIN FUNCTIONS OF THE HRD

A.1 *Review of the criminal conviction by the Supreme Court:*

Under section 4A of the PHRA, the HRD is empowered to examine an application for the review of a criminal conviction in cases where convicted persons can adduce fresh and compelling evidence and refer the matter to the Supreme Court.

In 2021, the HRD received only one complaint in relation to the criminal review. However, the HRD could not intervene as the complainant was convicted before the District Court and not before the Supreme Court.

A.2 *Investigation into written complaints*

The complaints must satisfy the following criteria:

- (i) **an allegation** of unfair treatment.
- (ii) **in breach of** human rights under Chapter II of the Constitution
- (iii) **by a public body**; 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.

B. COMPLAINTS PROCEDURE

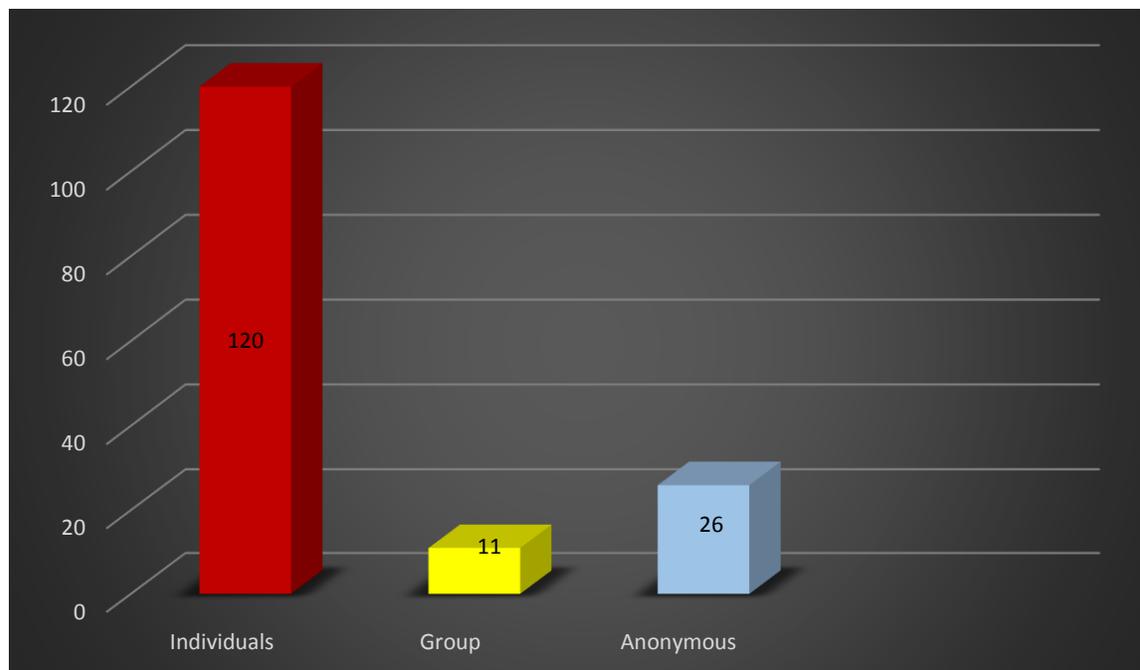
<u>Receipt of Complaint</u>	<u>Investigation</u>	<u>Decision by the HRD</u>
<ul style="list-style-type: none"> ➤ In writing ➤ In person ➤ By e-mail address/ mail address ➤ By fax number ➤ Can download the complaint form via the webpage of the Commission. <p>In Rodrigues, complaints form may be collected at the office of the Island Chief Executive, Port Mathurin, and forwarded to the NHRC.</p> <p><i>N.B</i> The complainant is notified of the receipt of the complaint.</p>	<ul style="list-style-type: none"> ➤ Complaint is opened. ➤ Inquire into facts, i.e on written statement of the complainant. ➤ The respondent can be asked for specific information or a detailed response to the complaint. ➤ Ask for any relevant document. ➤ Call all parties concerned for a hearing/mediation. ➤ Visit the locus if need be. <p><i>N.B:</i> A complainant may wish to withdraw his complaint and must inform the NHRC accordingly.</p>	<p>After investigations into the complaint, the Division can make such decisions:</p> <ul style="list-style-type: none"> ➤ Can set aside the complaint if it is frivolous or vexatious. ➤ Attempt to resolve the complaint by conciliation. ➤ Refer the complaint to the appropriate authority, for instance, to the Ombudsman, the Equal Opportunities Commission, etc. ➤ Take any decision deemed appropriate. ➤ Make recommendations accordingly to the Minister responsible for Human Rights. <p><i>N.B:</i> The complainant is always informed of the outcome of the complaint.</p>

C COMPLAINTS STATISTICS

Number of complaints received in 2021

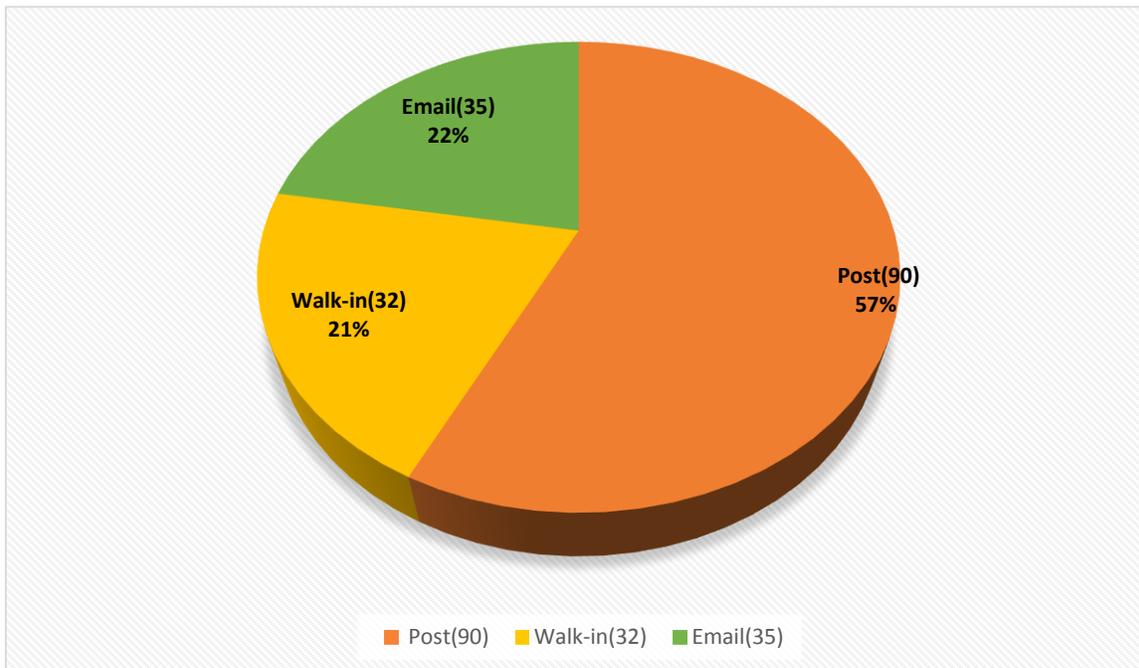
The HRD received 157 complaints in 2021 (109 complaints were directly addressed to the HRD, 26 anonymous complaints and 22 miscellaneous complaints).

C.1 Categories of complainants

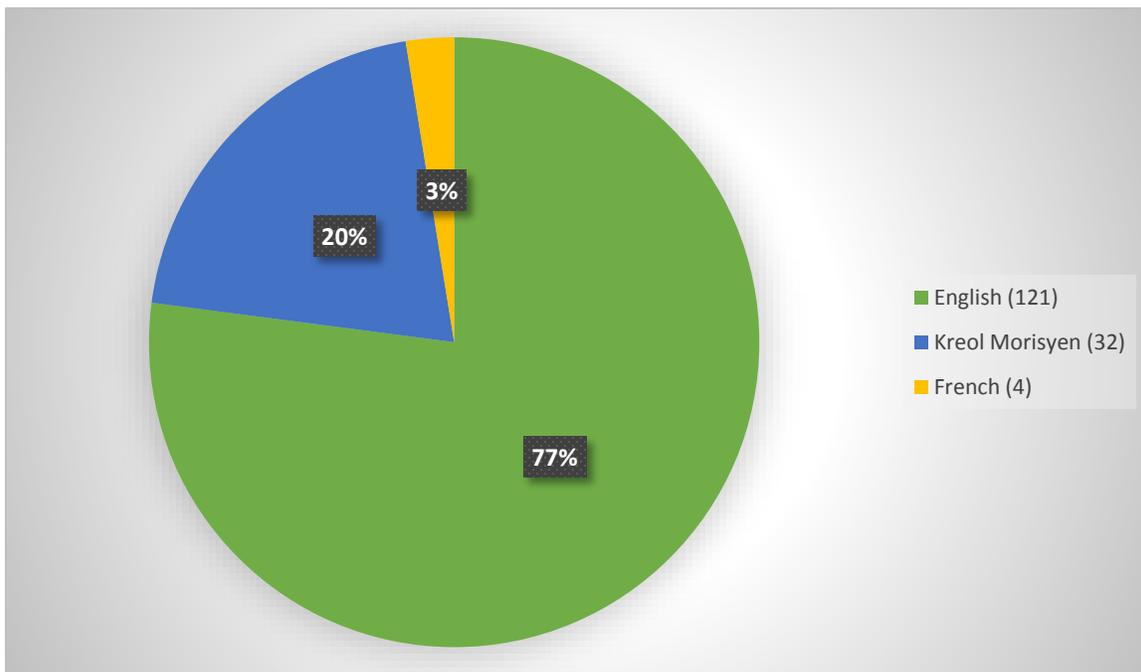


The HRD received complaints from 120 individuals, 11 from groups of persons and 26 anonymous complaints.

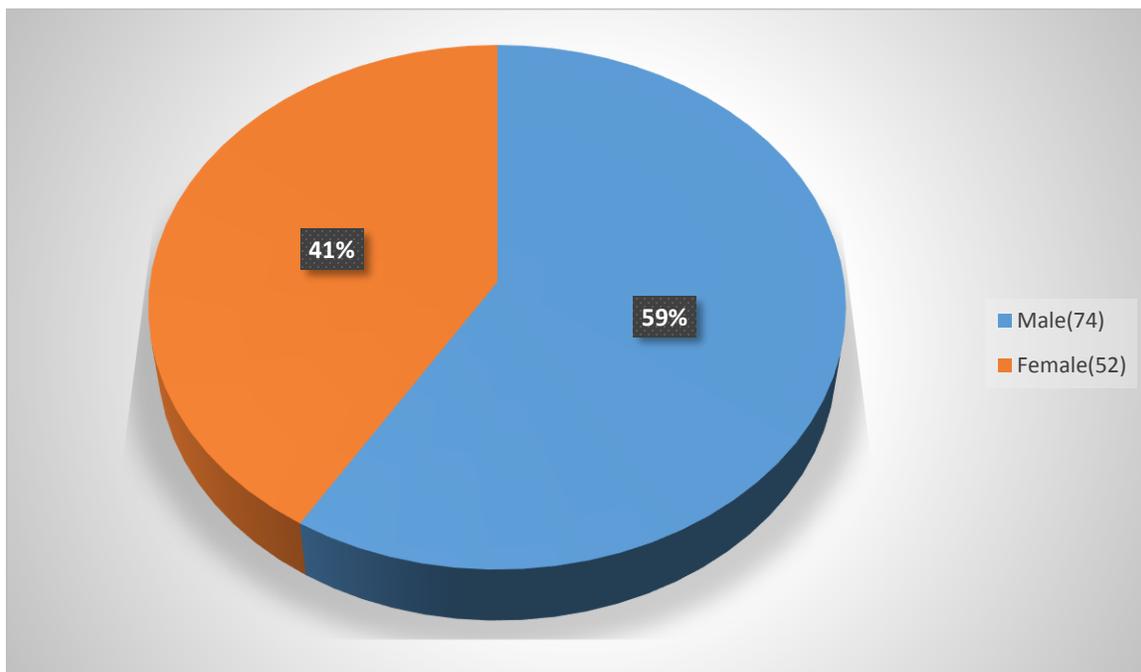
C.2 Ways complainants contacted the HRD



C.3 Language used by complainant



C.4 Complainants by Gender



C.5 Complaints on behalf of another

8 complaints

C.6 Closed Complaints

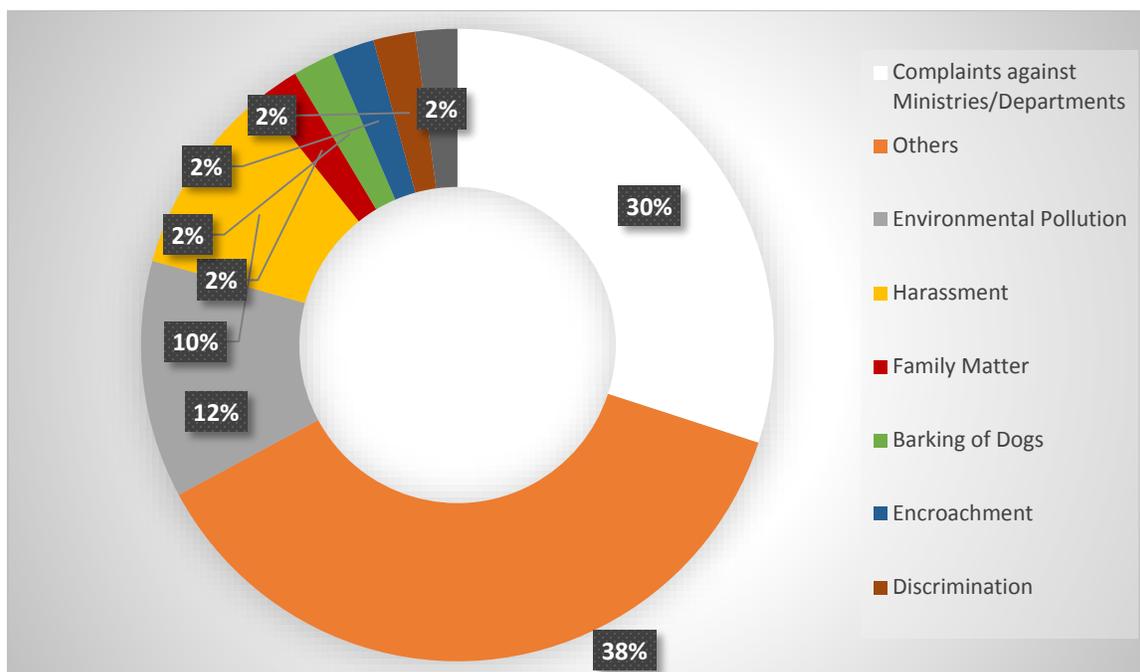
82 Complaints have been resolved after due investigation and, where applicable, hearings and/or mediations have been conducted.

C.7 Referral complaints

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

In 2021, the HRD referred 23 such complaints to the abovementioned instances.

D NATURE OF COMPLAINT



In 2021, we have received more complaints related to economic, social, and cultural rights which include the right to work, the right to an adequate standard of living, the right to physical and mental health, the right to social security, and the right to a healthy environment.

D.1 Noise and Air pollution

- Mr Y made a complaint to the Commission regarding noise and air pollution caused by an industrial generator which was being run by a company next to his house. The HRD was apprised that the respondent did not hold any Building and Land Use Permit to operate the industrial generator. Consequently, legal proceedings were initiated against the company by the Municipal Council and the company was fined.
- A complaint of noise pollution was received by the HRD, made by Mr Z. The complainant averred that a metal workshop which has been operating next to his house for more than 20 years is a source of noise pollution. Upon investigation, it was found out that the workshop did not possess any Building and Land Use Permit to operate. Thereafter, the District Council served a pulling down notice upon the respondent.

- The complainant claimed that he works as an HR manager in a company and that he was subjected to a strong and unbearable odour of chemicals from the adjacent office, which dealt with billboard printing. The complainant also claimed that his co-workers were suffering from health issues such as dizziness, sore throat, red eyes, and breathing difficulties. Upon investigation, the HRD was informed by the District Council of Pamplemousses that the company had ceased to trade and stopped all its activities. The complainant was informed accordingly by way of letter.
- The complainant averred that his health and that of his family are affected by the activities of a nearby mechanical workshop. In addition, the air pollution caused them to suffer from chronic respiratory problems. The HRD investigated and it was found out that the respondent did not hold any permit for the two hydraulic elevators installed in his garage. The matter was referred to the Municipal City Council of Port Louis.
- Mrs M complained that the continuous barking of the neighbour's dogs did not allow her to sleep peacefully. The HRD called the Animal Welfare Unit who consequently filed a complaint at the Phoenix Police station. Thereafter, the police initiated the necessary action to remediate the situation.
- Another complainant claimed that he was suffering from noise pollution due to the presence of a nearby football pitch. The young footballers often trespassed into the complainant's yard to collect their ball, resulting in clashes between both parties. Following the investigation of the HRD, the District Council of Flacq liaised with the police officers at Camp de Masque Police Station to conduct regular patrols at the football ground.

D.2 Ill treatment

- The HRD received a sensitive complaint regarding the ill treatment of an elderly person who did not receive proper care and food from her sister-in-law. Following the intervention of the HRD, the Ministry of Social Integration, Social Security and National Solidarity, carried out surprise visits to check on the health of that elderly person. Consequently, the latter was sent to stay at her nephew's place where she is now well looked after.

➤ A complainant stated that the officers of the CDU took custody of his 7-year-old daughter following an anonymous call alleging physical abuse. Following an investigation, the HRD was apprised by the Ministry of Gender Equality and Family Welfare that there was no evidence establishing ill-treatment consequently the child was returned to his father.

D.3 Repatriation of migrant worker

The HRD received a complaint from a Bangladeshi migrant worker who stated that he was ill-treated by his employer and he could not be repatriated. Following the intervention of the HRD, the Ministry of Labour, Human Resource Development and Training enquired into the matter and helped the migrant worker to go back to his country of origin.

D.4 Inability of Persons with disabilities to open a bank account

The complainant claimed that she is civilly married to her husband, who became blind as a result of diabetes. He lost his ATM card and could not obtain a new one as he was unable to sign the prescribed form. The bank informed him that he should lodge proceedings at the Supreme Court for a “majeure en tutelle” case to be able to withdraw his money. The HRD intervened for the legal department of the bank to do the needful. Consequently, he is now allowed to withdraw his money only at the bank counter of Triolet.

E MEDIATION

Mediation is one of the most effective and efficient methods of resolving a dispute. Mediation is a non-binding, impartial, and confidential process. Mediation allows parties to come up with their own solution to the problem that led to the complaint, as well as a possibility to address the underlying root of the complaint.

Whenever feasible, the HRD encourages people to settle their disagreements through mediation as soon as possible.

F. SUCCESSFUL MEDIATION CASES

F.1 Utility bill discrepancies

The HRD received a complaint from Mr B., who complained that he was being billed excessively for his monthly water usage. Both the complainant and the CWA representatives were called to reach a settlement. The CWA initiated the necessary remedial actions and the complainant did not have to pay his overstated water utility bill.

F.2 Noise and light Pollution

The HRD received a complaint from Mr X concerning noise and light pollution caused by a nearby basketball pitch. Following a mediation between the parties, the Municipal Council reacted positively by changing the light bulbs from 200 watts to 50 watts as well as lowering and re-orienting the floodlights. A roof netting and drainage works for the basketball pitch were also carried out. Furthermore, the Municipal Councillors met with the representatives of the clubs so as to sensitise them to reduce noise made by its members when playing basketball and also to behave properly.

F.3 Noise Pollution

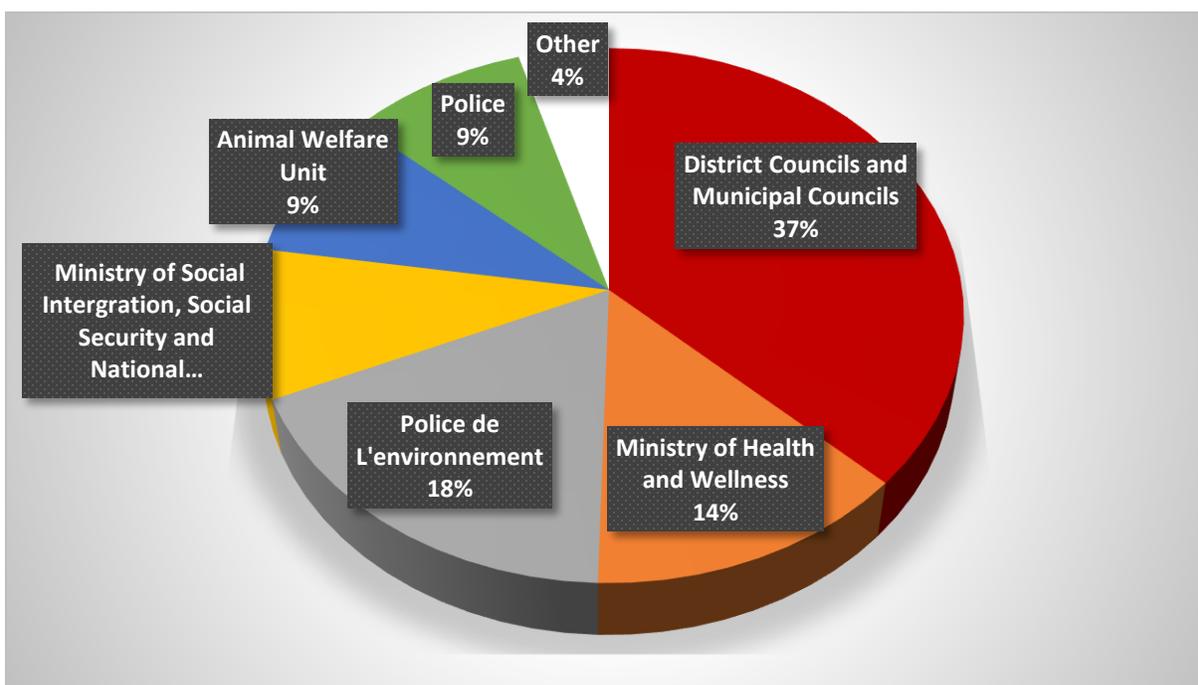
The HRD received a complaint from a senior citizen in relation to the noise pollution caused by the air conditioner installed by her neighbour. She averred that the continuous cycling of the air conditioner caused her lot of inconvenience, particularly at night. In fact, the air conditioner was found at more than 2 meters from her room. Following a mediation with the parties, the complainant was advised to relocate to another bedroom in her house and to set up hermetic windows to ensure soundproofing.

G. HEARINGS

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

Unfortunately, due to the COVID-19 and the social distancing restrictions, the HRD could no longer hold any hearing as from March 2021.

G.1 *Hearings held with different institutions*



G.2 *Hearing with the representatives of the Confédération des Travailleurs des Secteurs Publique et Privé (CTSP)*

Following a complaint from the Confédération des Travailleurs des Secteurs Publique et Privé (CTSP), concerning migrant workers, the HRD convened a meeting with the representatives of the CTSP, the Passport Immigration Office and the Ministry of Labour, Human Resource Development and Training.

The issue of migrant workers was thoroughly discussed and the CTSP proposed the following recommendations: -

(i) **One Stop Shop**

A one Stop Shop at the Ministry of Labour, Human Resource Development and Training should be established to deal with all issues relating to migrant workers.

(ii) **Clearance**

Before the Passport and Immigration Office processes the departure of any migrant worker to return to his country of origin, clearance should be obtained from:

1. The Ministry of Social Integration, Social Security and National Solidarity in order to ensure that all contributions made thereto have been paid to the migrant workers;
2. The Ministry of Labour, Human Resource Development and Training in order to ensure that the employer has duly complied with the provisions of the Workers' Rights Act; and
3. The Ministry of Health and Wellness in order to ascertain that the migrant worker does not have any health complications which require immediate attention.

(iii) **Refugee Centre**

1. The setting up of Refugee Centre for migrant workers in case their repatriation is delayed due to a "force majeure", in which case a daily stipend is to be provided by the employer;
2. In case the repatriation is delayed after expiry of the migrant worker's contractual term for reasons other than a "force majeure", the daily cost should be borne by the employer.

(iv) **Bank Guarantee Scheme**

The introduction of a Bank Guarantee Scheme of MUR 50,000 per worker by the employer to ensure the migrant workers' return airfare and related expenses.

(v) **Temporary Residence Permit**

Where the repatriation is delayed due to unforeseen circumstances such as the Covid-19 pandemic, a temporary residence permit is to be issued to enable the migrant workers to stay legally in Mauritius.

(vi) Time Limit

The contract of employment should specify the time limit within which the employer is required to ensure repatriation of the migrant workers at the end of his contractual term.

(vii) Government to Government agreement

There should be a bilateral agreement between Mauritius and Bangladesh and other countries for the recruitment of all migrant workers, as is the case for Nepal and China.

H. TALKS DELIVERED***H.1 Gender-Based Violence issues***

A National Strategy and Action Plan, published by the High-Level Committee on Gender Based Violence outlines the new strategic direction of the State to eliminate Gender Based Violence in Mauritius. The key elements of the National Strategy include having a shared understanding of the nature and extent of Gender Based Violence in Mauritius, the commitment of multiple stakeholders, strengthening of the existing legislative and policy framework, capacity building of stakeholders, and a strong monitoring and evaluation mechanism.

The HRD has been providing training sessions in workshops to different stakeholders including public officials, the business community, NGO and trade unions. The training was organised by the Ministry of Foreign Affairs, Regional Integration and International Trade. About 100 officers of different units have been sensitised in 2021.

H.2 Talks on rights of people with disabilities

Disability has been a pertinent issue in Mauritius for years. The HRD has delivered talks on the rights of persons with disabilities in two workshops where different stakeholders including members National Council for the Rehabilitation of Disabled Persons, the Ministry of Social Integration, Social Security and National Solidarity and members of civil society organisations were in attendance. Some proposals made are as follows:-

- Duty-free facilities offered to people with disabilities should be extended to those who are aged above 60.

- Low-floor buses with ramps should be introduced to enable people with disabilities to have easy access while boarding the bus.
- All students with disabilities attending specialised schools should obtain a free bus pass. Special consideration should be given to students with disabilities who are over 18.
- A logo specific to the person's disability must be printed at the back of the bus pass so that the bus conductor is aware of the nature of any hidden disability.
- To establish procedures for those who are in possession of disability parking permits issued in other countries, to obtain a valid Mauritian parking permit.
- To provide for the disabled passengers with assistance cards and/or badges which read as follows "I am deaf", "I am blind", "I have hidden disability" so that it is easier for them to travel by bus.

H.3 Talks at Citizens Advice Bureaus (CAB)

Citizens Advice Bureaus are situated across the island where the citizens can be empowered to become more active, engaged in the uplifting of the country and committed to the betterment of society.

The HRD delivers talks on a weekly basis across the CAB offices around the island and sensitises the audience on various topics including *inter alia* the functions of the HRD and on the importance of human rights in everyday life. This is held on collaboration with the Prime Minister's Office (PMO).

The talks are being adapted and continuously tailor-made to the targeted audience, subject to a participatory and inclusive approach, in an adult-friendly mood. Unfortunately, due to the Covid-19 sanitary restrictions, the HRD had temporarily stopped the awareness raising campaigns across the CAB offices.

I MEETING

1.1 Meeting with UN Special Rapporteur on toxics and human rights

During the abovementioned meeting, several issues were raised such as the issue of air pollution with fumed smoking buses, vehicle exhausts, industry chimneys, including CEB power plants, as well as burning sugarcane fields and rubbish on construction sites. Mention was made of the ban of single-used plastics (in Rodrigues Island first and then, in Mauritius Island), as a solid Government measure together with tackling plastic bottles' pollution, food packaging and the scavenging vehicles transporting food waste and packaging.

The question of pesticides was highlighted as it constitutes a serious threat to food production through agriculture and cattle breeding, and to future generations through epigenetics.

Members of the Commission stressed the fact that a high percentage of complaints reflect neighbourhood problems because of non-respect of respective property delimitations and other territorial specificities, of sound pollution (including barking of dogs), breeding of domestic animals (mainly dogs and poultry), and, sometimes, water access or wastewater pollution.

Mention was also made to a successful case regarding a recurrent wastewater nuisance at Pointe-aux-Sables, whereby the HRD helped in facilitating meetings between inhabitants and public authorities which positively responded to the implementation of a project of a pumping station amounting to some MUR 10 million.

1.2 Virtual meeting with the World Peace, Restoration of Light

The HRD had a virtual introductory meeting on 28 May 2021 with representatives of the Heavenly Culture, World Peace, Restoration of Light (HWPL) at the latter's request. The main objective of the meeting was for HWPL to introduce their organisation and provide us with an overview of their activities and discuss common human rights issues.

HWPL is an international peace organisation, which was founded for global peace and cessation of war. It is also a non-governmental organization bearing a Special Consultative Status with the UN Economic and Social Council (ECOSOC) and associated with the UN Department of Global Communications (DGC) and the Seoul Metropolitan Government. With the mission to achieve global peace through the heavenly culture and restore the world with light, HWPL is carrying out its peace movement around the globe, working with its partner, the International

Women's Peace Group (IWPG), and its affiliate organisation, the International Peace Youth Group (IPYG).

The representatives of HWPL laid emphasis on their main initiatives which is to, inter alia, implement the Declaration of Peace and Cessation of War (DPCW) into international law and promote peace education. An overview of the ten articles of the DPCW was provided by the representatives. In addition, they outlined the key activities organised by HWPL in 2021 which comprised of peace walks, seminars and cultural activities for peace. In conclusion, the representatives expressed their willingness to collaborate with the NHRC in the future in order to promote peace and human rights in Mauritius.

J WEBINARS

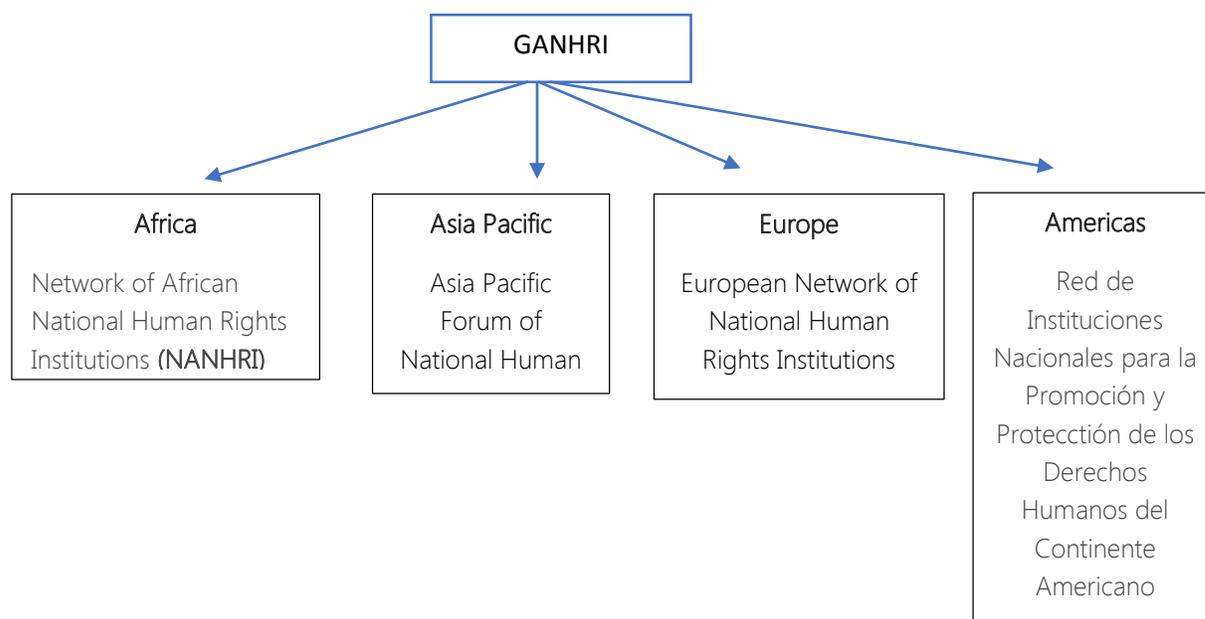
J.1 Webinar organised by GANHRI

What is GANHRI?

Established in 1993 under the aegis of the Office of the High Commissioner for Human Rights in Geneva, GANHRI is an international organization comprising of NHRIs as its members from across the world. Its head office is located in Geneva.

GANHRI REGIONAL NETWORKS

The GANHRI operates in close collaboration with the four regional networks of NHRIs



J.2 *Webinars organised by NANHRI*

(i) **What is NANHRI?**

The NANHRI is a regional umbrella body of the GANHRI and comprises of 46 African NHRIs, including the National Human Rights Commission, Mauritius.

The NANHRI Secretariat is located in Nairobi, Kenya, is registered under Kenyan law as an independent legal entity and has been operational since 2007.

1. **Webinar on Role of National Human Rights Institutions in facilitating access to remedy: Different pathways - 30 November 2021**

The webinar's goal was to focus on the **role of National Human Rights Institutions in providing access to remedy for business-related human rights violations**, as well as global trends and patents on the role and practice of national human rights institutions.

2. Webinar on Network of African National Human Rights Institutions (NANHRI) TPP Symposium

Dissemination of tools & Resources for African NHRIs in times of COVID-19 & the protection human rights defenders and civic space

The Symposium was an opportunity for key stakeholders, such as NHRIs and UN partners, to gather and to discuss the implications of COVID-19 for NHRIs in the region and the findings and recommendations of the rapid needs assessment of African NHRIs.

3. Workshop on the Maputo Protocol

This webinar aimed at the Strengthening of the NHRI capacities for promoting, ratification, and implementation and reporting on the Maputo protocol.

4. Webinar: Bodily Autonomy and Integrity: 'Everybody counts' campaign

'The Everybody counts' campaign targeted different actors within the African human rights ecosystem and the main objective of the webinar was to enhance understanding of the concepts surrounding bodily autonomy and integrity.

5. Webinar on the Model Law for Policing in Africa organized by the Pan African Parliament (PAP) and African Policing Civilian Oversight Forum (APCOF) - Thursday 22 April 2021

The objective of the Model Law is to establish a Police organisation, including its vision, mission, responsibilities and duties, in accordance with the principles enshrined in binding international and regional law, including the Charter of the Organisation of African Unity and the African Charter on Human and Peoples' Rights and their interpretive and subordinate instruments.

J.3 Webinar organised by the Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights (UN Human Rights) is the leading UN entity on human rights. It represents the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the [Universal Declaration of Human Rights](#).

Both the [High Commissioner](#) and the Office have a unique role to:

- Promote and protect all human rights: We speak out objectively in the face of human rights violations and help elaborate the standards that are used to evaluate human rights progress worldwide.
- Help empower people: Our research, education, and advocacy activities, contributes to the increased awareness and engagement by the international community and the public on human rights issues. This means thousands of people in all regions of the world are empowered to claim their rights.
- Assist Governments: Through our field presences, we help prevent abuses and contribute to defusing situations that could lead to conflict. Our monitoring and analysis feeds sensitive decision-making and development programming. We also provide capacity-building and legal advice to thousands, supporting the development and judicious enactment of laws and policies the world around.
- Inject a human rights perspective into all UN programmes: We mainstream human rights into all UN programmes to ensure that peace and security, development, and human rights - the three pillars of the UN - are interlinked and mutually reinforced.

Source : <https://www.ohchr.org/EN/AboutUs/Pages/WhoWeAre.aspx>

➤ **Webinar on National Human Rights Institutions on the front lines of the UN call to Action on Human Rights – Climate Action and the Rights to a Healthy Environment - 06 October 2021**

The webinar had the objective of improving awareness of national human rights institutions as key agents and accelerators in supporting the rights of future generations with regard to the right to a healthy environment.

J.4 Webinars organised by L'Association Francophone des Commissions nationales des droits de l'homme (AFCNDH)

AFCNDH est un réseau des Commissions nationales des droits de l'homme de l'espace francophone, créé en mai 2002 avec le soutien de l'Organisation Internationale de la Francophonie (OIF), afin de valoriser et de renforcer le rôle des Commissions nationales des droits de l'homme dans la promotion et la protection des droits de l'homme. Cette association s'est dotée de statuts déposés dans le cadre de la législation sur les associations' en France. Son siège social a été établi à Paris. Son secrétariat général est actuellement assuré par la Commission nationale consultative des droits de l'homme – France.

L'AFCNDH regroupe des institutions nationales des droits de l'homme (INDH) de pays membres de la Francophonie ainsi que l'Algérie (en qualité d'observateur). Elle compte actuellement trente-trois (33) membres.

Elle est composée des INDH des pays suivants : Algérie (observateur), Belgique, Bénin, Burkina Faso, Burundi, Cameroun, Canada, Capo-verde, Comores, Côte d'Ivoire, République démocratique du Congo, Congo Brazzaville, Djibouti, Egypte, France, Gabon, Ghana, Grèce, Guinée Bissau, Guinée Conakry, Haïti, Luxembourg, Madagascar, Mali, Maroc, Maurice, Mauritanie, Niger, République centrafricaine, Roumanie, Rwanda, Sénégal, Suisse, Tchad, Tunisie, Togo.

Source : <http://afcndh.org/>

1) **Webinaire sur le rôle des Institutions Nationales des droits de l'homme (INDH) dans l'élaboration et l'adoption d'une loi de protection des défenseurs des droits de l'homme.**

Le webinaire avait pour objectif principal d'échanger sur le processus général d'élaboration d'une loi nationale de protection des défenseurs des droits de l'Homme et plus particulièrement sur le rôle des (INDH) dans l'élaboration et le soutien au processus législatif et, après l'adoption de la loi, à la mise en place d'un mécanisme de mise en œuvre.

2) **Les rôles des institutions nationales des droits de l'homme pour promouvoir et protéger les droits fondamentaux des citoyens à la consolidation des systèmes d'enregistrement des faits d'états civil.**

Les objectifs de ce webinaire étaient de:

- Faire comprendre les enjeux d'améliorer l'état civil sur les droits de l'homme;
- Identifier les perspectives d'action des INDH pour enquêter sur des cas de violation des droits de l'homme relatives à l'état civil et faire des recommandations ;
- Encourager les INDH à sensibiliser les citoyens à la nécessité de l'obtention d'un acte d'état civil et à entreprendre des formations des personnes ressources, telles que des élus locaux ;
- Encourager les INDH à jouer un rôle auprès des acteurs nationaux en charge de l'état civil.

WEBINARS ATTENDED:**(i) GANHRI 2021 ANNUAL MEETING - 30 June 2021****Knowledge Exchange of good practices**

Through the Knowledge Exchange of good practices – a regular part of the Global Alliance of National Human Rights Institutions’ (GANHRI) Annual Meeting – participating NHRIs build their capacity and extend their networking to deepen their impact and scale.

GANHI’s 2021 Knowledge Exchange was an inclusive platform for all NHRIs to learn from experiences and good challenges put in place in all regions to address the human rights implications of the COVID-19 pandemic.

NHRIs shared advice and recommendations with peer NHRIs on next steps to take to contain the challenges in the context of the health emergency.

The format of the event allowed significant opportunities for NHRIs to share their experiences with peer and partners on COVID-19 responses. The exchanges allowed NHRIs to collect best practices and advice from peers on how to address the human rights implications of the pandemic by identifying new opportunities for strengthening existing relationships, and build new ones, with peer NHRIs.

(ii) 13th NANHRI Biennial Conference- November 3-5, 2021***Theme:******Impact of COVID-19 on Human Rights in Africa:***

The role of National Human Rights Institutions in offering a human rights-based approach to better and sustainable recovery towards development beyond Covid-19 - November 3-5, 2021

The Conference discussed the impact of COVID-19 on the various human rights issues in Africa.

The Conference also provided an opportunity for peer learning on good practices, especially in monitoring, reporting and resolution of complaints during extra-ordinary times. Emphasis was laid on NHRIs’ emergency preparedness and response frameworks in fulfilling their mandate even during extra-ordinary times.

(iii) National Human Rights Institutions on the front lines of the UN Call to Action on Human Rights – Climate Action and the Right to a Healthy Environment

The NHRC participated in an online event on “National Human Rights Institutions on the front lines of the UN Call to Action on Human Rights – Climate Action and the Right to a Healthy Environment” facilitated by UNDP and jointly convened with GANHRI, OHCHR and UNEP.

The event brought together the UN System, Member States, NHRIs, and other stakeholders to:

- Improve awareness of National Human Rights Institutions as key agents and accelerators to support the rights of future generations in the Secretary-Generals’ *Call to Action on Human Rights*
- Explore opportunities to facilitate and support the work of National Human Rights Institutions to monitor the human rights impacts of climate change
- Share information on how the Human Rights mechanisms can provide guidance on climate change

(iv) Strengthening the United Nations’ victim-centred response to sexual exploitation and abuse through partnerships with national human rights institutions – challenges and opportunities

The United Nations Office of the Victims’ Rights Advocate and GANHRI jointly organised an online intended to raise awareness among National Human Rights Institutions (NHRIs) of the specific challenges of upholding the rights of victims of sexual exploitation and abuse.

It provided a platform for Senior Victims’ Rights Officers and representatives of GANHRI-accredited NHRIs to present examples of good practices and opportunities in national contexts for collaboration between United Nations stakeholders and NHRIs to support the realisation of victims’ rights to assistance and support.

The event’s objective was also to raise the awareness among Member States and United Nations staff of the potential of United Nations’ partnerships with NHRIs in delivering on the Secretary-General’s victim-centred strategy to addressing sexual exploitation and abuse.

CHAPTER IV

NATIONAL PREVENTIVE MECHANISM DIVISION

INTRODUCTION

A. IMPACT OF COVID-19 ON THE OVERALL FUNCTIONING OF THE NATIONAL PREVENTIVE MECHANISM DIVISION (NPMD) IN THE YEAR 2021

Throughout the year 2021, in spite of the Covid-19 pandemic, the NPMD made optimum use of its limited resources so as to ensure that regular contact and communication is maintained with relevant authorities that have the responsibility of managing all places of detention throughout Mauritius. The NPMD also conducted visits whenever/wherever necessary, bearing in mind the preventive/precautionary sanitary measures in force in places of detention generally, so as to assess the conditions of detention of inmates and detainees.

Most complaints made by detainees' relatives by phone or e-mail were investigated accordingly. The NPMD also enquired into certain issues of its own volition after taking cognisance through newspaper articles. An On-line system was devised by the NPMD and the prison authorities with the view to resolve complaints speedily. The NPMD cooperated with the Commissioner of Prisons, the Welfare officers and the medical team from the prisons. Regular calls were exchanged between the NPMD and the detainee's parents/relatives.

Special care had to be taken by the NPMD team during the visits, so as to respect the additional precautionary measures; for instance while conducting interviews with detainees or during thematic visits in different prisons and police detention cells. As such, the NPMD continued effecting regular visits within the prisons, including the cells, segregation units, dormitories, the kitchens, the ablution rooms, and association yards amongst others.

The NPMD made several recommendations as regards additional/precautionary measures following the detection of Covid-19 in Mauritius Prisons. They include frequent cleaning and disinfection of cells and dormitories, offices and kitchens, ablution rooms, social distancing in yards and during the distribution of meals, wearing of face masks at all times, additional distribution of soap to detainees for regular washing of hands and the vaccination of detainees, prison officers and medical staff of the prisons. It was recommended to use SKYPE so as to enable detainees to communicate with their relatives, in order to avoid physical contact.

With respect to certain complaints to the effect that some detainees have suffered prejudice of a criminal nature during the confinement period, the NPMD recommended that the prison authorities should refer these cases to the Police for further investigation. In a letter to the NPMD, the Commissioner of Prisons has confirmed that the police has proceeded with its investigations.

Moreover, correspondences and phone calls were regularly exchanged between the NPMD and the prison authorities on a regular basis to keep track of the situation in the prisons. Fresh recommendations were also made as regards additional protocols and preventive and precautionary measures.

On 08 September 2021, the NPMD requested updated information from the Mauritius Prison Service as regards preventive measures put in place following the detection of the Covid-19 in the Mauritian Prisons. The NPMD received the required information regarding all the prisons, Rehabilitation Youth Centres (RYC) and Correctional Youth Centres (CYC). The Petit Verger Prison was converted into a Covid Treatment Centre for detainees. Prison officers were vaccinated as required by the Mauritius Prison Service; The Covid-19 (Restrictions of Access to Specified Institutions, Places and Premises) Regulation 2021 was applied. Visiting relatives were allowed to bring soap and masks. Rapid Antigen Tests were carried out on all detainees (remand or convicted) prior to admission and individual cells were set up for those who tested positive.

Following a correspondence from the NPMD dated 22 September 2021, the Mauritius Police Force provided updated information pertaining to additional precautionary/preventive measures taken following Covid-19 outbreak in police detention cells and detention centres across Mauritius. Sanitary measures were implemented, such as use of hand sanitizers, Rapid Antigen Test upon detainees before court appearance(s), the use of Personal Protective Equipment (PPE) before conveyance/transfer of infected detainees amongst others. Detainees who had tested

positive were detained in separate cells so as to prevent the spread of the Covid-19. Most members of the police force have been vaccinated and guidelines on the prevention and protection against Covid-19 have been issued to all departments of the Mauritius Police Force.

B. VISITS TO POLICE STATIONS AND MAIN RECOMMENDATIONS MADE BY THE NPMD

From 25 May 2021 to 28 May 2021, the NPMD conducted follow-up visits to different police stations in the exercise of its statutory mandate in order to monitor progress in the implementation of its recommendations and to assess the general conditions in the detention cells in police stations in Mauritius. The visits were conducted in the presence of ACP NICOLE and Police Inspector SEEKUNTO from the Special Supporting Unit (SSU).

During the visits, the NPMD noted that serious efforts had been made as regards implementation of previous recommendations regarding the detention cells. The conditions of detention were generally satisfactory and the cells were fit for occupation. However, based on observations made by NPMD/NHRC, further recommendations were made that required immediate implementation.

Below are some of the general recommendations and/or observations made during the visits:-

Blue Bay Police Station

The NPMD observed that the door of the shower unit had an undercut which caused water to spill over the corridor when opening the water tap. The NPMD recommended that a polycarbonate sheet (transparent for security purposes) be affixed at this specific place.

Mahebourg Police Station

During its visit, the NPMD observed that air extractors have been fixed in the cells for better ventilation; new lightings bulbs have been fixed and the cellblock has been freshly painted. The three cells have been thoroughly cleaned and all exhibits and objects have been removed.

Following the renovation works carried out in the detention cells, the NPMD was satisfied with the conditions of the detention cells and recommended their reopening.

Stanley Police Station

During its visit, the NPMD noted that all lightings were in good condition, the WC flushing system has been repaired and the air extractor was in good working condition.

The NPMD was of the view that detainees may be kept in the detention cells. However, it is recommended that the present Asian style toilets should be changed to European style ones.

Bambous Police Station

Based on its observations, the NPMD was of the view that the cells were generally fit for occupation. However immediate repairs were to be made, as regards the lighting in the shower unit, the water leakage from the ceiling and the smoke detector above the cell corridor.

Coromandel Police Station

During its visit, the NPMD noted that appropriate action has been taken to refurbish the cellblock and took the view that the conditions of detention were appropriate.

La Tour Koenig Police Station

During its visit, the NPMD checked the WC flushing system and noted that repairs had been carried out. The NPMD was of the view that all the cells were fit to be used for detention.

Goodlands Police Station

The NPMD noted that both detention cells were reasonably well lit and were monitored by CCTV cameras which were in good working order.

The detention cells were freshly painted and were reasonably well ventilated by air extractors installed pursuant to recommendations made by the NPMD following its last visit in 2020. The cells complied with minimum human rights standards, given that there were budgetary/financial constraints on the Police Force and also taking into account, the difficulties involved in effecting structural modifications to old existing buildings.

As per the observations made during the visit, the NPMD was satisfied that the cells were fit for occupation by detainees for short periods only.

St Pierre Police Station

The NPMD observed that the detention cells were operational and were in satisfactory condition. It was recommended though that a wall fan be installed in the cell corridor in order to improve the ventilation in summer.

Curepipe Police Station

Following a complaint received concerning the conditions of detention at Curepipe Police Station, the NPMD team effected a visit thereat. The NPMD made its recommendations; namely that the cell blocks ought to be cleaned on a regular basis and the Asian Style toilets need to be changed to European Style toilets so as to cater for elderly and disabled detainees amongst others.

C. GENERAL RECOMMENDATIONS MADE TO THE MAURITIUS POLICE FORCE

The NPMD observed that the cell doors as found at Saint Pierre Police Station (See picture 1 and 2 below) are well suited for places of detention, since there are no ligature points. It would reduce the risk of detainees attempting to commit suicide. The NPMD suggested that this model of cell door be used in all places of detention. The NPMD was satisfied to observe that the model of cell doors shown below was installed at Piton Detention Centre.



Picture 1



Picture 2

The NPMD took note of several complaints received concerning foul smell emanating in some police stations, especially the cellblock. The NPMD understands that due to structural constraints, it may be difficult to fully eradicate the foul smell. Therefore, as an alternative, the NPMD recommended that all toilets in police stations be regularly disinfected with proper cleaning products and that air fresheners be used so as to reduce the foul smell.

The relevant authorities should conduct a survey of the plumbing system of the toilets in police stations. Furthermore, the septic tanks should be such that they are able to cater for the number of occupants in detention cells.

D. ROLE OF THE DIVISION (NPMD)

Section 4 of THE NATIONAL PREVENTIVE MECHANISM ACT stipulates inter-alia that the functions of the National Preventive Mechanism Division shall be:

- (a) to visit places of detention on a regular basis so as to examine the treatment of persons deprived of their liberty with a view to ensuring their protection against torture and inhuman or degrading treatment or punishment;*
- (b) to investigate any complaint which may be made by a detainee and, where the detainee so requests, investigate the complaint privately;*

E. METHOD OF WORK

The NPMD receives complaints directly from detainees who send letters through the Commissioner of Prisons or from the relatives of detainees or legal representative(s) of detainees. When visiting places of detention, the NPMD also meets with detainees and if they so wish records their complaints about their conditions of detention. Subsequently the NPMD investigates the said complaints and in the course thereof invites the Commissioner of Prisons to give his views and may and when required request for relevant documents to be communicated. When complaints concern medical treatment, the NPMD may ask for information from the Ministry of Health and the treating doctors. When complaints concern social aid, the views of the Ministry of Social Security are sought. Information may also be sought from the Commissioner of Police regarding the status of case where a detainee has been on remand for an unduly protracted period. In the light of the issues that are highlighted by its investigation(s) the NPMD makes recommendations and ensures that such recommendations are effectively implemented.

F. PRISONS

There are 11 prisons in the Republic of Mauritius. They are namely: Central Prison (Beau Bassin), New Wing Prison (Beau Bassin), Eastern High Security Prison (Melrose), La Bastille Prison (Phoenix), Petit Verger Prison, Richelieu Open Prison, Grand River North West Remand Prison, Women Prison (Beau Bassin), Open Prison for Women, Barkly Special Prison for Women and Rodrigues Prison.

(a) Central Prison, Beau Bassin

The prison accommodates the largest number of adults, male detainees. It is a maximum security prison and has an optimum bed capacity of 1295.

(b) New Wing Prison, Beau Bassin

The New Wing Prison is a medium security prison adjacent to the Central Prison Beau Bassin. After having been sentenced by the Court(s) male detainees are sent to this institution which has an Induction Unit which seeks to prepare detainees to adapt to prison life. It has an optimum bed capacity of 357.

(c) Women Prison, Beau Bassin

It has an optimum bed capacity of 152.

(d) Grand River North West Remand Prison

Grand River North West Remand Prison accommodates mostly remand detainees and it is a maximum security prison. It has an optimum bed capacity of 384.

(e) Richelieu Open Prison

The Richelieu Open prison is a minimum-security prison. It has an optimum bed capacity of 198.

(f) Petit Verger Prison, Pointe Aux Sables

Petit Verger Prison is a medium security prison. It has an optimum bed capacity of 308.

(g) Open Prison for Women, Barkly

Open Prison for Women is a minimum security prison. It has an optimum bed capacity of 18.

(h) Barkly Special Prison for Women

Barkly Special Prison for women is a maximum security prison. It has an optimum bed capacity of 12.

(i) Eastern High Security Prison, Melrose

EHSP is a high security prison. It has an optimum bed capacity of 922.

(j) Rodrigues Prison, Pointe La Gueule, Rodrigues

Rodrigues Prison is a maximum security prison.

(k) Phoenix Prison

Phoenix prison, formerly known as La Bastille Prison, is a high security prison and is situated at Phoenix. It became operational for the first time on the 10 December 1980. It was closed down on 17 October 2007 and was subsequently reopened on 14 May 2008. It was again closed down on 27 May 2014 and reopened on 29 March 2018. It has an optimum bed capacity of 26.

G. DEATHS IN PRISONS

In 2021, seven detainees died while in custody in Prisons. Five of them died of natural causes such as: *Acute left Ventricular failure; Carcinoma of stomach; Chest Infection; Meningoencephalitis, and COVID Pneumonia*; one of them namely M.A.C. seems to have died of drug overdose while another one namely D.B. seems to have committed suicide.

G.1. Death of detainee M.A.C.

On 15 May 2021, convicted detainee M.A.C was found dead in his cell, and his body was found lying horizontally on his bed with face and torso facing upwards while both his feet were touching the floor. Amongst other things, one syringe, an aluminum foil and a plastic cup containing a colorless liquid were found in his cell. Police enquiry in the case is still ongoing. As at now, no foul play is suspected.

G.2 Death of detainee D.B.

On 16 February 2021, night duty officer L. whilst checking detainees in cells found that detainee D.B. had hanged himself in his cell. He immediately informed the Night Orderly Officer who accompanied Officer L. and opened the cell. Detainee D.B. was not responding to their calls. Hospital Officer B. was informed and he immediately called and examined the detainee. The detainee did not respond to stimuli. Blood pressure and pulse were not recordable; both pupils were fixed and dilated. Prison Medical Officer, Dr. S. examined the detainee and declared him dead. Police enquiry in the case is still underway. As at now, no foul play is suspected. 48

H. RECOMMENDATIONS MADE BY THE NPMD FOR THE GENERAL WELFARE OF DETAINEES IN PRISON

Medical issues

The NPMD has made several recommendations to the effect that all detainees in Prison(s) should be provided with appropriate medical care.

Food issues

The NPMD has recommended that all detainees should be served with warm food. All detainees should be provided with fresh bread, butter and cheese or jam for breakfast.

Reading materials and games

The NPMD has recommended that all detainees should have access to reading materials approved by the Prison Authorities and where possible, be allowed to play games with other fellow detainees.

Condition(s) of cell(s)

The NPMD has recommended that all detainees be provided with clean bedsheets and blankets, which should be regularly changed/replaced. The NPMD has also recommended that Pest Control in prison should be more frequent.

Lighting

The NPMD has recommended that lights in the corridor(s) next to cells should be kept on at night so that detainees are able to move around in their cells, if they so wish.

Visits

The NPMD has recommended that detainees should be entitled to more visits and phone calls for their psychological/mental and emotional well-being.

H.1. Recommendations made by the NPMD in order to avoid cases of death in prisons

The NPMD has made the following general recommendations which may help to reduce the number of deaths in prison(s):

- (i) *Elimination of ligature points whilst providing adequate ventilation and lighting in the cell.*
- (ii) *Effective screening to detect suicidal tendencies.*
- (iii) *Welfare Officers to encourage Social support among inmates.* It ought to be noted that a detainee admitted to prison for the first time undergoes a lot of stress and anxiety and if not handled properly, he may develop suicidal tendencies. The first time offender is often faced with a drastic change in his daily routine and has to adapt to his new environment.

I.1. THE ROLE OF THE PRISON WELFARE OFFICER (P.W.O.) AT NEW WING PRISON (INDUCTION UNIT) IN THE INDUCTION PROCESS AS REGARDS NEWLY ADMITTED DETAINEES

The introduction of the Induction Unit in the Prison Management System has helped to reduce the suicide rate in prison. The induction process begins as soon as the newly admitted detainees enter the Induction Unit. Essentially, the Induction Process aims at preparing the detainees psychologically and emotionally to constructively face their time in custody and have a

positive outlook so that they are able to enhance their chances of rehabilitation. Newly admitted detainees are provided with maximum information regarding prison life and the conduct/behavior that is expected of them in prison to facilitate their rehabilitation process.

It is incumbent upon the PWO to oversee the Induction Process in a holistic and professional manner.

A. The PWO contacts the detainees' next of kin and relevant information about prison life in general is communicated to them. In some cases, the next of kin of detainees are provided with such relevant information that may result in the immediate release of detainees; for example where the relatives are able to pay the fines incurred by a detainee convicted for a petty offence.

B. The interview process of detainees by the PWO helps to mitigate the stress that incarceration entails. Keeping channels of communication open between inmates and their relatives has a positive effect on newly admitted detainees who feel that their families are still supporting them. The PWO attends to detainees' concerns and complaints and in so doing gives detainees the opportunity to speak freely, while assuring them that whatever they say would remain confidential.

During the Interview Process, the PWO must empathize with the detainee serving prison term for the first time, as the detainee in most cases, is emotionally hyper-stressed and confused.

During the orientation programme, detainees are informed of the rehabilitation opportunities existing within the 'four walls of the prison' that can help them integrate mainstream society upon their release. Detainees are offered training courses by Mauritius Institute of Training and Development (MITD); e.g. courses such as bakery, tailoring, functional literacy, masonry, animal husbandry and carpentry. The PWO encourages detainees to focus on their spiritual development because such development acts as a catalyst in their rehabilitation process. Detainees are provided with sacred religious texts. Socio-Cultural and Religious Organisations often donate religious books to detainees.

C. The number of daily admissions in the Induction Unit is on the rise and thereby the PWOs are overstretched and overworked. PWOs have only 72 hours to complete the first phase of the Induction Process before detainees are transferred to other prisons. PWOs take stock of all difficulties that a detainee's families may encounter during his incarceration.

D. When dealing with cases where detainees have been convicted of very grave offences such as Murder and/or Dangerous Drug offences, PWOs may solicit the services of professional psychologists and experts from Non-Governmental Organisations (NGOs) to assist in the rehabilitation process of newly admitted detainees.

E. In cases where foreigners have been convicted and given custodial long sentences by the Court additional efforts are deployed by PWOs in order to enable them to cope with life in Prison.

The NPMD recommends that PWOs get proper training from professional psychologists and the sociologists to enable them to discharge their duties efficiently.

I.2 INDUCTION PROCEDURES FOR MALE DETAINEES IN NEW WING PRISON AND FOR FEMALE DETAINEES IN WOMEN PRISON

1. Newly admitted detainees are currently tested for Covid 19 at the Ex Outreach Centre as soon as they enter the prison compound.

2. After being tested, detainees have to undergo a body scanner test so as to ensure that no prohibited articles are concealed inside their body/bodies. The body scanner is capable of detecting objects which may have been swallowed by detainees in order to avoid detection.

3. Supplementary sanitary precautions such as the wearing of Protective Personal Equipment (PPE) is prescribed for Covid positive detainees.

4. Male detainees are then directed to New Wing Prison whereas female detainees are directed to Women Prison.

5. Detainees are then assessed by a prison Health Officer.

6. All vital signs including Blood Pressure, Pulse and Oxygen Saturation are recorded and documented on the admission sheet.

7. A comprehensive medical history of each detainee is recorded by interviewing the latter. Any past and current medical condition and treatment is documented.

8. Newly admitted detainees are also interviewed by the Prison Health Service Officer regarding substance misuse and risky behaviours.
9. A complete physical examination is carried out in order to detect any injury, which the detainee may have sustained prior to his admission.
10. Injuries of any nature if any are documented in the “Incident Report Form” and the advice of the Prison Medical and Health Officer is sought to refer the detainee to Jawaharlal Nehru Hospital for further investigation(s) and/or treatment.
11. Those tested positive to Covid 19 are kept in a designated area.
12. Detainees who are admitted outside normal working hours are assessed by the Prison Medical and Health Officer the next morning.
13. Newly admitted detainees are subjected to Provider Initiated Testing and Counselling regarding HIV and other Sexually Transmitted/Transmissible Infections/disease.
14. Infected detainees are kept at New Wing Prison for an additional week and are kept under surveillance to identify any case(s) of withdrawal symptoms/syndromes or any other health complications.

The induction process is an essential part in the life of a detainee particularly for first time offenders. It can impact positively on his rehabilitation and even reduce recidivism. It enables the Mauritius Prison Service (MPS) to efficiently and effectively manage the prisons. The Prison Welfare Officer and the Medical Officer are key components in the prison management system.

All the detainees’ admission is done at the New Wing Prison for men and at the Beau Bassin Women Prison for women. Due to transportation arrangements, the detainees are usually conveyed in groups to prison after court appearance. Hence the bulk of the admission in prison is done in the afternoon with the peak around 4-5 pm because of traffic jam. With the lock up time which is 5 pm, there is a lot of pressure in order to respect the prison routine and procedures. The exercise is often done in batches of detainees arriving in the same transport vehicle. It is recommended that sufficient staff be present to ensure that the detainees are properly informed of

their rights and responsibilities and also about prison rules and procedures and more importantly of the utmost necessity to comply with prison discipline.

It is also the appropriate time when the Welfare Officers can identify detainees who may constitute an immediate risk for themselves or others. Often this period usually called the “first shock” is very difficult for first time offenders. They are also very vulnerable and expose to the influence of other hardened criminals. Very often they are unable to evaluate the risk while seeking advice from the latter.

The following morning additional information is provided or the same information is repeated to the new detainee as very often he/she cannot assimilate everything in one go. There is a category of (good detainees) known red band detainees who may be of some assistance as they have closer contact with the detainees but the bulk of the information should come from the Welfare Officer. It is also an opportunity to provide specific information for security purposes and to encourage the detainee towards activities constituting the start of the rehabilitation process.

J. THE CORRECTIONAL YOUTH CENTRE(S) (CYC) AND THE REHABILITATION YOUTH CENTRE(S) (RYC)

In the exercise of its mandate under the National Preventive Mechanism Act, the NPMD in its role as a preventive mechanism ensures that in all circumstances there is no torture and ill-treatment of minors in places of detention and thereby monitors the conditions of detention, identifies shortcomings in specific practices and makes recommendations to the Commissioner of Prisons, the Superintendent of the RYC and the Officers in Charge of the CYC for corrective action(s) to be taken. The recommendation(s) made by the NPMD aim to improve and promote institutional reforms, whilst encouraging good practice(s) that would reduce and ultimately eliminate the risk of torture and ill-treatment.

The NPMD acknowledges that proper education programs, curriculum based activities and rehabilitation exercises should be further encouraged both at the CYC and the RYC, so as to help young inmates to improve their literacy and numeracy skills during their stay and to help them in securing employment after release. The right to education is a fundamental human right and not a privilege.

The NPMD has made several recommendations pertaining to the educational needs of the inmates. In fact, an educator is permanently posted at the CYC Boys for the benefit of the inmates. Furthermore, the library at the CYC Boys has been partially renovated. For example, appropriate comics and educational books are now available. The reading room has been redecorated to make it more child friendly.

Following a visit effected at the RYC Girls on 23 February 2021 and after having made an overall assessment of the prevailing conditions thereat, the NPMD made recommendations for urgent implementation as regards the provision of stationeries and computers to the inmates and for the installation of CCTV cameras in and around the buildings so as to ensure the security of both inmates and staff of the RYC.

In March 2021, the Mauritius Prison Service has informed the NPMD that the above recommendations had been effectively implemented and Personal Computers (PC) have been provided to the RYC Boys and Girls for the inmates wishing to follow IT training course(s). Additionally, the Ministry of Education, Tertiary Education, Science and Technology (Zone 2) has made a donation of five PCs, twenty-four tablets and four sets of equipment for the benefit of inmates. At year end, the NPMD has been informed by the Superintendent of RYC that the installation of CCTV Cameras is underway at the RYC. Moreover forty-three cameras have already been installed at the CYC Boys and they are all operational.

On 13 January 2021 the Commissioner of Prisons sought the views of the NPMD before undertaking renovation works at the RYC Girls and CYC Girls. On 26 January 2021, a visit was conducted by the NPMD in the company of the Commissioner of Prisons, the Officers in Charge of the RYC and CYC, amongst others. Following the observations made during the visit and after discussions with relevant stakeholders, several recommendations were made as regards repairs to the sewage system at the CYC Girls, the continuation of the teaching program(s) despite the renovations works, specially designated areas for the accommodation of the minors with babies, the creation of a designated area for the inmates during visit(s) by their parents and appropriate conditions of detention in cells and dormitories. As at 16 July 2021, the renovation works at the CYC Girls had been completed. At year end the renovation works at the RYC Girls were still underway.

In February 2021, the NPMD recommended that a special diet be given to the minors at CYC which should be distinct from that given to adult detainees at Central Prison, Beau-Bassin. The special meal should be appropriate for minors. As a result a nutritionist from the Ministry of Health and Wellness has been assigned to look into the matter.

Moreover, the NPMD noted with concern that the number of inmates at the CYC Boys was on the rise compared to previous years. It was recommended that immediate action be taken to sensitise the inmates by means of talks and activities on various scourge(s) affecting society. On the positive side, there are rehabilitation programs organised by the Welfare Officer at the CYC Boys on topics such as, bullying, the consequences of drugs or alcohol. Sports activities are also organised by the Mauritius Sports Council. Non-Governmental Organisations (NGOs) such as KINOUE´TE´ and Groupe Elan hold counselling sessions and conduct classes on the theme of sexuality.

As recommended by the NPMD, projections of short films are scheduled during the week ends at the CYC Boys, so as to create awareness amongst the young inmates and to assist them in their social integration process.

Furthermore, in February 2021, the NPMD recommended that staff and inmates should be made aware of their rights and responsibilities and that accordingly training programs should be developed. Members of the staff should be properly trained so that they are able to detect potential signs of aggressive behaviour or violence in the young inmates and thus be able to respond appropriately and in a timely manner. The NPMD noted that officers at the CYC Boys have participated in training programs organised by the Ombudsperson for Children which focused on

- (i) the Promotion of the rights of children with special needs to quality education,
- (ii) Workshop on Gender Based Violence and
- (iii) Conflict Management in Rehabilitation Centres. It is also to be noted that boards setting out the rights and responsibilities of the inmates in Kreol are displayed at various places at the CYC Boys.

K. INDORDINATE DELAY IN THE CASE OF RATOLIMEVASOA TIARAZA SYLDETTE (EXCESSIVE PRETRIAL DETENTION)

On 5 May 2021, Mrs. Syllette Tiaraza RATOLIMEVASOA, a Malagasy national, on remand at the Beau-Bassin Women Prison wrote to the NPMD and complained about her unduly lengthy and protracted pretrial detention despite the fact that she had, in all written statements given to the police throughout the course of investigation confessed her guilt. She was arrested at Sir Seewoosagur Ramgoolam International Airport on 1 January 2013 on a suspicion of drug dealing. She was the mother of a child of ten years when she left Madagascar and the latter was now eighteen years old.

The essence of her complaint was to the effect that there was inordinate delay in so far as no charges had been lodged against her after eight years spent on remand. The NPMD requested a copy of the court proceedings from the court registry and it was found that the case had been brought before the Supreme Court (Assizes) in 2016. Unfortunately, the Forensic Science Laboratory (FSL) expert had passed away in the meantime and a discontinuance of proceedings (D.O.P) was lodged by the Director of Public Prosecutions (DPP). The case was remitted to the Grand Port District Court for a fresh FSL report to be drawn and eventually produced in the course of trial.

The DPP was apprised of the inordinate delay in initiating legal/criminal proceedings against the detainee and informed about the unreasonably long delay which may amount to cruel and inhuman treatment. The case was finally lodged before the Supreme Court (Assizes). The detainee pleaded guilty at the trial. Counsel for the detainee summoned the NPMD to produce the relevant documents regarding several complaints made by detainee to the NPMD/NHRC whilst on remand.

On Monday 18 October the case was called for hearing at the Supreme Court for Detainee's Counsel to submit a plea in mitigation. Mrs. Ratolimevasoa was sentenced to undergo 12 years penal servitude and was also ordered to pay a fine of Rs 100,000/- as costs. Taking into account the deduction of the 8 years spent on remand, the detainee is due for release on 21 December 2025.

L. WEBINAR BY ASSOCIATION POUR LA PREVENTION CONTRE LA TORTURE (APT)

A webinar on the reduction of the excessive use of pretrial detention was organised by the APT, from 19 – 21 July and 29 – 30 July 2021. The National Human Rights Institutions of Francophone African countries, the APT and Mr. Abdallah Ounnir, Vice-President and Rapporteur of the SPT, participated in this event.

The views expressed by the participants may be summarised as follows:

- Disregard for the right to the presumption of innocence can be one of the factors leading to excessive pretrial detention. For example, many jurisdictions allow courts to use "preventive justice", i.e. to detain individuals for fear that they will commit another crime if released.
- Even in places where the law has laid down clear criteria for determining the objective conditions that would justify the remand in custody of suspects, the task of translating theory into practice usually falls on Magistrates/Judges, who are called upon to decide on whether to detain or to release. However, there may also be cases where Courts do not have sufficient information decide whether to release or detain a suspect.
- The wide discretion given to Magistrates/Judges is compounded by vague legislation and jurisprudence governing the maximum length of pre-trial detention.
- Politics and public pressure also play a role in the overuse of pre-trial detention. The public apprehension about crime and populist “tough on crime” political responses lead to the imprisonment of many people who should otherwise be released pending trial.
- A fair and effective pretrial justice system, particularly one that minimizes the use of pretrial detention, requires the coordination of a range of criminal justice agencies, including police investigators, prosecutors, defence lawyers, judicial officers among others. Given the multiplicity of agencies and professions involved in the pre-trial justice process, effective coordination is an ongoing challenge in most jurisdictions.
- The insufficiency of resources for the proper functioning of a criminal justice system also contributes to unnecessary pretrial detention. When the police and prosecution have limited investigative capabilities due to a lack of forensic equipment or trained investigators, or both, they resort to unfair or outright unlawful methods of solving crime; for

example an undue reliance on confession. One of the unfortunate consequences of the limited investigative capabilities of the police is that it is tempted to focus on minor offences, as they are generally easier to solve.

- Lack of resources also undermines alternatives to pretrial detention. In many jurisdictions, legislation provides for a wide range of alternatives, but due to lack of funds they cannot be properly implemented.
- Many detainees are ignorant of their basic/fundamental rights including the right to the presumption of innocence. They do not apply for bail because they do not know the criteria that courts consider in their pre-trial decision-making process. Detainees without legal representation have great difficulty in preparing their defence because, even if they know the basis of the accusation, they do not necessarily understand what a proper defence requires. Detainees awaiting trial often do not have the means to locate and the required skill(s) to question witnesses, examine the evidence against them, study the relevant law and prepare their defence.

It was agreed that the availability of legal representation, particularly during the early stages of the criminal justice process, could go a long way in assisting detainees in their endeavour to be released on bail and/or to limit the length of their pretrial detention.

M. WORKSHOP CONDUCTED AT PRISON TRAINING SCHOOL

The NPMD within a project chaired a workshop at the Prison Training School in Beau Bassin on 27th July, 2021.

The workshop formed part of an EU Funded project for creating awareness about Human Rights amongst prison officers. Being trained in Human Rights issues is crucial for prison officers to be able to take the right decisions when confronted with situations involving the respect for the rights of detainees. Resource persons from the NHRC interacted with the audience -

- The first speaker spoke on the subject of “Women’s Rights” and in her introduction she talked about Human Rights in general and about the problems encountered by women specifically when asserting their rights in society. She also spoke on the sensitive topic of gender-based violence and the different situations in which they may occur.

- She also talked about the life and conditions of women in prison(s) and the issues faced by the latter during incarceration.
- Another speaker spoke on the new Children’s Act and also about Human Rights during the Covid-19 pandemic.
 - **Children’s Act**
 - The Children’s Act is a new piece of legislation which improves provisions of the law dealing with children. This new statute has repealed two major pieces of legislation namely the Child Protection Act and the Juvenile Offenders Act.
 - Mauritius has ratified the United Nations Convention on the Rights of the Child and the main purpose of the Children’s Act is to incorporate the provisions of the Convention in the Act.
 - This new law provides for more protection and the supervision of minors by probation officers, especially for those having problems with the law. It is worthwhile noting that the role of the probation officer is crucial as it is on the reliability of their reports that Magistrates and Judges take most of their decisions in the best interests of minors.
 - **Human Rights & Covid-19**
 - The second speaker also talked about the impact of the Covid-19 pandemic on the effective implementation of Human Rights generally.
 - She stated that “Lockdowns, quarantines and other such measures to contain and combat the spread of COVID-19 should always be carried out in strict accordance with minimum human rights standards...”

The third and last speaker at the event talked mainly about the United Nations Convention against Torture and its Optional Protocol -

- The main objective of the Convention against torture and other cruel, inhuman or degrading treatment or punishment is to ensure that acts of torture are treated as criminal offence(s) under each state party’s national law.
- The Optional Protocol to the Convention against torture which has been ratified by Mauritius, provides more elaborate provisions, procedures and remedies not covered by the Convention against torture. This Optional Protocol is very important for the NPMD as

it provides for the setting up of National Preventive Mechanisms in State parties in order to monitor the conditions of the detention of all detainees and make recommendations to improve same.

N. GENERAL COMMENT ON ARTICLE 4 OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (OPCAT)

The Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) has requested the NPMs to submit views on a general comment on Article 4 of the OPCAT with a view to assess whether there is a need to include more ‘types’ of places of detention which NPMs around the world would be required to visit.

Hereunder are the questions which have been put to the NPMD in view of gathering information regarding the said general comment:

a) What are the practical/legal/theoretical difficulties, if any, faced by the respective NPMs in the implementation of Article 4, including restricted access to places of deprivation of liberty or prohibition of visits to particular places all together?

The members and investigators of the National Preventive Mechanism Division in Mauritius have not reported any difficulty in getting access to any place of detention in Mauritius and have always been able to rely on the support and cooperation of all stakeholders for visits and inquiries into complaints.

b) What guides the NPM’s decisions to select places of deprivation of liberty to be visited?

In the National Preventive Mechanism Act 2012, “Place of detention” is defined as (a) any place where a person is or may be deprived of his liberty by virtue of an order given by a public authority or at its instigation or with its acquiescence; (b) includes a police cell, a prison, a Correctional Youth Centre, a Rehabilitation Youth Centre and a mental health care centre.

Therefore our national legislation is more or less a reproduction of article 4(1) of OPCAT and moreover provides general indications as to which places of detention should be the target of our visits.

The National Preventive Mechanism in Mauritius has adopted a conservative approach in its interpretation of article 4 of OPCAT by focusing on institutions that are under the administrative control of the State. The NPM in Mauritius carries out visits exclusively to such places of deprivation of liberty as listed in answer (c) below but not to places of “restriction of liberty” run by non-state actors like residential care homes for elderly or disabled persons, shelters for both children and adults or detoxification centres.

The NPM in Mauritius carries out regular visits to all “traditional” places of detention where an individual in Mauritius and Rodrigues has been deprived of his liberty by virtue of an order given by a public authority or at its instigation or with its acquiescence for example, the Police, Courts, the Passport & Immigration Office and where they are not permitted to leave at will except with the formal authorisation of any judicial, administrative or other designated authority.

Where complaints are made by detainees whether personally or through third parties, as regards inhuman treatment in violation of their basic human rights, the NPMD gives priority to such cases and visits are conducted promptly in order to enquire into such complaints and propose remedial action by public authorities concerned.

c) Regarding the variety of places of deprivation of liberty visited by the NPMs: could you list the places which have emerged in the course of your work and which you consider fall within article 4?

- (i) Prisons (All penal institutions)
 - 1. Beau Bassin Central Prison
 - 2. New Wing
 - 3. Richelieu Open Prison
 - 4. Women Prison
 - 5. Open Prison for Women
 - 6. Barkly Special Prison for Women
 - 7. Eastern High Security Prison
 - 8. Grand River North West Remand Prison
 - 9. Petit Verger Prison

- (ii) All police Cells around the Island as well as three police detention centres namely:
1. Moka Detention Centre;
 2. Vacoas Detention Centre; and
 3. Piton Detention Centre (Not yet operation although visits have been conducted by the NPMD to assess its conditions of detention)
- (iii) Children in secure accommodation namely at Correctional Youth Centre for Boys & Girls & Rehabilitation Youth Centre for Boys & Girls at Beau-Bassin.
- (iv) Immigration Detention Centre at Le Chaland
- (v) The High Security Ward of the Brown Sequard Mental Healthcare Hospital to visit those detained under the Mental Health Act at Beau-Bassin.
- (vi) Police escort vehicles, which convey detainees from one place to another.

O. REPORTING PERIOD 2021

	No. of visits	No. of complaints	Resolved	Ongoing
Prisons	39	69	59	10
Police Cells	15			
Detention Centres	-			
RYC/CYC	2			
Hospitals	1			
Total	57	69	59	10

P. NATURE OF COMPLAINTS 2021

Nature of Complaints	No. of complaints	Complaints received:
Conditions of detention	26	<ul style="list-style-type: none"> ▪ Assault(s) ▪ Food ▪ Material conditions ▪ Transfers ▪ Personal Hygiene ▪ Disciplinary Procedure ▪ Contacts with the outside world (visits and telephone conversations)
Miscellaneous	33	<ul style="list-style-type: none"> ▪ Medical assistance ▪ Status of case/delay(s) in police enquiries ▪ Access to education ▪ Time spent on remand
Petition	2	<ul style="list-style-type: none"> ▪ Reduction of sentence
Legal	8	<ul style="list-style-type: none"> ▪ Legal aid

Q. TALKS AT CITIZENS ADVICE BUREAU (CAB) 2021

From January 2021 to March 2021, workshops were conducted by Resource persons from NPMD throughout the island; more specifically at Citizens Advise Bureau(s) (CAB). The aim of the talks was to sensitise the public on the role and functions of the NPMD.

Due to the sanitary and precautionary measures following the outbreak of the Covid-19, the talks in the CAB had to be interrupted, pending further instructions from the concerned Ministries and relevant Departments/Authorities.

R. TALKS CONDUCTED BY THE NPMD 2021

Monitoring places of detention and the Functioning of different human rights institutions.

- Prison Training School, Beau-Bassin
- Police Training School, Beau-Bassin
- Coastguard Training Center, Le Chaland
- Special Supporting Unit (SSU), Line Barracks
- Les Casernes, Curepipe
- Mauritius Fire Services, Coromandel, Rose-Belle, Triolet, Flacq, Mahebourg and Port-Louis.

Legal aspects of human rights.

- Online session with the staff of the Mauritius Revenue Authority (MRA)
- **Child in conflicts with law**
- Officers of the Ministry of Youth, Helvetia

S. NPMD REPORT ON RODRIGUES

From 19 January 2021 to the 22 January 2021, a team from the NPMD visited Rodrigues with a view to create awareness among relevant stakeholders, concerning human rights and at the same time to conduct a follow-up in order to ascertain whether previous recommendations made by the NPMD have been implemented.

Pointe La Gueule Prison

Detainees of the Pointe La Gueule Prison are still kept in the old prison until the new one, which is almost completed, is opened. A surrounding wall will be constructed so that detainees can work in the yard itself.

In the women's section of the prison, there were three detainees and one child aged 2. The yard is small but tarred and is exposed to the sun, so much so that the infant **remains inside with the mother. The women stated that they were well treated** although they felt very hot.

The lack of access to running water had a negative impact on hygiene in the male section. The detainees also met difficulties to have access to medical care. Three detainees were met by the NPMD, their complaints concerned mainly legal aid, medical assistance and long remand period.

Following the visit, the following recommendations were made:

- To improve the water system so that there is no need to physically carry water from one point to another.
- To recruit a Welfare Officer to facilitate detainees of the Pointe La Gueule Prison and the Rehabilitation Youth Centre (RYC) boys in accessing legal aid as well as other facilities.
- To improve the access of detainees to medical assistance with a doctor on call 24/7 as well as a proper waiting room.

POLICE STATIONS

As regards police detention cells, many recommendations made by the NPMD following its last visit have been partly implemented while others were in the process of implementation.

The new Grande Montagne Police Station has only one cell and it is well ventilated with enough lighting. The cell door is secure and contains a proper food slot.

At Rivière Coco Police Station, plumbing works have been completed and the two cells are operational. The building has been completely re-painted.

Major repair works were being carried out on the piping and sewage system at La Ferme and Plaine Corail Police Stations. However the Juvenile Detention Centre which is found on the first floor of La Ferme Police Station needed some fresh paint and some repairs as recommended by the NPMD during its last visit.

T. REHABILITATION YOUTH CENTER (RYC) BOYS

The visit at the RYC Boys at Baie aux Huitres was conducted by the NPMD with the assistance of Mr Joseph Michael Perrine, the Officer in Charge on 21 January 2021. There were 5 inmates at the RYC and all of them were involved in criminal cases. The staff consisted only of RYC officers. The Officer in Charge stated that the daily programme has not been changed even if the profile of the inmates had changed. He was worried that if a minor charged as “Child beyond control” was sent to the institution, the latter will mingle with the other inmates involved in criminal cases. One of the detainees was soon to be transferred to the adult prison when reaching the age of 18. Activities organised include gardening, football, volleyball, literacy and numeracy classes, music and indoor games.

Mr. Perrine deplored the lack of aftercare and parental support which led to the young detainees re-offending. He explained also that the officers from the RYC did not have the proper training to look after minors with criminal cases.

The NPMD met with the five inmates and none of them either had a legal counsel or was aware of legal aid for minors. One of them could be released on bail but as his mother was also in detention there was no one to take his responsibility.

Recommendations:

- To recruit a Welfare Officer to look after the RYC.
- To recommend training of RYC officers to enable them to work with minors with criminal charges until a separate institution is available.

U. PROPOSED RYC GIRLS RODRIGUES

The NPMD also visited the premises of the RYC girls, which is still under construction. The building is smaller than the RYC Boys. No furniture or equipment has been installed yet. A concrete wall about 2 metres separates the two institutions, except at the back, near the washing area, where there is only a fence in between. All along the perimeter of the compound, there is a chain link fence topped with barbed wire except at the entrance where there is a concrete wall.

The proposed dormitory has two sections, each can accommodate up to 5 bunker beds for 10 girls. It has a toilet and shower facilities. For the purpose of supervision there is a room for the officers, with shower and toilet facilities, facing the dormitories. Adjacent to the dormitory is a large dining room with a dish washing area. There will be no cooking, on the spot, as the food will be brought from the prison kitchen. Access is through the RYC boys section for the time being. Mr. Perrine stated that, in due course, a wall will be built between the boys' unit and the football pitch so as to provide a separate access to RYC girls. The place will be provided with a separate visitor's room, office and education room as in the boys' section.

Recommendations:

- To improve security on the boundaries of the compound and between RYC boys and girls
- To establish clear procedures for admission, keeping in custody, training and visit of inmates of RYC girls so as not to interfere with the activities of the RYC boys.

V. RODRIGUES COURT

On 22 January 2021, the NPMD also met the new Senior Magistrate, Me Rishi Hardowar who was very much concerned about human rights. He stated that the number of sexual crimes where minors were involved, was too high. He recommended that whenever a minor had behavioural issues, the police should first talk to the parents, the psychologist and the probation office before coming to court to find a solution. The court should be the last resort according to him.

The NPMD visited the children's court, which is in the same building as the main court. The environment was very child friendly with the bright colours of the walls, the cheerful paintings, the colours of the curtains, the furniture, posters and books. There was also a small room where minors could testify as witness or as victim through a camera, without having to face to face the accused.

W. PROBATION OFFICE

The NPMD also visited the Probation Office and met Mr. Leste, Officer in Charge and Mrs Adelaide, Probation Officer. They were aware that minors with criminal offences have been sent to the RYC but explained that there were no alternative as there is no Correctional Youth Centre in Rodrigues. This temporary measure was only for those on remand, when the minors were convicted, they were sent to Mauritius. Important changes have been brought in the regulations concerning minors with “serious behavioural concerns” under the new Children’s Act 2020. The Probation Office is requesting for more training in order to face the forthcoming challenges from the new Children’s Act.

Recommendations:

To recommend for training to be provided to all the officers concerned with the new Children’s Act 2020.

X. TALKS CONDUCTED IN RODRIGUES

The NPMD also participated in giving talks, with the Human Rights Division of the NHRC.

On 20 January 2021, a talk was held at Mont Lubin College (95 students) then at Malabar Youth Centre (32 persons). On 21 January 2021, a talk was held at Domaine de la Détente with law enforcement officers (50 police, prison, MRA officers). Many questions were raised by the audience and were all answered. A special attention was given to the new Children’s Act 2020.

CHAPTER V

EUROPEAN UNION FUNDED PROJECT

Through its Delegation in Mauritius the European Union funded a three-year project (the “Project”) in 2017 entitled the ‘Promotion of Respect for Human Rights in Mauritius and Rodrigues’ to be implemented by the National Human Rights Commission (the “NHRC”). Following the outbreak of the COVID-19 pandemic in Mauritius, the Project was extended to December 2021. The NHRC wishes to place on record the wholehearted support of His Excellency Vincent DEGERT for the project and its extension in the difficult times of the pandemic.

The Project was considerably hampered by COVID-19 the consequential lockdowns and restriction on gatherings to limit the spread of the pandemic in Mauritius. It was not possible to invite foreign experts in human rights to share their knowledge and experience.

Nevertheless, the Project was carried through to a successful end. It was possible to educate the public at large on the rights of vulnerable groups like women and children and the LGBTI community.

Two illustrated booklets were produced to be distributed mainly to school children so that they would be aware of their own rights and the importance of respecting the rights of others. The Project will survive the expected duration since the booklets will continue to be used by the NHRC in its educational campaign.

A. THE PROJECT IN 2021

Due to problems arising out of COVID-19 in 2020, it was decided that the Project would be extended up till June 2021. In March 2021, following resurgence of local cases in Mauritius, the Minister of Health and Wellness announced a national lockdown which lasted till the end of April. As from 01 May 2021, certain business activities were allowed to re-open, subject to strict sanitary measures being complied with. The situation was reviewed in July 2021 and the country proceeded towards its gradual lifting of the lockdown. The awareness raising campaign slowly started to pick up with a maximum of 50 people only. Schools were initially reticent to welcome any outside activities as the school calendar was disturbed. They had to close in case of detection of positive cases. Students were attending school on alternate days, and they had to catch up the delay in their school programme. The premises of the Citizens Advice Bureaus (CAB) was open to citizens on an alphabetical rotation only and remained closed for activities held in collaboration with other organisations for an undetermined period.

It was not possible to invite foreign experts from EU in 2020/2021 because of COVID-19 travel restrictions. An invitation was extended to Professor Olivier de Frouville from Paris but finally because of quarantine and other travel restrictions this did not materialise.

Due to the restrictions and the safety measures in place in the country, an online session was hosted with the staff of the Mauritius Revenue Authority in September 2021.

Just as things started to get back to normal in the beginning of November 2021, the delta variant halted the progression again. The number of people authorised in a gathering was reduced from 100 to 50 due to the high rate of contamination and deaths. All Social Welfare Centres, schools, CAB and Youth Centres were closed. Some talks were then conducted online with the young people. The National Women Council collaborated with the NHRC for an online session for the Human Rights Day held on 10th December.

A.1 RESULTS

The original number of beneficiaries to be reached under the Project in 2017 was 24 000. This figure was reviewed to 18 276 in 2020.

The expected outcomes of the Action for the reporting period have been fairly met, albeit not reaching the expected 18 276 persons (See table below). Our main target groups included women, children, young persons, elderly persons, civil society, law enforcement officers and the public at large. They were trained on pertinent human rights issues and emphasis was laid on women and children's rights.

Target Group	Total number of beneficiaries Nov 2017-Dec 2021
Law enforcement officers	1515
Students	4332
Women in Women's Centres	2075
Media and civil society	532
Citizens at large (of which civil servants)	8736
Disabilities groups	82
TOTAL	17 272

The Project has reinforced the NHRC's mandate to promote human rights under the Protection of Human Rights Act by providing it with the resources to reach out to a larger public. The NHRC was sensitising some 2500 persons yearly before the inception of the Project. This number increased significantly through activities carried out under the Project.

Through the EU funded Project, the NHRC has been able to target a larger audience across different spheres, including women, elderly persons, civil servants, children and civil society.

The NHRC also collaborated with the Ministry of Gender Equality and Family Welfare; the Ministry of Justice, the Ministry of Foreign Affairs, Regional Integration and International Trade, the Ministry of Social Security and National Solidarity, the **Ministry of Youth Empowerment, Sports and Recreation**; the Mauritius Police Force; the Mauritius Fire and Rescue Services; the Mauritius Revenue Authority; other human rights institutions as well as NGOs, for instance the Young Queer Alliance through thematic workshops. These institutions also acted as a facilitator.

Law enforcement officers were sensitised on how to apply a human rights-based approach in the discharge of their duties, especially when dealing with cases of violence against women and children and other vulnerable groups.

In the reporting period covering 27 November 2017 to 31 December 2021, a total of 1,515 law enforcement officers, including police officers, prison officers, and firefighters, officers from the Mauritius Revenue Authority as well as investigators from the Independent Commission against Corruption were successfully trained on how to apply a human rights-based approach in the discharge of their duties.

Children from primary and secondary schools have been made aware of basic human rights, including rights of children.

A total of 4,332 students from secondary schools and universities were trained on respect for human rights and the specific rights of children and young persons in the reporting period. 490 students from the Mauritius Institute of Training and Development (MITD) benefitted from the human rights education.

1,708 simplified booklets on Human Rights were distributed to children from primary and secondary schools as well as MITD students during our sessions. Each Educational Zone was provided with the booklets to be distributed to the respective schools under their management.

Women were sensitised on their rights and were informed of the various avenues which could be sought for assistance in case they faced violations of their rights, especially in relation to domestic violence.

A total of 6,257 women in Women's Centres and Citizens Advice Bureaus were sensitized on women's rights, issues pertaining to women such as domestic violence and sexual harassment, as well as the legal framework in place for the protection of women.

Members of Media and civil society were trained on respect for human rights in general, but especially on the rights of women and children.

A session was held with *Dis-Moi*, an NGO situated at Belle-Rose in August 2021.

Chrysalide, a rehabilitation centre dedicated to caring for women in substance abuse (drug and/or alcohol), including substance abusers who are engaged in sex work, contacted us during December 2021 to deliver a talk at their premises. The talk was well appreciated by the participants who did not hesitate to ask a lot of questions pertaining to their rights.

Citizens and public at large in Mauritius and Rodrigues were made aware of the need for respect for human rights, including the protection of rights of women and children.

A total of 8736 citizens benefitted from awareness sessions on respect for human rights in general, with particular emphasis on rights of vulnerable groups such as children, women, LGBTI and elderly persons.

The capacity of the National Human Rights Commission staff was strengthened to implement the mandate of the Commission.

B. ACTIVITIES

In July 2021, two half-day workshops were held at the Prison Training School with senior prison officers and recruits whereby they were sensitised on the rights of detainees.

From August to December 2021, several sessions were held with new police recruits at Les Casernes Curepipe, Coast Guard Training School at le Chaland, Special Supporting Unit at Line Barracks and Police Training School at Beau Bassin to educate them on the importance of human rights, especially that of women and children. The National Human Rights Commission also collaborated with the NGO Dis-Moi to further to uphold the rights of detainees and that of civilians.

The NHRC also collaborated with the Mauritius Fire and Rescue Services for sessions on human rights at their stations in Flacq, Triolet, Port Louis, Coromandel, Rose Belle and Mahebourg. The response was positive, and the interventions well appreciated.

Due to the prevalent situation of COVID-19, several virtual sessions were held to reach targeted audience.

The collaboration of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research was enlisted to facilitate the talks in different schools. Talks in schools could not be conducted during the last term when students have intensive revision classes for final examinations.

Two thematic workshops on ‘Human Rights and Children’s Rights’ and ‘Promoting a Violence Free Society Amongst Students’ were organized in 2 different secondary schools.

From July 2021 to December 2021, due to the uncertainty prevailing in the country and the disturbance in the school curriculum it was very hard to sensitise students. There was a system of rotation to ensure that only a limited number of students were present on the school premises at one time. Only 5 secondary schools responded positively to our requests. Overall, the sessions proved to be fruitful and interactive. Students were keen to learn about their human rights, and put forward several pertinent questions. They were encouraged to share their opinions and experiences. An online talk was held with students from Clavis International School.

Several informative talks were held in Women Empowerment Centres, Community Centres and Social Welfare Centres with the collaboration of the National Women Council under the Ministry of Gender Equality, Child Development and Family Welfare.

Lack of facilities in certain centres, cancellation, or postponement of some activities as well as low turnout in certain areas were some of the difficulties faced from time to time. However, meetings were held with senior management officers to address these issues. For instance, activities in the same region were pooled in one centre to ensure a good turnout. Dedicated officers were regularly contacted to ensure the availability of logistical facilities attendance prior to the talks.

During a trip in January 2021 to Rodrigues, several talks and workshops were conducted, thereby reaching out to some 430 individuals including law enforcement officers, public officers, students, and elderly persons.

A final visit to Rodrigues was planned for December 2021 but there was no flight available due to the COVID-19 restrictions.

Thematic workshops on rights of vulnerable groups, notably a ‘Half-day Workshop on the Elimination of Violence against Women’ on ‘Protecting and Promoting Human Rights of LGBTI Persons’ targeted civil servants and officers from human rights institutions. Local resource persons, representatives from human rights institutions and NGOs as well as senior officers from law enforcement were invited to participate in these workshops.

Several talks were organized with different youth training institutions like the Mauritius Institute of Training and Development (MITD) and youth centres to educate the youth on the importance of human rights and institutions that they can contact if ever their rights have been violated. A half-day workshop was also organized with youth officers from the Ministry of Youth and Sports to equip them with knowledge of human rights necessary to provide the youth with precise and accurate information.

Tailored awareness activities were organised by the NHRC in collaboration with the Ministry of Social Security, National Solidarity and Reform Institutions and several NGOs dealing with persons with disabilities to ensure that this group of persons is informed of their rights and the legal framework for their protection.

Addressing cross-cutting issues

The issues of gender equality, democracy, children's rights, and environmental sustainability have always been topics at the forefront of talks. In the same light, the NHRC collaborated with the Ministry of Gender Equality and Family Welfare to further advance the cause of gender equality. The NHRC worked with the Ombudsperson for Children to ensure that the rights of the child are being protected.

The NHRC provided the EU Unit with support staff from the Human Rights Division, the National Preventive Mechanism Division during the talks that were held at the Prison Training School, NGOs, for the training of the police officers, youth officers as well as the firemen. The Project coordinator assisted the resource persons with all the administrative work thus allowing them to concentrate on the awareness raising. The drivers, office attendants and other officers also made a useful contribution towards the successful completion of the Project.

A final Half-Day Workshop in line with the United Nations' Human Rights Day Theme for 2021: **'Equality- Reducing inequalities, advancing human rights'** was organized for the Closing Ceremony of the EU Funded Project in the presence of His Excellency the President of the Republic **Mr. Prithvirajsing ROOPUN** and the EU Ambassador in Mauritius. His Excellency delivered the following speech -

It is with immense pleasure that I join you for the opening ceremony of this Half-Day Workshop, organized by the National Human Rights Commission in collaboration with the European Union.

*As you are aware, the International Human Rights Day celebrated on 10th December, marks the adoption of the Universal declaration of Human Rights in 1948. This year's theme for the Human Rights is **Equality – Reducing inequalities and advancing human rights.***

It is apposite that today's workshop will be precisely on this theme.

*The principles of equality and non-discrimination are already at the heart of the Universal Declaration of Human Rights. Article one stipulates that **ALL** human beings are born free and equal in dignity and rights.*

Moreover, in Mauritius, the fundamental rights and freedoms of every citizen are guaranteed under our Constitution.

Consequently, in the course of its development, since independence, Mauritius has always remained committed to the principles of the universal values of democracy, good governance, rule of law, protection of human rights and freedom.

The setting up of the National Human Rights Commission in 2001 also bears testimony to this commitment.

*We are grateful to the EU delegation which, as part of its External Action to promote democracy and respect human rights in developing countries, has, since 2017, financed the project entitled “**Promotion of Respect for Human Rights in Mauritius and Rodrigues**”.*

The Human Rights Commission active in furthering its mandate, has implemented this project and sensitized and educated different segments of the population in Human Rights and Freedom.

I understand this present event is also part of a series of thematic workshops organised within the project financed by the EU.

This goes in line with the objective of the United Nations Declaration on Human Rights Education and Training adopted in 2011 by the General Assembly which proclaims that everyone has a right to know, seek and receive information about human rights and fundamental freedoms and should have access to human rights education and training with a view to developing a Universal Culture of human rights.

The track record of Mauritius in Human Rights has been impressive with:

- *regular free and fair elections,*
- *strong welfare state with free education and health services, a strong system of social security benefits, as well as*
- *State assistance to provide housing to the needy.*

The onset of the devastating pandemic in 2020 has no doubt worsened the living conditions of the vulnerable groups in the society, but Government has, to a large extent, mitigated these ill effects, through strong policy measures and income support, among others.

Equality is at the heart of human rights and is pivotal in the search of solutions to carry us through this period of crisis.

All societies and different cultures deserve that they are treated fairly and without any kind of discrimination.

Equality is, in fact, about Empathy, solidarity, and about understanding that as a human being, our only way forward is to work together for the common good.

The COVID-19 pandemic has highlighted the need for more solidarity and greater collaboration between partners, the public and private sectors as well as the civil society. The way the country came together to counter the threat, it is in this spirit that we should seek to move forward.

I hope that during this workshop, participants will deliberate on how to address post COVID inequalities.

*With these few words, I would like to congratulate the EU for the successful implementation of the project- **“Promotion of Respect for Human Rights in Mauritius and Rodrigues”** and commend them and the Human Rights Commission for the organization of this half day workshop.*